The Chairman-The committee will now take a recess until 2 o'clock. Thereupon (at 12 o'clock meridian) now take of at 12 o chock a recess until 1 o'clock p. m. AFTER RECESS.

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

sume the stand, yes, sir. Senator Smoot-Yes, sir. Reed Smoot, having been previously worth, was examined, and testified as

follows Worthington-Senator, there is Mr. Worthing on schutch, there is some evidence in this case in reference to a meeting at which President Smith delivered a discourse, which Bathsheba Smith was referred to on pages 191 to 193 the record. Do you remember that nittee, and also to Mr. Dusenh r Smoot-I rather think that

and it was discussed more or less. At the next meeting of the trusters the he meeting at Ogden, was it not? Worthington-Yes; that is right, question came up, and was brought up. I think by Jesse Knight. He made a was the m Were you then

here? nnoot-I was. hington-With Mrs. Smoot? incot-She was there, hington-There is a news-hington-There is a news-Mr. Worthi Worthington-Mr. what purports to be i er report, in the Deseret News discourse. What recollection ter part of the second semester. ou as to what took place there? that brought up a discussionbre you as to what took place there? Senator Smoot-It was a gathering of Senator Smoot-It was a gathering of the senarks of President Smith? Mr. Worthington-Yes. I do not care for anything else. That is the only thing that has been put in here, Senator Smoot-I call to mind, now, the senarks, as I understood them, and

or succeeding?

Smoot-Succeeding

The question came up then for discus-sion, and Jesse Knight made the state-ment there that he understood Cluff had married another wife, and it was his remarks, as I understood them, and s they impressed me at the time. He ished the people there to understand talked over. I know President Smith was there, and he said that such a thing could not be, with the sanction of the Church, and that if Cluff had done it he had done something that he that the endowments were instituted by Joseph Smith, Jr., the founder of the h, instead of by Brigham Young, church, instead of by my itself was a and also that polygamy itself was a evalution received by Joseph Smith, had no authority to do. We talked the matter over, and they were going to put George Brimhall in as president of revelation that it had been practised dur-ing his life. He also remarked that he id not wish it understood that he was the institution for the coming year George Brimhall was then sick in Cali ating or teaching polygamy, but that this was given as a matter of hisfornia, and we expected him to be president of the institution. When he came back from California we found

Mr. Worthington-The question which Mr. Wordinkton disputed, as to has been so much disputed, as to whether Joseph Smith, Jr., did promul-gate polygamy, or whether it was done afterwards and attempted to be put that he had taken a relapse, and that he could not do the work, and he had to go up to Canada. He went to Canpack on him

ada, regained his health there, and the next January, I think—I am not posi-tive as to the date, because as soon as Smoot-That is as I took it. Mr. Worthington-There is something e was well enough I was down here a the record here about Apostle Grant having been sent on a mission Washington-he was put in as presiaving gone away just about the time hat a warrant was issued for his ar-est for polygamous cohabitation. I dropped wish you would tell us what you know about that, and what, if anything, ago'

about a year ago, as I remember. Mr. Worthington-Then the delay in you had to do in the matter. Senator Smoot-Why, of course, the putting Brimhall in Cluff's place was owing solely, as I understand you, to residents of the missions are always Brimhall's condition of heaith? Senator Smoot-At that time. Mr. Worthington-Just one moment

Mr.

selected by the presidency of the Church. 1 do remember, though, that Heber J. Grant returned from Japan. He had opened a mission in Japan and on his return to Utah-I think i as the first general conference in Oc tober when he attended the meeting-he spoke of his mission to Japan and the work that had been done there the work that had been done there, and I think in the afternoon of that day, although I am not positive, the president of the Church announced to the conference that Heber J. Grant was hardly satisfied with his mission in Japan. I rather think that the reason for it was that he could not learn the for it was that he could not learn the Japanese language; that he had never been on a mission in his life before and that he felt like it would be a pro thing to call him to preside over the European mission. It was announc-ed at that meeting, and I believe, although I am not really positive of this, that it was presented to the and voted upon that he be sident of that mission. That was

Mr. Worthington-Just one moment. You say this was done at a conference. You mean at the general conference of the people in the Tabernacle?

Smoot-At the general conerence of the people in the Tabernacle. hat was in October. Heber J. Grant that was in October. Heber J. Grant was in Salt Lake City from that time

until he left, as I remember, in De-cember; or at least I remember that I nator Smoot-I should judge so, Worthington-Mr. Brimhall w was here in Washington at the time lected to succeed Cluff' Senator Smoot-Mr. Brimhall was the lost popular man and teacher we ever had at the institution. In other words, Mr. Brimhall has been, and I rather think is today, the idol of the young men. He is a very forceful speaker. He is a very convincing man in his speech, and he is an exceedingly bright teacher, and everybody, old and young, likes him. It was thought proper that Mr. Brimhall should be placed as the president of the faculty of that institution, for the good of the institution, and I do not think there was a dissent-ing voice in the board of trustees; and while I was not there, I wish to state this, that from my knowledge of Mr. Brimhall, knowing him as I do. knowing how popular he is, and for the good of the institution, a would have voted for Mr. Brimhall to be president of the faculty. Mr. Worthington Did Mr. Worthington-Did you know at that time about his exact status in relation to his marital relations that he has testified to here? Senaor Smoot-Yes; I knew. Mr. Worthington-Let me see if I re-call it correctly. He had had a wife who, in 1883, went to a hospital and has been there ever since; and in 1885 he took a plural wife and has lived with her since, but never with the first wife. Senator Smoot-Well, I believe that is the true statement of his condition. Is the true statement of his condition. I doubt very much whether many peo-ple know that George H. Brimhall is a polygamist. I never heard him speak of it in my life, and I suppose the com-mittee here noticed how very careful leorge Brimhall was in even having hat brought out by the chairman that His wife has been in the asylum, as His wife has been in the asymm, as t know, ever since the opening of the asy-lum, and of course it is true that he lives with the wife he has now. His first wife has been in that condition for a great many years. Mr. Worthington-Well, you knew about his situation, as to his marital relation, at the time he was discussed us a successor to Cluff? Senator Smoot-Well, I would have

of the executive committee. He asked me if I had heard it. I told him I had Senator Smoot-None whatever, Mr. Worthington-Do you remember the bill which was introduced in the not, that he was the first one who had called my attention to it. I told him that I did not believe it was true, for I Utah Legislature, and which is known as the Evans bill? did not believe it was possible to be done by anyone in the Church, and that if they did it I thought it was Senator Smoot-I remember such a

Mr. Worthington-Which was passed done without the sanction of the Church in any way. Jesse Knight told by the Legislature and vetoed by the governor? Senator Smoot-Yes. me that he was going to investigate it

and see if it were true. On several or casions we talked about it, and I re Mr. Worthington-What action, if ny, did you take about that measure? Sanator Smoot-Well,I was in consulmember that on one occasion he said he had asked Mr. Cluff if it was true that Mr. Cluff laughingly remarked tation with the governor on two occa-sions, I think, when that was under that there were lots of reports that were not true, and Jesse took it, and I also took it, from the remark, that he onsideration by him as the executive, and I took the same position that Gov. Wells took on the bill, that I thought t was a very unwise measure. Mr. Worthington-Did you tell him vaded the question. It was spoken remember of speaking of it to Holbrook, another member of the com

Senator Smoot-I did. Mr. Worthington-Did you have anything to do with that matter except to advise Gov. Wells that it was an utwise measure?

ator Smool-That is all. Worthington-Have you had any. motion that George Brimhall be the president of the faculty for the coming thing to do with religion classes in your county of Utah? year. It was at a meeting when the aculty was made up for the year pre-Senator Smoot-Myself? ceding the one that the school was in I suppose it would be the lat

Mr. Worthington-Yes. Senator Smoot-No; I am not intersted in them at all. Mr. Worthington--Dld you say, made

Mr. Worthington-Can you tell us whether or not you had in Provo the religion classes which have been re-ferred to here-in the schoolhouses, I up the faculty for the year preceding Mr. Worthington-You said precednean

Senator Smoot-No: we never had ing. Senator Smoot-I meant succeeding. any religion classes in the schoolhouses at Provo

Mr. Worthington-In your balliwick they never were held in the schoolhouses'

Senator Smoot-They never were held there; but I wish to state, Mr. Chair-man, that I have not the least doubt in he world that the religion classes have been held in schoolhouses after school hours, as was testified to here by the superintendent of public instruction. There is not a doubt in the world about

Mr. Worthington-I would like, at this point, Mr. Chairman, to put in evi this point, Mr. Chairman, to put in bern dence an order which has recently been made by the Church on that subject. It is a matter of public knowledge, and I have it here in the Sult Lake Herald of Tuesday, Jan. 17, 1995. Chairman-What is the date of

the order' Mr. Worthington-The order is not

Mr. Worthington-The order is hot dated, but this is the first publication of it. It is of recent date. The Chairman-An order by whom? Mr. Worthington-An order signed by the First Presidency and addressed to the presidents of stakes, Bishops of wards and superintendents of religion lent of the institution and Cluff was Mr. Tayler-That was about a year

wards, and superintendents of religion Senator Smoot-I think that was

The Chairman—Let it go in. Mr. Worthington—And it forbids the use of schoolhouses any further for that purpose. r Smoot-I would like to add.

Mr. Chairman, to my answer that I have always thought it would be best The young woman to whom it is said Cluff had been married was Florence Reynolds? That has been testified to or religious classes not to be held in he schoolhouses, no matter whether t was after the close of the day's ex-

It was after the close of the close of the close services or not. I thought it was rath-er unwise. I am very glad indeed that that order has been issued. It meets with my hearty approval. Of course I rather think it is due the committee Senator Smoot-Yes, I understood so Mr. Worthington-Was she a teacher in that school or academy? Senator Smoot-I do not think she er was a teacher. Mr. Worthington-Something has I rather think it is due the committee to explain that in some of those outly-ing counties the people are rather poor and they have very few public build-ings. In some cases, of course, it was brought about in that way. Yet I do not for a minute want it understood that I say that is the case in the schools all over our state. Of course no student was compelled to attend those classes, and no teacher was combeen said about her going to Mexico in kindergarten work. Do you know, by reputation or otherwise, whether she went down to Mexico in kindergarten work before Cluff went down on his expedition of which you have spoken? Senator Smoot-I never met the lady in my life, and from my own knowl

no student was compelled to attend those classes, and no teacher was com-pelled to teach them. It was left en-tirely with the student and with the teacher as to whether they would be, the former a scholar or the latter a edge, of course, it would be impossible for me to say; but I learned, though that she used to go to the school at Provo, and from the school she went to Mexico to teach in the kindergarten. Mr. Worthington-Senator, the name

Mr. Worthington-And before he went on this expedition? of Mr. Borah is signed to your original answer in this case as one of your Senator Smoot-Before he went on this expedition. Mr. Worthington-So that whatever counsel, and some comment has be

took place between them, in the way of forming the marriage relation or any other relation, or whatever took place, took place down there while they were both away? hade here on the fact that his name has been signed as counsel, and that he has never appeared. I wish you

he has never appeared. I would explain that matter. Senator Smoot-Shortly after I left Washington, after I had made arrange-ments with Mr. Worthington here to ments with Mr. Worthington here to with the idea of having 1 ounsel as assistants. After I had can counsel as assistants. After I had can-vased the situation thorough'y at htme I agreed if I could secure the services of Mr. Van Cott I would do so; and I also thought, from the protest that had been filed, that the question of politics in Idaho would cut some figure, as it has done, and that it would be proper for me to have some-body who lived in Idaho as an assist. ant counsel. I telephoned from Salt Lake to Boise City and asked Mr. W E. Borah if he would assist me as counsel Borah if he would assist me as counse in this case. He replied that he would and I fully expected that Mr. Borah would have been here. Before Mr. Van Cott left Salt Lake City he tele-phoned to him and arrangements were made to meet him at Granger. Mr. Worthington-That is, he telegraphed Mr. Borah to meet him? Mr. Van Cott-He telephoned. Senator Smoot-He telephoned; but Mr. Borah did not meet Mr. Van Coit, as he thought he would from his con-versation over the phone, and Mr. Van Cott came to Washington. I received a letter from Mr. Borah that a case a letter from Mr. Borah that a case had arisen at home that would compel him to remain there for some little time, and for my counsel to go on. We had but four or five days—I do not remember which, but not to exceed that—to draw the answer after Mr. Van Cott came to Washington in consulta-tion with Mr. Worthington, and we proceeded and had that answer drawn the best we could. Mr. Borah's name was signed as counsel, we, of course, tioniding that he would come just us soon as he could. The case proceeded— Mr. Worthington—I do not care to proceed any further with the reason Mr. Worthington--I do not care to proceed any further with the reason why Mr. Borah is not here. I wanted to have it understood that when your other counsel signed Mr. Borah's name they did that as a courtesy to Mr. Borah, whom they understood then to be one of the counsel in the case? Senator Smoot--Yes. Mr. Worthington-Now, as a matter Mr. Worthington-Now, as a matter t fact, has Mr. Borah participated in he case as counsel at all? Senator Smoot-No: he has not. Mr. Worthington-I do not care about

Smoot-That is all senator Mr. Worthington-The third charge

This body of men-"

Of which you are one-has not abandoned bellef in polygamy

Now this is the first subdivision of the charge-

as the ruling authorities of the Church they promulgate in the most sol mn manner the doctrine of polygamy withreservation

Have you in any way, since you bene an Apostle, promulgated or adsed the promulgation of the practise

polygamy Smoot-I have not.

Mr. Worthington-I will not ask you s to your belief in the doctrine, be-

ouse, in my judgment, that is a matr as to which nobody has the right to the next charge is

"The president of the Mormon Church nd a majority of the Twelve Apostles now practice polygamy and polyga-mous cohabitation, and some of them have taken polygamous wives since the manifesto of 1890."

Have you any knowledge on those subjects, except what has appeared i the evidence before this committee? Senator Smoot-I have not.

Mr. Worthington-It is said (read-These things have been done with

the knowledge and countenance Reed Smoot."

What do you say to that?

tor Smoot-That is not true. Worthington-It is said next hat-

"Plural marriage ceremonies have cen performed by Apostles since the anlfesto of 1890. Senator Smoot-Not to my knowledge. Mr. Worthington-Do you know that

en by reputation? Senator Smoot-I never heard of one all until I heard the testimony here

it Brigham Young performing one Mexico

Worthington-With Mrs. Ken-Mr. edy. It is said also that "many Bish-ps and other high officials of the

hurch have taken plurat wives since hat time." Have you heard in any ay that any Bishop of the Church

s taken a plural wife since the mani-

Senator Smoot-I have not. Mr. Worthington-Or any other high official, except such as have been menioned here in this testimony

ator Smoot-Except as mentioned that testimony. Mr. Worthington-It is next said

nat all of the First Presidency and the welve Apostles encourage polygamy nd polygamous cohabitation. Do you? Senator Smoot—I do not.

Mr. Worthington-That they counten-Do you? r Smoot-I do not.

Mr. Worthington-That they conceal

Do you

Smoot-I do not.

Mr. Worthington-That they connive

t it. Do you?

Senator Smoot-I do not.

Mr. Worthington-It is next said that hey "honor and reward by high ofice and distinguished preferment those who most persistently and defiantly iolate the law of the land"-referring, violate the law of the land"—referring, I suppose, in what Brother Tayler calls his rhetoric, to these gentlemen who live in polygamous cohabitation. Now, let me ask you, in regard to that, have you ever upheld for office any man, in the Church or out of it, because he was a polygamist or be-cause he was living in polygamous in the Church, as I said, Mr. Tayler, until 1895, and then of course it was only in our Utah stake. Mr. Tayler-That is, at Provo? Senator Smoot-At Provo. ause he was living in polygamous Senator Smool-At Provo. Mr. Tayler-You were, however, a firm believer in the faith? Senator Smoot-I had faith in my mother, and I had faith in my father, I always had faith. My faith in Mor-monlem was grouper than any other ababitation? Senator Smoot-I have not. Br. Worthington-Or have you ever dvised that any man should be pre-erred or honored in any way because

of his being a polygamist or because of his living in polygumous cohabitaion?

nator Smoot-I have not. Mr. Worthington-The last charge

"Though pledged by the compact of statehood and bound by the law of

their commonwealth"-And that is a little of the rhetoric

ing and in power, is not the supreme authority, and whether, as you have testified, the Apostles are not simply given here did satisfy you that h Mr. Tayler-The testimony that was given here did satisfy you that he narried her at some Smoot-1 rather think he Senator

Senator Smoot-Five years later.

Senator Smoot-He did not.

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d. dld you?

terest to you?

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June 1

Mr. Tayler-Yes.

Mr. Tayler-Was your father ever

Senator Smoot-He was arrested, and

tood trial, and was acquitted. Mr. Tayler-Did he leave the country t any time?

Schator Smoot-Well, I knew there were a great many in the state who did from report. Of course I did not know many people who had done it. Mr. Tayler-You were, of course, fa-millar with the manifesto. Were you

present with the manifests. Were you present when that was adopted? Senator Smoot-No; I was not. Mr. Tayler-You knew about it? Senator Smoot-I knew about it. Mr. Tayler-Was it a matter of deep interact to our?

Senator Smoot-I approved of it. Mr. Tayler-Well, I assume you ap-roved of it: but did it make any spe-

al impression on you? Senator Smoot-It inset the impres-

Mr. Tayler-Did you realize that it brought the Church to a very important if not the most important, epoch in its history since it was founded? Senator Smoot-Well, I could not say

as to that. Mr. Tayler—I am only getting at whether you maintained an attitude of comparative indifference or whether it sank deep down in your consciousness as a very important thing. Senator Smoot—I thought it was a very important period in the history of our Church.

our Church. Mr. Tayler-You did not understand

that it in any way disparaged the rev-elation of polygamy? Senator Smoot-No; I did not so un-

Mr. Tayler-Nor do you understand hat the people now consider it as in iny sense disparaging the doctrine of

Senator Smoot-The practise of it-it

ertainly does. Mr. Tayler—I am not speaking about he agitation in Congress over the

Senator Smoot-I believe the major-

y of the people say that that is the

Mr. Tayler-You yourself have no

toubt about the divinity of its origin? Senator Smoot-The doctrine of poly-

Senator Smoot-I think the Doctrine and Covenants-the revelation that was diven to Joseph Smith-

Senator Smoot-That he received it

Source of practice polygamy until the manifesto suspended it? Senator Smoot-Well, I could not say as to that, Mr. Tayler. I had better give you my view as to that, and then you can see how I feel. As an ab-

tract principle, approved by the Bible nd permitted by the Doctrine and ovenants, I believe it; but as a prac-

ice against the law of my country, I

Mr. Tayler-You do not? When did

you reach that conviction? Senator Smoot-All my life; ever

since I have been a man. Mr. Tayler-All your life. That is to

ay—you have always said that it was inlawful?

Senator Smoot-I have always said

alnoe the final decision by the supreme sourt that it was unlawful. Mr. Tayler-When was that final de-

Senator Smoot-There was a decision

given in 1878 in the Reynolds case. Mr. Tayler-Yes. Senator Smoot-By the supreme

Senator Smoot-Of course I was but a mere boy then; but I do know from what I have heard from the leaders of

m the Lord. dr. Tayler-And that it was right-

Tayler-That is, it came from

Tayler-Yes.

Tayler-You knew of many who

Smoot-Well, I knew there

23

That was in the Snow case, was it not?

Mr. Tayler-We had a good many ecisions since.

Senator Smoot-I know; but I think that was the final case. Mr. Tayler-Do you not know that there were many decisions prior to that time which were absolutely, if

inything more was needed, conclusive

Senator Smoot-No; I understand that all of the decisions between that time were upon questions that arose as to certain points in the rulings by understand and the state of the state of the state of the second state of the sta

udges in our Territory, as it was then, and 1 do not remember that there was anything definite decided other than

those special points. Mr. Tayler—Do you remember the case of Murphy v. Ramsey—when was

Senator Smoot-I do not call to mind

Senator Smoot-I do not call to nind that case, Mr. Tayler. In fact, I

hind that case, Mr. Tayler. In fact, I have not followed them closely at all Mr. Tayler—Do you not know, sena-tor, that the manifesto resulted from the agitation in Congress over the proposition that the elective franchise in Utah should be restricted to those

who gave unqualified allegiance to the povernment of the United States? Senator Smoot—No; I do not under-

Mr. Tayler-And that every funda-mental case had long been decided be-

fore that? Senator Smoot—No: I do not under-stand it that way. My understanding is this: That the manifesto came after the passage of certain laws and the final decision thereon by the supreme court, and not only that, I believe it came from pressure within the Church as well

senator Beverldge-What do you mean by that-"within the Church itself?" Do you mean there was a de-sire on the part of the people within the Church to obey the laws interpret-

Senator Smoot-Interpreted in that

lectsion; and to obey all the laws, sen-

Mr. Tayler-Without exception? Senator Smoot-I think so. I think

Senator Smoot-At that time I real-

ly think that was the understanding. Mr. Tayler-At that time that was the

Senator Smoot-I think that was the

Mr. Tayler-That they were going to

bey all the laws? Senator Smoot-I think that was the thought, Mr. Tayler. Mr. Tayler-You therefore gave the

interpretation to the manifesto that

Senator Smoot-I wish to say this: If

you were referring to the manifesto in regard to polygamous cohabitation, as to the manifesto mentioning polyga-

mous cohabitation, I want you to cor-rect my answer on that. Mr. Worthington-No; it did not re-

Mr. Van Cott-It did not refer to It.

Senator Smoot—All right, then, Mr. Tayler—But as growing out of the

manifesto, the purpose was to obey the laws, just as Wilford Woodruff said they would?

Senator Smoot-I never have been

taught anything in my life but to obey the laws of my country.

Mr. Tayler-I was not applying it to

Senator Smoot-Well, I thought you

Mr. Tayler-You have been taught al-

ways to obey the law and you expect other people to do the same, do you

Senator Smoot-Yes. Mr. Tayler-Do you understand that Joseph Smith is obeying the law?

Senator Smoot-I do not know. I heard his testimony here that he was living with his wives. I do not know

that he is cohabiting with them. If he is, he is not living the law; and he did

say that in the past he had broken the law of the land. But I rather think that is brought about in this way,

that, as I stated here this morning, from the date, or shortly after the date,

then in court-at least many of them-

were dismissed, and when the docket was clear there were very, very few prosecutions. The officers having in hand the prosecution of this class of cases were appointed by the govern-ment, and I think that being the case, and on account of the discussion that came up at the Constitutional conven-tion (and the habit that has been grow-ing there has instilled if in the hearing

The Chairman-Pardon me senator. I do not think you understand the ques-tion. I wish the reporter would read

the question to the senator, in fairness

The Chairman-That is the question.

Senator Smoot-Do you mean today? Mr. Tayler-I know nothing more

about it than that he testified on that

ubject here. Mr. Worthington-I think he did an-

explanation as to how it did come

you read the question again? Senator Beveridge-His explanation

The Chairman-Repeat the question. Senator Smoot-Mr. Chairman, just

take the same question and leave the

The Chairman-That is entirely satis-factory, only I thought that perhaps you did not understand the question ex-actly; and I would like to have it an-

The reporter again read the question,

"Mr. Tayler-Do you understand Jo-seph Smith is obeying the law?"

The Chairman-That is a simple

Mr. Van Cott-Yes; and it has been

Senator Smoot-I understand that Jo-

seph F. Smith said that he had not obeyed the law in the past, but I can-not say what he is doing now. The Chairman—The question is, Do you understand he is disobeying the

Senator Smoot-No; I do not, Mr.

The Chairman-You do not so under-

Mr. Tayler-Of course I am not ask-ing you for knowledge, but for your

Senator Smoot-And I say that, Mr.

Tayler. Mr. Tayler-You do not understand

anything about it? Senator Smoot—I understand that he

has broken the law. There is no doubt

In my mind. Mr. Tayler-Did you not understand that he did disobey the law; that he had, by plural wives, some 10 or 12 or more children after the manifesto?

Senator Smoot-I heard it in his tes-

Mr. Tayler-You heard him say that?

Senator Smoot-Most of it. I was

Senator Smoot-He testified to it. Mr. Tayler-You heard his testimony throughout, did you?

The Chairman-Mr. Reporter, will

about.

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is follows:

nawered.

stand?

Senator Smoot-No.

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my mind.

lid not explain.

The reporter read as follows:

the manifesto the cases that were

especting polygamous cohabitation?

of the question'

that?

hat case

fore that?

ts well

thought

hought

fer to that.

Mr. Tayler-What?

stand that, Mr. Tayler.

d in that decision?

thought that he married her at some Mr. Tayler-That is, you rather think

that he did marry her at some time? Senator Smoot--I believe he did, al nd polygamous cohabitation. On the ontrary-" Mr. Tayler-But from the testimony

that you heard here-and it is that am asking you to interpret for us here, to see what you think about such things-you are not ready to say that you think he was married to her about

Senator Smoot-It would be impos sible, Mr. Tayler, for me to say that Mr. Tayler-You heard her brother

testify, did you? Senator Smoot-Yes; I heard her

brother testify. Mr. Tayler-His testimony was not such as to induce you to believe that she was not the wife of Abraham Cansion on me that it was going to forever stop polygamous marriages. Mr. Tayler—And on that account you very heartily approved of it? Senator Smoot—I approved of it, Mr. Taylor non before 1896? Senator Smoot-I rather think that

if I was going to judge I would say he married her near that time, 1896. Mr. Tayler-Near 1896, yes. You have been a Mormon all your life?

Senator Smoot-All my life. The Chairman-Mr. Tayler, I want 

though, all my life, Mr. Tayler. The Chairman—You say you think Mr. Cannon married in 1896? Senator Smoot—From the testimony

now, that has been given here I think he did, Mr. Chairman. The Chairman-Was he one of the

Apostles at that time Senator Smoot-In 1896? The Chairman-Yes.

enator Smoot-Yes; he was one of the Apostles. Chairman-Excuse me, Mr. Tay The

That is all. Senator Smoot-I will state, however, Mr. Chairman-you know he died im-mediately; that is, before any rumor

was ever known about Lillian Ham-Mr. Tayler-He died within two

months, at the most, after he married Is that correct

Mr. Worthington-Do you ask the witness to say when he married her? Senator Smoot-I do not say when he did.

Mr. Tayler-I think the witness was only inferring that himself.

Senator Smoot-He was dead before any rumor, as I understand it, ever came out that he had, or even anyone thought that he had married her, Mr. Tayler-Then the rumor to which

you originally referred, about his posibly having married her before

manifesto, circulated after his death? Senator Smoot-Yes, Mr. Tayler-Six years after the man-

Senator Smoot-Yes; it was about

Mr. Tayler-What kind of a Mormon were you, Senator? You say you were

Senator Smoot-At what time, Mr.

Mr. Tayler-Well, I am now referring to your own characterization of your-self, and I want it made a little more

explicit. Senator Smoot-No; I said "active." Mr. Tayler-Yes; active. When I said "What kind of a Mormon were you?" I meant as to activity. Senator Smoot-I held no special office

here was a subpoena out for him. Congress opened in the beginning December, and therefore I think it w the beginning of December that he

The Chairman-Senator, will you mention the year? You said the con-ference was in October. October of what many

Senator Smoot-I think it was a year igo last December The Chairman-But you spoke of

some conference

Senator Smoot-That was the Octo-ber before that.

The Chairman-What year? Senator Smoot-A year ago last Oc-ober. That would be 1903. Mr. Worthington-So that at all ents he was present there for several weeks after it had been publicly an-nounced in the Tabernacle that he was

to go on this mission to Europe? Senator Smoot-Oh, he announced, I think, a couple of days before he left here, in a farewell address in the Tab-macle, before an audience, that he into leave in a couple of days for I will wish to add, still furt all the time he was home hat is Sundays—I think he spoke at the different quarterly conferences id reported his mission to Japan, and lso stated that he had been called to reside over the Furencean vision and er the European mission and ntended to leave shortly for

Worthington-Now, there has n a good deal said here about one Jamin Cluff, Jr., and a Mr. Brim-, who succeeded him in a certain the Brigham Young Acad-You were a trustee, I Provo. You were if that institution?

Smoot-I was.

Smoot-I ar

Worthington-How long have een one of its trustees?

Senator Smoot-New Mr. Chairman, I can not say positively how long. I have not looked it up. Mr. Worthington-Approximate the Ume as well as you can.

and I rather think it was short-

after his death, but I am not really Worthington-That is a Church

n, in it? nator Smoot-It is a Church

Mr. Worthington-And how many ersons compose the board of trustees? Semitor Smoot-Well, I think there at all? even, but I am not really sure-

Worthington-I presume they all members of your Church, of

tor Smoot-They are all memof the Church. . Worthington-Mr. Cluff held

office in that institution? nator Smoot-He was president of

faculty. It. Worthington—Well, he ceased to a member and Mr. Brimhall took place. I wish you would tell us in r own way what you know about t, and what you had to do with ff going away and Brimhall taking place, especially as it may bear a plural wife after the manifesto. enator Smoot—In 1900 Benjamin ff, with a number of other persons a number of other persons ovo for South America on an extion I think he was gone a little two years. He returned in 1902, rtly after his return, I do not just

ember how soon, there was a re-t circulated—that is, quietly whis-ed about—that Cloff had married a ral wife while in Mexico. I remem-Mr. Jesse Knight, of Provo, one of a security committee ture

Worthington-One of the board tees, do you mean? Senator Smoot-Yes; and a member | ognizing him?

tion. There would not be any doubt about that. I never thought about it. Mr. Worthington-It would not have nade any difference in your action? Senator Smoot-Not at all.

Mr. Worthington-As a matter of fact, I understand you never thought of

Senator Smoot-Not at all. It would not have made a particle of difference in my action if I had. Mr. Worthington—I understand your position about that. It has been al-

FCRESS!

way?

inswered.

tersors.

The second is this:

Sepator Smoot-I have not

ready shown, but I will ask you wheth-er you read this letter of Apostle Ly-man's dated May 5, 1904, addressed to you, asking you to particularly call at-tention to the then recent action of the conference on the question of future

polygamous marriages' Senator Smoot—I read it. Mr. Worthington—Did you kno Mr. Brigham Young, Jr, who was an Apos-

Senator Smoot-I did. Mr. Worthingt Worthington-And who is referred to in the testimony of Mrs. Kenedy here

Senator Smoot-I did. Mr. Worthington-I wish you would look at what purports to be his picture in the Biographical Encyclopedia, Vol-ume I, of Doctor Jensen, page 122, and tell me what you have to say as to that

being a reasonably good likeness of the Senator Smoot (after examining pic ture)-Yes; that is a fairly good pic-

ture. Mr. Worthington-Do you think any-body who had seen him, and especially anybody who had been married by him, would have any difficulty in rec-

I will ask you whether, as a matter of fact, the President, while he is liv-

oout the law, as to which we nee

'this supreme body, whose voice law to its people, and whose members were individually directly responsible for good faith to the American peo-

That is some rhetoric about which 1

will not ask you--"permitted, without protest or objec-tion, their legislators to pass a law ullifying the statute against polyga

That refers to the Evans bill, I pro me, and you have already answered that

I have asked you about your knowl I have asked you about your known-edge as to whether any member of the 15 has entered into polygamy since the manifesto. Let me ask you what knowledge you have on that subject as to any member of your Church hav-ing entered into polygamous relations having taken a plural wife since the

nanifesto? ator Smoot-I have no knowledge of that.

Mr. Worthington-Have you any knowledge on the subject except the testimony mainly in the way of alleged reputation that is spread upon this record?

Senator Smoot-That is all.

Mr. Worthington-There has been something said about a man named Harmer, who was a Bishop, I believe, in Springville. I do not care to go over that case again, but it has been intimated here that he was pardoned, and Mr. Van Cott is under the transmiand Mr. Van Cott is under the impres-tion that some suggestion has bee made that you signed the applicatio for his pardon. In the first place, di ou sign any application for his par-

Senator Smoot-I did not; but, on the ontrary, 1 refused.

Mr. Worthington-As a matter of fact, was, he pardoned ? .

Mr. Snioot-He was not pardoned. Mr. Worthington-When did you first learn or what have you heard to that effect, that he was holding out as has wife the woman with whom h as charged with having dultery since he came out of the pen tentlary?

eing into the reasons why he has not. there are any. It has appeared here but there has been some difficulty in

Senator Smoot—I did not catch that question. Read that, please. The reporter read as follows: "Mr. Worthington—When did you first leave or what have you heard to that effect, that he was holding out that there has been some dimension of getting service of process upon some of the persons for whom subpoenas were issued by this committee, and that some have been out of the country. I want to ask you whether you have dia his wife the woman with whom he as charged with having committed ectly or indirectly, advised or assisted dultery since he came out of the pen-entiary?" anybody in evading the service of such

Senator Smoot-When he was here ] eard him say it. Mr. Worthington-That is all the in-

Mr. Worthington-Or whether you have done everything you could to have the persons whom this committee has expressed the wish to have here come formation you have on the subject? Senator Smoot—That is all I have, I think, with what the other witnesses nave stated.

Senator Smoot-That would be my Mr. Worthington-You may cross-ex-mine, Mr. Tayler.

desire. Mr. Worthington-And have you Mr. Tayler-Then, as I understand ou, you do not believe that Abraham anifested that desire in every possible I. Cannon did take a plural wife after Senator Smoot-In every way that I

manifesto? the manifesto? Senator Smoot—Well, I am in doubt, Mr. Tayler, as to that. I know this, that when Lillian Hamilin came to Provo it was understood there that he Mr. Worthington-Now, there are some specific charges standing here to which, perhaps, I might call your at-tention in the same general way in Married her before the manifesto. Mr. Tayler—Before the manifesto? Senator Smoot—Before the manifesto. Mr. Tayler—Who said that? Senator Smoot—I think that Mrs. Suwhich they are framed. I refer to the revised charges which were presented here by Mr. Tayler when there was a

preliminary hearing before this commit-tee. I pass over the first one, because I consider that it has been sufficiently e Gates told me Mr. Tayler-Mrs. Susiè Gates?

Senator Smoot-And I know that was

impression. "The First Presidency and Twelve Apostles, of whom Reed Smoot is one, are supreme in the exercise of this au-Tayler-So that you have no Mr. oubt that he did marry her then? Senator Smoot-Well, I think it was a thority of the Church and in the trans-mission of that authority to their sucparriage, that he thought it was a

harriage. Mr. Tayler-Yes; I know,

for any other religion. Mr. Tayler-Well, your faith in your religion and the religion of your par-ents has not abated since you became Apostle, has it

faith I ever-

nator Smoot-Oh, no not at all. Ir act, it has increased, Mr. Tayler. Mr. Tayler-Increased because of the nsibility, duty, and relations of

onism was stronger than any other

Senator Smoot-I say my faith in Mormonism up to that time was

stronger than any faith I could have

Mr. Tayler-What is that?

he Apostles' nator Smoot-No. I have becom older; I have seen a great many things, my experience is much wider; and it is

through that that my faith has in reased Tayler-And your convictions nave deepened?

Senator Smoot-I think so, Mr. Tay.

Mr, Tayler-Of course you had all of he respect for your father and your nother that a son could have for his Senator Smoot-No man had a better

other in the world than my mother Mr. Tayler-And what they did and

what they believed you respected on hat account, as much as a good son vould ever respect? Senator Smoot-Oh, when I was

inger; yes, ounger, yes, Mr, Tayler-When did you begin to ake an interest in public affairs? take an interest in public affairs? Senator Smoot-You mean in a bus

mess way? Mr. Tayler-No; generally. I mean n your Church and in the history of your state and your community? Senator Smoot-Well, in my Church, t was some time after I returned from index to England. I returned from ess Way

mission to England. I returned in the

Mr. Tayler-The fall of 1891? Senator Smoot-After that; yes, Mr. Tayler-How long had you been

Mr. Tayler-Yes; exactly. Senator Smoot-And they thought they were doing right, and they took it to the supreme court of the United States, and when it was finally decided there they accepted it. Mr. Tayler-So that it was proper for a man who said that that decision was wrong, or did not reach the case of a plural wife, to continue to take plural wives? there? Senator Smoot—I was gone 10 months, I went over in December, I think, of 1890 and returned in October of 1891. As for as my business is concerned, of course I have been in business there for a number of years.

Mr. Tayler-During the period from our marriage down to this period of 0 months, during which you were broad on a mission, you were, of ourse, in daily contact with and had chowledge of what was going on in Jiah?

Mr. Tayler-You were familiar with he prosecutions of the Mormons?

Senator Smoot-I was, Mr. Tayler-Of those charged with Mr. Tayler-What remained to be lone, Senator? The law was there. Senator Smoot-The law was there, lygamy and polygamous cohabita-

tion? Senator Smoot-I was. Mr. Tayler-You knew of the suffer-ings they and their families endured? Senator Smoot-I did. Mr. Tayler-Just as others did. who were not themselves personally par-ticipating in them? out I mean the enforcement of Mr. Tayler-George Reynolds had Senator Smoot-Well, George Rey-olds came and gave himself up. Mr. Tayler-Yes.

Senator Smoot-Yes.

Mr. Tayler-And was your interest h that subject, do you imagine, any less han the interest of other good Mor-

Senator Smoot-I do not thick so. unot say that it would be, nor that

W88. Mr. 7 Mr. Tayler-Well, you were not at all indifferent to what was going on, or were you measurably indifferent as mpared with the most intelligent o

your people? Senator Smoot-Why. I knew what was going on, Mr. Tayler, of course. Mr. Tayler-Were you profoundly in-terested in it?

Sepator Smoot-I could not say that

was. Mr. Tayler-Do you remember when

Mr. Tayler-To you remember when the Edmunds Act was passed? Senator Smoot-Yes, Mr. Tayler-You were familiar with its general details? Senator Smoot-Well, partially so, I heuld say.

Mr. Tayler-You knew when the Ed-munds-Tucker Act passed? Senator Smoot-Yes.

Senator Smoot-And all I know about | Mr. Tayler-Five years later?

the Church, and from the leaders of the Church, and from men in general and members of the Church, that they felt that the decision and the law were against bigamy. While the decision, takes in the whole question of polyg-amy and bigamy, they felt that it was not found to be the second s fairly tried, and they the not fairly tried, and they thought they would have it tested in the supreme court of the United States again. I think the final decision of that matter, which was perfectly satisfactory to all of the people, was in 1890. That is as 1 understand it Mr. Tayler.

understand it, Mr. Tayler. Mr. Tayler-You have read the opinon, have you not? Senator Smoot-Yes; I have read the

nion lately, of course Mr. Tayler-And to your intelligence, ow, do you have any doubt about its destroying the principle that one man may take two wives because his re-

ing there has instilled it in the hearts of the people there, or the minds of those that are in that condition), that the people would tolerate it, at least, and they were in a position where they did not know what to do. igion says he may Senator Smoot-That is, speaking of

Mr. Tayler-Of the Reynolds case. Senator Smoot-Speaking of the Reynolds case, my opinion would be hat it was a decision that would pre-"Mr. Tayler-Do you understand that Joseph Smith is obeying the law?"

Mr. Tayler-That would prevent hat? Senator Smoot-Yes. Mr. Tayler-Then there has been, ac-cording to your view of it, no justifi-able marriage since that time?

dural wives?

f prosecutions;

he testimony

nd over again.

what time?

Senator Smoot-Well— Mr. Tayler—I mean plural marriage. Senator Smoot—I would not want to go that far, Mr. Tayler. Technically, if the people had believed that to be a decision of the supreme court against polygomy and food that is true, but

swer the question, Mr. Chairman, Mr. Van Cott-I ask to have the an-swer read, if there is any discussion as to whether he answered it. Senator Beveridge-The part of the olygamy and final, that is true; but answer that was not responsive to the question was the latter part. He went on to say that if such and such were

Mr. Tayler-I see. Senator Smoot-And it was for that Then he proceeded to say, "It comes about in this way:" and for the life of me I. for one, could not connect his evolution in the second secon hey were fighting-for a religious con-Mr. Tayler-Yes: exactly

Senator Sinoot-Well, you must take

into consideration, Mr. Tayler, this fact: that that was in 1878, and noth-

ng was done at all, you know, for four g was done at an, job ears or so after that. Mr. Tayler-Nothing was done? Senator Smoot-That is, in the way

Senator Smoot-And furnished all

Mr. Tayler-Yes. Senator Smoot-And he himself laimed that it was not presented in

he right light, and that if it had been

the decision would have been other-wise. I have heard him say so over

Mr. Tayler-Yes, exactly. But nev-ertheless the court did decide it in a

ertain way, and he did suffer the pen-

Senator Smoot-There is not a doubt

bout it in the world. Mr. Taylor-And the court has never

idicated any other doctrine since, has

Senator Smoot—No; it has not. Mr. Tayler—And that case was never reheard by the court, was it? Senator Smoot—I do not think it

Mr. Tayler—So that they undertook excuse themselves after 1878 until

Senator Smoot-Until 1890. I think

was given in 1890, as I remember it. here.

the decision was given then, Mr. Tayler-Until when? Senator Smoot-The decision