

Mr. Taylor—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?

Senator Smoot—No, I do not think 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 evidence show what he said?

Senator Beveridge—There is no necessity 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 this to your attention. The committee went to know about the matter. If you remember, that he had had 11 children since the manifesto.

Senator Smoot—I remember that, Mr. Chairman.

The Chairman—You remember that?

Senator Smoot—Yes.

The Chairman—By his first several 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, that is your answer to that question?

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

The Chairman—But he has said himself he has, and has had children.

Senator Smoot—Oh, he has since the manifesto.

Senator Beveridge—is not that a violation of the law?

Senator Smoot—It is a violation of the law.

The Chairman—I thought you did not want to put yourself in the position.

Senator Smoot—I did not know that was the direct question.

Mr. Worthington—I think you misunderstood him, Mr. Chairman. He said quite clearly that he was violating the law in cohabiting with those wives, but he was not saying that 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, or not.

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. Taylor.

Mr. Taylor—The question I have asked the senator has been answered, without disrespect to him at all, as I supposed he understood that Joseph F. Smith was living today in violation of the law, and, notwithstanding that, President Smith said at the hearing here last spring, he says he does not know anything about it or have any understanding about it. You know Apostle John Henry Smith, of course?

Senator Smoot—No.

Mr. Taylor—You understand he is violating the law?

Senator Smoot—He has violated the law since the manifesto.

Mr. Taylor—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. Taylor—I will put it back eight or ten weeks. Senator, because I have not heard from Mr. Smith since he testified.

Senator Smoot—I think so, up to the time he testified here.

Mr. Taylor—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.

Mr. Taylor—And did he not say that he took those obligations with the plural wife with the approval of God?

Senator Beveridge—Mr. Taylor, I ask whether you are not examining the present witness as to what some other witness said here.

Mr. Worthington—That is just what he is doing.

Mr. Taylor—I 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 testimony here, you read it, and we understand it, and although he may misunderstand it it does not affect the question 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 the testimony is, as a useless consumption of time.

Mr. Taylor—No, I do not.

Senator Hopkins—I suppose that is preliminary to the other questions Mr. Taylor will put. First he wants to know whether the witness understands what the other witness said, and then, after he understands that, to put the question as to the interpretation that he puts upon it.

Mr. Taylor—Precisely. That is exactly the same idea as the chair has 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 manifesto, 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 question would be "assuming that he testified so and so."

Mr. Taylor—I think it would be very much better to leave the impression that comes to the witness from a positive knowledge of what his ears did hear than a mere assumption that somebody might have said something because this witness has had time to have impressions made upon him, and he heard his testimony. But if he misunderstood it or does not understand it as I understand it, then he is entitled to the benefit of that situation in which he finds himself.

You heard John Henry Smith testify?

Senator Smoot—I was out some little while, but I think I heard him testify the greater part of the time.

Mr. Taylor—Now, what was it I was saying when I was interrupted? I want to continue that.

The reporter read as follows:

"Mr. Taylor—And did he not say that he took those obligations with the plural wife with the approval of God?"

Senator Smoot—I do not just remember whether those were the words or not, Mr. Taylor.

Mr. Taylor—Do you understand that is the view that Joseph F. Smith held?

Senator Smoot—No, I do not remember him saying that.

Mr. Taylor—When Joseph F. Smith delivered an address, I do not know that it was a conference, but it was a service on Sunday.

Senator Smoot—I have never in my life in the Tabernacle to a service that I remember of, with the exception of one, outside of the general conference, so I was not there in June.

Mr. Taylor—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 Tabernacle, referring to the subject of his wives:

"I dare not and cannot cast aside those to whom God, in His infinite wisdom, has joined me for time and for eternity."

Mr. Worthington—Is that Doctor Buckley's testimony?

Mr. Taylor—Yes, I am reading from page 9.

"I dare not and will not cast aside the mothers of my children. If I did should forfeit all the blessings that God will bestow upon those who are faithful to their trust. If I did I should be forever damned and be forever deprived of the companionship of God's wives, 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 exile, imprisonment, or any earthly hardship that might come to me in fulfilling my duty to God and man. When it comes, however, to throwing aside all hope of future happiness, all expectation of continuing union with those I love, I will not make such a sacrifice. I dare not and cannot. I am not prepared to forfeit an eternal inheritance by yielding to the customs of the world. I cannot dare not risk eternal damnation by putting away the responsibilities which God has placed upon me. But rather I will be true to my God, my wives, and my children."

Do you understand that that fairly represents the views of good Mormon private Taylor?

Senator Smoot—The wording of that, Mr. Taylor, I think, may be construed just 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 God, but he would be condemned of God.

Mr. Taylor—And your interpretation, it is that that means to be true to the law, that is, to the absolute generation of those women?

Senator Smoot—From the language there, although I do not say that he even said that.

Mr. Taylor—Well, do you think, Senator, that he meant to intimate anything different than that he intended to continue the relation of husband to those several wives, just as he had been doing before?

Senator Smoot—I do not think I ought to put that construction on it, Mr. Taylor.

Mr. Taylor—That is to say, you think he meant, by stating what he would do, that he was going to do something less than a husband to those wives, what he had been doing?

Senator Smoot—Well, I could not say that.

Mr. Taylor—Do you not understand, Senator, that he meant by this that he was going to be a husband to all these wives?

Senator Smoot—No, I do not understand that, Senator, from that language.

Mr. Worthington—Even from what?

Senator Smoot—Even from that language.

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 the pulpit, and that is what they report.

Mr. Taylor—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 he 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 he meant.

Mr. Worthington—What page?

Mr. Taylor—I wanted to find another reference to that language that took up, it is on page 286, volume II.

I asked this question:

"You propose to continue the practice that your father practiced. Do you understand what that practice is that he was referring to, do you not?"

Senator Smoot—I think I do.

Mr. Taylor—That is, the living with a plural wife.

Senator Smoot—Yes.

Mr. Taylor—(reading): "Upon the theory that there is a higher obligation upon you than the obligation to obey the law?"

Mr. Smith—Yes; I must suffer the consequences, if my countrymen see fit to punish me for it.

Senator Smoot—I remember John Henry making that statement.

Mr. Taylor—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 Smith.

Mr. Taylor—Do you understand it is the view taken by Mormon polygamists?

Senator Smoot—No, I do not, Mr. Taylor, generally.

Mr. Taylor—You do not?

Senator Smoot—I know my own father, when the law was passed, obeyed the law.

Mr. Taylor—He lived up to the law?

Senator Smoot—Absolutely.

Mr. Taylor—Did he desert his wives?

Senator Smoot—He did not; that is, he provided for them.

Mr. Taylor—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 understand it.

Mr. Taylor—Now, Senator, that was a question that happened to come in. We may get back to that again in another form. You remember the exact case?

Senator Smoot—Yes, I remember of it.

Mr. Taylor—That is, you remember the litigation respecting the property of the Mormon Church which the government had had that question in which he finds himself.

Senator Smoot—I remember the case.

Mr. Taylor—And the litigation and negotiations that preceded that, with a view of repossessing itself of that property?

Senator Smoot—I am not very conversant with that.

Mr. Taylor—I mean generally.

Senator Smoot—I know there was such a move.

Mr. Taylor—You know that that situation arose?

Senator Smoot—Yes.

Mr. Taylor—You know, as you remarked a little while ago, that a good many polygamist Mormons were in hiding at one place or another, and the litigation was there.

Senator Smoot—Scattered.

Mr. Taylor—Scattered and ruffing, and that there was a strong appeal made to the government.

Senator Smoot—There was.

Mr. Taylor—You got down now to a time when about 30 years old, about 1891 and 1892?

Senator Smoot—Yes, about that.

Mr. Taylor—You remember the petition for amnesty?

Senator Smoot—I have read it.

Mr. Taylor—You knew about it at the time, did you not?

Senator Smoot—Yes, I knew of it.

Mr. Taylor—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—I do not remember the specific terms, but rather think that that was what was intended.

Mr. Taylor—You remember that President Harrison did give amnesty, and later that President—

Senator Smoot—Amnesty to those who should obey the law.

Mr. Taylor—And President Cleveland followed it up with another amnesty proclamation?

Senator Smoot—Yes; to those who obeyed the law.

Mr. Taylor—Do you remember any of the terms of the application or plea for amnesty?

Senator Smoot—I think the most of the Twelve Apostles and Presidency at that time, and I think I remember the present membership of the Twelve Apostles signed that plea for amnesty?

Senator Smoot—From John W. Taylor, up to about 1892.

Mr. Taylor—What?

Senator Smoot—From John W. Taylor, up to about 1892.

Mr. Taylor—Just one moment.

Senator Beveridge—Well, as a matter of fact, do you remember or do you not?

Senator Smoot—Yes, Senator, he asked me, you know, whether a great many of the present—

Senator Beveridge—Yes; whether they signed that plea for amnesty?

Senator Smoot—No, he asked me if a great many of the present Apostles did not sign it.

Mr. Worthington—I know.

Mr. Worthington—He says, senator, he thinks those from Taylor up to that time, is in the order of precedence.

Senator Beveridge—Your answer to that, "should I judge." Is it a matter of memory?

Senator Smoot—Yes; that is all.

Mr. Taylor—To refresh your recollection, I would ask a few questions about that; whether this, according to your recollection of the list, is correct—

Mr. Worthington—What page have you, Mr. Taylor?

Mr. Taylor—Page 490, Wilford Woodruff, George Q. Cannon, Joseph F. Smith, Lorenzo Snow, Franklin D. Richards, Moses Thatcher, Francis M. Lyman, H. G. Grant, John Henry Smith, John W. Taylor, M. W. Merrill, Anthony H. Lund 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 almost all of the signers of that plea for amnesty continued to violate the law for the violation of which amnesty was granted?

Senator Smoot—I cannot say that Mr. Taylor.

Mr. Taylor—Let us take them separately.

George Q. Cannon?

Mr. Worthington—Wilford Woodruff is the first one.

Mr. Taylor—I understand Wilford Woodruff did not violate it.

Mr. Taylor—He thought you were asking him about them all.

Senator Smoot—Yes; I understand that Wilford Woodruff had not violated it.

Mr. Taylor—That he obeyed the law?

Senator Smoot—He obeyed it.

Mr. Taylor—He was the head of the Church?

Senator Smoot—Yes?

Mr. Taylor—George Q. Cannon?

Senator Smoot—I understand he obeyed the law. I want to say, Mr. Taylor, that I do not know.

Mr. Taylor—I understand, Joseph F. Smith?

Senator Smoot—That he did not.

Mr. Taylor—Lorenzo Snow?

Senator Smoot—I understand that he did.

Mr. Taylor—That he did obey the law?

Senator Smoot—That he did obey the law.

Mr. Taylor—Franklin D. Richards?

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

Mr. Taylor—Moses Thatcher?

Senator Smoot—Well, it is reported that Moses Thatcher did not. I am not sure, though, as to that.

Mr. Taylor—Did you hear him testify that he was a polygamist?

Mr. Worthington—That is not the question.

Mr. Taylor—I am asking for his information, do you know?

Mr. Worthington—The question is not whether he was a polygamist, but whether he lived in polygamous cohabitation after that pledge.

Senator Smoot—It is understood he is a polygamist.

Mr. Taylor—Do you know whether he violated the law?

Senator Smoot—I do not, Mr. Taylor.

Mr. Taylor—Francis M. Lyman?

Senator Smoot—Yes; he violated the law.

Mr. Taylor—Heber J. Grant?

Senator Smoot—All I can say is from what I heard them testify here—that is, that they think he had. President Smith testified—

Mr. Taylor—Did not Heber J. Grant plead guilty to a violation of the law after that?

Senator Smoot—I rather think he did, and I think so.

Mr. Taylor—John Henry Smith?

Senator Smoot—Yes; he testified so.

Mr. Taylor—John W. Taylor?

Senator Smoot—I think so.

Mr. Taylor—M. W. Merrill?

Senator Smoot—I think so.

Mr. Taylor—Abraham H. Cannon?

Senator Smoot—He certainly did if he married Lillian Hamlin.

Mr. Taylor—Abraham H. Cannon lived with plural wives apart from the Lillian Hamlin, as he believed, by the sanction of God, or did prior to the manifesto, as he states there, but I do not believe that he did.

Mr. Taylor—That is the difference between John Henry Smith and myself, if there is a difference on that point.

Senator Smoot—It can interfere with it, do you mean?

Senator Smoot—That is what I mean.

Mr. Taylor—Otherwise do you question his statement?

Senator Smoot—Well, the balance of it I forget what it is. Just read it again, Mr. Taylor, I stated in the first place.

Mr. Taylor—(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 the law of the land could interfere with it.

Mr. Taylor—Because the law of the land is strong; that is the reason, is it not?

Senator Smoot—Why, certainly.

Mr. Taylor—Were you interested in public affairs at the time the Roberts case came along?

Senator Smoot—You mean in the house?

Mr. Taylor—Yes.

Senator Smoot—Oh, yes.

Mr. Taylor—You were in politics then?

Senator Smoot—I was.

Mr. Taylor—You became an Apostle early in 1890, shortly after the Roberts case was disposed of?

Senator Smoot—A year and a half after, or something like that.

Mr. Taylor—The Roberts case was disposed of in January, 1890.

Senator Smoot—Well, it was right after it was disposed of, then. It was in the Roberts case, and then, of course, he would come here in 1890. That is about right, I suppose.

Mr. Taylor—You were naturally interested in the Roberts case? You followed that attention?

Senator Smoot—Yes; I did. I want to say that as far as Mr. Roberts' election is concerned, he would not have been elected if I could have helped it.

Mr. Taylor—He was the Democratic candidate for Congress that year?

Senator Smoot—Yes.

Mr. Taylor—To some extent?

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