witness. Not only this, but the law pro-vided for the annulment and dissolution of the corporation known as the Church of Jesus Christ of Latter-day Saints.

Under both the Edmunds and the Edmunds-Tucker act all children that had been born to plural wives were made legitimate, so that the children of the third or fourth wife, by act of Congress, third of fourth whe, by act of congress, could inherit property from the father, and have all of the rights that arg guaranteed under the laws of our coun-ity to the children by the first wife. There is no question but what many of the Mormons at this time believed that the federal government had no constitutional authority to interfere with polygamous cohabi-

with polygamy or polygamous conabi-tation because of its being practised as a part of the Mormon religion. They were fanalics in this, precisely as Syd-ney Smith, a hundred years ago, found fanalics in the Methodist church. They wont to the very limit in their opp tion to the law, and to show their i faith in this, wrong as we all know them to have been, it is only necessary them to have been, it is only necessary for me to cite to the senators the case of Reynolds v. the United States, where he voluntarily came before the courts and furnished the proof of violating the Edmunds law in order to test the question as to whether the Mormon religion, as promulgated by Brigham Young, could be practised by his followers in spite of the legisla-tion of Congress. The supreme court very properly and

tion of Congress. The supreme court very properly and justiy held that while the Mormons had a right to their religion, and while they had a right to believe that God permit-ted plural marriages, yet the practise of polygamy as such, being in violation of the laws of our country, could not be indulged, and the court sustained the law in every respect.

law in every respect. This decision and other litigation that was had in the federal courts in the territory of Utah and in the supreme court of the United States brought the leaders of this Cruch to a realization of leaders of this Cruch to a realization of the crisis that was upon them, and it was under these conditions that I have here too briefly expressed that the then head of the Mormon Church, Wilford Woodruff, issued what has since been known as the manifesto, the official declaration of which I will here in-corporate in my remarks: corporate in my remarks:

To whom it may concern: Press dispatches having been sent for political purposes from Salt Lake City, which have been widely published, to the effect that the Utah consiston, in their recent report to the cretary of the interior, allege that plural mar-riages are still being solemnized and that 40 or more such marriages have been contracted in Utah since last June, or during the past year; also that in or during the past year; also that in public discourses the leaders of the Church have t.ught, encouraged, and urged the continuance of the practise of polygamy.

I, therefore, as president of the Church of Jesus Christ of Latter-day Saints, do hereby, in the most solemn manner, declare that these charges are false. We are not teaching polygamy, or plural marriage, nor permitting any person to enter into its practise, and I deny that either 40 or any öther number

deny that either 40 or any öther number of plural marriages have, during that period, been solemnized in our temples or in any other place in the territory. One case has been reported in which the parties alleged that the marriage was performed in the endowment house in Salt Lake City, in the spring of 1889, but I have not been able to learn who performed the ceremony. Whatever was done in this matter was without my knowledge. In consequence of this al-leged occurrence the endowment house leged occurrence the endowment was, by my instructions, taken down without delay. Inasmuch as laws have been enacted

Inasmuch as laws have been enacted by Congress forbidding plural mar-riages, which laws have been pro-nounced constitutional by the court of last resort. I hereby declare my inten-tion to submit to those laws and to use my influence with the members of the Church over which I preside to have them do likewise. There is nothing in my teachings to the Church or in those of my associates

There is nothing in my teachings to the Church or in those of my associates during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any clder of the Church has used language which appeared to convey any such teachings he has been promptly re-proved. And I now publicly declare that my advice to the Latter-day Saints is to refrain from contracting any mar-riage forbidden by the law of the land. WILFORD WODRUFF. President of the Church of Jesus Christ of Latter-day Saints.

of Latter-day Saints.

This manifesto was issued by Presi-dent Woodruff, as he claimed, by the direct revelation from God. It was presented under the laws of the Church to

trolling that particular matter-that is, the matter of marriages-had a perfect right to make, and the acceptance of that action by the Church makes that a positive binding law upon the a positive Church.

Mr. Tayler—And those who do not obey it are subject to the pains and penalties such as a church under its discipline may inflict upon its members

who disobey it? Mr. Roberts—Yes, sir, Mr. Tayler—That is the rule of the Church against the taking of plural

Mr. Roberts—Yes. Mr. Tayler—How does its force differ from the force of the rule against po-lygamous cohabitation?

lygamous cohabitation? Mr. Roberts-Not at all. Mr. Tayler-Then the disobedience of the one is as offensive to the Church as the disobedience of the other? Mr. Roberts-I should think it would

be. The Chairman-And both are of equal

binding authority? Mr. Roberts-Yes, sir.

Other witnesses testified in a similar

manner, The senior senator from Michigan (Mr. Burrows) said the other day, in his very able speech:

Let me say at the outset, touching Let me say at the outset, touching the charge that the senator from Utab-is a polygamist, and for that reason disqualified from holding a seat in this body, no evidence was submitted to the committee in support of such allega-tion, and, so far as the investigation discloses, the senator stands acquitted of that charge. The senator stands before the senate in personal character and bearing above criticism and be-yond encreach and if found discualified and bearing above criticism and be-yond reprosch, and if found disqualified for membership in this body it must be upon other grounds and from other

considerations. I wish, Mr. President, to enforce upon the minds of senators and the country that all that I have said recountry that all that I have said re-specting the personal character of Sen-ator Smoot and the purity of his life are confirmed by the senator from Michigan. What reason, then, does the senator have in insisting that Sen-ator Smoot shall be expelled from the senate? He has epitomized the ob-jections urged against him in the three following propositions:

First. That at the time of his election the State of Utah and the legislature therof were under the complete domi-nation of the Mormon hierarchy, of which he is a member, and that such hierarchy so far "interfered with the functions of the state" as to secure the election of one of its own members and an apostle, and that his certificate of election by the legislature was only the recorded edict of the hierarchy in the recorded edict of the hierarchy in deflance of the constitutional inhibition that "no Church shall dominate the state nor interfere with its functions;" Second. That this Mormon hierarchy, of which the senator is a conspicuous member, inculcates and encourages be-

lief in and the practise of polygamy and polygamous cohabitation in viola-tion of the laws of the state, prohibiting the same and in disregard of pledg-

es made for its suppression; and Third, That the senator, in connec-tion with and as a member of such organization, has taken an oath of hostillity to the government of the United States incompatible with his obligation as a senator,

I shall undertake, Mr. President, be fore I close my remarks, to show that not one of the propositions is supported either in law or in fact, and that the protestants, whose mouthpiece the seni-or senator from Michigan (Mr. Bur-rows) is upon the floor of the senate, have utterly failed to make good any gase against Reed Smoot. I shall not, however, Mr. President, discuss the propositions in the order in which they were taken up by the senior senator from Michigan. I propose to discuss the second proposition first. The Mormon hierarchy, so called, consists, as I understand it, of the president and his two counselors and the twelve, apostles. The Mormon protestants, whose mouthpiece the seni-

president and his two counselors and the twelve apostles. The Mormon Church is a religious organization, founded, as claimed by the senior sen-ator from Michigan, by religious and pure-minded men. The doctrine that has brought it into disrepute and which has caused criminal charges to be pre-ferred against many of its members is the doctrine of polygamy, which has been eliminated, as I have already said. from the Church doctrine by the manifrom the Church doctrine by the mani-festo of 1890, so that, as the Church exists now, it is a religious organiza-tion composed of a president and his two counselors, the twelve apostles, and lesser officers in the Church organized somewhat similar to other religious or-ganizations.

ganizations. The president is the supreme head of the Church throughout the world, two counselors have no direct j His

say that they have deliberately sought to mislead the senate on that import-ant subject: they have falled, as it seems to me, to discriminate between the aposites as a religious organization in the Mormon Church and the individ-ual acts of some of the members of that organization. The object and ourpoor organization. The object and purpose for which the apostolic organization ex-ists is to inculcate religious destrine into the minds of the people throughout

into the minds of the people throughout the civilized world and to lead them to espouse the doctrines of the Mormon Church with polygamy eliminated. Now, that some of the members of the organization still indulge in po-lygamous cohabitation and in their hearts believe that the doctrine of po-lygamy is of divine origin does not make the organization a criminal or-ganization. The apostles, since the manifesto of 1890, according to the testimony of all of the witnesses who have given evidence upon that subject, do not preach the doctrine of polyg-amy or encourage polygamous cohab-itation. It is not what a man believes, but what he does, that makes him a criminal. eriminal.

President, we have had an ex-Mr. President, we have had an ex-hibition here today that furnishes a splendid illustration of the position which I have just now taken. We all which I have just now taken. We all know, as was expressed by the senator from Georgia (Mr. Bacon) and others today, that there are honorable sena-tors upon this floor who as firmly believe that the confederate states had a legal right to secede and form a sep-arate and independent government as did the leaders of that great movement who put their beliefs into action and who put their beliefs into action and organized civil war. They, however, like the Mormons of today, have ac-cepted the results of the war and have come back into the Union and taken their share of the burdens and benefits of a reunited republic. Their beliefs regarding the righteousness of their cause with many of them is a firm cause, with many of them, is as firm today as it was in the bloody days from '61 to '65. That belief, however, does not make them traitors to their country, and the belief of any number of the members of the Mormon Church that polygamy is a principle of divine origin, as long as they do not preach it as a part of the doctrines of the It as a part of the doctrines of the Church, can bring no more punishment than can a senator upon this floor be punished for entertaining the principles of constitutional law that led the bril-liant leaders from the south to organize armed opposition to the general gov-ernment ernment

So much, Mr. President, for the individual belief on this subject of po-lygamy. Now, let us look for a mo-ment, if you please, to the Church or-ganization of which Mr. Reed Smoot is a member

As I-have already stated, that as is have already stated, that or-ganization as such is prohibited by the rules of the Church from preaching or rules of the Church from preaching or inculcating in any manner the doctrine that the followers of the Mormon Church have a right to and should in-duige in plural marriages. The senior senator from Michigan (Mr. Burows) quoted a number of decisions of courts of last resort in several states and text writers to establish the following doc-trine: trine:

Every person entering into a con-spiracy or common design already formed is deemed in law a party to all acts done by any of the other parties before or afterwards in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted is that by the act of conspiring together the conact spirators have jointly assumed to themselves, as a body, the attribute of individuality so as regards the prose-cution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the res gestæ and, therefore, the act of all.

I am not inclined to criticise that law. I indorse it in spirit and letter and be-lieve that it expresses the principle which governs the action of men in every state in the Union. The trouble, however, with the law which has been quoted by the senior senator from Michigan (Mr. Burrows) is that it has no application to the case of Reed Michigan (Mr. Burrows) is that it has no application to the case of Reed Smoot. This law of individual respon-sibility is based upon the admited fact that a criminal conspiracy exists and that the person who is charged with a crime is one of the conspirators; that the common object of the organization of which he is a member is to commit a crime and then whatever is done un-der such circumstances by one of the

a crime and then whatever is done un-der such circumstances by one of the conspirators is equally chargeable against the other. The senior senator from Michigan (Mr. Burrows) cited, in his very able argument here the other day in support of that doctrine, the case of Spice et al. v. the People of Illinois. Snies was the People of Illinois.

payers of that state to pay annually a certain sum for the maintenance of the Episcopal, the Catholic, the Pres-byterian, or the Methodist, or any other byterian, or the Methodist, or any other church, such a clause in the constitu-tion of Michigan or any other inde-pendent state in the republic would not be antagonistic to anything contained in the Constitution of the United States. When the members of the constitutional convention of 1787 as-sembled in Philadelphia for the pur-pose of preparing a Constitution that would unite the thirteen separate sov-creign States in one constederated for

would unite the thirteen separate sor-ercign states in one confederated re-public, it was not their intention to limit the powers of any one of those states in dealing with their own people. The purpose was to enable them, through this federal agency, to deal more effectively with foreign powers and between themselves them could be done between themselves than could be dot under the old Articles of Confederatio under the old Articles of Confederation. They proposed to, and did, leave the largest liberty to the people of each one of the separate sovereignties to determine their internal and all do-mestic affairs as the people from time to time should will. Each state was governed by its own separate constitu-tion, and that constitution could be amended or changed or absolutely de-stroyed and another one placed in its stead, just as the people willed; in ac-cordance with the terms of the char-tered instrument under which they were tered instrument under which they were then living. When they came to pro-vide for additional states to be admitted into the federal republic they gave as much liberty to the proposed new state as any of the then thirteen new state as any of the then third states possessed or should possess states possessed or should possess af-ter they had adopted the federal Con-stilution. So that when Utab became a separate and and independent state in the American republic the people of that state had the same power to adopt a constitution under the Con-stitution of the United States, and to provide, if you please, in that constitu-tion a dax to support a state church that any one of the original colonies had when it entered into the negotia-tions that led to the adoption of the Constitution of 1787. That in the whole history of the republic no state has ever resorted to that is no evidence that the power does not exist, but is a tribute to the independent thought and independent action of the people a tribute to the independent thought and independent action of the people-of the several states in forever keeping separate state and church. It was a wise consideration on the part of the fathers of the Constitution that they selves, because that power, with the people, can never be abused, as is evidenced by the history now of one hun-dred and twenty years under that Con-stitution. More than thirty states have been added to the republic, and have been added to the republic, and no one of them has ever thought fit to tax the people of the state for the maintenance of an established church. But, Mr. President, while it is true that the people of no state in this re-public have ever seen fit to make as a part of the organic law of the state any such provision as this, it is a notorious fact that the various religious denom-inations have from the earliest histo-

fact that the various religious denom-inations have, from the earliest histo-ry of the republic, taken a greater or less interest in all public questions and in the politics of the parties that have from time to time controlled the des-tinies of the republic. Not only that, but men have combined outside of re-ligious organizations to control citles and states and the republic itself. If organizations, religious or other-wise, are to be condemned because they are interested in politics, where would the senator from Michigan himself be today? He belongs to a great political organization that has for its object the controlling not only of the destinies of controlling not only of the destines of the state that he so ably represents in this body, but it has the ambition to, and has, as a matter of fact, for more than forty years, controlled the desti-nies of this republic itself. Is it any

nies of this republic itself. Is it any worse for members of a religious or-ganization in any state to prefer one of their own number as a United State's senator than it is for a political or-ganization in the state of Michigan to prefer the senior senator from Michi-gan as their representative? If we are to embark upon criticisms of this char-acter, where can we ston?

acter, where can we stop? It is a conceded fact, Mr. President, that the Mormon people outnumber in that the Mormon people outnumber in the State of Utah any other religious sect, and, indeed, they outnumber all other inhabitants of the state. Is there anything unnatural, then, that in an election looking to the selection of a man for United States senator to represent the interests of that state in this body the majority of the people would prefer to have a man not only in sympathy with them from a political standpoint, but a religious standpoint as well? The Mormon people in the State of Utah, in doing what is charged by the senior senator from Michigan by the senior senator from Michigan (Mr. Burrows), have not only not com-

publicans in the legislature, Mormons

publicans in the legislature. Mormons and non-Mormons, and was opposed by the Democrats in that body. Mor-mons and non-Mormons. Mr. President, the next proposition that was made by the senator from Michigan, advocating the expulsion of Senator Smoot from this body, was that the senator, in connection with and as a member of such organ-ization, has taken an oath of hostil-ity to the government of the United States, incompatible with his obliga-tions as a senator. It is conceded, I think, by the sen-ator from Michigan that as an apostle Senator Smoot was not re-quired to and did not take an oath, and that his relations with the Mor-mon Church, so far as that is con-ceded, are the same as that of a lay member.

ceded, are the same as that of a lay member. I remember that in the testimony of Mr. Critchlow, who was one of the lawyers from that state who came here to aid the protestants against Senator Smoot taking a seat, he made the statement that his position was no different from that of a lay member of the Mormon Church. So I wish to get fully before the minds of the senate that neither the senator from Idaho nor the senator from Michigan nor any of the advocates of the ex-pulsion of Senator Smoot from this body claim that the oath he has tak-en which would disqualify him is an oath that was taken as an apostle of the Church, and that had a lay mem-ber of that Church come here he would be under the senator from Ulab by the Senator from Michigan would be under the same disability that is urged against the senator from Utah by the Senator from Michigan, if he had gone through the endow-ment house, and that the oath that is here referred to in this third proposi-tion is a senator of the senator of the senator. here referred to in this third proposi-tion is not an apostolic oath, but what is known as the "endowment oath." If any person ought to know whether Senator Smoot has taken such an oath, he himself is that person. He was a witness in his own behalf be-fore the committee on privileges and elections and was questioned upon this very subject. He stated that he had taken the endowment oath when this very subject. He stated that he had taken the endowment oath when a mere boy and gave the circum-stances under which the oath was taken. His evidence is that there is absolutely nothing in that oath of the character oharged by the senior senator from Michigan [Mr. Burrows]. He further stated that not only was it no oath of hostility to the govern-ment of the United States or incom-patible with his obligations as a sen-ator, but that it was purely of a re-ligious character without reference to the obligations that he assumed in this body when he took the oath of office. It is conceded not only by the senior sengtor from Michigan that senior sengtor from Michigan that Senator Smoot is an honorable man, but by every person who has had any-thing to do with the protestants bething to do with the protestants be-fore the committee on privileges and elections. He says, under the solem-nity of an oath before our committee, that there is nothing in the endow-ment oath that interfered with his taking the oath that he did in this body as a senator of the United States, and that he is untrammeled, so far as that oath on the contention with the that oath or his connection with the Mormon Church is concerned, in giv-ing absolute fealty in every respect to the government of the United States. If, Mr. President, there were States. If, Mr. President, there were no other testimony in the case on be-half of Senator Smoot than his own, I think it should be enough to satisfy senators, especially in view of the fact that for three years they have noted his conduct as a senator and have seen in him nothing but the high character that all accord him— that his word should have a control that his word should have a control-ling force and effect on this question. The testimony, however, that has been offered upon this branch of the ling The been offered upon this branch of the case by those opposed to Senator Smoot is of a character that would receive but little consideration in a court of justice. Of all the witnesses who testified before our committee there were only seven who made any pretense of testifying about such an obligation. The testimony of these witnesses is all of a vague and in-definite character. The witnesses themselevs are untrustworthy or dis-reputable in character, and the seven combined would receive but little concombined would receive but little con sideration in any court of record in any of the states of the republic on any question that involved even the

mons. With a Church membership of more than 300,000, in 1590 it was ascertained by a careful census that there were 2,451 polygamous families. Since the manifesto of 1890, as I nave already shown, the plural martiages that have taken place in the Church have been exceedingly few in number. They have been sporadic and probably do not exceed in number. They have been sporadic and probably do not exceed in number. They have been sporadic and probably do not exceed in number. They have been sporadic and probably do not exceed in number. They have been sporadic and probably do not exceed in number. These polygamous families were all formed prior to the manifesto of 1890. When they were entered into the par-ties taking on these relations believed that they were justified in the sight of God and man, children were reared under such conditions; and, as I have already shown, the laws of our coun-try have legitimized these children. The problem that confronted these men who had plural wives after the laws of Congress had legitimized their children by their plural wives was, What should be done with the moth-ors of their children? Should they be driven into the street penniless and uncared for, or thrown upon society in the anomalous and unenviable po-

be driven into the street penniless and uncared for, or thrown upon society in the anomalous and unenviable po-sition that, they would hold? Or should these men who, when they took them as piural wives, believed, as did the women, that the relation was sanctified in the sight of God, and that it was pure and exalted by religious approval, care for them?

and that it was pure and exalted by religious approval, care for them? The concensus of opinion in the State of Utah among the Gentiles as well as the Mormons was that if the husbands of these plural wives cared for them, without flaunting such re-lations in the face of the public, it would be better to let them care for them along with the children these women had borne them and let time find death solve the ulimate problem of the extinction of polygamy in the Mormon Church. Mormon Church.

Mormon Church. The leading citizens of Utah who were non-Mormon not only acquies-ced in this solution of the problem, but they gave it their sanction by word and act. I denounce any so-called plural marriages since the manifesto of 1890 in as strong terms as does the senator from Michigan [Mr. Burrows]; but, Mr President I want senators and I

Mr. President, I want senators and want the people of the country to u derstand that since 1890 there h been an honest effort on the part the Mormon people to live up to the laws of the land and live up to that manifesto issued by the head of the

Maintested used of the field of the Mr. Burrows—Mr. President. The Vice President—Does the sena-tor from Illinois yield to the senator from Michigan?

Mr. Hopkins-Certainly. Mr. Burrows-May I ask the sen-ator if, when he states that there has been an honest effort made to live

up to the manifesto, he does not los

up to the manifesto, he does not lose sight of the fact that at least five of the apostles have taken new wives since the manifesto? Mr. Hopkins—Mr. President, I thank the senator for calling my at-tention to that. One would suppose from the position taken by the senator from Michigan and by the senator tor from Michigan and by the senator from Idaho that not only five apostles had taken plural wives, but that they were multiplying these plural mar-riages as they did before the manifes-to of 1890. Can the senator from Michigan tell me the number of plur-al marriages in the Mormon Church since 1890? Mr Burrow—The number is shown

Mr. Burrow-The number is shown

in the evidence, but I do not now exactly recall it. Mr. Hopkins—I have it. Mr. Burrows—But there have been

everal. Mr. Hopkins-I am going to answer

the senator on that, Mr. Burrows—A number of them have taken plural wives, Mr. Hopkins—I am going to discuss

that fully. Mr. Burrows-It does not follow Mr. Birrows—It does not follow from that that others are taking plur-al wives, but it is true that the head of the Church and some of the apos-tles have indulged in plural marriage since the manifesto. One thing more. I should like to ask the senator if the other people are called upon to take care of their wives as a humane act? Is there any reason why they should continue to cohabit with them and increase the number of the offspring? Mr. Hopkins—I will say to the sen-ator that on that proposition I will give him the answer of the head of the Mormon Church, which is found in the evidence. It is not necessary for me to make answer to that pro-position. That very question was put to the head of the Mormon Church, who has had a number of children born since the manifesto, and I sub-

arry of any character belonging to the Mormon Church within the limits of the United States. The alleged tak in a fight of plural wives among the agos i be of plural wives among the agos of the initis of our own country. This is enough to along whe country. This is enough to along the their cheir chore, and the initis of our country the initis of our country for on the first their cherry peoperating the laws of the Mormon Church, but that they had left their Church, but that they were not only violating the laws of our country to consummate this relation the Mormon Church, but the Mormon Church, but the Mormon church with as the senator from Illinois yield to the senator from Illinois yield to the senator or punish any of these polyatmists that on this adulterous relation that and the Mormon church has undertaken or punish any of these polyatmists that the will allow me, if the Mormon church has undertaken the Mormon church will answer my fried from Hommer-I will answer my fried from the Mormon church has undertaken and the my and from the Mormon church has undertaken and the Mormon church has undertaken and the from the Mormon church here the more and t

to punish any of these polygamiss for entering into this adulterous rela-tion? Mr. Hopkins--I will answer my friend from Idaho by saying that the other day I read in a newspaper this a member of a religious organization in one of the vestern states had com-mitted the crime of bisarmy. I ask the senator if he knows whether the members of his church have prosent ed that man. One question is as fair as the other. It is not necessary in order to clear the skirts of Read Smoot, or any any Mormon in the Church, that he should prosecute a person for commi-ting a crime. The obligation is upon the senator himself with the same degree of responsibility as it is upon any member of the Church. If he knows that a mat has violated the law It is his duty, ac-cording to his own code of ethics, to present that evidence to a grand fur to have them indict him. Has he gone grand jury in the State of Utah or his Salt Lake City? Mr. Dubois--But the people of the:

Mr. Dubois-But the people of Utah have gone, and the courts of Utah have paid no attention to the presentation, and it is useless

and it's useless. Mr. Hopkins-Where a crime is com-mitted and nobody follows it up the criminal goes unwhipped of justice That is true outside of the Mormon Church as it is true inside of the Church: and if they had legal evidence of any of these apostles taking plural wives, why have they not prosecuted them instead of coming here and seek-ing to punish a man who has done more than anythousand peoplein this country to stamp out the crime of polygamy. They are trying to punish a man who has shown that he possesses the quali-ties of heart and head to do all in he power to stop this crime, and yet be-cause some members of the rest. ties of heart and head to do all in his power to stop this crime, and yet be-cause some members of the Church vio-late the law, these honored senators say that he should be expelled from the senate of the United States. Mr. Beveridge-Mr. President-The Vice President-Does the senator from Ulinois yield to the senator from

from Illinois yield to the senator from Indiana?

Indiana? Mr. Hopkins-I yield. Mr. Beveridge-In answer to the sen-ator's question, whether the senator from Illinois could cite an instance where there had been any pumisment by another Mormon of Mormons for having entered into polysamous rela-tions. I have not read the testimony re-cently, but the senator has, and I call his attention to a case, as I remember it, when I was present when the test. his attention to a case, as I remember it, when I was present when the test-mony was being taken. I believe it was a bishop of a stake by the name of Har-mer, who had taken another wite, and the attention of the senator from Utah, not then a senator, was called to it. The bishop himself went to Prov. the home of the senator from Utah how the a senator and told bin shee it. The bishop himself went to Prov the home of the senator from Unh not then a senator, and told him about this thing, about which there was a great deal of rumor. The upshot of the whole matter, as I remember the testimony—and the senator from Ill-nois will know about what it was-was that on his way home from Prove this bishop of the stake, who had en-tered into relationships with more than one woman, was arrested by the shaff, and was prosecuted and finally set to the penitentiary. I do not know wheth-er that is correct or not, but that is as I remember it. Mr. Dillingham—He himself testified to it.

to it. Mr. Beveridge-The senator from

Vermont suggests that it was the bish-op himself who testified to that fact. Mr. Dubols-If the senator from fillnois will pardon me, I will show the difference. Bishop Harmer was not married to the second woman. He was mit that answer, not only to the sena married to the second woman. He was living with her in a purely adulterous relation. Therefore the Mormon Church made an example of him. Had she been married to him as a second wife, they would not have interfered, because they never have done so. Mr. Beveridge-Then, the senator's suggestion is.

Mormons and adopted by them, and in the following years again adopted by the Mormon Church, and thus became a part of the fundamental law of the Mormon Mormon

Mr. President, it appeared in evidence

Mr. President, it appeared in evidence during the hearings before the commit-tee on privileges and elections that a plural marriage could be valid in the Mormon Church according to the laws of that Church only, when celebrated by the president or by somebody author-ized by him to celebrate it. This manifesio, which was issued in September, 1890, by President Wood-ruff, was adopted at general confer-ence of the members of the Mormon Church Oct. 6, 1890, and thereby be-came a part of the fundamental law of the Church. It can not be repealed or modified except by the action of a sim-liar conference. modified except ilar conference.

Senators will thus see that since the adoption of the manifesto a plural mar-riage is in violation of the laws of the Mormon Church as it is a violation the laws of the federal government. By its adoption the president of the Church himself cannot perorm a legal plural marriage, and what he cannot do he cannot authorize anybody else to do, so that, as I have said, there can be no blural marriages under the laws of the Church since the manifesto of 1890. Any man who has taken a plural wife since then has not, under the laws of the Church, made her his wife. The relation is an adulterous one, punishable both under the laws of the Church and

the laws of the land. This was sworn to by President Jo-seph F. Smith. During the course of his examination by Judge Tayler, this question was propounded by him:

Mr. Tayler-Is the law of the Church Mr. Tayler-Is the law of the Church, es well as the law of the land, against the taking of plural wives? Mr. Smith-Yes, sir; I will say-Mr. Tayler-Is that the law? Mr. Smith-I would substitute the word "rule" of the Church. Mr. Tayler-Rule? Mr. Smith-Instead of law, as you put ft

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Mr. Tayler-Very well. Then to take plural wife would be a violation of the rule of the Church?

Mr. Smith-It would. Mr. Tayler-Would it be such a vio-lation of the rule of the Church as would induce the Church authorities to take it up like the violation of any other rule would do? Mr. Smith-It would.

Mr. Brigham H. Roberts testified that the was born in England and came to this country when a boy; that he held the official position of one of the presidents of the seventies in the Mormon Crurch, and, in addition to that, that the wone of the assistant historians to Church, and also an assistant to President Smith in an organization to President Smith in an organiza-of young men, an auxiliary organiza-of young men, an auxiliary organiza-tion of the Church; that as an author tion of the Church; that as a the tion of the tio

he had written a blography of John Taylor, "A New Witness for God," "Outlines of Ecclesiastical History," and other works. In speaking of the force and effect of the manifesto issued by President Woodruff and adopted by the Mormon Church in two of its annual sonferences, he said:

regard the manifesto as an admin is return act of the president of the Unurch, accepted by the Church, and of binding force upon its members. But I regard it as an administrative act which President Woodruff, holding in his own hands the direct authority

two counselors have no direct power other than to advise and counsel with him when called upon. The twelve apostles, who form a part of the hier-archy, have uo temporal authority and no religious authority outside of preaching the gospel. Any member of them, however, can be, and frequently is, given certain powers and authority in the Church by the president. These apostles are also consulted by the presiin the Church by the president. These apostles are also consulted by the presi-dent in Church matters whenever he has occasion to call upon any one or all of them, relating to any Church

matter. It is made perfectly clear in the testimony of Mr. Talmage and every other Intelligent witness who gave evidence on this subject that the Church organ-Intelligent witness who gave evidence on this subject that the Church organ-ization is primarily and wholly for the religious betterment of mankind. Among other things that Mr. Talmage said in the course of his testimony be-fore the committee on privileges and elections was the following:

Mr. Talmage—The first presidency, as I have stated, is composed of three high priests, who are known as the presiding high priests over the Church The quorum has general direction of all Church affairs throughout the world. The quorum of apostles has no juris-diction as a guorum nor has any mem-The quorum has general direction of all Church affairs throughout the world. The quorum of aposties has no juris-diction as a quorum, nor has any mem-ber-that is, any individual apostle-any jurisdiction personally in the or-ganized stakes and wards of the Church while the first presidency is acting, except as the individual apostle or the quorum may be directed to take charge and exercise supervision for the time being in any part. In other words, the quorum of apostles is not a quorum of local presidency in any sense of the term, and the apostles operate in the term, and the apostles operate in the trans authority at all in the matter of enforcing any command or counsel or requirement. Indeed, they have no authority to make or to enforce such. If it were made, unless they act, as I said, by special appointment as repre-sentatives of the first presidency. As a representative, by special appoint-ment, of the first presidency. As a representative, by special appoint-ment, of the first presidency any high priest could act, if so called, F t the apostles have a specific work that is required of them. Mr. Worthington-Now, what is that? Mr. Talmage-That is the work perby them.

Worthington-Now, what is that?

Mr. Talmage-That is the work per-alning to missionary labor, particular-y outside the organized wards and takes. Mr. Worthington-Their principal du-ty is that of missionaries outside of or-ganized stakes? Mr. Talmage-Yes, sir.

This is the "criminal body" that it is This is the "criminal body" that it is charged Senator Smoot is a member of: and because of that membership it is indiscussion of the protestants and by the senators who have already spoken against Senator Smoot that he should be expelled from this body. I undertake to say, Mr. President, that there is no evidence that was taken before the committee on prior

Senator Smoot of his seat in this body. If that principle were to prevail in the spirit and letter with which he has argued it, it would, in one form or au-other, vacate nearly every seat in this body. The substance of the charge that he has formulated is that a mem-ber of the Mormon Church will vote for a Mormon to hold a political office in preference to a person living outside the fold of the Church. That is the charge, stripped of the verblage with which it is surrounded, in the proposi-tion put by the senior senator from Michigan. I wish to call to the attention of the senators that there is nothing in the taken before the committee on privi-eges and elections that supports the charge that the apostles, as a religious organization, is a criminal organiza-lon. There is no testimony that thar can be found within the cov-ers of the four volumes of testimony that I have here before me, which includes all of the coldence which was heard before the committee found the f which was heard before the committee on privilegés and elections, that even ends to support the allegation so woodly made by the senators who seek to expel Reed Smoot from the senate of the United States. I will not say, Mr. President, that they have wilfully misrepresented the evidence; I will not

constitution of the United States that prohibits a state from having an es-tablished church. If the people of the state of Michigan can revise their state constitution so as to sequire the tax-

lection. I am somewhat surprised that a law a builty and a man of the

senator from Michigan (Mr. Burrows) should submit a proposition of that character as a reason for depriving Senator Smoot of his seat in this body.

mitted any crime, but they have fol-lowed the principles that govern men in all conditions of life and in all of the different religious denominations. Do not two Baptists-other things bev. the People of Illinois. Spies was indicted and convicted of murder of one Degan, who was killed by a bomb thrown by a fellow-conspirator of Spies at a time when Spies was not present. This doctrine, which I have already quoted from the text writer, was in-voked in the courts of Illinois, and it was charged that he was equally guilty with the constrator who these the Spies was ing equal- feel a little more kindly to ward each other than they do toward two Presbyterians or two Congrega-tionalists? If any favors are to be extended—other things being equal— will not one Babtist favor another with the conspirator who threw the bomb. Before Spies could be charged with criminal offense the state of Illi-nois was required to show that he was a member of an organization known as will not one Babtist favor another rather than a heretic in religion? The charge, however, made by the senior senator from Michigan (Mr. Burrows) as to the dom-ination of the Mormon Church the "International Association of Chi-cago," having for its object the over-throw of the law and the destruction that these members had advocated the use of bombs and dynamite in any form against the government of the city of Chicago and the state of Illinois and

(Mir. Burrows) as to the dom-ination of the Mormon Church in all political affairs in Utah, is de-nled by Senator Smoot and by a large number of witnesses who appeared before the committee on privileegs and elections, and it was shown by these witnesses that in Mormon com-munifies where the Mormon vote Chicago and the state of Illinois and the federal government. It was a body reeking with crime, and Spies was one of the leaders of this organization. The conspirator, in throwing the bomb and killing Degan in the city of Chicago, was simply carrying out in spirit and letter the instructions of the organiza-tion of which Spies was a prominent member. Under these conditions the trial court held that he was equally guilty with the bomb thrower in the murder of Degan. This law, however, Mr. President, can have no more application to Reed Smoot than it can have to the senator from Michigan himself, for the reason, as I have stated, that the Mormon munities where the Mormon vote largely outnumbered the opposition, candidates who did not believe in the doctrines of the Mormon Church were elected to responsible offices. Mem-bers of the supreme court of the state have been anti-Mormons, and mem-bers of the legislature and various here of the legislature and various state officers have been pronounced anti-Mormons. My honorable friend at my right [Mr. Sutherland] all his life has not only not been a member of the Mormon Church, but in time and out of time he has publicly and privately denounced plural marriage and polygamous cohabitation, and yet we find a state, with a majority of Mormons in it, sending that gentle-man here to represent it in this body. If it were the fact, as argued to us the other day by the senior senator from Michigan, that every office, from the lowest to the highest, within the State of Utah is controlled absolutely by some member of the Mormon Church, then this condition as shown by the testimony before the commitas I have stated, that the Mormon apostles, as an organization, have not been shown to be a treasonable orga-nization or an organized conspiracy to overthrow any of the laws of the state overthrow any of the laws of the state or country. That some of the apostles have plural wives is a poor argument to be urged for the unseating of Senator Smoot. That officers high in the Mormon Church violate the laws of God and man is a matter of the deepest concern to every fair-minded man in the coun-try; but it furnishes a poor excuse for senators to inflict punishment upon an innocent man simply because he be-lieves in a religion that is advocated by them. Church, then this condition as shown by the testimony before the commit-tee on privileges and elections would not exist, and no man who did not acknowledge fealty to the Mormon Church could hold any office, either of high or low degree. I could, had I the time, present to the senators a long list of names of men who are anti-Mormons and who since the ter-ritory became a state have held im-portant local and state offices. The people of Utah are divided. I now come to consider the first point

the senator made as a reason why he proposes to vote to expel Senator Smoot. As I have stated, it is, in substance, that the State of Utah and The people of Utah are divided not on religious lines, but on indus trial and economical lines. Senato divided not on religious lines, but on indus-trial and economical lines. Senator Smoot is a pronounced protectionist, and the majority of the people of that state are of his failth on this industrial question, as are the ma-jority of the people of the state of Michigan of that belief politically: and it was, as I gather from a careful examination of the testimony, upon this branch of the testimony, upon this branch of the case as presented to our committee that Senator Smoot was selected, because he more nearly represented the views of the major-ity of the people on all industrial and economical questions than his oppon-ent. He was selected to represent his state in this great legislative body. Think I am safe in saying, Mr. President, that neither the majority in this senate nor the people in the county will indorse the views of the senator smoot should be deprived of his seat in the senate because a ma-jority of the people of the State of Utah are of the same religious faith as hiself and voted for him in pref-erence to his opponent. The legislature that elected him was composed of Mormons and non-Mor-mons. He was elected by the Resubstance, that the State of Utan and the legislature were under the control and domination of the Mormon hier-archy, of which Mr. Smoot is a mem-ber, and that this hierarchy secured his Senator yer of the ability and a man of the scknowledged intelligence of the senior

the senate to the testimony of Mrs. Elliott, who was brought here from Utah to testify regarding this oath. Utah to testify regarding this oath. In order to qualify herself to make a proper showing before the commit-tee, the senate, and the country, she was asked various questions regarding her own record. She testified that she was living with a second husband; that her first husband was dead. She stated when he died, and that after she had lived as a widow for some time, she again married. When the respondent produced his witnesses the first husband of Mrs. Elliott was brought here, and he said he was not only not dead, but that he had been a only not dead, but that he had been a very live man ever since he and his wife had separated; that he had cor-responded continuously with his chll-dren, who were with their mother, and that she knew when she testified that he was living and well. Can any-bodly take evidence of that character to impeach the character and standto impeach the character and stand-ing of a citizen like Senator Reed Smoot? Senator Smoot is corroborated in

ess, then, should they receive con-sideration here where the rights of a great state are involved, in addition to the reputation of one of the lead-

ing citizens of that state. As an illus-tration of the character of these seven witnesses I challenge the attention of

his testimony by that of all of the leading witnesses who gave testimony on that subject. While most of them declined to give the endowment oath, they gave as the endowment oath. they gave as their reason for such de-clination that it was a secret religious obligation. The same reasons that influence a Mason from revealing the oaths that are taken by a member when he takes the different degrees in that great secret organization influ-enced these witnesses in declining to give this religious obligation. But each witness was explicit in stating that there was nothing in the obliga-tion that indicated hostility of the government of the United States. In numbers and character these wit-nesses overshadowed the testimony of the witnesses who had sworn to such an obligation. they gave as their reason for such dean obligation.

no obligation. No person, as it seems to me, who can properly analyze testimony can take the evidence that has been of-fered upon this proposition and ar-rive at any other conclusion than that Senator Smoot is right and truthful when he says that he has never taken an obligation that is incompatible with his duty-to the government of the United States or that would influ-ence him as a senator in this body. I have not the time to take the tes-timony of each witness and read it

timony of each witness and read it to that senators can see that the con-clusions that I have reached upon this testimony are not only logical but ir-resistible.

The report signed by the senior sen-ators from Ohio and Indiana [Mr. Foraker and Mr. Beveridge] and the

ators from Onio and Indiana [Mf. Foraker and Mr. Beveridge] and the junior senators from Vermont and Pennsylvania [Mr. Dillingham and Mr. Knox] with myself contains a careful analysis of the testimony on that subject, and I commend it to any doubting Thomas in this body. If such there be on this question. The oath that was taken by Sena-tor Smoot when he became a mem-ber of the senate of the United States supersedes any osth that he may have taken at any previous period in his life. It was taken without any men-tal reservation, and his whole course in the senate has shown that no ob-ligation that he has taken in life, so far as influencing his conduct, is in conflict with his duty as a United States senator. I shall therefore. Mr. President, pursue this line of thought no further. There are, however, some question that I desire to discuss brief-ly before I close my remarks.

Is before I close my remarks. There is a great misunderstanding in the public mind regarding the ex-tent with which polygamous cohabi-tation is practised among the Mor-

but to senators in this body and

to the public generally. Now, Mr. President, to come back to my proposition. Mark you, this manifesto was in 1890, 16 or 17 years manifesto was in 1890, 16 or 17 years ago. How many plural marriages have there been since that time? We have here, as I have said, four vol-umes of testimony. They have raked the entire Mormon Church from Mex-ico to Canada, and throughout the mountainous states: they have taken every case that they could find, whether the evidence warranted it or not. I have gone through the teswhether the evidence warranted it or not. I have gone through the tes-timony, and I find that during the 16 or 17 years since the manifesto, on their own showing, there have been only 20 so-called "plural mar-riages"—a little over one a year in a population of 300,000. Take the same population in almost any part of the country and there would be nearly the same number of bigamous marriages. The evidence does not warrant the conclusion that there have been even

marriages. The evidence does not warrant the conclusion that there have been even 20 of these marriages. I base my statement as to the number upon the contention of the protestants them-selves, but when you come to sift the evidence it absolutely fails, and if the law that governs testimony in actions dealing with property and lives in the courts of our count — ore to be in-voked, they could not show five cases of this kind. The senator has suggested that five of the apostles have taken plural wives. I met that proposition when I showed that if these men had vio-lated the law, the apostles and the Church itself did not preach the doc-trine of polygamy. I met that when I showed that this manifesto is sent out by the missionaries, is scattered broadcast in the Church, and is ac-quiesced in as one of the doctrines of the Church today. That one in-dividual or five individuals violate the law can not make a criminal out of a Church of 500,000 people. That one man or five among the apostles vio-late the daw can not make Reed Smoot a criminal, any more tiap the senator from Michigan would be a criminal because some senator sit-ting near him might violate the law. a criminal because some senator alt-ting near him might violate the law. Reed Smoot has no control over the individual actions of the apostles any more than the senator from Michigan

more than the senator from Michigan has control over the individual ac-tions of the senator from Colorado. Mr, President, as 1 have said, it is not my purpose to take up very much more time of the senate in the discussion of this question. Mr. Fulton--Mr. President. The Vice President--Does the sena-tor from Illinois yield to the senator from Oregon? Mr. Honkins--Yes. Mr. Fulton --The senator may have explained. hit's I did not understand him if he dil, whether in the case of the 20 polygamous marriages which have been celebrated since 1899 the ceremony was performed by the Church, in all of them or any of them?

them? Mr. Hopkins—I am very much obliged to the senator for calling my attention to that. Under the rules and regulations of the Church a plur-matriage, even in polygamous al marriage, oven in polygamous days, was not a legal marriage, un-less it was performed by the presi-dent of the Church or by somobody designated by him. Since the manifesto of 1890 neither the president nor any other official of the Church has authorized a plural marriage, and none has taken place in a Mormon church or in a sanctu-

suggestion is-Mr. Hopkins-Right here let me says

Mr. Hopkins-Right here let me say a word. Mr. Beveridge-Yes. Mr. Hopkins-I have shown, M. President, that there can not be it the Mormon Church today the taking of a plural wife. That is an impossibility under the law of the Church and the relation is an adulterous one, just as stated by the senator from Idaho? Mr. Beveridge-And the suggestion of the senator from Idaho in answer is that the reason why they deposed him from his religious office and the reason why they sent him to the pontentiar

why they sent him to the penitentiary for a criminal offense is that he did not

Mr. Dubois-Exactly: precisely. Mr. Beveridge-Then, according u that, the senator from lidaho must g on and show that it is the habitat practise to persecute people out the if they do not contract polyganese marriages, which, of yourse, is reduce A Absurdum.

Mr. Sutherland-Mr. President-The Vice President-Does the senter from Illinois yield to the senator from Utah 1

Mr. Hopkins-Certainly. Mr. Sutherland-If the senator from Mr. Sutherland—If the senator row lillhoits will permit me, I will state that I am pretty familiar with the Harmer case referred to, although I do not not recall precisely what the evidence showed bout it. Mr. Harmer will a bishon in the conte

recall precisely what the analysis of the second showed bout it. Mr. Harmer was a bishop in the courty in which my colleague it was to very clearly shown when he was arrested that he had gone to Mexico an had married his plural wife there. By the way, Utah has a law, upon the abject of polygany, forbidding and purishing it. Mr. Harmer could not be prosecuted under the law of the state of Utah becauge the offense was not committed in that jurisdiction. The only thing for which he could be prosecuted was the crime of adultery. He was prosecuted for that. Mr. Beveridge-And sent to the penitorial sector is a state of the st

Mr. Sutherland-Not only is that the Mr. Sutherland-Not only is that he fact, but I happen to know consching further about it. My collesgue himself spake to one of the civil officers of the county, the sheriff of the county, whom I know vary well. The sheriff of the county investigated the case. This sheriff was a Mormon. This man was arcested. He was prosecuted by a Mer-mon district attorney and was convis-ed before a Mormon judge and sen so the penitentiary for 18 months. This is the history of the case. Mr. Beveridge-Upon the original is-formation of the senator from Uah himself. Mr. Sutherland-Yes. Not only that. but, as I am informed and as I have every reason to believe is the fact, aft-er this man had been in the penitentia-ry for something less than a year, an effort was made to secure his pardon

er this man had been in the peniferia ry for something less than a year, an effort was made to secure his pardon, and a petition was presented to my colleague, who declined to sign it, fit declined to ask for the man's parloa. As I say, I do not recall what he evidence was, but I state what I know about it because I happened to reside in Utah county at the time, within str mittees of where it happened. Mr. Hopkins-I thank the sentor for giving us the information he has upon