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Mr. Tayler-Did he not leave on your mind the impression that he proposed to continue to disobey the law, and did he not so frankly say in effect? and Senator Smoot-I rather think he said

he did not know but what he would continue to live with his wives. I do not know whether he intends to cohabit with them or not. Senator Dillingham-Does not the

Senator Diffinguation Determine the evidence show what he said? Senator Beveridge—There is no neces-sity for stating what the evidence shows. It is a matter of record. The Chairman—There is no doubt about that. But, Senator, let me call the the record of the committhis to your attention. The commit-tee want to know about that. Mr Smith himself testified before the com-Mr.

mittee, if you remember, that he had had 11 children since the manifesto, nator Smoot-I remember that, Mr. Chairman. The Chairman-You remember that?

Senator Smoot-Yes. The Chairman-By his first several

wives?

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wives? Senator Smoot—Yes.
Mr. Worthington—But that he had not had one for four years.
The Chairman—That does not matter.
It was since the manifesto.
Senator Smoot—I remember that.
The Chairman—Now, remembering that, what is your answer to that question?

Senator Smoot-Why, Mr. Chairman, I could not say that he has lived with those wives since--

The Chairman-But he has said himself he has, and has had children. Senator Smoot-Oh, he has since the

Senator Beveridge-Is not that a violation of the law?

enator Smoot-It is a violation of the law

The Chairman-I thought you did not want to put yourself in the position-Senator Sincot-I did not know that

senator smoot-1 did not know max was the direct question. Mr. Worthington-1 think you mis-understood him, Mr. Chairman. He snid quite clearly that he was violat-ing the law in cohabiting with those wives, but that he did not know whether he was violating the law now. The Chairman-I understood the witness to say that he did not know whether Mr. Smith was cohabiting with them now, today, this minute.

inem now, today, this finitute. Senator Smoot-I do not want to go into technicalities, Mr. Chairman. The Chairman-I knew you did not want to leave it that way. I wanted to have it made plain. Go ahead, Mr. Tayler. Mr. Tayler-The question I have ask-

ed the senator has answered, witho disrespect to him at all, as I supposed he would answer it; that is, whether he understood that Joseph F. Smith was living today in violation of the law, and orbither and ing what President and, notwithstanding what Smith said at the hearing here last spring, he says he does not know any thing about it or have any underst ing about it. You know Henry Smith, of course? You know Apostle John

Senator Smoot-I do

Mr. Tayler-You understand he is violating the law? Senator Smoot-He has violated the

since the manifesto. r. Tayler-And do you understand

Mr. Tayler-And do you understand that he is now? Senator Smoot-If I was going to express an opinion, I would say yes; but I would not like to do that. Mr. Tayler-I will put it back eight or 10 weeks, Senator, because I have not heard from Mr. Smith since he tes-timed uned.

Senator Smoot-1 think so, up to the

Senator Smoot-1 think so, up to the time he testified here. Mr. Tayler-Do you remember the ground-the reason-that he gave for violating the law?

Senator Smoot-As I remember it, it was that those wives were his; that he owed an obligation to them; that he would have felt that it was his duty to act as a husband to them; and that he would take his chances with the law in violating it.

Tayler-Aud did he not say that he took those obligations with the plural wife with the approval of God? Senator Beveridge-Mr. Tayler, may I ask whether you are not examining the present witness as to what some other witness said here?

Mr. Worthington-That is just what

Mr. Tayler-You recall, doubtless, the testimony in this case in which it was stated that Joseph F. Smith said to the assembled multitude that filled the abernacie, referring to the subject of his wives:

"I dare not and cannot cast aside those to whom God, in His infinite wis-dom, has joined me for time and for oternity

Worthington-ls that Doctor Mr Buckley's testimony? Mr. Tayler-Yes. I am reading from

page page 9-"I dare not and will not cast aside the mothers of my children. If I did I should forfeit all the blessings that God will bestow upon those who are faithful to their trust. If I did I should a forever damned and be forever orived of the companionship of God. my vives, my sons, my daughters, and all those most dear to me throughout

eternity. "I am not a coward or a craven thing. I may be driven to the last extremity, but I would not shrink from extremity, but I would not shrink from extremity, but I would not shrink from it comes, however, to throwing aside all hope of future happiness, all ex-pectation of continued union with those I dore not and cannot. I am not prodare not and cannot. I am not pri-ared to forfeit an eternal inheritance by yielding to the customs of the world. cannot, I dare not, risk eternal damtion by putting away the responsibilbutton by putting away the responsibil-ities which God has placed upon me. But rather I will be true to my duty, true to my trust, true to my God, my wives, and my children." Do you understand that thot fairly represents the views of good Mormon relygamists?

olygamlsts?

tor Smoot-The wording of that Mr. Tayler, I think, may be construed just as it is, that he will not abandon but as it is, that he will not abandon them, and I rather think myself that if he did abandon his families, throw them off, take no care of them at all, he would be condemned, not only by man, but he would be condemned of Card.

Mr. Tayler-And your interpret, ion of this is that what he means to de-clare against is the physical, absolute esertion of these women? Senator Smoot-From the language

there, although I do not say that he ven sald that. Mr. Tayler-Well, do you think, Sen-

ator, that he meant to intimate any-thing different than that he intended to continue the relation of husband to these several wives, just as he had been acing before? Senator Smoot-I do not think I ought

to put that construction on it, Mr. Tay-

Mr. Tayler-That is to say, you think o meant, by stating what he would be that he was going to do somethi would less and something different from what he had been doing? Senator Smoot-Well, I could not say

Mr. Tayler-Do you not understand, Senator, that he meant by this that he was going to be a husband to all these Senator Smoot-No; I do not under-

stand that, even from that language. Mr. Worthington-Even, from what? Senator Smoot-Even from that lan-

guage. Mr. Worthington-The committee should understand that that is what

purports to be a report made a week or two afterwards of the sermon from

memory, not a shorthand report. Mr. Tayler-What do you understand to be the meaning of the expression, "I am not prepared to forfeit an eternal inheritance by yielding to the customs of the world?" Senator Smoot-I do not know what

really meant by that, if he said it. The Chairman-Assuming he said it have you any opinion as to what he meant by it?

Senator Smoot-No; I could not say, Mr. Chairman, what was meant. Mr. Tayler-Do you remember this statement by John Henry Smith-

Mr. Worthington-What page? Mr. Tayler-I wanted to find another reference to that before I took that up.

"You understand what that practise is

Senator Smoot-Yes; to those who beyed the law. Mr. Tayler-Do you remember any

the signers of the application or plea for amnesty? Senator Smoot-I think the most of he Twelve Apostles and Presidency at

that time signed it. Mr. Tayler-And a large number of the present membership of the Twelve Apostles signed that plea for amnesty? Senator Smoot-From John W. Tay-

r up. I should judge. Mr. Tayler-What?

Mr. Tayler-What? Senator Smoot-From John W. Tay-lor on up. I should judge. I do not re-member the junior Apostle at that time, Mr. Tayler-Just one moment. Senator Beyeridge-Well, as a matter fact, do you remember or do you not

Senator Emoot-Yes. Senator, he asked me, you know, whether a great many of the present-

Senator Bevoridge-Yes.; whether they signed this petition for annesty. Senator Smoot-No; he asked me if a great many of the present Apostled did

great many of the present Apostled did not sign it. Senator Beveridge-I know. Mr. Worthington-He says, senator, he thinks those from Taylor up did. That is, in the order of precedence. Senator Beveridge-Your answer to that was "I should judge." Is is a matter of memory. Senator Smoot-Yes: that is all. Mr. Tayler-To refresh your recol-lection, I want to ask a few questions

lection. I want to ask a few questions about that; whether this, according to your recollection of the list, is correct-Wr. Worthington-What page have

you, Mr. Tayler? Mr. Tayler-Page 490, Wilford Woodair, Tayler-Fage 489, Willord Wood-ruff, George Q. Cannon, Joseph F. Smith, Lorenzo Snow, Franklin D. Richards, Mozes Thatcher, Francis M. Lymau, H. J. Grant, John Henry Smith, John W. Taylor, M. W. Merrill, Anthon Land and Abraham H. Cannon-13

names, Now, Senator, is it not popular knowledge and do you not know as well as we can know such things, that alst all of the signers of that plea for amnesty continued to violate the

for the violation of which amnesty was prayed for? Senator Smoot-I cannot say that Mr.

Tayler, Mr. Tayler-Let us take them separ-

ately. George Q. Cannon? Mr. Worthington-Wilford Woodruft

Is the first one. Mr. Tayler-I understand Wilford Woodruff did not violate it. Mr. Worthington-Oh, I thought you were asking him about them all. Senator Smoot-Yes: I understand the Wilford Woodruft bod not violated

that Wilford Woodruff had not violated Mr. Tayler-That he obeyed the law? Senator Smoot-He obeyed I

Mr. Tayler-He was the head of the hurch Smoot-Yes? Mr.

Mr. Tayler-George Q. Cannon? Senator Smoot-I understant he obeyed the law, I want to say, Mr. Tayler. that I do not know that. Mr. Tayler-I understand. Joseph F.

S mater Smoot-That he did not. Tayler-Lorenzo Snow

Senator Smoot-I understand that he Mr. Tayler -- That he did obey the

19.07 Senator Smoot-That he did obey the

Mr. Tayler--Franklin D. Richards?

Senator Smoot-I guess he only had one wife at that time.

Mr. Tayler-Moses Thatcher? Senator Smoot-Well, it is reported that Moses Thatcher did not. I am not

sure, though, as to that, Mr. Tayler-Did you hear him testify hat he was a polygamist? Mr. Worthington-That is not the

Mr. Tayler-I am asking for his in-

formation-what he knows.

Mr. Worthington-The question is not whether he was a polygamist, but whether he lived in polygamous cohabitation after this pledge. Senator Smoot-It is understood he is

a polygamist, Mr. Taylerl'ayler-Do you know whether he

violated the law? Senator Smoot-I do not, Mr. Tayler. Mr. Tayler-Francis M. Lyman?

Mr.Tayler-It is unimportant what the state of your knowledge is as to what know you did not know it? Senator Smoot-That there were polythey were doing at that time. Senator Smoot-It was understood, though, that it was practised in the State of Utah. gamists! made against various prominent Mor-mons that they were polygamists and

DESERET EVENING NEWS: SATURDAY, FEBRUARY 11, 1905.

Mr. Tayler-Do you mean that you

Mr. Tayler-That there were charges

ving in polygamy. Senator Smoot-There may have been

not answer about what may have been. It is only what you recollect. We can

Senator Smoot-I recollect that B. H. Roberts was charged with living with more than one woman, and I believed

Mr. Tayler-Do you recollect that charges were made against other prom-inent Mormons that they were living with plural wives? Senator Smoot-No: I do not remem-

ber that that came in the discussion at

though, Mr. Tayler; I can say that, Mr. Tayler-That is, the charges

Mr. Tayler-Do you read the Descret

polygamous living made no impression | then?

Senator Smoot-No: any more than

the whole case. I did not follow it any

more than simply, as a matter of fact, as to how it came out.

Mr. Tayler-You had no special in-erest in what developed there about he Mormon people or the Mormon

Church? Senator Smoot—That was Mr. Rob-erts: It was not the Mormon Church. Mr. Tayler—But do you not know that the Mormon Church was attacked there on the floor, and that the speech

printed in Salt Lake City? Senator Smoot-It may have been. Mr. Tayler-And that the Deseret News attacked the maker of that speech with great vigor-said he was slandering the Church and the state? Do you recall anything about that? Senator Smoot-Not definitely enough

to say. Mr. Tayler-Did you ever hear of Mr. Landis's speech in the Roberts case? Senator Smoot-I heard that Mr. Landis made a speech.

Landis made a speech. Mr. Tayler—But you did not know anything about what was in it? Senator Smoot—The impression that was on my mind—I do not know that I over read it—was that it was an at-tack upon B. H. Roberts' polygamous lying

living. Mr. Tayler—Now, it was in the spring of that year that you were elected an

Mr. Tayler-And it was in that year

Senator Smoot-I was thinking of it

nen; yes. Mr. Tayler-You were thinking of it?

Senator Smoot-Yes. Mr. Tayler-And you had a talk, did you not, with President Snow about it?

Senator Smoot-I told you so this norning, I think.

Senator Smoot-I had a talk with be Presidency about it.

Mr. Tayler-They refused to permit ou to be a candidate? Senator Smoot-No: they did not. Mr. Tayler-They did not? Senator Smoot-Oh, you mean in 1900? Mr. Tayler-Yes.

Mr. Tayler-Yes. Senator Smoot-No; I did not have any talk then about my candidacy. I never asked then to be a candidate. I was thinking of it, I said, in 1900. Mr. Tayler-You were thinking of it,

but you did not make any request of

also that you harbored an ambition to come to the United States senate?

Apostle? Senator Smoot-In April, 1900

Mr. Tayler .- You did?

in which the sttack was made printed in Salt Lake City?

guess what may have been. r. Tayler-I want to know whether

others.

Church?

Mr. Tayler -- I want now to revert to what I would have called your attention to, but I could not find the place— Mr. Worthington—Now, give me the plage again, Mr. Tayler.

Mr. Tayler-Page 311-and 1 ask you if this represents the view of the good Mormon polygamist who is today in the status that John Henry Smith is in, or was in when he testified? I said: "Exactly. That is to say, your own

Senator Smoot-There may have been charges that they were polygamists. Mr. Tayler-I know: but you do not catch the thought. Do you mean to say that you did not know that such charges were made? Senator Smoot-I understand the charge was made against Brigham H. Roberts, and it may have been against others. case, you understand that the rule of the Church is against polygamous coabitation, do you?

'Mr. Smith-Yes sir. 'Mr. Tayler-And the law of the land

is against it? "Mr. Smith-Yes, sir. "Mr. Smith-Yes, sir. "Mr. Tayler-But you propose to con-tinue to violate the law of the land and the rule of the Church, as a purely personal particle with a surgery

ersonal matter with yourself.

take such consequences as may be im-posed upon you for it? "Mr. Smith--Neither the law of the land nor of the Church can take away obligations and contracts and relieve me of them as made between me and my God? Senator Smoot-I do not so under-

Mr. Tayler-Do you read the Deserve News occasionally? Senator Smoot-Yes. Mr. Tayler-At that time were you reading the Tribune? Senator Smoot-I have always done so. It made no impression upon me. stand it. I know a great many men who are in polygamy who do not live with their wives, and that is what I understand John Henry to claim that be dd did Tayler-Now, those who do live

with their wives do take that view, do they not, and must take that view? Senator Smoot-No: I-

Mr. Worthington-I submit, Mr. Chair-

Mr. Tayler-Let your witness take care o Mr. of himself. Worthington-Mr. Tayler, I will

Mr. Worthington-Mr. Tayler, I will try to take care of you-Mr. Tayler-That is right. Mr. Worthington-When you ask such a question as that. I ask the judgment of the committee as to whether that is a proper question to ask of any witness. Mr. Tayler-He can answer it by saving he does not know.

saying he does not know. Mr. Worthington—I do not care whether he can or not. My objection is that you have no right to ask such a question as that. Mr. Tayler-Well, I ask it anyhow.

Mr. Worthington-And I object to it. e is asking, Mr. Chairman, the view

taken by polygamists in general of their relation, as if the witness knew anything about it.

Church. The Chairman-Suppose you

Mr. Tayler-He is an Apostle of the

him, Mr. Tayler, if he knows what the

general view is, Mr. Tayler-I will ask the reporter to

"The reporter read as follows: "Mr. Tayler—Now, those who do live with their wives do take that view, do they not, and must take that view?"

Mr. Tayler-Just add to the question, 'do you not think?" Mr. Worthington-Do you know

what the question is now, senator? Senator Smoot-No; I do not know

Senator Dillingham-I thought the

hair made a ruling on that. Mr. Worthington—I do not think the modification helps the matter at all.

He is asking Senator Smoot what some

what it is.

Mr. Tayler-1 am cross-examining

the witness. Mr. Worthington-I submit that all he has a right to ask this witness is what impression is on his mind from that testimony. We have the testi-mony here and can read it for ourselves, and although he may misunder-stand it it does not affect the ques-

tion of his position here. The chairman-Do you take exception to the statement of what it was? Mr. Worthington-I object to his being asked about what the testimony is, as

useless consumption of time. Mr. Tayler-Not at all. Senator Hopkins-I suppose that

preliminary to the other questions Mr. Tayler will put. First he wants to know whether this witness understands what the other witness said, and then after he understands that, to put the juestion as to the interpretation that Mr. Tayler-Freelsely. That is it ex

actly. The Chairman—I suppose it is the same idea as the Chair had in mind when he called the attention of the witness to the fact that Mr. Smith had testified he had 11 children by his five different wives since the mani-festo, so that he could answer the question whether in his judgment he committed the crime. Senator Knox-On Senator Hopkins'

suggestion, the proper form of ques-tion would be "assuming that he testi-

fied so and so." Mr. Tayler-1 think it would be very much better to have the impression that comes to the witness from a posithat comes to the witness from a posi-tive knowledge of what his ears did hear than a mere assumption that some-body might have said something be-cause this witness has had time to have impressions made upon him, and he heard his testimony. But if he mis-understood it or does not understand is as I understand it, then he is enit as I understand it, then he is en-titled to the benefit of that situation in which he finds hinzelf. You heard John Heary Smith testify?

enator Smoot-I was out some little Tayler, but I think I heard hir MF. Tayler, but I think I heard and testify the greater part of the time. Mr. Tayler-Now, what was it I was saying when I was interrupted? I want to continue that. The reporter read as follows: "Mr. Tayler-And did he not say that he take three addications with the

he took those obligations with the plural wife with the approval of God?" Semator Smoot-I can not just remember whether those were the words or not, Mr. Tayler.

Mr. Taylor-Do you understand that is the view that all good polygarist Mormons take of their relations to their plural wives today, that they take upon them the obligations of husband to a plural wife with the approval of God?

Senator Smoot-I should think that

would be what they thought, Mr. Tayler-And that John Henry Smith said that no law of the land could interfere with or dissolve that relation?

Senator Smoot-No; I do not remem-

ber him saying that. Mr. Tayler-Do you not understand that that is the view that good polyg-

amist Mornons take? Senator Smoot-No: I do not under-stand that, Mr. Tayler. Mr. Tayler-Let me call your atten-tion, then, while that is being looked for, to another matter. Were you present at a conference of your people last

Senator Smoot-What conference? Mr. Tayler-When President Joseph Smith delivered an address, I do tur know that it was a conference, but

It was a service on Sunday, Senator Smoot-1 never was in my Schutor smooth never was in the life in the Tabernacle to a service that I remember of, with the exception of one, outside of the general conferences, so I was not there in June, hat he was referring to, do you not Senator Smoot-I think I do. Mr. Tayler-That is, the living with Senator Smoot-Yes; he violated the Mr. Tayler-Heber J. Grant? plurat wife

ator Smoot-Yes. Mr. Tayler (reading): Mr. Tayler (reading): "Upon the theory that there is a higher obligation upon you than the obligation to obey

"Mr. Smith-Yes; I must suffer the onsequences, if my countrymen see fit

Senator Smoot—I remember John Henry making that statement. Mr. Tayler—You understand that is the view that is taken by good Mormon polygamists, do you not?

Senator Smoot-No; I understand that is the view taken by John Henry

Mr. Tayler-Do you understand it is he view taken by Mormon polyga-nists? Senator Smoot-No; I do not, Mr.

Arity generally. Mr. Tayler-You do not? Senator Smoot-I know my own fa-her, when the law was passed, obeyed

Mr. Tayler-He lived up to the law? Senator Smoot-Absolutely, Mr. Tayler-Did he desert his wives?

Senator Smoot-He did not: that is, he provided for them. Mr. Tayler-He provided for them;

sir. Tayler-He provided for them; yes. Did you understand that John Henry Smith was asked this question as related to the matter as to whether he would provide for his wife? Senator Smoot-I did not so under-

Mr. Tayler-Now, Senator, that was a digression that happened to come in. We may get back to that again in an-other form. You remember the escheat case?

Senator Smoot-Yes, I remember of

Mr. Tayler-That is, you remember at. Tayler-that is, you remember the litigation respecting the property of the Mormon Church which the gov-ernment had taken possession of? Senator Smoot-I remember the case.

Mr. Tayler-And the litigation and egotiations that preceded that, with a lew of repossessing itself of that proparty?

Senator Smoot-I am not very conversant with that.

Mr. Tayler-I mean generally, Senator Smoot-I know there was

such a move. Mr. Tayler-You know that that situation arose?

Senator Smoot-Yes. Mr. Tayler-You know, as you re-marked a little while ago, that a good many polyganoist Mormons were in hiding at one place or another, and that their families were-

Senator Smool-Scattered, Mr. Taylor-Scattered and suffering, and that there was a strong appeal

made to the government? Senator Smoot-There was. Mr. Tayler-You get down now to a

time when you were about 20 years old, about 1891 and 1892?

Senator Smoot-Yes; about that. Mr. Tayler-You remember the petiion for amnesty?

Senator Smoot-I have read it. Mr. Tayler-You knew about it at the time, did you not? Senator Smoot-Yes; I knew of it. Mr. Tayler-Did you understand that

that plea for amnesty, addressed to the president of the United States, pledged the Mormon people to obedience to all of the laws?

Senator Smoot-1 do not remember the specific terms, but I rather think that that was what was intended.

Mr. Tayler-You remember that Pres-ident Harrison did give amnesty, and later that President----

Mr. Worthington-Amnesty to those

who should obey the law. Mr. Tayler-And President Cleveland followed it up with another amnesty proclamation?

Senator Smoot-All I can say is from what I heard them testify here-that is, that they think he had. President oith testified-Mr. Tayler-Did not Heber J. Grant plead guilty to a violation of the law after that? Senator Smoot-I rather think he did, Senator Smoot-I rather think he did, come to think of it. Mr. Tayler-John Henry Smith? Senator Smoot-Yes; he testified so. Mr. Tayler-John W. Taylor? Senator Smoot-I think so. Mr. Tayler-M. W. Merrill? Senator Smoot-I think so. Mr. Tayler-And Abraham H. Can-non?

Senator Smoot-He certainly did if e married Lillian Hamlin Mr. Tayler-Abraham H.Cannon lived with plural wives apart from the Lillian Hamlin episode, did he not? Senator Smoot-Well, ne had them. Mr. Tayler-After the manifesto?

Senator Smoot-Yes. Mr. Tayler-Now, you say you remember the terms upon which amnesty

was granted? Senator Smoot-That those who beyed the law would receive the grant amnesty. Mr. Tayler-You recall that in the granting of amnesty that followed that plea some time, the president says: "It is represented that since the date of said declaration the members and adherents of said Church have general-

obeyed said laws and have abstained om plural marriages and polygamous ohabitation"-----And this petition, signed by the offi-cils of the Church, the one to which we

have just referredpledging the membership thereof to faithful obedience to the laws against

a intrint observe to the laws against plural marriage and unlawful cohabita-tion, have applied to me the grant amnesty for past offenses against said laws, which request a very large num-ber of influential non-Mormons residing in the territories have also strongly urged.

"Now, therefore, I, Benjamin Harrl-son, president of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of sold act by reason

to the penalties of sold act by reason of unlawful cohabitation under the col-or of polygamous or plural marriage, who have, since Nov. L 1890, abstalled from such unlawful cohabitation." Do you understand the signers of that plea pledged their faith to the govern-ment of the United States that they and their people, in so far as they could influence them, would obey the Law against polygamous cohabitation? Senator Smoot-From the annesty as read I would take it that they did. Mr. Tayler-Did you ever make any complaint to them or anybody else complaint to them or anybody else that they had not remained true to the promise thus made?

Mr. Smoot-Mr. Tayler, the reason I

Ar. Smooth-ar. Tayler, the reason i have not done that is on account of the conditions as they existed. When I went into the quorum of the Apostles I found a condition there that was tol-erated by the people of our state, and I did not think it would hasten matters our being them to any outleter conor bring them to any quicker con-lusion by my setting myself up as a udge, or interfering. Mr. Tayler—You knew about this, you say, at the time?

Senator Smoot-No; I did not say

Mr. Tayler-Or did you? It was a uestion

question. Senator Smoot-No: I did not. Mr. Tayler-You did not know about the apolication for annesty? Senator Smoot-Oh, yes: the applica-tion for annesty, but I mean I did not know as to whether John Henry Smith was unlawfully cohabitating.

people think, without his knowing at all what they think. The Chairman-There is no trouble out it. Repeat the question, Mr. Reporter. The reporter read as follows: "Mr. Tayler—Now, do you not think that those who do live with their wives do take that view, and must take that VIEW "Senator Smoot-No: I----Senator Smoot-I can not say that, Mr. Tayler. Mr. Tayler.--Now, John Henry Smith went on. I said: "Precisely; and that is the interpretation that you and the Apostles put upon those relations?" To which he replied: "So far as all those obligations com-ing up to the date of the manifesto, formed proviously"----'And formed previously? And he said: Then I asked the question: "That the relation that you contract-ed, and others like you, prior to the nanifesto, to your several wives, was a relation which you contracted with the approval of God?" He answered: That is it." I said "And that no law of the land can dissolve that? 'Mr. Smith-No. sir." "Mr. Tayler-Or interfere with that? "Mr. Smith-No. sir." Senator Smoot-I do not agree with Henry Smith. Mr. Tayler-Do you interpret that as defiance of law? Senator Smoot-No; I would not say that, Mr. Tayler. I agree with him that men who take their plural wives take them, as they believe, by the sanc-tion of God, or did prior to the mani-festo, as he states there, but I do not believe that the law of the land can not interfere. That is the difference not interfere. That is the difference between John Henry Smith and myself, f there is a difference on that point. Mr. Tayler—Physically it can inter-fere with it, do you mean? Senator Smoot-That is what I Mr. Tayler-Otherwise do you quesion his statement? Senator Smoot-Well, the balance of it—I forget what it is. Just read it again, Mr. Tayler. I stated in the first place, you know, that I— Mr. Tayler (reading): "That no law of the land can dissolve that relation or interfere with it." Senator Smoot-Well, no law of the land, of course, could dissolve it, but he law of the land could interfere with Mr. Tayler-Because the law of the and is strong; that is the reason, is it Senator Smoot—Why, certainly. Mr. Tayler—Were you interested in public affairs by the time the Roberts ase came along Senator Smoot-You mean in the Mr. Tayler-Yes. Senator Smoot-Oh, yes. Mr. Tayler-You were in politics Senator Smoot-I was. Mr. Tayler-To some extent? Senator Smoot-I was. Mr. Tayler-You became an Apostle early in 1900, shortly after the Rob-erts case was disposed of? fier, or something like that.

Senator Smoot-A year and a half Mr. Tayler-The Roberts case was isposed of in January, 1900.

Senator Smoot-Well, it was right after it was disposed of, then. His election was in 1898, and then, of course, he would come here in 1899. That is about right, I suppose. Mr. Tayler-You were naturally interested in the Roberts case? You fol-

owed that situation lowed that situation? Senator Smoot—Yes; I did. I want to say that as far as Mr. Roberts's election is concerned, he would not have been elected 'f I could have helped

Mr. Tayler-He was the Democratic

 M. Tayler-The way the Democratic candidate for Congress that year? Senator Smoot-Yes.
 Mr. Tayler-You were not supporting the Democratic ticket, were you? Senator Smoot-No; I was not.
 Mr. Tayler-You recall that in the dende to the Deducts over there were that much. I know that there was a rumor. I never was asked by President

Mr. Tayler-tou recall that in the debate in the Roberts case there were charges made against various prom-inent Mormons as being polygunists? Senator Smoot-No; I do not recall that, Mr. Tayler. There may have been,

though. Mr. Tayler. Do you mean there may have been charges?

Senator Smoot-Yes; that is what I

the First Presidence? ? Senator Smoot-I did not. Mr. Tuyler-The First Presidency did not give their consent to any high Church official being a candidate that Senator Smoot-I am president of th year, did it? Provo Woolen mills. Mr. Tayler-You are elected by the Smoot-No: I do not think it did, Mr. Tayler. Mr. Tayler-Did you understand the First Presidency favored the election tockholders Senator Smoot-Yes. Tayler-And the stockholders

Mr. Senator Kearns neet every year? Senator Smoot-Every year. Senator Smoot-No: I could not say

Mr. Tayler-They can put you out if they want to? Senator Smoot-They can.

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Mr. Tayler.

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ouncil to him.

filed there: yes.

oose an Apostle?

Senator Smoot-Oh, yes

Mr. Tayler-Where else would the

Mr. Tayler-where else would the charge be filed? Senator Smoot-With the presidency of the stake in which he lives, just the same as they were filed in Moses

Thatcher's case. Mr. Tayler-Do you mean to say the president of the stake in which Moses

Thatcher resided deposed him from the

the charges. Mr. Tayler-Precisely. Senator Smoot-Moses Thatcher was

Senator Smoot-Moses Thatcher was tried by the presidency of the Sait Lake stake and High Council on charges that were preferred against him, and if there were charges preferred against me, it would be tried by the presiden-

Mr. Tayler-Hold on a minute.

Mr. Tayler-Hold on a minute. Senator Smoot-By the president of the Utah Sake of Zion and the High Council of the Utah Stake of Zion. Mr. Tayler-That would not depose you unless the Aposties acted, would it? Senator Smoot-Yes. Then the Apost-tes would act on my case, and then if I did not agree with that I would appeal it to the Presidency of the Church. They could disfellowship me. Mr. Tayler-Who? Senator Smoot-Why, the Apostles: just the same as the membership of a quorum: but they cannot take the Apostleship away from me unless it is in the proper order, and that order is wherever there is a charge it goes to the presidency of the stake. Mr. Tayler-But is it not the Apostles

Mr. Tayler-But is it not the Apostles who take away from you your Apos.

tleship? Sepator Emoot-No, sir. Mr. Tayler-Who does take it away? Senator Smoot-Why, the final judg-ment of that would be passed upon by the Presidency of the Church. Mr. Tayler, But the host state

Mr. Tayler-But the local stake offi-

Senator Smoot-If the charges are

cials do not deprive you or depose you of your Apostleship?

proved then they give judgment against me, and the Presidency of the

Church then pass upon that judgment, Mr. Tayler-I understand; but it does

not depose you because the local court

finds against you? Senator Smoot-Yes; but it is always taken to the Presidency. Mr. Tayler-Moses Thatcher was tried?

Senator Smoot-He was, by the High

Council and presidency_____ Mr. Tayler-Precisely: and what hap, pened to him?

Senator Smoot-As I understand it,

Senator Smoot-As I understand it, the charges were sustained against him, Mr. Tayler-What happened then? Did he not conform literally to the de-mand of the High Council? Senator Smoot-I think he did. Mr. Tayler-Did he not make abject apologies?

An. tayler-Did he not make abject apologies? Senator Smoot-I think he did. Mr. Tayler-And so far as the High Council was concerned, was not that the end of it?

Senator Smoot-That was the end of

did not the quorum of Twelve depose

Presidency, Mr. Tayler, Mr. Tayler-And the President after

that'

think.

Senator Smoot-I think it was the

Senator Smoot-The Presidency, I

Mr. Tayler-You are sure that is all

right, are you? Senator Smoot-That is as I under-

stand it. Mr. Tayler-All I want is the fact.

Senator Smoot-That is what I want to give you. That is as I under-

stand the rule. Mr. Tayler-But as far as this trial before the High Council was con-cerned, was not that all done and dis-

cerned, was not that all done and dis-posed of by the apology and recanta-tion of Moses Thatcher? Senator Smoot-Why, certainly, Mr. Tayler-Did he not comply with the terms of their finding?

Senator Smooth-That is just exactly where it started, and he complied with their findings; and so far as the charge was concerned in the High Council, that was ended, we will say. Mr Tayler-Yes. Senator Smooth Non as far and the

Senator Smoot-Now, as far as con-cerns his being deposed as an Apostle, the Apostles could disfellowship him, I suppose, the same as a Seventy could be disfellowshipped from the Seven-

Mr. Tayler-We are not talking about the Priesthood. Is it not a fact that in April, 1896, Moses Thatcher was

that in April, 1896, Moses That he was not upheld at the general conference of the people? That is to say, the President of the Church or the quorum president of the Church or the quorum

of Apostles did not present his name? Senator Smoot-The President of the

Church did not present his name in

Mr. Tayler-So that he was not up-

Senator Smoot-He was not sus-

Mr. Tayler-Then if he was not sus-tained, he was not an Apostle was he? Senator Smoot-Well, yes: he could have been an Apostle and not be sus-tained.

Mr. Tayler-Very well. Let us not take time about that.

Mr. Tayler—Then is it not a fact that in November following, at a council of the Apostles, held in Sait Lake City, Moses Thatcher was dropped from the council of Twelve Apostles? Senator Smoot—I think the Presi-dency of the Church may have had the Twalve Apostles as advisors at that

Twelve Apostles as advisers at that meeting, and he may have been de-posed at that meeting.

Mr. Tayler-Do you question this statement which I find in Andrew Jen-

ion's Church Chronology?

son's Church Chronology? Senator Smoot-I say my under-standing of the mode of handling an Apostle is different from that. Mr. Tayler-And then, that in Au-gust, 1897, after a long investigation before the High Council of Salt Lake stake of Zion, Moses Thatcher sub-mitted to the decision of the council and thus retained his standing in the

and thus retained his standing in the

Senator Smoot-That would be after

the President had passed upon it, and he submitted there, and he would hold

he submitted there, and he would hold his standing in the Church. Mr. Tayler-Do you not understand now, Senator, that long before his head as an Apostle had dropped into the basket and he was done for as an Apostle? Senator Smoot Not by the Apostles

Senator Smoot—Not by the Apostles, but by the Presidency of the Church.

Mr. Tayler-Then this is not at all

correct that I have read to you as oc-curring on the 19th of November, 1896, that he was, at a meeting of the com-cil of the Apostles, dropped from the

Senator Smoot-That may be it, but

Mr. Tayler-You do not so under-

Senator Smoot-No: I understand

that is done by the Presidency of the Church, and the Twelve Apostles are there, the same as they are in the

Mr. Tayler-You agree that it oc-curred at that time?

Senator Smoot-I could not say that;

more than likely it did. Mr. Tayler-Do you dispute that it occurred at that time, whether by the Twelve Apostles or by the First Presi-dency or by hoth?

Senator Smoot-I think he was de-

Senator Smoot-That may be the

Mr. Tayler-His trial before the High

Council was not until after that? Senator Smoot-I could not say as to

that. Mr. Tayler-So that his trial had not anything to do with his deposition as an Apostle? Senator Smoot-He could not be de-Senator Smoot-He could not be de-

of a charge. Mr. Tayler-I know; but you told us that he must be tried for his Aposle.

ed as an Apostle without some kind

Mr. Tayler-At that time?

council of the Twelve?

stand it?

meeting-

time.

I do not so understand it.

1896

Senator Smoot-No

held

tained.

tained

Church?

but that does not take

ties quorum: but that does his Priesthood away from him.

Senator Smoot-I say they brought

Apostleship?

tleship?

whe

Mr. Tayler-You had no talk with

Senator Smoot-About the senator

hip? Oh, I had a talk with him just n the office one day. Mr. Tayler-What was that talk?

Senator Smoot-Why, the talk way

this: The question of whether-I told him that some of my friends were ask-

ing me if I would run for the senate, and I said "I do not know yet whether I will run or not." I was not a can-diate before the conventions; and among other things that were said, we talked over the different candidates.

but he did not express himself as favor-bl or unfavorable to me or to the

Tayler-Nor urge you to be

Mr. Tayler-Or express any interest t all in the subject?

Senator Smoot-Not particularly. Mr. Tayler-You mean you did not arge it upon him, and he did not rise

Senator Smool-We were in the office,

and we talked over the situation. Mr. Tayler-When did you make up your mind not to be a candidate; after that talk?

Senator Smoot-After that talk-well, see, some time after that talk. Mr. Tayler-In 1902 you went and saw President Smith? Senator Smoot-Yes; I saw President

mith with his counselors in the office

Mr. Tayler-How did the subject arise

Senator Smoot-This is the way the subject arose. I told President Smith that if I was going to be a candidate for the senate of the United States I

wanted to know early, because if 1 was going to do it I wanted to com-mence and form an organization, and

by that organization select men who would be favorable to me in the Legis

ature; that I thought I ought to know

early, and, as I said this morning, usked if I could receive a leave of ab-sence to do it, and they granted it,

Senator Overman-Suppose they had refused the consent; would you have

Senator: Smoot-That would depend upon conditions, Senator, The Chairman-Take the conditions

as they existed at that time. As the conditions then were, if the President

ad refused to grant you leave to run, yould you have run? Senator Smoot-Well, I do not know

I would have consulted with my friends and we would have talked the matter

would have simply resigned from the apostleship, and if I had concluded not to resign I would not have run for the

Senator Overman--If you had run,

would you have been out of harmony with the Church. Senator Smoot-Well, I would have

broken that rule, and I do not think any man ought to believe in a rule and then break it.

Senator Overman—The question is, Would you have been out of harmony

with the Church if you had, like Mose

Senator Smoot-More than likely I

would; just the same as if I was the manager of the woolen mills at the same time. I could not have left there

and run for the senate without some arrangement being made, and I did

Mr. Van Cott-Do you understand that the question means if you had

resigned you would have been out of harmony?

Senator Smoot-Oh, no; not if I had

Mr. Tayler-You understand that

your relation to the woolen mill? Senator Smoot-Well, one is a busi-ness concern and the other is a re-

compare me as manager of the Provo Woolen mills with me as adviser to the President of the Church.

Mr. Tayler-Are you a director of the Provo Woolen mills?

Twelve voting against me. Mr. Tayler—That is, by being deposed upon charges being made against you? Senator Smoot—Yes.

Mr, Tayler-They would not do it without charges being made, would

Senator Smoot-Certainly they would

Mr. Tayler-Then the relation that you sustain in the one case is not like

the other, is it? Senator Smoot-I stated it was not.

One is a business concern and the other

religious. Mr. Tayler-I am not referring to

Senator Overman-And he had a right

Senator Smoot-He and the Twelve

Senator Overman-Without submis-ion to the conference? Senator Smoot-Certainly, I can re-

ign from the Church any minute that

Mr. Worthington-Without accept-

Senator Smoot-Withour acceptance. The Chairman-You have that power now, to resign your position as an Apos-

Senator Smoot-I have, Mr. Tayler-But the president is nom-nated-selected by the Apostles, is he

Senator Smoot-Yes; because they are

the controlling quorum, after the Presl-dent of the Church dies, and until he is

Mr. Tayler-But the Apostles them-

elves choose him? Senator Smoot—Why, certainly, Mr. Tayler—He has no power to de-

Senator Smoot-Oh, certainly he has. Mr. Tayler-He has? Senator Smoot-Certainly,

Mr. Tayler-The President can put an Apostic out?

Senator Smoot-If charges are filed. Mr. Tayler-No; but can the President

Senator Smoot-He would finally act

Mr. Tayler-What would the Apostles have to do with it?

Senator Smoot-They would act as

ould not put him out alone, could he? Senator Smoot-He would have an appeal to the President, just the same

s a member would from the High

Mr. Tayler-Then it has to start in the quorum, does it, to get him out? Senator Smoot-If the charges are

Mr. Tayler-But the President

Senator Smoot-While he is alive? Mr. Tayler-Yes.

Apostles could have accepted it; cer-

same as

hardly

your relation to the First Presid and the Church is just the same

Mr. Tayler-I did not mean to Senator Smoot-You could h

If I had decided to run, why have simply resigned from th

Senator Smoot-He did not.

Senator Smoot-He did not.

im at all about the senatorship in

19001

ship

Mr. Worthington-Senator, please do others. It was a talk over conditions. Not answer about what may have been. Mr. Taylor-He did not advise you to

Mr.

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'un, Senator?

Thatcher was?

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andiate'

Mr. Tayler-He be a candidate?

Mr. Tayler—Did you never hear that? Senator Smoot—I have heard that a part of the Presidency did not. Mr. Tayler—What? Senator Smoot—I have heard that a Mr. Tayler-Unless you own a ma jority of the stock? Senator Smoot-Yes; unless I owned part of the Presidency did not favor his the majority of the stock. Mr. Tayler-How can they put you out of the quorum of Twelve? Senator Smoot-By a majority of the

Mr. Tayler-Which part? Senator Smoot- I could not say. I can not say that any of them favored it, because I do not know,

Mr. Tayler-You never heard any talk about that? Senator Smoot-Oh. I heard rumor about it.

Mr. Tayler-Did you hear that President Snow said that there would not be any Apostle candidate for the sen-atorship that year?

Senator Smoot-No: I did not hear that he said it. Mr. Tayler-You did not hear that?

Senator Smoot-No. Mr. Tayler-Did you hear that Pres-

lient Snow favored the election of Sen-ator Kearns? Senator Smoot-I heard rumors of it. I know nothing of it. The Chairman-Senator, just let me ask you this. I will first ask the re-porter to read the question

whether it is business or ecclesiastical. Did you get into the presidency of the woolen mill the same way you got into the quorum of the Twelve? Senator Smoot-I do not think so

ask you this. I will first ask the re-porter to read the question. The reporter read as follows: "Mr. Tayler-Did you hear that Pres-ident Snow favored the election of Senator Kearns?" Mr. Worthington-Does that mean, did he hear President Snow say 112 Senator Overman—To whom would you have resigned, Senator? Would you have sent your resignation to the President of the Church?

did he hear President Snow say it? The Chairman-No; did you hear that' te accept it?

Senator Smoot-I have heard many people say it on the street, Mr. Chair-man, but I never heard anybody say it who claimed that he heard President Snow say it.

The Chairman—Ail you were asked was for the rumor. I want you to answer the questions. I am anxious that you should answer these questions,

Senator. Mr. Worthington-You are anxious that he should answer as to what the rumors were on the street, do I under stand

The Chairman-Not at all, The Chair has intimated no such thing. Mr. Re-porter, will you read the question again

The reporter read as follows: "Mr. Tayler-Did you hear that Pres-ident Snow favored the election of Senator Kearns?

. The Chairman-That is a simple question, Did you hear it? Senator Smoot-I stated, Mr. Chair-man, that I had heard it, but from nobody who claimed that President now had stated so. The Chairman-You have not yet

been asked from what source you heard it, or who said it. You were

Senator Smoot-No; I could not say

Mr. Tayler-No. I was not intimat

ing anything of that sort. I was re-ferring, of course, only to President Snow and what he was generally un-

Senator Smoot-President Snow neve

asked me, nor I do not know positively what President Snow's views were.

Smith to support Thomas Kearns,

asked if you heard the rumor. Senator Smoot-Yes. The Chairman-That is all, then

Mr. Tayler-Was it not generally reorted, Senator? Senator Smoot-How generally I

could not say. Mr. Tayler-Let me put it this way: Did you not hear it in such a way as to satisfy you that the fact existed?

derstood to have-