

Re-cross-examination by Smith.

Q. How long have you lived in Utah? A. Since 1860.

Q. You were there when the law against polygamy was enacted in 1862? A. Yes, sir.

Q. And you were there again when another law against the same subject was passed and enacted in 1874? A. I don't know of any such law on polygamy.

Q. Do you remember the law passed in relation to the jury system? A. Yes, sir, I remember that; but that pertains to the jury system, it was not to punish polygamy.

Q. Will you tell us how you reconcile your conduct in marrying a wife four or five years ago, with the knowledge of the fact that Congress had then passed the Edmunds law, and that the law of 1862 had been upheld by the highest court in the land? A. Yes, sir, it was for many years after as it was before, a dead letter on the statute book, and I stated repeatedly that whenever we had instructions given us by the Apostles and leading men and voted on these instructions and received them in the conferences and ward meetings, that they became a law of guidance for us, and up to this time there had been no such instructions and no such vote taken, but since that time there have been such instructions given and such vote taken.

Q. Then this revelation means this, "That the Mormon people will obey this law when they wish to, not when it is enacted?" Objected to. Overruled.

Q. I understand you they do not accept revelations till they are accepted in conference? A. Yes, sir, and then it is binding upon the members.

Q. And not till then? A. Yes, sir, under the instructions that are given.

Q. You do not claim that any law is binding upon you; any law passed by Congress? A. Yes, sir, I do; I know that if I break the law I must take the consequences.

Q. You stated that plural marriage was not enjoined upon the members of the Church as a duty? A. No, sir; not as a duty arising from membership.

Q. Is it then enjoined as a duty at all? A. I don't think it is at all.

Q. Was there any greater promise or reward promised to a man who entered into polygamy, in heaven, than to a man who did not? A. The revelation speaks for itself. It is the best evidence on that point.

What does the Church teach upon that subject? A. I have heard President Young teach that a man's family was properly his kingdom, so to speak, and that if he had more than one wife his kingdom was enlarged. I have heard him say so.

Q. The greater the family the greater the glory? A. Well, it is the greater the responsibility, certainly.

WILLIAM BUDGE

Being duly sworn for the plaintiff testifies as follows:

Q. You are the president of Bear Lake Stake, an organization of the Mormon Church in Idaho? A. Yes, sir.

Q. How long have you occupied that position? A. About ten years.

Q. What are your duties in regard to that position? A. My duty consists in the general supervision of the wards.

Q. How many of these small ward organizations are there in your stake? A. I believe there are about eighty.

Q. Paris is one of those wards? A. There are two of them in Paris.

Q. The plaintiff in this case resides in one of these wards? A. Yes, sir.

Q. He is a member of one of these ward organizations? A. Yes, sir.

Q. How long has he been a member? A. About ten or twelve years.

Q. Do you know whether or not the organization of the Mormon Church to which Mr. Woolley belongs teaches, advises, counsels and encourages its members or devotees to commit the crime of polygamy or any other crime resulting from membership in the Church? A. It does not, sir.

Q. Did it ever teach any of its members to commit such crimes as a duty arising from membership? A. No, sir.

Q. Under what circumstances, if at all, I will ask you first—has the crime of bigamy or polygamy ever been practiced—that is the commission of—in the Territory of Idaho as far as you know? A. It has not.

Q. I suppose there are persons who occupy that status in the Territory of Idaho? A. Yes, sir.

Q. But the marriages were celebrated somewhere than in Idaho? A. Yes, sir.

Q. I will ask you to state to the court whether there have been authoritative instructions and if so when, that any teaching of this crime should not be given? A. To myself?

Q. Or any other person? A. Yes, sir, there have been instructions given at different times, during the last two years. Some against the people teaching, encouraging any person to commit such crimes.

Q. Was done by recognized authorities in the church? A. Yes, sir.

Q. At such teachings have been possibly forbidden? A. Yes, sir.

Q. He taught either privately or public? A. Yes, sir.

Q. But can you say to the Church, any promises to any of its members to enter into polygamy? A. They not give any promises now or ever as far as my knowledge extends.

Q. Either here or in Utah? A. No, sir, not as far as I know.

Q. What your knowledge as to that in the case over which you preside? A. I've not given any permit to any person to practice polygamy or

bigamy during the last two years at least.

Q. I should like you to state to the Court whether this fact has not been made known to the members of the Church in your stake. A. Yes, sir, I believe it is generally known.

Q. What if anything in that regard has been done? At your quarterly conferences, in the preachings at your ward meetings, has this doctrine been taught to your knowledge? A. It has not been taught.

Q. It is not now being taught? A. No, sir.

Q. How long have you been a member of the Church? A. Within a few months of 40 years.

Q. You may state to the court the nature of the doctrine as it was formerly taught by the Church; that is, what was the nature of the doctrine, and under what circumstances might a person enter into polygamy? A. The revelation which has been read on that subject has reference in its instructions to celestial marriage, not necessarily plural marriage, in fact very seldom plural marriage; the instructions govern single marriage; that is, marriage to one wife only, as well. The instructions in that revelation have reference to the new covenant or law that is referred to in that revelation; it refers to the authority and nature of the ceremony. A person, having one wife, if married by that law, and according to the instructions given in that revelation, marries that wife as a celestial marriage. It is a celestial marriage just as truly as if he married a second or third. The instructions in that revelation have reference to the nature of the law; not to the plural marriage, though a man might marry a plural wife under the same law.

Q. I will call your attention to this, "Behold I reveal to you a new and everlasting covenant; and if ye abide not that covenant then ye are damned; for no one can reject this covenant and be permitted to enter into my glory." (Read paragraphs 4, 5, 6 and 7 of section 132, page 463). Is that what you understand by the new and everlasting covenant, that if a man marries one wife and enters into a covenant with her to be her husband for time and eternity and according to this ceremony, would that be the obedience to this everlasting covenant? A. Yes, sir.

Q. Referring to paragraph 61—I will read it—

"And again as pertaining to the laws of the Priesthood, if any man espouse a virgin and desire to espouse another, and the first giveth her consent, and if he espouse the second and they are virgins, and have vowed to no other man, then is he justified." Do you understand that as a command, or simply as a justification or a privilege under some circumstances? A. The wording of that paragraph gives the reason.

Q. According to the law of the Church he is simply justified? A. Yes, sir, under some circumstances.

Q. You heard the testimony of Mr. Nibley who stated that it is necessary for persons to obtain permits before they can enter into that relation or marriage? A. Yes, sir, that is so.

Q. Then it is never taught as a duty arising from membership or otherwise? A. No, sir.

Q. You may state what proportion, if you know, what membership in this church are or do now occupy the status of polygamists? A. In answer to that question I will but repeat the statement of Mr. Nibley, which is the result of a careful investigation of the subject, as he said, it is about one per cent of the whole population of Bear Lake Stake, or, as he said, about one in twenty male members, that is nineteen out of twenty, do not occupy that status and never have.

Q. How is it in respect to the membership of the church in Utah? A. I am not familiar enough with that matter there at all to state; I don't think there would be a great deal of difference in the percentage.

By the Court.

Q. Did I understand you to say Bishop, that one in twenty in Bear Lake—one out of twenty of the adult male population or one per cent of all occupied that status? A. Yes, sir, one in twenty of the adult male population.

Q. Or one per cent of all? A. To be more exact out of a population of 4,500 there are 46, that would be one more than one per cent, in the total population.

Cross-Examination by Smith.

Q. You say you have been a member of the Church for 40 years? A. Yes, sir, nearly 40 years.

Q. You remember before this revelation was promulgated? A. Yes, sir.

Q. Where did you live at that time? A. I lived in Great Britain.

Q. When did you come to Utah? A. In 1860.

Q. When did you become a polygamist? A. When I came to Utah.

Q. How long after you came there? A. About a year or perhaps.

Q. How many wives have you? A. I have three wives.

Q. When did you marry the last one? A. Over 20 years ago.

Q. I suppose you married under the teachings of the Church just the same as Nibley states he did? A. Well, I first believed the doctrine of polygamy in consequence of reading about it in the Bible, before I ever saw or heard about this revelation.

Q. But when you entered into that relation here you did it on account of the associations and surroundings by which you were surrounded and the

teachings of the dominant Church at that time? A. Well, I did it as a result of its truthfulness and my convictions.

Q. How old were you when you embraced Mormonism? A. I was 20 years old.

Q. How long have you lived in Bear Lake County? A. Eighteen years.

Q. And have been president there all the time? A. No, sir.

Q. How long have you been the president? A. Ten years.

Q. Whom did you succeed as president of that stake? A. I succeeded a man by the name of David Kimball.

Q. You have heard the statements of Nibley that there have been no revelations promulgated to the Church during the last ten years last past; is that correct? A. Well, I believe there has been a revelation promulgated since that time.

Q. How long since? A. It might have been six or eight years ago; it was not on that subject, however.

Q. I understand you to say there is a distinction between celestial and plural marriage? A. Not exactly that way.

Q. I understand you to say that celestial marriage did not necessarily mean plural marriage? A. Yes, sir.

Q. Celestial marriages are celebrated with dead women, are they not? A. Yes, sir.

Q. Where are they celebrated usually? A. They have been celebrated at the temples, at Logan and I presume elsewhere.

Q. For you people in Bear Lake, where have the celestial marriages been celebrated? A. In Utah.

Q. Did they get permits for that purpose? A. Yes, sir.

Q. You issue them right along now? A. Yes, sir.

Q. For celestial marriages. A. Yes, sir.

Q. Where do they usually go? A. To the Temple.

Q. To whom are these permits directed and presented? A. They are not directed to anybody.

Q. What form do they usually take, these permits? A. About the same as any other recommendation.

Q. Do you know where these recommendations are usually placed, with whom they are deposited after the ceremony is performed? A. I do not know.

Q. You have never ascertained? A. No, sir, I have never inquired.

Q. You say the Church practices celestial marriage right along now, the same as ever? A. Yes, sir.

Q. They do not practice plural marriage? No, sir, not to my knowledge.

Q. You have made the doctrines of the Church a study? A. Yes, sir, I have paid some attention to them.

Q. How many grades or degrees of glory are there in heaven according to the belief of the Mormon Church? Objected to. Overruled. A. There are or will be three degrees of glory.

Q. Who, according to the belief of your Church, will attain to the highest degree of glory or exaltation? A. It would be difficult for me to answer that question. The most faithful will enjoy the greatest degree of glory, but just now faithful I don't know.

Q. Is it not true that the teachings of the Church are that none but polygamists will attain to the highest degree of glory? A. No, sir.

Q. Examine Section 131 of the Doctrine and Covenants, page 462, and state whether that correctly states the principle as you understand it? A. Yes, sir, as I understand it.

Q. That correctly states the teachings and belief of the Mormon Church upon that subject? A. Yes, sir.

Q. Attorney reads section 131, paragraph 5 page 462 of the Doctrine and Covenants, and offers the same in evidence. Received.

Q. That correctly states the views of the Mormon Church upon that subject? A. Yes, sir; it does.

Q. This everlasting covenant spoken of is celestial marriage? A. Yes, sir.

Q. And is a marriage for time and eternity? A. Yes, sir.

Q. It may include plural marriage or it may not? A. Yes, sir.

Q. That is the correct interpretation of it? A. Yes, sir.

Re-direct Examination.

Q. In celestial marriage a man marries one woman according to the ceremony? A. Yes, sir.

Q. And that would not only make them husband and wife for time, but also for time and eternity? A. Yes, sir.

Q. That would be entering into the everlasting covenant? A. Yes, sir; the celestial marriage means the kind of marriage.

Q. That is a covenant as it says here? A. It is a covenant that reaches into eternity as far as these books say and are concerned.

Re-cross Examination by Smith.

Q. Marriage is by you regarded as a sacrament of the Church, is it not? A. Yes, sir.

GEORGE C. PARKINSON

Being duly sworn testifies as follows:

Q. You are the President of a Stake of the Church of Jesus Christ of Latter-day Saints? A. Yes, sir.

Q. What Stake is that? A. Oneida Stake.

Q. How long have you been its President? A. Fourteen months.

Q. During the time you have been the President of that Stake what has been the teaching of the Church in your organization to your knowledge in regard to permitting polygamy, bigamy or any other crime? A. Such practices have been forbidden during the time I have been President of that Stake.

Q. By whom? A. By the President of the Stake (myself) and by members of the Twelve Apostles traveling in our Stake.

Q. That is true for the last fourteen months, during the time you have been there? A. Yes, sir.

Q. Do you know of its extending any further back than that? A. Yes, sir, I think for about three years.

Q. Do you know of any permits having been given to any persons to enter into polygamy or bigamy? A. No, sir.

Q. You have heard the testimony of Mr. Budge to the revelation on polygamy and everlasting marriage? A. Yes, sir.

Q. You may state whether you understand it the same or differently? A. I understand it the same.

Q. How long have you been a member of the Church? A. For about 22 years.

Q. You know whether or not, to your knowledge, the practice of polygamy has ever been enjoined as a duty upon any member of the Church as a result of membership? A. No, sir, it never has.

Q. Has there ever been to your knowledge any polygamist marriages in Idaho at all? A. There have not.

Q. What percentage of the Mormon Church in your Stake are now polygamists or bigamists? A. There is one to about 150 of the population of the Stake, or one to every 30 or 33 of adult male members.

Q. Are those persons who have before this married more than one wife? A. Some of them.

Q. Are you a polygamist or bigamist? A. No, sir.

Q. Have you ever been? A. No, sir.

Cross-Examination by Smith.

Q. You say you have granted no permits to enter into polygamy or bigamy since you have been President? A. No, sir.

Q. None whatever? A. No, sir.

Q. Have you granted any to enter into the celestial marriage relation? A. Yes, sir.

Q. How many? A. I could not say.

Q. Quite a number? A. Yes, sir; I believe so.

Q. It is a very common practice among your people? A. Yes, sir; marriage is a common practice.

Q. Is celestial marriage? A. Yes, sir.

Q. Is it encouraged by the Teachers, Elders and so on? A. Yes, sir.

Q. Where are these marriages celebrated from your district? A. I could not say.

Q. Well, according to the best information you have what do you think about it? A. I don't know where they are celebrated.

Q. They are not celebrated in Idaho, you say? A. No, sir.

Q. Are not they celebrated in Logan? A. I could not say.

Q. Have you ever had any teaching in regard to that? A. I understand marriages are celebrated in the Temples, but whether the ones I give permits to go there or not I could not say.

Q. How many places are there belonging to the Mormon Church where these marriages could be celebrated? A. I could not say.

Q. How many Temples has the Church? A. I think there are three.

Q. And how many endowment houses outside of the Temple? A. I don't know of any; I could not say.

Q. How many do you know of in Salt Lake City? A. No, sir, none that are in use. There is a house in Salt Lake City that has been used for that purpose in the past, but whether it is used for that purpose now or not I could not say.

Q. Are you married? A. Yes, sir.

Q. Have you entered into the relation known as celestial marriage? A. Yes, sir.

Q. Where were you married? A. In Salt Lake City.

Q. And you don't know where your people, members of your Stake get married? A. No, sir.

Q. Those to whom you give permits? A. No, sir.

Q. They go off and get married, however? A. Yes, sir.

Re-direct examination.

Q. Persons to whom you have given these permits were unmarried persons? A. Yes, sir.

Q. It was for their first marriage you gave these permits? A. Yes, sir.

Q. It is simply a permit to go through this marriage ceremony set forth in this revelation? A. Yes, sir.

Re-cross examination.

Q. Do you not give permits to marry dead women? A. I could not answer that question.

Q. Is it because you do not know? A. Yes, sir.

Q. Did you understand my question. Do you not give permits for married men to marry dead women? A. I don't know.

Q. You would not know whether the women was dead or alive? A. I know she would not be alive.

Q. These permits do not disclose the object of the persons getting them? A. No, sir.

Q. Then how do you know that you have not granted any to enter into polygamy? A. Because that practice is forbidden.

Q. Then you are satisfied that these people to whom you grant do not enter into polygamy? A. Yes, sir.

Q. Do you really know whether they marry dead women or live ones? A. You asked the question before as to married men, single men would obtain permits to marry live women.

Q. You don't know to whom the permit is given to marry? A. I don't know whether they marry at all or not;

I do know the permits are not given to marry living women to married men, that is forbidden.

Q. How do you know about that? A. Because it is forbidden.

Q. Then it is simply your opinion? A. Outside of that it is.

Q. You say they are taught not to do it, and therefore presume they will not do it? A. Yes, sir.

H. D. HAIGHT

being duly sworn, testifies as follows:

Q. You are the president of Cassia County Stake? A. Yes, sir.

Q. How long have you been president of that Stake? A. About eleven months.

Q. What can you say as to the teachings of the Church of that Stake as to teaching persons to commit the crime of polygamy or bigamy or any other crime defined by law, as a duty resulting from membership? A. I can state there are no such teachings; there is nothing of that kind taught in the Stake.

Q. While you have occupied that position? A. No, sir.

Q. Has there ever been? A. No, sir.

Q. What is the instruction in regard to that from the officers and authorities of the Church? A. The instructions are to, either teach it publicly nor privately.

Q. What can you say in regard as to whether the doctrine or practice of polygamy and bigamy has been forbidden or not? A. I say that it has been forbidden.

Q. How long has this condition of things existed as far you know? A. It has existed as long as I have been the president of the Cassia Stake, and longer, some two years, I think.

Q. You have known of that condition of things for that time? A. Yes, sir.

Q. Where did you reside before you came here? A. In Utah.

Q. How long have you been a member of the Church? A. Some 35 years.

Q. Have you ever been a polygamist or bigamist? A. No, sir.

Q. What proportion, if any, of the organization over which you preside occupy the status of polygamists? A. About one in every fifty, I think.

Q. Of the entire population or the male members? A. It would be the entire male members.

Q. How many members are there in your stake? A. About 1500.

Q. State whether or not the entering into polygamy has ever been taught by the Mormon Church as a duty arising from membership in that Church? A. It is not, to my knowledge.

Q. You have heard the statements of Mr. Budge in regard to the doctrines of the Church, do you agree with him? A. Yes, sir.

Cross-examined by Smith.

Q. Is your name H. D. Haight? A. Yes, sir.

Q. Are you the Haight who declined to take the oath in 1885, and vacated the office of county commissioner on account of it? A. Yes, sir.

Q. The organization to which you belonged at that time did teach this business of polygamy? A. Well, it is some two years ago that it was taught to my knowledge, although it has never been taught in my county as far as I know.

Q. How long have you lived in Cassia county? A. I have lived in Cassia County six years.

Q. I believe you stated you yourself had never entered into this relation of polygamy? A. Yes, sir.