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59TH CONGRESS, }
1st Session. }

SENATE.

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PROCEEDINGS

BEFORE THE

COMMITTEE ON PRIVILEGES AND ELECTIONS

OF THE

UNITED STATES SENATE

IN THE MATTER OF

THE PROTESTS AGAINST THE RIGHT OF HON. REED
SMOOT, A SENATOR FROM THE STATE OF
UTAH, TO HOLD HIS SEAT.

VOLUME IV.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1906.

PROTEST IN THE MATTER OF REED SMOOT, SENATOR-ELECT FROM THE STATE OF UTAH.

COMMITTEE ON PRIVILEGES AND ELECTIONS,
UNITED STATES SENATE,
Washington, D. C., February 6, 1906.

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Dillingham, Hopkins, and Pettus; also Senator Smoot; also John G. Carlisle, counsel for the protestants, and A. S. Worthington, counsel for the respondent.

The CHAIRMAN. I am advised by some members of the committee that they are engaged before another committee of importance, and that it is quite difficult for them to remain here to-day. I am also informed by one of the counsel, Mr. Worthington, that he is in the midst of a trial which will be finished to-day; and as Secretary Carlisle is willing that the case should go over, I will entertain any suggestion to that end.

Senator HOPKINS. Mr. Chairman, I move that the committee stand adjourned until to-morrow morning at 10 o'clock.

Speaking for myself, I will say I am a member of the Inter-oceanic Canal Committee. Senator Knox, of this committee, is also a member of that committee; and we have matters before that committee that are very important and that require our presence there to-day. In a conference we had with the members of the committee yesterday they stated they would adjourn over to-morrow; so that if this committee will adjourn until to-morrow it will enable us to be present at the sessions of both committees.

The CHAIRMAN. Of course it is impossible to select any time when every member of the committee can be present; but under the circumstances, it seems to me, the suggestion is a reasonable one.

Senator DILLINGHAM. I second the motion, Mr. Chairman.

The CHAIRMAN. I will be very glad to accommodate counsel and members of the committee. If there is no objection, the committee will stand adjourned until to-morrow morning at 10 o'clock. Let me suggest that the members be here promptly at 10.

Mr. HOPKINS. I will state to the Chairman that I will be here.

The CHAIRMAN. There are several witnesses here from a great distance, and it is desirable to proceed as rapidly as possible.

The committee, at 10.30 o'clock a. m., adjourned until Wednesday February 7, 1906, at 10 o'clock a. m.

WASHINGTON, D. C., *February 7, 1903.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Dillingham, Hopkins, Beveridge, Depew, Knox, Pettus, and Overman; also Senator Smoot; also John G. Carlisle, counsel for the protestants, and A. S. Worthington, counsel for the respondent.

The CHAIRMAN. Mr. Secretary, who is your first witness?

Mr. CARLISLE. Mr. Wolfe.

TESTIMONY OF WALTER M. WOLFE.

WALTER M. WOLFE, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Your full name, Mr. Wolfe?

Mr. WOLFE. Walter Matson Wolfe.

Mr. CARLISLE. Will you state your place of residence?

Mr. WOLFE. Logan, Cache County, Utah.

Mr. CARLISLE. How long have you resided in Utah?

Mr. WOLFE. I have resided in Utah since 1890.

Mr. CARLISLE. What has been your occupation?

Mr. WOLFE. Teaching.

Mr. CARLISLE. In the Mormon schools?

Mr. WOLFE. Since September, 1892.

Mr. CARLISLE. What schools? State to the committee what your position has been and what your duties were.

Mr. WOLFE. In the Brigham Young Academy at Provo, Utah, and subsequently in the Brigham Young College at Logan, Utah.

Mr. CARLISLE. What was your position in the college?

Mr. WOLFE. In the Brigham Young College I was professor of geology. In the academy I had history and Latin.

Mr. CARLISLE. You were a member of the Mormon Church?

Mr. WOLFE. I was.

Mr. CARLISLE. For how long?

Mr. WOLFE. Practically until the 2d of January, when I severed my relations.

Senator OVERMAN. The 2d of January of what year?

Mr. WOLFE. Of the present year. I severed my connection not officially, but by refusing to comply with the demand for tithing, which President Smith has stated is equivalent to a man withdrawing from the church.

Mr. CARLISLE. Were you ever sent on any missions by the church? If so, what missions, and when?

Mr. WOLFE. I was sent on three missions by the church. The first one was to Colorado, simply for the summer vacation, in June, July, and August, 1897. The second was to Mexico, leaving Provo, Utah, on April 17, 1900, and returning the latter part of October, 1901. The third was to England, leaving Utah in the latter part of October, 1902, and returning in July, 1904.

Mr. CARLISLE. On the mission to Mexico, did you see Mr. Benjamin Cluff, jr.? If so, where, and under what circumstances?

Mr. WOLFE. Mr. Benjamin Cluff, jr., was the head of the expedition with which I went, and I saw him in Mexico.

Mr. CARLISLE. At what place in Mexico?

Mr. WOLFE. I saw him at Nogales in Mexico; I saw him at Oaxaca in Mexico; I saw him from Oaxaca, Sonora, all the way down the Mexican line in Guatemala.

Mr. CARLISLE. What was his position in the church at that time?

Mr. WOLFE. He was the president of the Brigham Young Academy, Provo, Utah.

Mr. CARLISLE. Did you know Florence Reynolds?

Mr. WOLFE. I did.

Mr. CARLISLE. Will you state to the committee, if you please, what you know about any relations existing between Florence Reynolds and Benjamin Cluff, jr., and how you know it?

Mr. WOLFE. Secretary, do you want me to give a detailed statement?

Mr. CARLISLE. I think you had better, if it is a material matter. State where you met him, where you met her, and what you know about their relations.

Mr. WOLFE. I knew Florence Reynolds as a student in the Brigham Young Academy at Provo, Utah, in the years 1896 and 1897. From Provo she went to Beaver; where the Brigham Young Academy conducted a branch school, and there she lived in the home of Mrs. Hattie Cluff, a wife of Benjamin Cluff, jr.

The CHAIRMAN. What year was that?

Mr. WOLFE. That was in the school year 1898 and 1899.

The CHAIRMAN. She was a pupil in your school?

Mr. WOLFE. Prior to that time she had been a pupil of the Brigham Young Academy in Provo.

Mr. CARLISLE. Proceed.

Mr. WOLFE. She left Utah in August, 1899, and it was reputed, in fact it was common rumor, that she had gone to Mexico with Benjamin Cluff, jr. Of that I have no personal knowledge.

Mr. CARLISLE. Of that particular fact?

Mr. WOLFE. Of that particular fact.

Mr. CARLISLE. Go on and state what you know.

Mr. WOLFE. During our trip to Mexico Mr. Cluff was absent from the expedition for about two months, and the rumor came that he was in Mexico with Florence Reynolds. I met Mr. Cluff at Nogales, in pursuance of a letter from him about the middle of August. There had been some dissatisfaction with the conduct of the expedition, and he informed me that President Joseph F. Smith and Seymour B. Young would be with him at Nogales to consider the further disposition of the expedition. These gentlemen arrived one Saturday evening in August at Nogales. President Smith was accompanied by a wife. There were Seymour B. Young; Anthony W. Ivins, president of the Juarez stake; Mr. Cluff, and myself, present at an interview held at the Montezuma Hotel. At that interview a telegram was read from President Lorenzo Snow, stating that it was the will of the first presidency and of the council that the expedition be disbanded and the members return home unless President Smith found reasons why they should continue, and if they continued it would be at their own expense and without any assumption of jurisdiction by the church. In this interview President Smith referred to Sister Cluff and the work she had been doing among the children in Colonia, Diaz, in Mexico.

Mr. CARLISLE. Who was that.

Mr. WOLFE. That was Florence Reynolds.

Mr. CARLISLE. She had been working at that place?

Mr. WOLFE. Yes; they had been conversing together; and I might remark here that President Smith had made a trip down into the Mexican colonies and had been with Mr. Cluff there. I gained that not only from the conversation but from Mr. Cluff's personal information. A day or two after this information the gentlemen returned home, and Mr. Cluff went back to the Mexican colonies. I went on with the expedition to Colonia, Oaxaca, Sonora, which we reached late in August. There I met Mr. Cluff, who took me to one side, and he said, "Brother Wolfe, I must tell you something I know you have suspected for a long time. I have Florence here with me. I am married to her. I beg of you not to tell anyone this."

The CHAIRMAN. I did not understand your statement. What was that statement?

Mr. WOLFE. Mr. Cluff called me to one side when I reached Oaxaca. He took me for a little walk in the grove, and he said, "Brother Wolfe, I have Florence here with me. I know you have suspected for a long time that I have been married to her; but she is here with me now, and I beg of you not to tell anybody this." He then took me into the house and introduced me to Sister Cluff, whom I had known before as Florence Reynolds. From that point, Oaxaca, we traveled several days together, and Mrs. Cluff and Mr. Cluff occupied a 9 by 9 miner's tent. That is to say, they went together there at night and came out in the morning.

Mr. CARLISLE. Where did you separate from them?

Mr. WOLFE. The last time I saw Mrs. Florence Reynolds Cluff was early on Sunday morning, September 16, 1900, at Colonia Dublan.

Mr. CARLISLE. Has she returned to Utah, so far as you know, Mr. Wolfe?

Mr. WOLFE. I have never seen her.

Mr. CARLISLE. Has Cluff returned to Utah?

Mr. WOLFE. Cluff returned to Utah and resumed his position as president of the Brigham Young Academy.

Mr. CARLISLE. Is he in that position now?

Mr. WOLFE. No, sir.

Mr. CARLISLE. Was she present at the time that Mr. Joseph F. Smith referred to her as "Sister Cluff?"

Mr. WOLFE. She was not.

Mr. CARLISLE. But that was after he had been to Nogales, you say?

Mr. WOLFE. It was during his trip to Nogales that he mentioned it.

Mr. CARLISLE. After he had been to the place, though, where she was?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Professor Wolfe, did you ever pass through the Endowment House?

Mr. WOLFE. I have been through the Endowment House.

Mr. CARLISLE. How many times have you passed through the Endowment House?

Mr. WOLFE. Not less than twelve.

Mr. CARLISLE. Will you please state to the committee when you first passed through the Endowment House and when you passed through the last time?

Mr. WOLFE. Excuse me, secretary. By the Endowment House, I suppose you mean the Temple?

Mr. CARLISLE. Yes, the Temple.

Mr. WOLFE. Because the old Endowment House is torn down. I was never in that. I first passed through in May, 1894.

Mr. CARLISLE. When was the last time?

Mr. WOLFE. October, 1902.

Mr. CARLISLE. Will you state to the committee whether there is, as part of the ceremonies in the Temple, any oath administered?

Mr. WOLFE. There are several oaths administered.

Mr. CARLISLE. Can you state what they are?

Mr. WOLFE. There is an oath of chastity, or, I might say, a covenant or law—a law of sacrifice and a law of vengeance.

Mr. CARLISLE. When you say a law of vengeance, what do you mean? Do you mean that there is any promise or pledge to avenge a wrong, or do you mean simply that there is some law read to you or some rule read to you?

Mr. WOLFE. There is no covenant or agreement on the part of any individual to avenge anything.

Mr. CARLISLE. Just state to the committee what it is.

Mr. WOLFE. The law of vengeance is this: "You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and your children's children unto the third and fourth generations." At the conclusion the speaker says: "All bow your heads and say yes."

Mr. CARLISLE. Was that done?

Mr. WOLFE. It was done.

Senator OVERMAN. Was that done every time or just one time?

Mr. WOLFE. It was done every time I went through.

Senator OVERMAN. That was twelve times?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Twelve times at different times, he said.

Mr. WOLFE. At different times.

Mr. OVERMAN. I understand they were at different times.

The CHAIRMAN. Let me ask you if the persons present when this obligation is imposed assume any particular attitude, whether they are kneeling or standing?

Mr. WOLFE. They are standing.

The CHAIRMAN. And how about the right hand? Is it uplifted?

Mr. WOLFE. Yes, sir. [The witness illustrates.]

Mr. CARLISLE. Prior to the administration of this oath, or the taking of this pledge, whatever it may be called, was any ceremony of anointing gone through?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. What is done in that ceremony?

Mr. WOLFE. Those who participate in it are washed. The different parts of the body, from the head to the feet, are washed, and blessings are pronounced with the washing, and the anointing is done with oil from the head to the feet, and the blessing is pronounced with that.

Mr. CARLISLE. These ceremonies were the same, were they, each time you went through?

Mr. WOLFE. Yes, sir; each time.

Mr. CARLISLE. The twelve times?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Going back to Mr. Cluff, there is one matter that I omitted. When you returned from Mexico did you take any action or attempt to take any action concerning Mr. Cluff's case?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Will you state to the committee what you did?

Mr. WOLFE. As soon as I found out that the matter was not regarded as a mission, though we had received mission calls for it, and, according to the custom of the church, every young man who went on that expedition was expected to go through the temple, receive his endowments, and then be set apart for the mission, I felt as though we had been imposed upon, and I preferred charges against Mr. Cluff. I talked the matter over with several persons. Among them was the senior Senator from Utah, who was one of the executive committee, and I remember very well what he told me. He said: "Brother Wolfe, if you can prove these things, do it; but don't go off at half cock."

Mr. CARLISLE. Was that Senator Smoot?

Mr. WOLFE. Senator Smoot. He talked over the matter with me, and I think he rather advised me not to bring any charges—that is, I should judge it from the tenor of his conversation—but I did so, and the charges were referred to the long delay of the expedition—

Mr. WORTHINGTON. One moment. Were the charges in writing?

Mr. WOLFE. The charges were in writing; yes, sir.

Mr. WORTHINGTON. I submit we ought to have the writing to see what the charges were.

Mr. CARLISLE. I will ask him the question. Did you attempt to procure copies of these charges?

Mr. WOLFE. I did.

Mr. CARLISLE. To whom did you make application?

Mr. WOLFE. To Wilson Dusenberry, the secretary and treasurer of the board.

Mr. CARLISLE. What board?

Mr. WOLFE. The board of trustees of the Brigham Young Academy, Provo, Utah.

Mr. CARLISLE. When did you make that application?

Mr. WOLFE. In May, 1902.

Mr. CARLISLE. What was the result?

Mr. WOLFE. Perhaps I had better state the circumstance.

Mr. CARLISLE. State the facts just as they are.

Mr. WOLFE. When I went there for my salary at the close of the school year I found there was \$13 deducted. I asked the reason. Mr. Dusenberry informed me that in view of the fact that a stenographer had been employed and the proceedings had all been transcribed, it was deemed just that Mr. Cluff and myself should bear the expense, amounting to \$26, and hence \$13 was deducted from my salary. I said: "I am perfectly willing to pay that \$13, but I want a transcript of the proceedings. I want my money's worth." He said: "Oh, you don't need them. I have them here." I said: "I insist upon it before I pay that money." He said: "What would you do with the transcript?" I said: "I will make use of it. I will send it east to my brother." Said he: "You come in and see me later." Three or four days afterwards I met Mr. Dusenberry, and he told me the members

of the board had decided to retain the transcript, but would pay me the \$13. They preferred my having the money.

Mr. CARLISLE. So you received your salary but you did not receive the transcript?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. I still object to referring to the written charges by oral testimony when there is no evidence that there has been any effort made to obtain a copy of the charges for this committee or for this hearing.

The CHAIRMAN. Counsel will bear in mind that this is not a trial in court. It is an investigation, an inquiry, which permits a wide latitude, and I think the witness may answer.

Mr. CARLISLE. I want the witness to state simply whether there was a trial and what the result of it was. I could state that in regard to proceedings in a court of justice.

Mr. WORTHINGTON. I was objecting to his stating the contents of his charges. He said his charges were in writing. I want to know what they were trying.

Mr. CARLISLE. I think if I were present in court and heard a trial—

Senator HOPKINS. The chairman said it was competent.

Mr. CARLISLE. I did not hear that.

The CHAIRMAN. It is admissible.

Mr. CARLISLE. Proceed to state in general what charges you made against him, whether they were tried and what the result was.

Mr. WOLFE. The general charge was the neglect of the expedition for two months, not accounting for the moneys, and the guidance of the expedition by direct revelation.

Mr. CARLISLE. Was Cluff present at any trial that took place?

Mr. WOLFE. I think he was present at all the proceedings.

Mr. CARLISLE. Did you testify in that trial or make a statement?

Mr. WOLFE. I did, sir.

Mr. CARLISLE. Did you make any statement there concerning his relations with Florence Reynolds?

Mr. WOLFE. To the best of my knowledge and belief I brought that fact out in answer to the question why was Mr. Cluff so long absent from the expedition.

Mr. CARLISLE. Was there any reason why he was so long absent given by you or any one else present?

Mr. WOLFE. I gave the reason.

Mr. CARLISLE. What was the reason you gave?

Mr. WOLFE. That he was in Mexico with another wife. I think I did not mention Florence Reynolds's name.

Mr. CARLISLE. When you say "another wife," how many wives had he, so far as you know?

Mr. WOLFE. He had two living in Provo with whom I was well acquainted.

Mr. CARLISLE. Then this, if he had contracted a plural marriage with Florence Reynolds, was the third one, at least?

The CHAIRMAN. You speak of his absence on this expedition. Was this an absence after you arrived in Mexico?

Mr. WOLFE. It was an absence from Thatcher, Ariz., early in June until the expedition reached Oaxaca late in August.

The CHAIRMAN. Where was he during that time, if you know?

Mr. WOLFE. He was in Colonia, Diaz, Chihuahua, Mexico, most of the time, from his statement to me.

The CHAIRMAN. Do you know whether Florence was with him during that time?

Mr. WOLFE. Not of my own knowledge; no, sir.

Mr. CARLISLE. Will you say who composed this board to whom you preferred the charges against Cluff, and before whom you testified, as you say?

Mr. WOLFE. I can not mention all the members of the board. There was President Joseph F. Smith. Apostle John Henry Smith was present at some of the hearings. Apostle Reed Smoot, who was a member of the executive committee; Wilson Dusenberry, secretary and treasurer of the board; David John, president of Utah Stake; Jesse Knight, and Lafayette Holbrook. Those are the members, as I remember them at the present time, who were most actively concerned.

Mr. CARLISLE. Do you know a woman named Ovena Jorgensen?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Where did you first know her, and when?

Mr. WOLFE. I first knew her as a student at the Brigham Young Academy, at Provo, in the school year of 1896 and 1897. I think that was the year. It might have been prior to that time.

The CHAIRMAN. Mr. Secretary, for my own information, I want a little further light upon the question of the trial. I understand you disclosed to these parties the fact that Mr. Cluff had another wife, or had taken another wife.

Mr. WOLFE. As I remember it, I brought out that fact, that he was with another wife in Mexico.

The CHAIRMAN. Was any testimony taken on that question other than your own?

Mr. WOLFE. I think not.

The CHAIRMAN. What was said by those who were hearing the case?

Mr. WOLFE. It seemed unimportant.

The CHAIRMAN. Did they so state?

Mr. WOLFE. No, sir; not in so many words, but it was like something else that came up that was important to me. The board thought it was comparatively unimportant.

The CHAIRMAN. They did not pursue the investigation on that line?

Mr. WOLFE. No, sir; not at all.

Senator KNOX. Was that fact relevant to anything that was being investigated?

Mr. WOLFE. Simply as to the reasons why Mr. Cluff was absent from the expedition, but as to the fact of his being absent there was no controversy. The reason was immaterial.

Mr. CARLISLE. It was brought in as a reason why he had neglected the expedition?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. What was the understanding as to why he was absent for those two months?

Mr. WOLFE. The understanding was that he had been in Mexico with Florence Reynolds. That was the general understanding.

Mr. CARLISLE. Now, you may proceed to state what you know about Ovena Jorgensen and about her having contracted a plural marriage

with somebody after your knowledge of her, after you became acquainted with her.

Mr. WOLFE. In the summer of 1897 I was in Colorado. On my return, at the beginning of the school year, I found that Ovena Jorgensen was not in attendance. She returned to school some time during the month of October. Shortly after her return, she came to my house and asked to see me privately. She said: "Brother Wolfe, I have something that I must tell you, the reason why I have been late in coming back to school. I have been married." I said, "Not in polygamy." She said: "Yes, sir; in polygamy. I have married Brother Okey."

The CHAIRMAN. What year was that, professor.

Mr. WOLFE. This was in October, 1897.

Mr. WORTHINGTON. That she told you this?

Mr. WOLFE. This is her story to me.

Mr. WORTHINGTON. I say, it was in October, 1897, that she told you?

Mr. WOLFE. Yes, sir. I asked her how it had happened, and she said that some years before she had gone into service at the house of this man Okey; that he had loved her and she loved him. He had asked her to marry him and she had declined, saying that it was impossible on account of the manifesto, but she had promised that she would marry no one else. Mr. Okey visited President Woodruff several times, I should judge from her conversation, and each time was refused his request that he marry the girl. In August, 1897, Okey and the girl went together to see President Wilford Woodruff, and they laid the case before him. He brushed them aside with a wave of his hand and said he would have nothing to do with the matter, but referred them to President George Q. Cannon. George Q. Cannon asked if the girl had been through the Temple and received her endowments. They told him no. He said that that must be done first and then he would see as to the rest of it. They went through the Temple and the girl received her endowments. Then they were given a letter by President George Q. Cannon to President Ivins, of the Juarez stake, and they went to Mexico.

The CHAIRMAN. Who was this letter to?

Mr. WOLFE. President A. W. Ivins, of the Juarez stake.

The CHAIRMAN. Mexico?

Mr. WOLFE. Mexico; yes, sir. They went to Mexico, and there the girl told me the marriage ceremony was performed, and they returned to Utah.

Mr. CARLISLE. This statement that you have made is the statement she made to you?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. You say they were given a letter to the president. What do you mean by that? What president?

Mr. WOLFE. President Ivins. The Mormon Church geographically is divided into stakes very much as the States of the Union are divided into counties.

The CHAIRMAN. He was the president of one of the stakes?

Mr. WOLFE. Of one of the stakes; yes, sir.

Mr. CARLISLE. Do you know anything about her subsequent history—where she is?

Mr. WOLFE. She stayed in school and graduated, I think, in the class of 1900. I have not seen her since that time.

Mr. CARLISLE. She left the place, did she?

Mr. WOLFE. I have not seen her since then. I do not know where she is.

Mr. CARLISLE. Unless some member of the committee desires to ask questions of the witness, we turn him over to counsel.

Mr. WORTHINGTON. Shall I inquire, Mr. Chairman?

The CHAIRMAN. I want to ask one question. When you started on this expedition to Mexico, what was your course?

Mr. WOLFE. Through what is called Utah Valley, Sanpete Valley, Sevier Valley, then over to Beaver and Panguitch, back to Kanab, down through Arizona to the Mexican line, and after reaching Mexico, to the Morinon colonies there.

The CHAIRMAN. What did you find in southern Utah in relation to the practice of polygamy or polygamous cohabitation?

Mr. WOLFE. It was spoken of more openly there than it was in the northern part of Utah, especially in the settlement of Kanab.

The CHAIRMAN. Was the practice concealed or was it practiced openly?

Mr. WOLFE. It was not concealed; no, sir.

The CHAIRMAN. Was it talked of openly?

Mr. WOLFE. It was.

The CHAIRMAN. When you went through Arizona what places did you visit in Arizona?

Mr. WOLFE. St. Joseph, Woodruff, Snowflake, St. Johns, Thatcher, St. Davids.

The CHAIRMAN. State to the committee if you know of the existence of Mormon settlements at those places.

Mr. WOLFE. Those were all Mormon settlements.

The CHAIRMAN. What, if anything, do you know about the existence of polygamy or polygamous cohabitation at those places?

Mr. WOLFE. It was more open than it was in Utah. That is, I did not see any among the young people. The settlements there seemed to have been settled many years ago, and those who were living there were men who had taken plural wives in the early days of the church and were living with them openly.

The CHAIRMAN. Where did the inhabitants of these settlements come from?

Mr. WOLFE. Almost altogether from Utah.

The CHAIRMAN. Now, going into Mexico, what places did you visit?

Mr. WOLFE. The Mormon colonies of Batipito, Oaxaca, Pacheco, Garcia, Juarez, Dublan, and Chiuhiuchupa.

The CHAIRMAN. Do you know how Mormon settlements happened to be located in those places?

Mr. WOLFE. Senator, it was before my day.

The CHAIRMAN. Do you know anything about the practice of the church in directing colonization, as to where their adherents shall go and where they shall settle?

Mr. WOLFE. Yes, sir; I believe the church directs the movements of colonists. I have heard many of these men tell me they want to move to this place, or to that, and I think most of the colonies have been established by the church for this particular purpose.

The CHAIRMAN. You spoke of John Henry Smith. You know him?

Mr. WOLFE. I have met him; yes, sir.

The CHAIRMAN. What is his position in the church?

Mr. WOLFE. He is a member of the quorum of the twelve apostles, the second one on the list, I think.

The CHAIRMAN. Where is he?

Mr. WOLFE. I do not know. I suppose he is in Salt Lake City.

The CHAIRMAN. Did you have a conversation with him at any time in relation to the manifesto?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. State what it was.

Mr. WOLFE. Will you allow me, Senator, to give the incidents in connection with it? It will refresh my mind.

The CHAIRMAN. Yes, sir.

Mr. WOLFE. There was a meeting in the Brigham Young Academy, in Provo, Utah, that was addressed by B. F. Grant, a brother of Apostle Heber J. Grant. At that meeting Apostle John Henry Smith was present.

The CHAIRMAN. On what date was that; what year?

Mr. WOLFE. I don't remember the year. It was in the late nineties, probably.

Mr. CARLISLE. It was after the manifesto?

Mr. WOLFE. Yes, sir; it was after the manifesto. On my way home I walked several blocks with B. F. Grant and Apostle Smith, and on the way we were talking about the conditions existing, and President Smith used these words to me: "Brother Wolfe, don't you know that the manifesto is only a trick to beat the devil at his own game?"

The CHAIRMAN. You do not know where John Henry Smith is now?

Mr. WOLFE. I suppose he is in Salt Lake City. I have no personal knowledge.

Mr. CARLISLE. That is his home, is it?

Mr. WOLFE. I think so.

The CHAIRMAN. While you were in Mexico, were you present at a celebration of what they call "Independence Day?"

Mr. WOLFE. I was in Colonia Dublan on September 15, 1900.

The CHAIRMAN. A Mormon settlement?

Mr. WOLFE. I think there were no gentiles there.

The CHAIRMAN. In 1900?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. Were you called upon to address the assembly?

Mr. WOLFE. I was.

The CHAIRMAN. Will you state about that?

Mr. WOLFE. I supposed that I was in an American community, and I did my best to give a Fourth of July oration; and while there I expressed the hope that, although the people were living under another flag and another government, they would be loyal to that which they had left and always love the old flag.

The CHAIRMAN. Anything else?

Mr. WOLFE. Yes, sir. When I finished, to use a slang expression, I was called down.

The CHAIRMAN. What do you mean by that?

Mr. WOLFE. A man by the name of Young—I think his first name is Lorenzo—took the stand and remarked that I did not understand the conditions; that the people should be loyal to the government which enables them to live their religion rather than to a government which had cast them out and had prohibited them living their religion. That was the substance of his remarks.

Mr. CARLISLE. How was that received?

Mr. WOLFE. It was received with applause.

The CHAIRMAN. What was said to you, if anything, in addition to what you say Smith declared to you, by anyone else in relation to the effect of the manifesto?

Mr. WOLFE. I can not quote any definite statements. I can simply give the prevailing sentiment among the people. I believe the opinion is that the manifesto does absolutely apply to the State of Utah, but that outside of the United States, or in States where there is no law against polygamy, the manifesto is inapplicable. That is my understanding of the interpretation of it, from conversations.

The CHAIRMAN. Was anything said to you about the manifesto being a grand thing, as it enabled the church to select the people they would admit to polygamy?

Mr. WOLFE. Such a statement has been made to me, but not by anyone who was high in authority. In a conversation held during the Christmas holidays with a man by the name of Wilson—

Mr. WORTHINGTON. What year?

Mr. WOLFE. 1905. He said to me that he wished he could go that day and see a man who had just had an heir born to him. He had married for his second wife a girl who was in Chicago two or three years ago, either as a missionary or a recent convert, and he said that this man had been married for twenty years without a son, and now he had one, and he rejoiced that it had been possible. I said: "Why, John, how about the manifesto?" He said: "Well, Brother Wolfe, the manifesto enables the church to exclude men who are not good men and men who ought not to have plural wives, but it gives an opportunity for worthy men to take more wives." He spoke of it as being a glorious thing.

The CHAIRMAN. Do you where John Wilson is?

Mr. WOLFE. He lives in Logan, Utah.

Mr. WORTHINGTON. Did you say his name was John Wilson?

Mr. WOLFE. John Wilson.

The CHAIRMAN. What was the nationality of the young lady to whom you refer as making a confession to you?

Mr. WOLFE. She was of Scandinavian parentage.

The CHAIRMAN. Do you know anything about the prayer circle in that organization?

Mr. WOLFE. I know there are prayer circles held; yes, sir.

The CHAIRMAN. What are they?

Mr. WOLFE. They are meetings held in some of the wards once a week, in others once a month, but generally held in the largest town, where some of the leading latter-day saints, the men, meet, and after a formal prayer discuss the practical business of the ward. They are what would be called prayer meetings in the evangelical churches.

The CHAIRMAN. How are they connected with the head of the church, the presidency?

Mr. WOLFE. I believe that if the presidency wishes to disseminate any matter the prayer circle would be the natural means of communication from the presidency of the church to the stake presidency, to the high council, to the prayer circle.

The CHAIRMAN. In that way reaching the body of the organization?

Mr. WOLFE. Yes, sir. There are other ways by which they could be reached, but I believe that would be as effectual as any.

The CHAIRMAN. Is the manifesto published in the Book of Doctrine and Covenants?

Mr. WOLFE. The Doctrine and Covenants?

The CHAIRMAN. Yes.

Mr. WOLFE. I have never seen it there.

The CHAIRMAN. When you were on a mission to England you had that book with you?

Mr. WOLFE. Yes, sir; I used it frequently.

The CHAIRMAN. It never has been published in that book?

Mr. WOLFE. Not to my knowledge—not in the latest edition I have seen.

The CHAIRMAN. Is the doctrine of polygamy embodied in that book?

Mr. WOLFE. Yes, sir; the revelation of, I think, 1843 is embodied in the Doctrine and Covenants.

The CHAIRMAN. You took that book with you?

Mr. WOLFE. I have had it with me for a number of years, I think.

The CHAIRMAN. In other words, the doctrine of polygamy is embraced in the Book of Doctrine and Covenants?

Mr. WOLFE. It is.

The CHAIRMAN. And the manifesto is not?

Mr. WOLFE. It is not.

The CHAIRMAN. I have no further questions.

Senator KNOX. May I ask one or two questions, please?

The CHAIRMAN. Certainly.

Senator KNOX. What was the name of the man who married this girl in your school?

Mr. WOLFE. William Okey.

Senator KNOX. Do you know anything more about that matter than what she told you?

Mr. WOLFE. Nothing more, only that it was common report in the school afterwards that she was married.

Senator KNOX. Did you know Okey?

Mr. WOLFE. I did not.

Senator KNOX. You do not know anything more about his having other wives than what she told you?

Mr. WOLFE. That is all.

Senator KNOX. What was Woodruff's relation to the church at that time?

Mr. WOLFE. He was the president of the church.

Senator KNOX. Do you know anything more about the story of their going to him about the marriage than what she told you?

Mr. WOLFE. I know nothing except what she told me.

Senator KNOX. The impression made upon my mind by your testimony was that the head of the church, Woodruff, had connived at this marriage. Do you know of any other case where the church connived at a plural marriage?

Mr. WORTHINGTON. Since the manifesto, you mean?

Senator KNOX. Since the manifesto.

Mr. WOLFE. Senator, I believe there could be no plural marriages without the consent of the church.

Senator KNOX. I am merely asking what you know.

Mr. WOLFE. But I have no personal knowledge, unless you take the Cluff and Reynolds affair.

Senator KNOX. What was there about the Cluff and Reynolds affair which would lead you to say that the church connived at that marriage?

Mr. WOLFE. One of the presidency of the church visited them in Mexico.

Senator KNOX. Before or after the marriage?

Mr. WOLFE. After the marriage.

Senator KNOX. I am speaking of conniving at the marriage in the sense of conniving at it before the marriage.

Mr. WOLFE. No, sir; I know nothing at all about that.

Mr. WORTHINGTON. How do you know one of the presidency visited them in Mexico after they were married?

Mr. WOLFE. For the simple reason that Mr. Cluff told me that President Smith was down there.

Mr. WORTHINGTON. You do not know it in any other way?

Mr. WOLFE. And President Smith referred to Sister Cluff and the work she was doing in my presence.

The CHAIRMAN. Excuse me just one moment, Mr. Worthington. There is one question I would like to ask.

Mr. WORTHINGTON. Certainly.

The CHAIRMAN. What do you say about the existence of polygamy; that is, whether the practice of polygamous cohabitation has continued since the manifesto in 1890?

Mr. WOLFE. I think, sir, that from 1890 until 1896 the practice was practically done away with. Since 1896 it seems to have been restored, or else more cases have come to my notice than before.

The CHAIRMAN. That is what I desired to ask you, whether since the admission of Utah as a State the practice of polygamous cohabitation has increased, and how it compared with the practice immediately after the manifesto and up to the time of the admission of the State?

Mr. WOLFE. To the best of my knowledge and observation it has increased materially.

The CHAIRMAN. Proceed, Mr. Worthington.

Mr. WORTHINGTON. I take it from what you said to Senator Knox that that means there has been more living together of people who were married polygamously since the manifesto and who had been married before than there was between 1890 and 1896?

Mr. WOLFE. Excuse me, counsel. I do not understand the purport of your question.

Mr. WORTHINGTON. I say that people who had been united in plural marriage before the manifesto have been living together more since 1896 than they were between 1890 and 1896?

Mr. WOLFE. No, sir; I did not mean that.

Mr. WORTHINGTON. Do you mean there have been more plural marriages since 1896 than between 1890 and 1896?

Mr. WOLFE. Since 1896, to the best of my knowledge, there have been.

Mr. WORTHINGTON. I understood you to say to Senator Knox that you did not know of any plural marriages, except the two you have referred to in your testimony, since 1896?

Mr. WOLFE. No, sir; I beg your pardon. Senator Knox asked, as I understood him, whether I knew of the president conniving in any plural marriages.

Mr. WORTHINGTON. What plural marriages have you any knowledge of since the manifesto?

Mr. WOLFE. I have no knowledge of any plural marriages. I have knowledge of men and women living in the married relation.

Mr. WORTHINGTON. You know of that everywhere, I suppose?

Mr. WOLFE. Oh, I suppose you can find cases.

The CHAIRMAN. Since the manifesto, do you mean?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. Who were not living in that relation before the manifesto?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Will you look at this paper, which is dated Provo, Utah, February 19, 1902, and tell me whether that is the original written charge signed by you and by Gordon S. Beckstead, which you preferred after your return from the trip into Mexico with Mr. Cluff?

Mr. WOLFE (after examining the paper). It is my writing; yes, sir. I think this is the original.

Mr. WORTHINGTON. I offer this in evidence. It reads as follows:

PROVO, UTAH, *February 19, 1902.*

To President Joseph F. Smith and the Board of Directors of the Brigham Young Academy.

BRETHREN: For many months we have felt that an investigation should be held as to the conduct of the Brigham Young Academy Exploring Expedition, and that this investigation should include an examination of the financial status of the expedition. We feel that in the conduct of the expedition unwarranted ecclesiastical authority was assumed by President B. Cluff, jr.; that his attitude toward his brethren who traveled with him was unchristianlike; that both in the method of obtaining funds and in their expenditure he was guilty of dishonesty. We consider that his course from the outset was deceitful and was a proof that so far as he was concerned the expedition was a creation of his own mind, its highest object the gratification of his selfish, personal ambition. In the carrying out of his purpose neither the wishes or even the lives of his brethren were considered by him, his motto being, "The end justifies the means." During the absence of of President Cluff, when he was unable to offer any defense, it seemed manifestly unfair to prefer charges against him. But in view of his return and of the prominent position which he now holds, the time seems opportune for the inquiry which we desire.

We segregate our charges into three groups. The first embraces the period wherein the entire expedition was intact from April 17, 1900, until the visit of President Joseph F. Smith and party to Nogales August 12, 1900; second, a statement of Gordon S. Beckstead of the financial relations between himself and B. Cluff, jr.; third, a statement of Walter M. Wolfe covering the period from August 14, 1900, to May, 1901.

In the first place, we wish to say that we left Provo as counselors to President Cluff, and not once were we consulted on any proposition concerning the operation, conduct, or welfare of the expedition. The only times that we ever met was when President Cluff wished to reprimand some member of the party, and we do not know of an instance where a reprimand was justly administered. From the outset President Cluff claimed the authority of an apostle so far as the expedition

was concerned. He claimed that he and he only had the right to receive revelations for its conduct and guidance, and furthermore that his actions were inspired. He used his priesthood as a whip, and constantly told members of the party that in differing with him they were questioning divine authority. At House Rock, Arizona, he said: "Now, your names are recorded to the world and you are on the church books as regular missionaries." He forbade laughing or jesting along the line of march and even singing, unless it were Latter Days Saints' hymns. Such conduct only served to bring religion, or rather such kind of religion, into ridicule in the eyes of all.

At Thatcher, Ariz., he claimed the authority to send out members of the expedition, two by two, to preach in the wards of St. Joseph stake. This would not have been obeyed had the party not supposed that the order came from the heads of the church. We remained at Thatcher from June 9 until July 5, and President Andrew Kimball preached from the stand that we were a burden upon his people. Meanwhile it would be interesting to know as to the whereabouts of President Cluff. His location can be proved, not only by certain members of the expedition, but by the testimony of numerous residents of our Mexican colonies. It would be well to have an understanding of the particular revelation, inspiration, or instruction that led to the abandoning of the expedition by President Cluff from June 9 to August 28. This matter, however, will be treated more in detail on a subsequent page.

On July 14 we met President Cluff at Nogales, where he remained with us for three whole days. There had been a great deal of murmuring at the delays that had occurred and President Cluff, claiming the authority of the priesthood, had the members of the expedition hold up their right hands and swear "without mental reservation to obey implicitly" whatever he commanded to be done. This was done at a sacrament meeting, and the oath commenced with these words: "You do solemnly covenant with me."

Under such conditions freedom of action was impossible and the priesthood became a synonym of tyranny which never could have existed had the condition of affairs been known.

At a meeting of the members of the expedition held at Salt Lake, at the president's office, shortly before our departure, Apostle F. M. Lyman gave special instructions concerning the observance of the Sabbath and told us not to travel on that day. On Saturday evening, the first Saturday after leaving Provo, we arrived at Richfield. The next day (Sunday), although we were invited by the stake presidency to remain and rest, President Cluff ordered the wagons and party to proceed to Elsinore. Neither the requests nor protests of his counselors availed anything.

The second Sunday was spent at Panguitch. President Cluff was absent, but had left orders for the wagons to go on and travel up the Sevier Valley. W. M. Wolfe so reported to Counselor Beckstead, who had charge of the wagons. Both men and animals were worn out by two days' hard travel through snow and mud. Brother Beckstead said, "I do not intend to break the Sabbath." Brother Wolfe said, "Those are my sentiments; we will not travel to-day." For this we were reprimanded by President Cluff on his arrival at Panguitch the same evening.

On the third Saturday evening we made a day camp some 18 miles from Kanab. We might have remained in Kanab over Sunday, but it seemed that President Cluff was determined to show his priestly authority by having us break the day. He also decided that every Sunday should be a fast day for us. We would like to know if this was an instruction of the first presidency. Sunday morning, therefore, we started off without breakfast and had a weary climb over the Little Buckskin Mountains. At 11 a. m. we found good water and feed at "Deadman's Water Pocket" and wished to stop, but the president insisted upon our making a full day's journey and then having our sacrament meeting.

The fourth Sunday was one of rest at House Rock. On the fifth Sunday President Cluff was absent and we did not travel. On the sixth Sunday the party traveled from a point near Winslow to St. Joseph, Ariz., notwithstanding the fact that there was plenty of feed and water at the Saturday night camp.

On the seventh Sunday, as soon as meeting was over at Taylorville, President Cluff, in spite of the remonstrance of the bishop and saints of the settlement, ordered the party to proceed on its journey, although there were only three hours of daylight. The next Sunday we were at Thatcher and for the next eleven weeks President Cluff's interests were in Mexico rather than with the expedition and we were able to avoid Sunday travel. This Sunday travel was made against the advice of the saints among whom we traveled, and there was a constant protest against it from both counselors and from other members of the party.

In regard to the charges of unchristian and deceitful conduct toward his brethren we desire to relate specific incidents.

On April 18, 1900, the expedition lunched at Santaguin. When the animals were being fed hay Brother B. T. Higgs, jr., after feeding his horses hay pitched his fork into the hay pile. In doing this he did not notice Brother Magleby, who stood in range. Possibly Brother Magleby was scratched, but not seriously. Higgs received a scathing rebuke. A few days later the company received a scathing rebuke because some one had written the incident home. President Cluff said that no one had a right to send home any such news from the expedition. It afterwards transpired that President Cluff wrote this episode to President Brimhall and it was read in a letter before the academy. This seemed to us like the basest deceit and it did a great deal to shake our confidence in him. We left Elsinore early on the morning of Monday, April 23. Experienced a long, cold ride (several snow squalls) over the divide to Kanosh, which we reached about 4 o'clock p. m. After eating, a programme was rendered and then there was a dance. At 12.30 a. m., in spite of protests, the invitation of the citizens of Kanosh, and the inclemency of the weather, Professor Cluff ordered us to saddle our horses and proceed to Beaver.

He said that he did this that we might be "inured to the hardships of the journey." All night we rode through storm and cold, reached Cove Fort at 7 a. m., rested an hour, and then went on to Beaver, which was reached late in the afternoon. We had thirty-six hours of unnecessary travel without rest. We would like the statement of President I. N. Hinckley, of Millard Stake, in this matter. It was a cruel and unwarranted abuse of authority. It can be seen by glancing

at a map that our direct route from Elsinore to Panguitch was up the Sevier Valley. Why was the long detour to Beaver made? At Kanab President Cluff paired off the boys, regardless of personal friendship and of what financial dealings they had made among themselves, by twos. This resulted in much hard feeling, but he claimed priestly authority for his action. He further claimed absolute right to do what he pleased with individuals and private property. President Woolley, of Kanab Stake, counseled and remonstrated with him in this matter, and we would like his evidence on this point.

At "McLellan's Tanks," Arizona, a horse belonging to Brother Pach gave out and could go no further. President Cluff had promised to make good what animals gave out and he refused to make the loss good. At Black River he ordered all the party to drive their animals into the river and wash them. In doing this an animal belonging to Brother Warren Shepherd broke its leg and had to be killed. Professor Cluff refused to make this good also. At Snowflake he claimed a white horse belonging to Warren Shepherd to pay a personal obligation to Elder J. B. Fairbanks. When Brother Fairbanks understood the circumstances he refused to accept the animal. On one occasion when some members of the party were left behind with the wagon and could not catch up with the horsemen at night they took provisions from the wagon to sustain life. For this they were severely rebuked, and Professor Cluff told them to "starve" rather than take food without his permission.

Several guns and pistols (private property) were confiscated by Professor Cluff because their owners had dared to shoot at game without his permission.

At Willow Springs (where Professor Cluff was absent) we found no feed for the animals. Both counselors deemed the only safe thing to do was to go on for feed and water. The result was a severe rebuke from President Cluff and an uncalled for snubbing and belittling of Elder Beckstead. On July 15, near Nogales, Professor Cluff deposed Elder Beckstead from the office that he had of attending to the horses and wagons, having had a practical experience in these matters, which Professor Cluff had not. Elder Beckstead had been set apart for this position by Apostle Lyman. This action was taken without any previous knowledge on the part of Elder Beckstead, and its evident design was to humiliate him in the eyes of his companions. Other instances of unwarranted and arbitrary treatment of the brethren will be given if desired.

The financial status of the expedition comes up next for consideration. There is no evidence that Professor Cluff contributed one cent toward the expenses of the journey. If not, he deliberately purposed living off from the contributions of others. He never counseled with either of us as to the expenditures and receipts, all financial transactions being in his own hands.

At Beaver one sack of sugar was taken from the wagon and by his order conveyed to the house of Mrs. Harriet Cluff. Was this company property?

At Snowflake, Ariz., he sold one wagon, one typewriter, one set of harness, all the powder (except one keg), and some drugs. This was all (with the exception of some of the powder, which was individual property) company property, and ought not to have been disposed of by one who had absolutely no financial interest in it without the con-

sent of those who had. We do not know what became of the money received by this transaction.

At Thatcher Professor Cluff left the party ostensibly to go to Mexico to make arrangements for our getting through the custom-house. He purchased with company funds one buckboard, also a span of mules. This outfit was used for his own private pleasure, and the buckboard when sold at Colonia Dublan did not bring the price of the duty upon it, so it was a dead loss to the expedition. President Cluff left Provo with one poor horse; when we entered Mexico he owned more and better animals than anyone else in the expedition. We consider his departure from Thatcher as uncalled for.

The board is aware of the reason for his absence, as is every member of the company. He rejoined the company at Nogales on July 14 and remained with us for three days. Then he returned to Mexico, and we awaited word from him at Nogales. He again joined the party on August 9 in time to be prepared for the visit of President Joseph F. Smith. On Tuesday, August 14, he again went back to the colonies, and the party joined him at Oaxaca on August 28. Was his absence during this long period an absence which almost resulted in the breaking up of the expedition, a neglect of his duty, a sacrificing of his "sacred mission" to his own personal desires, or was it an inspiration and an order from the authorities? It is for you to answer, not the complainants. We bring these charges with a view to having justice done in the matter.

Respectfully, your brethren,

WALTER M. WOLFE, *First Counsellor*.

GORDON S. BECKSTEAD, *Second Counsellor*.

During the reading of the foregoing paper, the following occurred:

MR. WORTHINGTON. May I ask what is passing between the witness and counsel while the witness is on the stand?

MR. OWEN. Certainly; it is the call of the church to go on this mission.

MR. WORTHINGTON. Besides that, you filed a specific charge of your own, did you not, signed by yourself alone and not by Beckstead? I show you a paper dated Provo, Utah, April 2, 1902, and ask you whether that was a charge you made at the same time against President Cluff?

MR. WOLFE (after examining paper). Yes, sir.

MR. WORTHINGTON. This is dated Provo, Utah, April 2, 1902, and is as follows:

PROVO, UTAH, *April 2, 1902.*

*President Joseph F. Smith and the Board
of Directors of the Brigham Young Academy.*

BRETHREN: In my personal transactions with President B. Cluff, jr., in connection with the late B. Y. A. exploring expedition, I consider that I was dishonestly treated and that means bordering very closely on the criminal were used to extort money from me. I did not want to go on the expedition, as I considered its object the gratification of President Cluff's personal ambition, and the entire history of this trip has only confirmed this view. I had no qualification for such a trip, and my work in the academy as professor of history and Latin had nothing in common with the purported object of such an expedition, but President Cluff informed me that, by a vote

of the board of directors, I had been selected to accompany him, so protest was useless on my part. I now doubt very much whether I was ever chosen by the board for the journey. Probably your minutes will show.

My charges of dishonesty against President Cluff are as follows:

First. On August 11, 1900, while President Cluff was at Nogales, he told me that the expedition could use \$200, G. T. O. scrip, in the Mexican colonies, and asked how much of that amount I would be willing to pay. I told him \$75. This amount (\$200) was sent through an order of Treasurer W. H. Dusenberry. The expedition received no such amount of goods in Mexico. As the last wagon was sold at Colonia, Oaxaca, had no facilities for transporting any such amount of provisions. Professor Cluff has made no accounting for this money and my belief is that the greater part went for his own private purposes.

Second. In November and December, 1900, I was ill and scarcely able to travel. On December 3 I told President Cluff that, in view of the condition of my health, I desired my release. He informed me that I could have it for an order on Treasurer W. H. Dusenberry for \$300. I protested, but he said that he was president of the academy and unless I gave this order I could not return and teach. In plain English, his idea was to sell me back my old position for his personal benefit. On the following Sunday (December 9) I gave him an order on Treasurer Dusenberry for \$225, and on the same date wrote a letter to Prof. J. B. Keeler on this matter, which letter I should like to have introduced as evidence.

Third. On August 13, 1900, President Cluff, as head of the expedition and in absolute control, made arrangements with his brother, William Cluff, of Thatcher, Ariz., to take our horses, which we were unable to take into Mexico on account of the duty, and sell them, forwarding the money to us at our Mexican colonies. I let him have two horses and have not yet received 1 cent for them. Other members of the company are as badly off. From private letters, received by some members of the expedition, I learn that most of the animals were disposed of within a few days from the time when William Cluff took possession of them.

Fourth. When I was left in Guatemala, April 16, 1901, to pursue my work in Yucatan, it was agreed that Brother C. G. Van Buren should remain with me. President Cluff promised \$12.50 per month from the company funds for our support. Afterwards Brother Adams had to remain with us on account of his health. When we separated President Cluff did not leave me 1 cent with which to meet my expenses. I left Guatemala September 18. For the entire summer's support for three of us I received only \$25 of company funds from Brother Keeler, and this, with \$20 to aid in my return home, was all of the company money which I have received. I did not even have the use of the money from my juvenile articles. This went into the expedition treasury.

Fifth. On my return home I learned from Treasurer Keeler that President Cluff had not contributed 1 cent toward expedition expenses, and yet he consulted no one about expenditures. Expedition funds seemed to be his own private property. I think that his acts are conclusive proof of dishonesty.

Yours, respectfully,

WALTER M. WOLFE.

You will see there is nothing in that paper which in the slightest degree refers to this matter of Mr. Cluff's relation with Florence Reynolds.

Mr. CARLISLE. It seems to my mind that there are strong indications in that paper you first read that Mr. Cluff was there on some business of his own and that he was neglecting the mission.

Mr. WORTHINGTON. There is that insinuation; yes

The CHAIRMAN. The paper will be printed in the record. Have you anything further?

Mr. WORTHINGTON. Yes; While you were going into all this detail about charges against Mr. Cluff and finding fault with him about numerous trifling matters, why did you overlook making the specific charge that he had been cohabiting with Florence Reynolds down there, of your own observation?

Mr. WOLFE. For several reasons; most of all because it was not a crime in the eyes of the church. I was in a church institution, and this was permitted to members of the church who were in high authority, and I considered it none of my particular business why he was away. It was simply the fact that he was away when he had been set apart to do a particular piece of work.

Mr. WORTHINGTON. You did, then, deliberately and intentionally refrain from including that matter in your charges?

Mr. WOLFE. Except as I hoped it might be brought out. I would have liked to have it brought out.

Mr. WORTHINGTON. You would have liked to have it brought out, but you did not want to make the charge?

Mr. WOLFE. I did not want to make the charge; no, sir.

Mr. WORTHINGTON. You testified before the board in support of your charges?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. There was a formal hearing? The board heard you and the witnesses you chose to produce?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. It then heard the other side?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. In giving your testimony before the board did you state that Florence Reynolds and President Cluff had been living together down there?

Mr. WOLFE. No, sir. I can not tell whether I did or not. I have not read over the transcript of the testimony.

Mr. WORTHINGTON. How long ago was it you gave that testimony?

Mr. WOLFE. That was, I think, in March and April, 1902, as I remember it.

Mr. WORTHINGTON. You do not know whether you did or not?

Mr. WOLFE. No, sir; if I had had an opportunity of reading over the testimony I could have refreshed my mind, but I have not had that opportunity.

Mr. WORTHINGTON. You do not recollect whether the motives which you stated kept you from putting it in your written charge kept you from saying anything about it in your testimony?

Mr. WOLFE. My impression is I did mention it in my testimony, but I can not swear to it positively, Mr. Worthington.

Mr. WORTHINGTON. What induced you to mention it in your testimony when you carefully omitted putting it in your charge?

Mr. WOLFE. Because if you noticed in the charge a reference is made to the reasons that kept Mr. Cluff from the expedition; that will be spoken of later.

Mr. WORTHINGTON. Yes.

Mr. WOLFE. Now, I can not tell without having the testimony to refresh me whether I brought that charge out deliberately or not. There is a gentleman here who was present there, and he would know much better than I do.

Mr. WORTHINGTON. Who is it?

Mr. WOLFE. The Senator from Utah was present, I think, at almost all of those sessions. I am not sure.

Mr. WORTHINGTON. Were there any other persons present who are here except Senator Smoot?

Mr. WOLFE. I think not.

Mr. WORTHINGTON. Was this testimony taken before the full committee whose names you have given?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. It was taken before a subcommittee?

Mr. WOLFE. A subcommittee, but there were several gentlemen present. President John Henry Smith, Senator Smoot, and other members were at some of the meetings, I know.

Mr. WORTHINGTON. Senator Smoot was not a member of the subcommittee that heard the formal testimony?

Mr. WOLFE. No, sir; he was not a member of the subcommittee.

Mr. WORTHINGTON. When did your connection with Brigham Young Academy terminate?

Mr. WOLFE. In July, 1902. That was the official severance.

Mr. WORTHINGTON. Was that severance of your relations with the academy voluntary on your part, or was it involuntary?

Mr. WOLFE. It was absolutely voluntary on my part.

Mr. WORTHINGTON. There was no request of you to resign?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. Were there any charges preferred against you with reference to drunkenness?

Mr. WOLFE. Not that I know of, there.

Mr. WORTHINGTON. You never heard of that before?

Mr. WOLFE. Never.

Mr. WORTHINGTON. Before now?

Mr. WOLFE. No, sir; I did not. I will not deny that they may have been made, but I never heard of them.

Mr. WORTHINGTON. Do you mean to tell the committee that until now you did not suspect that there had been charges preferred against you of your being a drunkard, and that was the cause of your leaving the institution?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. You never heard of it until now?

Mr. WOLFE. Never.

Mr. WORTHINGTON. You say certain charges might have been preferred against you?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. What do you mean by that?

Mr. WOLFE. I mean that I made myself liable to such charges.

Mr. WORTHINGTON. For how long a time?

Mr. WOLFE. Why, possibly twenty years.

Mr. WORTHINGTON. Had no officer of the institution had any conversation with you about your habits in this regard?

Mr. WOLFE. Oh, yes, sir.

Mr. WORTHINGTON. Which of them?

Mr. WOLFE. President Cluff and Wilson Dusenberry.

Mr. WORTHINGTON. Any other?

Mr. WOLFE. David John.

Mr. WORTHINGTON. What about Mr. Linford? What is his position?

Mr. WOLFE. Oh, that is an entirely different proposition. You were asking me, as I understood it, about the Brigham Young Academy, at Provo, and, so far as that is concerned and the Logan institution, it is an entirely different matter. If you wish to qualify it by the Logan—

Mr. WORTHINGTON. Very well. That is called the Brigham Young College?

Mr. WOLFE. Brigham Young College.

Mr. WORTHINGTON. When did that terminate?

Mr. WOLFE. January 15.

Mr. WORTHINGTON. Of this year?

Mr. WOLFE. Of this year.

Mr. WORTHINGTON. Was that voluntary or involuntary?

Mr. WOLFE. It was involuntarily voluntary.

Mr. WORTHINGTON. And voluntarily involuntary, I suppose?

Mr. WOLFE. Yes, sir; you may take it either way.

Mr. WORTHINGTON. Will you tell us all about it so we may understand what that means, because it sounds like an Irishism, some of it.

Mr. WOLFE. I neglected to pay any tithing during the year 1905, and on the afternoon of New Year's Day I received a telephone message from Bishop Joseph E. Cordon, informing me of the fact that I had paid no tithing, and asking me to call on him. I told him I would be with him at 10 o'clock the next morning at the the tithing office. I went up there, and he pulled out his receipt book, and I said, "Bishop, you need not write me a receipt. I am not going to pay any tithing. I would not pay any if I had \$10,000." The bishop seemed very much surprised, and ask if I would explain. I said I did not care to explain in public. We went into a back room. He told me that I could see the books if I wanted to, that that privilege was accorded to every tithe payer. I told him I objected to paying tithing on principle; that I did not believe in it, and I knew what the consequences would be. He said: "That is right; you understand what the consequences are, and you know that a man can not teach in a church school who does not support the church, who is not loyal to all its doctrines." I told him I understood that perfectly. The conversation there ended.

On Saturday evening, by appointment, I visited President James L. Linford, the president of the institution. He said that it had been reported to him that I was drinking during the holidays to a considerable degree. I did not deny the accusation, but I said: "President Linford, have you seen Bishop Cordon since I refused to pay tithing?" He said: "Just as soon as you left the bishop's office he telephoned to me that you had refused to pay tithing, but I did not intend to mention the matter to you." The matter went on until the morning of January 15, when I was called into the president's office, and he said that instead of attending Sunday school the day before I had been in a drug store in an intoxicated condition, and that it would be well if I

would resign. I had told him last November that I expected that I might appear before the Senate committee, and that if I did I should not return to Utah. I told the bishop in my conversation with him that if I were summoned to the Senate committee I should probably not return to Utah. They had made up their minds that I had apostasized and they wanted to let me down easy, and I resigned then and there.

Senator HOPKINS. Is it a fact that you were drunk in a drug store on Sunday?

Mr. WOLFE. No, sir. If the charge had been made the next day it might have been true, but it was not true on that Sunday.

Mr. CARLISLE. They missed it one day?

Mr. WOLFE. They missed it one day. They missed it until after I had handed in my resignation. It is a fact, Senator, that I was in the drug store. It is a fact that I drank whisky in the drug store.

Mr. WORTHINGTON. It is a fact, is it not, that you had been on a spree during the holidays?

Mr. WOLFE. I had drank all that I ought to; yes, sir.

Mr. WORTHINGTON. You had drank a little more, had you not?

Mr. WOLFE. I think not; only as it is not good for any man.

Mr. WORTHINGTON. Do you mean to say that you were not in an intoxicated condition in the holidays last December?

Mr. WOLFE. I will not say I was not in an intoxicated condition.

Senator KNOX. Were your habits of drinking practically the same before you refused to pay tithes as they were at the time?

Mr. WOLFE. They had been the same for many years.

Senator KNOX. They never questioned your standing as a teacher until you refused to pay tithes, then, as I understand?

Mr. WOLFE. No, sir.

Senator KNOX. Had they made any objection to your habits?

Mr. WOLFE. Oh; yes, sir.

Senator KNOX. But they had never suggested your removal or the desirability of your resignation?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. Is it not a fact that several officers of the institution, for some time before you finally severed your relations with the college, had called your attention to your drinking habits and warned you that if you did not reform you would have to leave?

Mr. WOLFE. No one but President Linford, on the night, I think, of the 5th of January.

Mr. CARLISLE. Of this year?

Mr. WOLFE. Of this year. Then I asked him the question if he had heard about my tithing.

The CHAIRMAN. Mr. Worthington, Senator Pettus would like to ask a question, if you will permit.

Mr. WORTHINGTON. Certainly.

Senator PETTUS. Mr. Wolfe, you spoke of visiting Mormon settlements in Mexico. Which was the largest one of those settlements you visited?

Mr. WOLFE. I think Colonia Juarez. Colonia Dublan and Colonia Juarez seemed to me about of the same size, but I think Juarez is a little the larger.

Senator PETTUS. About what number of immigrants have settled there?

Mr. WOLFE. It seemed to me a town of possibly eight hundred to a thousand inhabitants, though I know nothing as to the census statistics.

Senator PETTUS. Do you know how they obtained possession of that land?

Mr. WOLFE. I do not. I have an impression from conversation that it was under a grant or concession from the Mexican Government, but I do not know a thing about it.

Senator PETTUS. Do you know who paid for the land?

Mr. WOLFE. No, sir.

Senator PETTUS. Do you know whether the church paid for any of the land for these colonies where the emigrants settled in Mexico?

Mr. WOLFE. Excuse me; I did not catch that question.

Senator PETTUS. I want to know whether the church paid for the land, or whether the individuals paid for their own lands?

Mr. WOLFE. I can not answer that question, Senator. I don't know.

Senator PETTUS. Do you know anything about who paid for their transportation?

Mr. WOLFE. Of people to Mexico?

Senator PETTUS. Who paid for the transportation of the emigrants from Utah to Mexico?

Mr. WOLFE. They paid their own transportation. I have heard many of them speak of the hardships.

Senator PETTUS. Do you know whether the church paid or each individual paid for himself?

Mr. WOLFE. I should imagine each individual paid for himself. That is the usual method of procedure.

Mr. CARLISLE. How far is Juarez colony from the border of the State of Texas?

Mr. WOLFE. It is some distance. I can not tell, because I did not go down on the train.

Mr. CARLISLE. It is not located, then, at the city of Juarez, which is just across from El Paso?

Mr. WOLFE. No, sir; it is on a railroad that runs down.

Mr. WORTHINGTON. About your drinking habits, has the habit in this regard grown worse during later years?

Mr. WOLFE. I think not.

Mr. WORTHINGTON. That is your testimony, then, so far as you can tell, that your drinking habits in the last year or two are not worse than they had been before?

Mr. WOLFE. No, sir; not any worse than they had been before.

Mr. WORTHINGTON. And they were not any worse in the latter part of 1905 than they had been?

Mr. WOLFE. No; not any worse than they were in previous holidays.

Mr. WORTHINGTON. Were you in the habit of getting on sprees on holidays?

Mr. WOLFE. Why, a temperance person would say yes.

Mr. WORTHINGTON. What would you say?

Mr. WOLFE. I would say no.

Mr. WORTHINGTON. You did not make this Fourth of July oration on the 4th of July, but you undertook to make it a Fourth of July oration?

Mr. WOLFE. Yes, sir; I attempted to do it on the 15th of September.

Mr. CARLISLE. That is a Mexican holiday?

Mr. WOLFE. That is a Mexican holiday.

Mr. WORTHINGTON. Were you then a devout Mormon?

Mr. WOLFE. I was not as devout as I had been before, and yet I had not lost my faith in Mormonism.

Mr. WORTHINGTON. When did you lose your faith in Mormonism?

Mr. WOLFE. It has been a growth. It has been brought on by what I considered a violation of the compact with the Federal Government, with the nation. That has been one thing.

Mr. WORTHINGTON. That was in 1896?

Mr. WOLFE. It is since 1896. The continuation of polygamy, as I have observed it, and the general tone of the church as regards politics and other things. I have been generally dissatisfied, not particularly with tithing, but I have been dissatisfied with the fundamental principles of the religion.

Mr. WORTHINGTON. For how long would you say you have been dissatisfied with the fundamental principles of the religion represented by the church of which you profess to be a member?

Mr. WOLFE. Certainly since 1904.

Mr. WORTHINGTON. Before that you were a reasonably firm believer in the principles of your church?

Mr. WOLFE. Yes.

Mr. WORTHINGTON. When you undertook to make this oration in Mexico—what year was that?

Mr. WOLFE. That was on September 15, 1900.

Mr. WORTHINGTON. You were surprised, I suppose, at the manner in which your patriotic utterances were received?

Mr. WOLFE. I was; yes.

Mr. WORTHINGTON. You did not expect, from what you knew of Mormons and had seen of them, that there would be any failure to unite with you in patriotic feelings?

Mr. WOLFE. I had never seen any special evidences of patriotism in Utah, but I had, on the other hand, seen no direct evidences of hostility.

Mr. WORTHINGTON. And up to that time, if there was anything in the church which indicated hostility to the Union you did not know anything about it?

Mr. WOLFE. Nothing that I know of that would indicate open hostility.

Mr. WORTHINGTON. By using the word "open" do you mean that you understood you were secretly hostile, and your brethren were?

Mr. WOLFE. I mean to say that there is an undercurrent among the older people—and I have not noticed it among the younger people—that the conditions under which Utah was settled were oppressive, that the United States Government interfered with their liberty in many ways, and there is a feeling of resentment among the older people. In fact, it breathes in some of the hymns and it is also in the sentiment that is often expressed that the Latter-Day Saints will some day rule the earth.

Mr. WORTHINGTON. You make a distinction between the older people and the younger people. About where would you draw the line in point of age?

Mr. WOLFE. I would draw the line especially with those who are in polygamy.

Senator OVERMAN. Can you tell us some of the hymns which breathe that sentiment? Can you repeat them?

Mr. WOLFE. I remember one verse of a hymn:

Praise to his memory, he died as a martyr,
Honored and blest be his ever great name.
Long shall his blood, which was shed by assassins,
Stain Illinois, while the world lauds his name.

That is a hymn in honor of the prophet Joseph Smith. I did not expect to be called on for the hymnology, or I would have tried to remember some.

Senator OVERMAN. Are there any other hymns that you remember that do breathe that sentiment, without repeating them?

Mr. CARLISLE. We have a hymn book here.

Mr. WOLFE. I can not quote the verses. If you could find me a hymn book and put it in evidence—

Senator OVERMAN. I just want to know if the hymns generally do?

Mr. WOLFE. No; I won't say generally. I will say there are a few hymns in the church that breathe that sentiment.

Senator OVERMAN. Are those hymns frequently sung?

Mr. WOLFE. Yes; those are favorite hymns.

Mr. CARLISLE. We have a hymn book here, Mr. Chairman, that we will put in if it is necessary—

Senator OVERMAN. I just wanted to know if they were favorite hymns.

Mr. WORTHINGTON. The church hymns are all in print, of course, in books?

Mr. WOLFE. Yes, sir; they are all in print.

The CHAIRMAN. I did not understand what you said, Mr. Secretary.

Mr. CARLISLE. I say we have a hymn book here which we will put in evidence if the committee desires it.

The CHAIRMAN. If you will refresh your recollection after the committee adjourns by looking it over, we may want to ask you some questions about it.

Mr. WORTHINGTON. You have said you noticed this feeling of hostility among the older people. I asked you where you draw the line. You say you draw it with those who are in polygamy: Do you mean it is only the older members of the church who are living in polygamy?

Mr. WOLFE. No, sir; but it is the older members of the church, those who were in polygamy before the manifesto, who are most openly in polygamy to-day. They have felt that it would be wrong for them to cast off their wives, and I think they do not take the pains to hide it that men who have embraced the principles since that time do.

Mr. WORTHINGTON. Among those people, then, you think there is a feeling of hostility to the nation?

Mr. WOLFE. As I said, not open hostility, but a feeling that their allegiance to the church is paramount and to the nation secondary.

Mr. WORTHINGTON. Then, that does not obtain generally among the younger people, does it?

Mr. WOLFE. Well, I can't say whether it does or does not. I have not noticed it so much among the younger people as I have among the older, and I hope it does not.

Mr. WORTHINGTON. Then why did you say you were surprised at the manner in which your utterances in Mexico were received?

Mr. WOLFE. Because I did not suppose the people would come out openly there and speak as they speak privately.

Mr. WORTHINGTON. That was a Mormon gathering, was it not?

Mr. WOLFE. It was a Mormon gathering; yes, sir.

Senator KNOX. Did you entertain that feeling of hostility while you were an orthodox Mormon?

Mr. WOLFE. Never.

Mr. WORTHINGTON. Did you consider your allegiance to the church and its doctrines greater than that to your country?

Mr. WOLFE. No, sir.

Senator HOPKINS. Did you ever?

Mr. WOLFE. Never.

Mr. WORTHINGTON. What did you understand to be the meaning of that covenant which you say you took, then?

Mr. WOLFE. I understood the meaning of that covenant to be that the Lord was implored to avenge upon this nation the blood of the prophets. I understood the blood of those prophets to mean Joseph and Hyrum Smith, because they were the only prophets with which this nation had anything to do. In giving that covenant the first time it was gone through with quickly, and it did not impress me until the words were spoken what that might mean. I think in that covenant the seed of treason is planted.

Senator HOPKINS. When did that thought come to you?

Mr. WOLFE. It came to me within an hour after I had taken that oath. I thought it over, because, Senator—

Senator HOPKINS. You took that oath twelve times, you say?

Mr. WOLFE. Yes; because when I joined the Mormon Church, before I was baptized, I asked the man who baptized me whether there was anything in the Mormon Church that would interfere with a man's politics, with his loyalty, or with his private interests, and the man assured me that there was nothing of the kind.

Senator HOPKINS. And you took it with that understanding?

Mr. WOLFE. I went in with that understanding.

Senator HOPKINS. This man with whom you conversed was one who gave an interpretation to the oaths you were to take, as you understood it?

Mr. WOLFE. No; this conversation was some years before, in 1890, with the man who baptized me.

Senator HOPKINS. After you took the first oath, if that came to you within an hour, if you were an honest, patriotic citizen, why did you take it the second time?

Mr. WOLFE. I did not take it for myself the second time. I went through in the name of some person who was dead.

Senator HOPKINS. Why did you permit anybody to take an oath in which you believed the seeds of treason were planted?

Mr. WOLFE. Senator, I could not be sure. I was a Mormon at the time. That oath shocked me the first time I heard it.

Senator HOPKINS. Did you caution the parties whom you went through with the second time regarding this oath and warn them not to take it?

Mr. WOLFE. I had no opportunity to caution anyone. I never mentioned the oath.

Senator HOPKINS. But you went through with it, you say, eleven different times after you took it?

Mr. WOLFE. I went through over and over again; through the ceremony. There is a great deal in the ceremony that impressed me, that is immaterial here. It was a very impressive ceremony, and there was no going through it without taking that oath, to the best of my knowledge and belief; but a person goes through that ceremony only once in their own name.

The CHAIRMAN. You took this obligation for yourself the first time?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. After that you took it for others. What do you mean by that?

Mr. WOLFE. I mean that the work in the temple is to great extent vicarious work; that under the doctrines of the Latter-Day Saints a certain work must be performed for those that are dead before they can obtain their exaltation; in other words, that baptism is an essential to salvation, and a person alive must be baptized for one who is dead, if the dead has not had an opportunity. In the same way the process of receiving endowments and other things is a vicarious work.

The CHAIRMAN. Then, after the first taking of the endowments by yourself they were taken by you for the dead?

Mr. WOLFE. They were taken for the dead.

The CHAIRMAN. Relatives of yours?

Mr. WOLFE. Some were relatives and some were strangers.

Mr. WORTHINGTON. You said to me you considered yourself a patriotic American citizen, and that there was nothing in your faith which interfered with your duty to your country, did you not?

Mr. WOLFE. I do not remember whether I made that statement to you.

Mr. WORTHINGTON. Is it true?

Mr. WOLFE. It is; yes.

Mr. WORTHINGTON. If, while you were a member of the Mormon Church, you had been elected a Senator from that State and had come here and taken your oath, would you have considered that anything you had done or obligated to your church rendered you unfit to perform your duty to your country?

Mr. WOLFE. I could not come here as a Senator.

Mr. WORTHINGTON. Suppose you had?

The CHAIRMAN. Why not?

Mr. WOLFE. My feeling would have been, if I had remained a member of the Mormon Church, that my duty was to the church first and to the nation second.

Mr. WORTHINGTON. You have just said there was nothing in your faith, as I understood you, which at all interfered with your duties as an American citizen. You said that twice, I think. Is it so?

Mr. WOLFE. There was nothing that interfered with my duties as an American citizen. When I found the yoke was too heavy I stepped from under.

Mr. WORTHINGTON. As an American citizen, if you had been a Senator and had taken your seat here, do you mean to say you could not then do your duty as an American citizen?

Mr. WOLFE. I could not do my duty as an American citizen and a consistent Latter-Day Saint if the two came in conflict.

Mr. WORTHINGTON. You have just said there was nothing in your

faith which interfered with the performance of your duties as a citizen?

Mr. WOLFE. You are making the assumption that I am a United States Senator, which I am not.

Mr. WORTHINGTON. Do you think it is not the duty of an American citizen, if he is elected to any office, to perform his duties solely with reference to the interests of his country?

Mr. WOLFE. I think it is his duty to perform his duties solely with reference to his country.

Mr. WORTHINGTON. That is the duty of an American citizen?

Mr. WOLFE. That is the duty of an American citizen.

Mr. WORTHINGTON. And you have said there is nothing in your faith which interfered with the performance of your duty as an American citizen?

Mr. WOLFE. I said it had never come to me. You are supposing this and that. With me nothing has interfered.

Mr. WORTHINGTON. Do I understand you to mean that you consider the obligation which you took would interfere with some of your duties as an American citizen?

Mr. WOLFE. I consider the first duty of a Latter-Day Saint is obedience.

Mr. WORTHINGTON. That grows out of what obligation or covenant; anything you have told us here?

Mr. WOLFE. It grows out of the teaching, right through. You can find it in the sermons of the church. You can find it in the books that are given out for distribution, like the Ready Reference—the importance of obedience to the priesthood, and a sincere Latter-Day Saint must make his obedience first.

Mr. WORTHINGTON. That is all in these publications which you have told us about?

Mr. WOLFE. I think so; yes, sir; I think you can find that.

The CHAIRMAN. I want to ask you a question while Mr. Worthington is looking at his notes, if you will permit me, Mr. Worthington.

Mr. WORTHINGTON. Certainly, Senator.

The CHAIRMAN. Speaking of the ceremony in the Temple—I do not ask you to go through with it, as that is immaterial—is this Temple a secret place? Can anybody enter it?

Mr. WOLFE. No, sir; they can not enter it except with a certificate or recommendation signed by the bishop of the ward to which they belong, and I believe also by the president of the stake.

The CHAIRMAN. In any of the rooms in the Temple are there paintings of living persons?

Mr. WOLFE. Yes, sir; in the annex to the Salt Lake Temple there is a chapel where those who go through the Temple meet for service in the morning, and where missionaries meet for their meetings before they are set apart on their missions, and around the walls of this room are the paintings—I think most of them are oil paintings—of the presidency of the church and the twelve apostles. Senator Smoot's painting is there among the others.

Senator KNOX. Are there are any halos over the heads of these apostles?

Mr. WOLFE. No, sir; they are unvarnished.

Mr. WORTHINGTON. You spoke of Cluff having two wives already in Provo?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Those were his wives, or his reputed wives, long before the manifesto, were they not?

Mr. WOLFE. They were before the manifesto; yes, sir.

Mr. WORTHINGTON. When did you first learn that you were expected to be a witness here?

Mr. WOLFE. I knew definitely on the 25th day of January when I was served with a summons by Marshal Heywood.

Mr. WORTHINGTON. Before that time, had you had any conversation with any person representing or assuming to represent the prosecution in this case?

Mr. WOLFE. No; with no one assuming to represent the prosecution. I had had a talk with the Reverend Doctor Paden, of Salt Lake, and with Mr. Clemenson, of Logan, and I had been informed that I might possibly be summoned to Washington.

Mr. WORTHINGTON. The Reverend Doctor Paden, you say?

Mr. WOLFE. Paden; yes, sir.

Mr. WORTHINGTON. He is one of the signers of the protest here?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Who was the other gentleman you mentioned—Mr. Clemons?

Mr. WOLFE. Mr. Clemenson.

Mr. WORTHINGTON. Who is he?

Mr. WOLFE. He is the pastor of the Presbyterian Church at Logan, Utah.

Mr. WORTHINGTON. When did you first talk to either of those gentlemen on the subject?

Mr. WOLFE. I talked with Mr. Clemenson on the 24th of July last. I remember the date.

Mr. WORTHINGTON. Was any other person present during the conversation?

Mr. WOLFE. Not during the entire conversation. While we were talking Congressman Howell, of Utah, passed the house. I think he was on his way to the Brigham Young College; I don't remember. I believe he stopped and chatted a moment with Mr. Clemenson.

Mr. WORTHINGTON. Did he participate in the conversation on this subject?

Mr. WOLFE. I think not; no, sir.

Mr. WORTHINGTON. What was the substance of your conversation at that time with Mr. Clemenson?

Mr. WOLFE. I don't remember, but I can tell you the general burden of it. It was on the subject of polygamy, and we were talking particularly about the case of the stake president, Joseph Morell.

Mr. WORTHINGTON. Was there any intimation at that time that you might become a witness before this committee?

Mr. WOLFE. Not at that time.

The CHAIRMAN. What was said about Joseph Morell?

Mr. WOLFE. Joseph Morell, the president of the stake, is reputed to have married a second wife, Mary Danes, in 1898.

The CHAIRMAN. Mary Hains?

Mr. WOLFE. Mary Danes; and the place where I heard it was very near President Morell's, Congressman Howell's place taking in a corner between. The family where I boarded were familiar with the case,

and they made reference at the table to Mary Danes, with her children, being there. I was speaking with Mr. Clemenson about it, and he told me that he had talked over the whole case with President Morell. There was an effort made on the part of the Senate Committee to secure Mary Danes, and I think Morell, also. I am not positive as to that. Mr. Clemenson had become familiar with the case, and I talked it over with him then.

The CHAIRMAN. What was said about in a general way; was it denied?

Mr. WOLFE. No, sir.

The CHAIRMAN. What was said about it?

Mr. WOLFE. He said Mr. Morell acknowledged he had taken the wife, and said he had done it in obedience to counsel.

Senator DILLINGHAM. Mr. Witness, have you not at any time stated what you would testify to if you were called here?

Mr. WOLFE. No, sir.

Senator DILLINGHAM. Have you not been aware that a statement was transmitted to the chairman of this committee that you would reveal the obligation taken in the endowment house if you were called here?

Mr. WOLFE. I am not aware that such has taken place. I have conversed, since coming to Washington—

Senator DILLINGHAM. No; before this. Before you were summoned at all, did you have any conversation with any person who was authorized to convey that information?

Mr. WOLFE. I had a conversation with Mr. Owen.

Senator DILLINGHAM. This gentleman here [indicating]?

Mr. WOLFE. That gentleman, there; yes, sir; but I gave him no paper. I told him what my feelings, my attitude were.

Senator DILLINGHAM. Did you tell him if you were called here you would reveal the obligation taken in the endowment house?

Mr. WOLFE. I did not. I don't think he expected me to tell it at the time. I don't think he had that in view at the time.

Senator DILLINGHAM. Then you do not know how you happened to be called here?

Mr. WOLFE. Yes, sir; I did, because Mr. Owen told me he had looked for me in the fall of 1902, when I was on a mission in England about the Cluff case in Mexico, the case with Florence Reynolds.

Senator DILLINGHAM. I do not refer to that. I refer to what you have testified to on this occasion about the endowment house.

Mr. WOLFE. Yes, sir.

Senator DILLINGHAM. You never authorized anybody to say that?

Mr. WOLFE. Never.

Senator DILLINGHAM. That is all.

Mr. WORTHINGTON. Did you talk with Mr. Owen more than once before you came here?

Mr. WOLFE. I talked with him twice; yes, sir.

Mr. WORTHINGTON. When and where, the first time?

Mr. WOLFE. The first time was in Logan and the second time in Salt Lake.

Mr. WORTHINGTON. But when?

Mr. WOLFE. In Logan it was in October and in Salt Lake it was November 6th or 8th, I have forgotten which.

Mr. WORTHINGTON. That was last fall?

Mr. WOLFE. Last fall; yes, sir.

Mr. WORTHINGTON. You say you told Mr. Owen your feelings and some other word you used. What did you tell him about your feelings?

Mr. WOLFE. I told him I was satisfied that the law was being broken and I was not going to stay in the church much longer; that I felt I could not do it. We spoke about the Mexican expedition, and particularly about this Cluff case, and that was the matter that I expected, until I came to Washington, to be questioned on.

Mr. WORTHINGTON. Your growing dissatisfaction with the church, which you have told us about, had pretty much ripened then?

Mr. WOLFE. It had; yes, sir.

The CHAIRMAN. Mr. Worthington, will you suspend at this time? The committee will have to take a recess. What is the wish of counsel in regard to a session this afternoon?

Mr. WORTHINGTON. The case in which I was engaged yesterday afternoon was not finished, and the court adjourned until a quarter of 1 to-day. The case is closed except for the argument, and the court allowed two hours for the argument.

The CHAIRMAN. Will you be at liberty to-morrow?

Mr. WORTHINGTON. Yes, and to-day after 3 o'clock. I am prepared to come here at 3 o'clock and go on indefinitely this afternoon, so far as that is concerned.

The CHAIRMAN. In view of the fact that members of the committee have to attend sessions of other committees this afternoon, the committee will adjourn until to-morrow morning at 10 o'clock; and I wish members would be prompt in arriving at that time.

Mr. CARLISLE. Mr. Chairman, I want, of course, to accommodate myself, so far as I possibly can, to the convenience of the members of the committee. Of course it is known that I am away from home, and I have very important matters in New York which make it necessary for me to get back there certainly the last of this week. I hope, if it is not inconvenient to the members of the committee, that arrangements will be made so that we can go on and conclude this testimony during this week. I think we have five or six witnesses, but the testimony of most of them will be short. I make no objection to the adjournment until to-morrow morning. I would have no right to do so.

The CHAIRMAN. Will you be through in court to-morrow morning, Mr. Worthington?

Mr. WORTHINGTON. Yes; and I will be at liberty for the rest of the week.

The CHAIRMAN. We will try to go on to-morrow as long as possible. Some of the members of the committee wish an executive session, and those who are not members of the committee will retire.

The committee, at 12 o'clock noon, went into executive session, after which it adjourned until Thursday, February 8, 1906, at 10 o'clock a. m.

WASHINGTON, D. C., *February 8, 1906.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Dillingham, Hopkins, Beveridge, Knox, and Overman.

The CHAIRMAN. You may proceed, Mr. Worthington.

TESTIMONY OF WALTER M. WOLFE CONTINUED.

Mr. WORTHINGTON. Mr. Wolfe, you told us yesterday that the affair of Mr. Cluff occupying a tent with Florence Reynolds on that expedition occurred in September, 1900?

Mr. WOLFE. August or September.

Mr. WORTHINGTON. Look at this letter, dated December 9, 1900, and tell me whether that is a confidential letter you wrote to your bishop, making such complaints as you had to make about what was going on on the expedition.

Mr. WOLFE (after examining the letter). Yes, sir.

Mr. WORTHINGTON. I will read the first paragraph of this letter and not the rest of it unless it is called for.

The CHAIRMAN. The letter will be printed with the proceedings.

The letter referred to is as follows:

TEPIC, MEXICO, *December 9, 1900.*

Bishop J. B. KEELER,

B. Y. A., Provo, Utah, United States of America.

DEAR BROTHER KEELER: Though I ought to be in bed and resting, I feel it a duty to write to you to-night a confidential letter as my bishop, even if I feel like asking you to strike my name from the roll of members of the Provo Fourth Ward, and yet this is a step that I can hardly take just now; for I know as well as ever, that the Gospel is true and that Joseph Smith was a true prophet and that the church of Jesus Christ is built upon a stronger, surer foundation than the words and actions of any one man or set of men. But for all that I am sorely tried and tempted.

You know how I felt about coming. I did not seek a place in the expedition. I was forced into it; had to borrow money to equip with and then started in an almost penniless condition. The entire tithing portion of my salary for the current school year I had to make over to Brother Dusenberry for the Utah County Savings Bank in order to save my place, and he also has the house rent. Then there was the note of \$150 to the Student's Loan Association to come out of my cash, and I believe that \$250 of my salary was to be paid to some assistant teacher who was to be employed in my absence.

I wanted to return home from Nogales, but I did not think that it would be right to desert President Cluff under such trying circumstances. He needed all the support that could be rallied to his aid, and he assured me that I was here by the express will of the academy board and under their direction as much as though I were teaching at home. So I kept on, day after day, week after week, month after month. My animals gave out and I had no money with which to purchase others, so for over 200 miles I walked under the tropical sun, clothing almost worn out, and soleless shoes. Little by little my strength gave out. The boys all noticed my condition and are very kind to me. I

can no longer lift my packs, and when the day's journey is done I go directly to bed and get up at the 5 a. m. call, feeling even weaker and more miserable than I did the night before. Have written Brother Dusenberry, but have had no reply from him. How long I can keep going I can not tell, but it is not a pleasant prospect to know that when I do break down entirely, which may be in a very few days, I shall be left by the roadside like a jaded mule, possibly to find a refuge in a charity hospital and then occupy a pauper's grave. I have sacrificed too much to deserve such treatment.

President Cluff realizes that my strength will not carry me much farther. Last week we were talking about my health and my return home, and he asked me if I thought I could keep up as far as the City of Mexico. I told him I would try to press on as far as Guatemala, which we hope to reach in April, but I could not go from there down to the fever-infested Isthmus or stand another summer's hardships and exposure. He told me that in view of my failing health I could have my honorable release on condition of giving the expedition an order for \$300 on my this year's salary. I explained to him my financial condition, that it would take that amount to get me home from Guatemala, and even then I should have to return in rags. He told me that without a release I could not again teach in the academy, and the expedition needed the money. My first impulse was to write the facts of the case to President Cannon and try to secure relief. My next to throw up Mormonism and try to make a new home in this half-heathen country. I have served the academy too long for it to be necessary to buy back my position there. On the other hand, I am too old to begin life over again and I love Utah, my religion, the B. T. A., and my friends too much to think of giving up all. It is hard, though, to feel that I am selling my very life's blood, for in my health this is literally what I am doing to gratify another man's ambition.

Now, I do not want to misjudge President Cluff. I know, even better than you at home, how he and this expedition are cramped for means, and I would not say a word that would do ought but assist him in his work. But before acting I must have counsel. So I write to you as my bishop, as a fellow-teacher, and as a friend; I am sorely tried, almost beyond the little strength that is yet left me. To-day President Cluff came to my tent while I was lying down and asked for the order. After figuring up I did not think that I would have \$300 coming to me and so I gave him an order for \$225. You will probably receive it by the same mail that brings this. I had already written to Brother Dusenberry and you may explain things to him and do what you think is right in the premises. I am very desirous that my house be sold for enough to get me home. Brother Dusenberry has a power of attorney to sell. Please write me at the City of Mexico and pray that my faith fail not. With regards and best wishes to yourself, Brother Brimhall, and fellow-teachers, I remain,

Your brother in the gospel,

WALTER M. WOLFE.

Mr. WORTHINGTON. The letters B. Y. A. in the beginning of that letter mean Brigham Young Academy, do they not?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Now, I will ask you to look at this letter, dated December 31, 1905, and tell me whether you wrote that letter and sent it to the person to whom it is addressed.

Mr. WOLFE. I wrote this letter to the person to whom it is addressed.

Mr. WORTHINGTON. And on the date that the letter bears?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. The letter is dated on the 31st of last December, and addressed to President Francis M. Lyman, Salt Lake, Utah. He is one of the quorum of the apostles, is he not?

Mr. WOLFE. Yes, sir; president.

Mr. WORTHINGTON. It speaks of the erecting of a monument at the birthplace of Joseph Smith. That is in Vermont?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. I will read it.

The letter referred to is as follows:

LOGAN, UTAH, *December 31, 1905.*

President FRANCIS M. LYMAN,
Salt Lake City, Utah.

DEAR BROTHER LYMAN: I intended to write you a Christmas letter this year, but learning that you were making that most interesting trip to Sharon, have put it off until the New Year season. Of all the wonderful things that strike the world in connection with Mormonism, I think the erection of that shaft on the site of the Prophet's birth will be the most striking.

Have spent this afternoon with Brother Roy Thatcher and wife. It was a most interesting reunion and of course we talked over the old "97" days. We came to realize the changes of a few months when we considered that not one of those who were with us either in London or Liverpool (with the exception of President Grant) is now in the mission field. Have also heard during the week from Sister Elliott and Brother Blood. If I go down to the teachers' convention this week I shall endeavor to spend a night with the Bloods in Kaysville and shall try to find you in the city.

Am keeping up the good fight and have a much stronger testimony, and I trust a better and a more humble spirit than I possessed at the beginning of the year—a time when my spirit was in the darkness of doubt and disbelief. For the change I have you to thank more than any other human being. So, dear brother, I wish you not one, but many happy New Years in the service to which the Lord has called you, that you may bless other hearts even as you have blessed mine.

Affectionately, your brother,

WALTER M. WOLFE.

Mr. WORTHINGTON. That was after you had had the conversation with the minister you told us about yesterday and after you had had the two conversations with this gentleman who sits across the table from me, as you testified yesterday?

Mr. WOLFE. Yes, sir; that is right.

Mr. WORTHINGTON. And after you, as you told us yesterday, had come to the conclusion that Mormonism was not the true faith?

Mr. WOLFE. What I said at the end of that letter is absolutely true. My testimony was very much brighter than it had been a year or two previous.

Mr. WORTHINGTON. What do you say?

Mr. WOLFE. I say that what I say at the conclusion of that letter is

absolutely true. My testimony was very much brighter than it had been a year or two previous.

Mr. WORTHINGTON. I wish you would look at the paper which I now hand you and tell me whether or not that is a correct report of all of your testimony before that committee that inquired into your charges against Mr. Cluff, on the general charges preferred by you and Mr. Beckstead.

Mr. WOLFE (after examining the memorandum). I can not identify that, Mr. Worthington. It may or may not be complete.

The CHAIRMAN. We can not quite hear you, witness.

Mr. WOLFE. I say, Senator, I can not identify this, after four years. It may or may not be complete.

Mr. WORTHINGTON. So far as it goes, is it correct?

Mr. WOLFE. It appears to be correct so far as it goes.

Mr. WORTHINGTON. Are you able to say that you recollect anything that is omitted there?

Mr. WOLFE. Mr. Worthington, I think there is something omitted there.

Mr. WORTHINGTON. What?

Mr. WOLFE. I think all reference to Mr. Cluff's absence from the expedition; that is, the reasons for his absence.

Mr. WORTHINGTON. You were present during the hearings before the subcommittee?

Mr. WOLFE. Some of them, yes, sir; most of them.

Mr. WORTHINGTON. Did you see the report that was finally prepared by the committee with the evidence attached?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. Did you ask to see it?

Mr. WOLFE. I asked to have a transcript of the proceedings; yes, sir.

Mr. WORTHINGTON. You have told us about that. I would like to offer this in evidence, Mr. Chairman, for the purpose of showing that there is nothing in his testimony on the subject to which he refers. He says it is correct as far as it goes, and we will have some evidence hereafter on the subject as to whether it is complete.

The paper above referred to was marked "Wolfe Cross Ex. No. 1."

The CHAIRMAN. Is there any objection to its going in the record?

Mr. CARLISLE. No, sir; let it go in.

The paper above referred to is as follows:

W. M. WOLFE, one of the complainants, testified in his own behalf, as follows:

Some clauses Brother Cluff and I have talked over, and there are some that I think he justly finds fault with. That use of the word "priestly" and several things that we have amended, or stricken out, that is, that I withdraw so far as I am concerned.

"We feel that in the conduct of the expedition, etc." I wish to say that there is no doubt in my mind that President Cluff considered this a mission, and there is no doubt in my mind that he had reason to, and I want to give an instance. President Joseph F. Smith, at Nogales, made a statement that it was "no longer a mission," and at Nogales Brother Fairbanks was set apart as Brother Cluff's second counselor. He was set apart by President Joseph F. Smith, and in setting him apart President Smith said, "I set you apart in this mission, or to this mission." I would like to make that statement.

I still claim that President Cluff used unwarranted ecclesiastical authority. In other words, he took from those of the party who were under him their free agency, and I think he was absolutely arbitrary in his commands. He did not appeal to the reason of the boys or to their confidence, but things came out as a direct command from him.

I spoke to President Joseph F. Smith about this at Nogales. I asked him if it was not customary for the head of any organization in the church to consult with his counselors, and in a case of this kind consult with the entire party.

The rules he laid down were absolutely arbitrary and he wanted to make the boys to feel his authority all the time.

I look upon the Sunday travel not as a necessity, but as something that was done simply to show the authority of the president. Whether he had the right to do it or not I am not to say. He said that we traveled to keep to the programme. That being the case, the programme was laid down with an intentional violation of the Sabbath day. The programme could have been made so that we could have rested on Sunday. Of course, there were times when it was absolutely necessary to travel on Sunday. I call to mind another instance in Mexico. We had made a hard drive on Saturday and came to a little creek and a little settlement on Saturday night. The feed was very poor and the water bad. It seemed almost essential that we should travel on Sunday. Well, we started out before breakfast. We climbed a mountain, and then at about 11 o'clock we stopped and had a sacrament meeting. We had no water and could not eat. It was 7.30 that night before we got any food. I regard a case of that kind as an arbitrary use and abuse of authority.

I consider that in one or two instances his conduct toward me was unchristianlike. I remember just after I was taken sick. There was one night when I was unable to rest. I came along slowly, and about 10 o'clock I got off the road—but, through calling, finally located myself. I had a very hard night of it. The next morning I told him I was unable to travel. He says: "Brother Wolfe, we must go on. You can remain here just as long as you want to." Now, President Cluff would stop if one of the mules was lost, but not when a man was sick. That seemed to me a very hard proposition.

Now, in regard to claiming the authority of an apostle. Some of the brethren say that he made mention of this in public meeting. I don't remember that. I remember one evening Brother Cluff was telling some of the things that Apostle Lyman had said to him. I said: "That gives you the right or authority of an apostle, with the exception of opening up a mission, dedicating a land." He claimed the right to receive revelations, and he said that he was divinely guided in the conduct of the expedition.

At Thatcher when he sent the boys out two¹ by two to preach, that was done with the consent of the stake presidency, as I understand it. President Kimball was not there at the time; the matter was left with his counselors and Brother Maeser of the Academy. After Brother Cluff had left Thatcher, Brother Kimball came back and Apostle Grant was with him. Apostle Grant rather took offense at the fact that the boys were out preaching, and President Kimball certainly did. He said that he did not understand that there were going to be any such actions in the stake; that President Cluff had not represented matters

correctly to him, and, furthermore, President Kimball said that our boys were a burden upon his people. He said this in the tabernacle. There was nothing for us to do there. President Cluff had gone on to Mexico to make arrangements for our going through the custom-house, and we had to wait there.

About the 1st of July I received a telegram from President Cluff asking us to go on to Nogales and meet him there on the 14th of July. We went on and met him there. He was there about as soon as we were.

On the 15th of July it was Sunday and we had a memorable meeting. It was during that meeting that President Cluff had the members of the expedition hold up their right hand and swear without mental reservation to obey implicitly whatever he wanted to be done. That, to my mind, was not necessary or right. The idea of holding up our hand and swearing to sustain persons in authority. There had been a great deal of murmuring at the delay and now it approached almost an actual rebellion.

Rightly or wrongly, Brother Cluff argued here that Brother Beckstead had something to do with this feeling of dissatisfaction. I have many a time seen Brother Cluff instead of letting Brother Beckstead attend to his own line of work take it right out of his hands before the boys in a way that Brother Beckstead felt humiliated.

On this particular day, the 15th of July, Brother Cluff called me in the morning to talk over the matter of removing Brother Beckstead and putting Brother Tolton in his place. I asked him to consult Brother Beckstead, and I supposed he had done it. At the afternoon meeting Brother Cluff announced that Brother Beckstead had been removed from the office of chief captain and that Brother Tolton had been put in his place. This hurt Brother Beckstead and it did tend to belittle him in the eyes of the boys. Brother Beckstead told Brother Cluff at the time "You can give me my release and send me home if you want to." I know Brother Beckstead spent a great part of the night in tears. He felt very much hurt and the boys rather sided with him, rightly or wrongly.

Regarding the horses, Brother Cluff appointed a committee consisting of Beckstead, Neilsen, and Shepherd to examine the horses at Beaver, and after the decision was made by these three men who understood the animals, Brother Cluff went around and overruled what they did and rejected horses that he wanted rejected. The boys thought it a strange thing that the work of the committee should be overruled, but not to a great extent. This horse of Brother Pack's was not an accepted horse.

The mule lost by Brother Shepherd was in one sense made good and in another it was not. Through the influence of President Cluff Brother Flake, a particular friend of Brother Shepherd, let Brother Shepherd have another horse which he would not have got without this intercession by President Cluff. Technically the mule was not made good by the expedition, yet Shepherd did not lose anything.

Regarding the buckboard purchase that was made with company funds, the mules were not. I know this because Brother Kienke told me so. I do not know how Brother Kienke happened to have the handling of the money. Brother Cluff never did counsel with me regarding the matter.

Buckboards of any kind are worth a good sum down there, and there is no reason why Brother Cluff could not reimburse the company; but as a matter of fact it was sold at a loss of \$40.

By Mr. HOLBROOK. You say that Brother Beckstead was humiliated by his treatment?—A. Yes, sir.

Q. Did you feel that he was humiliated?—A. Yes, sir.

Q. At the time that committee was appointed at Beaver did I understand that they were appointed by Brother Cluff?—A. Yes, sir.

Q. Did you have a hand in that?—A. No, sir.

Q. Did Brother Beckstead, as a counselor?—A. Not that I know of.

Q. They went through and examined the horses?—A. Yes, sir.

Q. Afterwards President Cluff inspected and threw some of them out that were accepted?—A. Yes, sir.

By President CLUFF. Which were thrown out, Brother Wolfe?—A. That horse that cost me \$15.

Q. I don't believe that that horse was ever accepted.—A. Yes, sir; that horse was accepted.

By President CLUFF. In regard to this, "That both in the method of obtaining money and its expenditure he was guilty of dishonesty;" do you withdraw that?—A. Yes, sir; so far as I am concerned.

Q. "In the carrying out of his purposes neither the wishes nor even the lives of his brethren were considered, his motto being the end justifies the means;" do you withdraw that?—A. I will withdraw "or even the lives."

Q. "Claiming the authority of the priesthood;" do you withdraw that?—A. Yes; I do.

Mr. WOLFE. There is one thing that is agreed to be thrown out by Brother Beckstead and myself: "The only times we ever met was when Brother Cluff desired to reprimand some members of the party, and we do not know of an instance where a reprimand was justly administered."

Q. "On April 18 the expedition lunched at Santaquin. When the animals were being fed hay Brother T. P. Higgs, jr., threw his pitchfork, etc." Do you throw that out or not?—A. He perhaps deserved it.

Q. The object here is to show that he did not deserve it?—A. I didn't mean to show that.

Q. "But he claimed priestly authority for his actions?"—A. We have taken out the word "priestly" wherever it occurs, so that it should read: "He claimed authority for his actions."

Q. In regard to Brother Pack's horse, do you withdraw that?—A. No; I do not withdraw, but I will testify that the horse was not accepted and that the expedition was under no obligation to replace it. Brother Pack told me when these charges were made out that he thought Brother Cluff ought to have replaced it. I learned from the testimony of the other boys that they did not regard the horse as an accepted horse.

Q. "At Snowflake, Ariz., he sold one wagon, one typewriter, one set of harness, etc., company property, and we do not know what became of the money received by this transaction." Don't you know what became of part of it at least?—A. I think Brother Flake gave you some notes for part of it.

Q. You know that I got notes?—A. Yes; I know that you got some notes for part of it.

Q. Don't you know that the notes were sent to Brother Keeler?—A. I do not, only from your saying so.

- Q. You know that I got some supplies there also?—A. Yes, I do.
- Q. You testify that in ordering Sunday travel, I used arbitrary authority, and in laying out the programme it required Sunday travel?—A. Yes, sir.
- Q. How many Sundays did you travel before we got to Kanab?—A. Why, we were out only one Sunday, and one Sunday you were not with us.
- Q. Wasn't it programmed that we should rest at Panguitch the second Sunday?—A. Yes.
- Q. Did not the company rest over that Sunday?—A. Yes.
- Q. How many Sundays did we travel not programmed?—A. We were out two Sundays and traveled one.
- Q. How far did we travel?—A. About 9 miles.
- Q. From Richfield to Elsinore is 6 miles; did you travel that 6 miles?—A. Yes.
- Q. I admit we traveled 6 miles from Richfield to Elsinore in order to hold meeting at Elsinore.
- Q. In our fast meetings did you not bear testimony several times that the expedition was inspired?—A. I have testified and will testify that you were inspired a great many times.
- Q. Did you not on one occasion tell the boys that so far as the expedition was concerned Brother Cluff had the authority of an apostle?—A. I do not think I ever used the word apostle; but I have told them that you had all the authority of a president of a mission, and have borne my testimony to that.
- Q. Were you not the first one to suggest that I had the authority of an apostle?—A. No; I think you were.
- Q. Did you and I not consult relative to sending out these boys as missionaries prior to writing that letter to President Kimball?—A. I do not know.
- Q. Didn't we hold a meeting concerning it?—A. Not as a council. Do you mean the whole council of us, the eight?
- Q. Yes.—A. At Black River I think we did. At Black River the matter was laid before the entire company and discussed.
- Q. In regard to the Sunday fasting, wasn't that laid before the entire party, and discussed by the party and voted upon by the party?—A. It was.
- Q. It was not established until it received the sanction of the party by vote?—A. No, sir.
- Q. Did we not, at the removal of Beckstead, remove all of the authorities—that is, all the company authorities, not the ecclesiastical authorities, but all the captains?—A. I can't tell you without my diary. It had been done.
- Q. Do you not remember that along the road every so often we did change, and several times?—A. That is true.
- Q. Do you not remember that at Nogales we made the same change?—A. It would not be at all strange if it had been done.
- Q. The point has been made that I was arbitrary and had not consulted my counselors. In appointing a committee to look after the horses, was not Brother Beckstead appointed chairman of that committee?—A. Yes.
- Q. Was he not my counselor?—A. He was.
- Q. You brought out the fact that in choosing the boys you were not consulted?—A. No; I did not know anything about it.

Q. Is it not a fact that they were chosen before you were put in as counselor?—A. Yes.

Q. Then, why bring this point that I did not consult you?—A. Because when we met at Nogales you tried to make me responsible for the money that was paid back.

Q. You and I and the party were made responsible for returning that money?—A. You said Brother Wolfe and I, as though I was responsible for what happened here in Provo.

In regard to the charge that there was no evidence to show that President Cluff had paid a cent into the expedition, Professor Keeler, treasurer, was called as a witness and submitted the following:

Mr. KEELER. I don't know that President Cluff gave me any money, but he wrote and told me that it was from him for the expedition. I received some money from him that was given to him by others, and from him to me. For instance, as on this report (financial statement) Professor Cluff, as per list, I think it was the day before he left that he gave me a paper with a list of the names of the persons contributing the amount.

After President Cluff had gone I had sundry amounts sent me by Sister Hattie Cluff, and, I believe, from Mary Cluff twice. All moneys sent the expedition through me was by drafts and went through the regular funds. Whether it was used for the general expenses of the expedition or not, I do not know.

Mr. CLUFF. Have you given me credit for \$125 tithing order sent?—A. No; I considered that a private matter.

Q. Have you Brother Wolfe credited with \$75?—A. No; I think not.

Q. Where did that order come from?—A. From Brother Dusenberry.

Mr. DUSENBERRY. From a letter that Brother Keeler received from President Cluff I drew an order for produce on the bishop's storehouse here and handed it to Brother Keeler. I charged that to Brother Cluff's salary. Brother Bean obtained from Brother Preston some kind of a transfer order on Mexico or Arizona, I don't know which.

Mr. KEELER. As I understand it, I do not know that Brother Wolfe is connected with that transaction.

Mr. DUSENBERRY. In charging that to Brother Cluff's salary account, when I learned that Brother Wolfe had an interest in it I refunded to Sister Cluff \$75, and since Brother Wolfe's return he has refunded that to me as treasurer of the academy.

Mr. KEELER. I did not give a receipt for that. That amount was charged up to your account by Brother Dusenberry as treasurer.

Reading from statement, the following receipts and disbursements in favor of Brother Cluff, jr., were shown:

RECEIPTS.	DISBURSEMENTS.
April 18, 1900	August 14, 1900 (draft)
October 30	August 20, 1900 (draft)
December 7	December 20, 1900 (draft)
March 8, 1901	December 24, 1900 (draft)
notes	
October 29	
October 26 (news)	
March 10, 1902	
588.00	353.90
	Balance
	234.10
	588.00

Mr. HOLBROOK. Were you in the habit of sending the contributions of Sister Cluff to President Cluff as his personal property or as expedition funds?—A. I simply sent it as treasurer of the expedition. Would deposit the money and then get a draft. I always stated to him where the money came from.

Q. Would that first item be sent to him personally or go to the expedition?—A. That went into the treasury after he left, these items that I got from Sister Cluff I considered personal matters, and always told Brother Cluff, and sent them in separate draft.

Mr. WOLFE. There is one time I call to mind, particularly at the city of Guatemala. We were out of funds and did not know what to do. We were expecting from the treasury. Brother Cluff received a draft. After that he said to me, "Brother Wolfe, I have nothing but some personal money of my own." From the expedition he had received nothing. I see, however, that you have no account of any money sent to Guatemala. It seems to me that all of these \$15, \$20, and \$30 items are personal and not company.

Mr. CLUFF. You were not to receive any money from me at Guatemala; our agreement was that you should receive \$12 a month direct?—A. Yes.

Q. That ends that whole matter?—A. No; it does not.

Mr. HOLBROOK. Do you know whether this money that was handed to you by his family was to go into the general fund, or was it handed to you to be sent to Brother Cluff.

Mr. KEELER. It was handed to me to send to Brother Cluff.

Q. His personal property?—A. As personal property. I explained to him always where it came from.

This concludes the evidence of the complainants on the joint charges.

Mr. WORTHINGTON. It appeared yesterday you made a separate charge of your own against Mr. Cluff, which was also inquired of at the same time. That was read here yesterday?

Mr. WOLFE. The charge was read; yes, sir.

Mr. WORTHINGTON. I will ask you to look at this paper and state whether it is a correct and full report of your testimony before that board on the special charge made by you.

Mr. WOLFE (after examining the paper). I will make the same objection to that as I made to the other. I have not seen the evidence before. It may or may not be correct, but I think there is something omitted from it.

Mr. WORTHINGTON. So far as it goes, is it correct?

Mr. WOLFE. Apparently so.

Mr. WORTHINGTON. Then I offer it in evidence with the same view.

The CHAIRMAN. If there is no objection to it, it will go into the record.

There was no objection.

The paper referred to was marked "Wolfe Cross Ex. No. 2," and is as follows:

Professor WOLFE, in behalf of his personal charge against President B. Cluff, jr., submitted the following evidence:

Mr. WOLFE. Regarding the introduction of this charge, I desire to state that I was very unwilling to go on the expedition, and for a long

time President Cluff apparently debated as to whether I should go or Brother Hinekley. Brother Cluff asked me one day why I did not want to go. I told him that it would be equivalent to slavery for me to go. He told me that the board had selected me to go, and he assured me that my salary would be continued and asked if I would pay a portion of it toward paying a teacher to take part of the work I was then doing. I told him I was heavily in debt and could not make the trip.

However, before we left I gave Brother Dusenberry an order for my entire tithing pay to apply on the mortgage on my house. I borrowed \$150 from the Student's Loan Association to fit me out and gave a note that was to come out of my next year's salary. I told Brother Cluff that I would do what I could for the support of the expedition, but I must have something to live on myself. That would leave me \$500. I did not contribute anything toward the expenses of the expedition when it started out. The first contribution I made was that \$75.

There was one Sunday I felt pretty mean toward Brother Cluff, and I refused to take the sacrament. We had a talk and I told him I did not like the way the expedition was traveling, so we separated for a time. When I came back again I was suffering with chills and malaria, and was badly broken down. I will read from my diary: "regarding the \$300 he was to pay to the expedition to get his release and remain as a teacher in the academy." The next Sunday President Cluff came to see me and asked for the order. He said then that I had paid \$75, and that he would only ask of me \$225. I wrote an order that day for \$225 on Treasurer Dusenberry. This order has been paid. That day I wrote to Professor Keeler, because I thought it was a dishonest way of getting money from me. It was simply mortgaging my income for the year. I felt that I had a right to my salary. I was sending articles regularly to the Juvenile and doing that much for the expedition, and it seemed to me manifestly unjust.

In my letter to Brother Keeler I asked him what I should do. He said he had read the letter to President Brimhall and he thought that so long as the authorities of the church sustained President Cluff it was my business to sustain him also, and I let the matter drop until I got home. I regard that as extortion.

Charge No. 1 has been explained to my satisfaction.

Charge No. 2 is answered in the answer to the introduction.

Charge No. 3: "On August 13, 1900, President Cluff, as head of the expedition and in absolute control, made arrangements with his brother, William Cluff, of Thatcher, Ariz., to take our horses, which we were unable to take into Mexico on account of the duty, and sell them, forwarding the money to us at the Mexican colonies. I let him have two horses and have not yet received one cent for them. Other members of the company are as badly off. From private letters received by some members of the expedition I learn that most of the animals were disposed of within a few days from the time when William Cluff took possession of them."

Mr. WOLFE. As stated, he was to send the money to us at the Mexican colonies, but we haven't got it yet; at least I haven't. I do not know as President Cluff should be responsible for what his brother has failed to do. He was responsible for his brother taking the horses, however.

Mr. HICKMAN. Did his brother sell the horses?—A. When I was at Manti, Chris Olsen told me that he had received a letter from the people with whom he had stopped, and he said that Will Cluff had sold almost all of the horses. I know President Cluff assured me that he had written him a sharp letter from the Mexican colonies.

Mr. HOLBROOK. Was the turning of your horses over talked over among you all and considered the proper thing to do?—A. Yes, we all agreed to it.

Charge No. 4. When I was left in Guatemala, April 16, 1901, to pursue my work in Yucatan, it was agreed that Brother C. G. Van Buren should remain with me. President Cluff promised \$12.50 from the company funds for our support. Afterwards Brother Joseph Adams had to remain with us on account of ill health. When we separated, President Cluff did not leave me one cent with which to meet my expenses. I left Guatemala September 18. For the entire summer's support for the three of us I received only \$25 of the company funds from Professor Keeler, and this, with \$20 to aid in my return home, was all of the company money which I have received. I did not even have the use of my money for the Juvenile articles. This went into the expedition treasury.

Mr. WOLFE. I have not received this money that was promised me, and, more than that, there was money that I think Brother Cluff was to have paid there aside from this that he could not pay because he did not have the money with him. Now, all that was spent through the summer was out of my personal funds. Not until August did I get any money, when I got \$25, which would not pay the boys' expenses during the summer.

Regarding the Juvenile articles, I haven't received a thing.

Mr. CLUFF. Didn't you understand when you left that you were to contribute \$300 a year toward the support of the expedition?—A. No, sir.

Q. Were you to contribute anything?—A. No definite amount was stated. I told you I would do what I could; that half of my salary would go to Brother Dusenberry, and that I must have some for my personal expenses, and no definite amount was stated.

Q. You don't remember the \$300 a year?—A. No, sir.

Q. Do you mean to say that there was a question as to whether you or Brother Hinckley should go?—A. I do not think that you ever did intend that both should go.

Q. Yes, Brother Hinckley for the geology and you for the botany, and when we found that Brother Hinckley could not go, we tried to get a man down in Mexico?—A. That is true.

Q. Is it not true that he was asked to take Brother Hinckley's place?—A. Yes; that is true.

Q. Then there was no choice, but both of you?—A. No; I don't think so.

Q. Do you mean to say that I told you that you were to pay \$300 or \$225?—A. Three hundred dollars the first evening when we were talking, and the next Sunday you brought it down to \$225.

Q. Don't you remember that right then that we discussed the proposition of your paying \$300 into the expedition each year?—A. Brother Cluff, we didn't say anything at all about the "year," because it was expected that I should go home at Christmas.

Q. No; I never had in my mind that you should leave the company in Mexico.

Mr. WOLFE. Then why should I ask you for my release?

Mr. CLUFF. I know you asked that, but I never had any idea that you would leave at the City of Mexico.

Mr. WOLFE. I didn't, either.

Mr. CLUFF. William Cluff was not an official horse seller. The matter was arranged individually with him and the members of the company.

Mr. CLUFF. Brother Wolfe is right in saying that he was to receive \$12.50 in Guatemala each month, and I didn't know but that he had received it until I got home. I wrote Brother Keeler to send him the \$12.50.

Mr. CLUFF. In regard to that part where you say that it was by a vote of the board that you were selected, Brother Dusenberry, the secretary of the board is here, and he can answer that.

Mr. DUSENBERRY. The board of directors never considered the subject. The executive committee on or about the 28th of December, 1899, after other business being transacted, the executive committee being composed of David John, Reed Smoot, and myself, heard Brother Cluff give his statement of what was in contemplation. He stated briefly the object of the expedition, and that he had submitted it to the first presidency and they were inclined to favor it—they viewed it favorably—sort of referred the matter to the board as if the presidency had said, "If the board of directors were willing." "Well," Brother spoke up, "if the first presidency are in favor of it, as they are putting up most of the money, we won't object in the matter." That is all that ever happened on that occasion.

In regard to W. M. Wolfe's personal charge, President B. Cluff, jr., submitted the following:

"I did not want to go on the expedition as I considered its object the gratification of President Cluff's personal ambition, and the history of this trip has only confirmed this view."

I will only say that I was not aware of his feelings in regard to the matter. Brother Wolfe did not indicate that he thought it was a personal ambition, but I knew at one time that he was not wanting to go on the trip, but the matter was duly settled between us.

"I had no qualifications for the trip and my work in the academy as professor of history and Latin had nothing in common with the purposed object of such an expedition."

Brother Wolfe had good qualifications for such a trip. He had been out sheep herding, had done a great deal of traveling in the mountains, and he was a good botanist—the best in the academy. He was accustomed to roughing it, and he had also made extensive collections of botanical plants. That is why he was chosen.

(First charge is withdrawn.)

"In November and December, 1900, I was ill and scarcely able to travel. On December 3 I told President Cluff that in view of the condition of my health I desired my release. He informed me that I could have it for an order on W. H. Dusenberry, treasurer, for \$300. I protested, but he said that he was president of the academy and unless I gave this order I could not return and teach. In plain English his idea was to sell me back my old position for his personal benefit."

I think Brother Wolfe after a little reflection will remember that this is not exactly correct, though there is much of it that is true. In the first place Brother Wolfe did desire to come home. It had been agreed that he should pay \$300 a year and receive his full salary here at school, and that is all I was asking him for.

Now, I didn't have to threaten Brother Wolfe to get that order. I did make the remarks that Brother Wolfe has stated here, but not in this connection. It was a different matter entirely that we were speaking upon and need not come up here. I do not remember that Brother Wolfe required any coercion to get that order. It was given—\$300 minus the \$75—and sent home. I think Brother Wolfe understood it and gave it.

“In plain English, his idea was to sell me back my own position.” He was never out of that position; he held it then; and if he had refused and if I were forcing him and he had gone home on account of it he would have had no better argument. There were some matters which had transpired which made his position somewhat shaky, but it was not in relation to the money at all. I do not remember now that Brother Wolfe required or needed any coercion or any application of force or argument to give that money.

I know that Brother Wolfe was feeling poorly both in spirits and in health, and he said to the party that he felt possessed of a bad spirit, felt that Satan was endeavoring to overthrow him, and asked us to administer to him, which we did several times, and through our administrations he was relieved of this oppressiveness, not only in body but in spirit, and became a well man, so that by the time he reached the City of Mexico Brother Wolfe was not only able to go on, but desirous of pursuing his journey further, and we made arrangements then for him to go down into Guatemala. That is, as I remember, the whole story.

The fourth charge is settled. I did not know until I read this charge that Brother Wolfe had not received the \$12.50 per month.

Mr. HOLBROOK. What have you got left of your complaint, Brother Wolfe?—A. That second charge. I do say that he coerced me into paying him.

Mr. HICKMAN (to Mr. Wolfe). Did you understand when you left here that you were to pay \$300 a year?—A. No, sir.

Q. Any stipulated amount?—A. No, sir.

Mr. DUSENBERRY. I want to call your attention to the fact that Brother Wolfe has practically paid his \$300 out of his salary. That record kept by Brother Keeler does not show that he paid anything on his salary.

Mr. CLUFF. I have told you brethren that the books kept by Brother Keeler are not exactly straight, but Brother Keeler and I will have to get together in order to get this matter settled and find out just how much I have paid.

I don't propose in this to stand on any technicalities. The whole truth of the matter I want you to have. I do not want to be technical on this or on that.

After we left Nogales—you remember the telegram—I was made personally responsible for the expenses of the expedition. I supposed it meant the finances. We interpreted it so. All of my private money, the contingent fund I left here with, and all that I received from home went into the general treasury. I drew from that what I

wanted for my personal use, but everything that I had went into it, and I assumed the responsibility of the expedition financially. The only way we could get at it approximately would be to find out how much was sent me, then deduct a reasonable amount for my personal affairs, and then you would get about what I contributed for the expedition.

Mr. WORTHINGTON. Mr. Wolfe, do you know A. E. Cranney?

Mr. WOLFE. I know two or three Cranneys. I don't know that I know the one whom you refer to.

Mr. WORTHINGTON. Do you know Mr. Cranney who is one of the teachers in Logan City.

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Do you know Mr. S. F. Wilson?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Do you remember a call they made upon you on the 15th day of January last?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. I will ask you whether at that time this took place:

"Mr. CRANNEY. Brother Wolfe, we came to inquire concerning some reports of your conduct, and to ask you how you feel toward the gospel?"

"Mr. WOLFE. I do not keep the word of wisdom. I drink like a fish, but I am morally clean. Drink is my weakness.

"Mr. CRANNEY. How do you feel in regard to the gospel?"

"Mr. WOLFE. If there is a gospel, the Latter-Day Saints have it. I believe Joseph Smith was a prophet of God and that those who succeeded him have all been prophets and men of God." [Naming the men one by one.]

"Mr. CRANNEY. Do you believe in tithing?"

"Mr. WOLFE. Yes; I believe in tithing, but have not paid mine in the year just past, and you knew I had not paid that, Brother Cranney.

"Mr. CRANNEY. I know nothing about your tithing not having been paid the past year, but merely asked if you believed in the principle.

"Mr. WOLFE. Brother Cranney, has not the bishop got it in for me?"

"Mr. CRANNEY. The bishop and his counselors and we, your teachers, would do anything in our power to help you overcome your weakness."

I ask you whether that occurred in substance at that interview?

Mr. WOLFE. No, sir; it did not occur in substance.

Mr. WORTHINGTON. Who is the bishop to whom reference is made there?

Mr. WOLFE. Joseph B. Cordon.

Mr. WORTHINGTON. Did you see him on the same day?

Mr. WOLFE. I did.

Mr. WORTHINGTON. I will ask you whether at the interview you then had with the bishop this occurred after this interview with the teachers: That he found you very much affected, being in tears; that you said to him that you were very sorry that you had told him what you did about tithing, because it was not true; that you believed in tithing and were satisfied that the tithing had always been properly used. Did that occur in substance?

Mr. WOLFE. No, sir; it did not.

Mr. WORTHINGTON. Did you see him the next day, the 16th?

Mr. WOLFE. I did.

Mr. WORTHINGTON. On that occasion did this, in substance, occur: That you went to see him and again expressed your sorrow that you ever said anything against tithing or the church in any way, and that you thereupon bore strong testimony to the true gospel and said you did not desire under any circumstances to lose your standing in the church, and that you would rather die than be severed from the church?

Mr. WOLFE. No, sir.

Mr. WORTHINGTON. You say nothing of that kind occurred?

Mr. WOLFE. No, sir. I can give an account of those interviews.

Mr. WORTHINGTON. Do you know Mr. J. M. Blair?

Mr. WOLFE. I do.

Mr. WORTHINGTON. You boarded at his house, I believe?

Mr. WOLFE. For the last year and a half.

Mr. WORTHINGTON. The last year and a half that you were in the school there?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Did he, at various times in the last year, warn you that if you did not give up your drinking habits you would lose your place in the college?

Mr. WOLFE. He did once, specifically.

Mr. WORTHINGTON. When was that?

Mr. WOLFE. That was in June.

Mr. CARLISLE. Of what year?

Mr. WOLFE. 1905.

Mr. WORTHINGTON. You went away for that summer, did you not?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. To what place?

Mr. WOLFE. Up in the Logan Canyon.

Mr. WORTHINGTON. While you were there were you drinking pretty freely?

Mr. WOLFE. Yes, sir; for the first two or three weeks. After that I did not drink anything.

Mr. WORTHINGTON. After you returned from there did he not have a talk with you on the subject?

Mr. WOLFE. I think not. I don't remember of any. I do remember the talk in the canyon.

Mr. WORTHINGTON. I will ask you whether, soon after you returned from the canyon, he did not labor with you, telling you that you could not afford to do as you were doing and that the college could not afford to keep a man who drank as you did?

Mr. WOLFE. I think not. I don't remember it.

Mr. WORTHINGTON. Did you not then promise him you would reform?

Mr. WOLFE. I did not.

Mr. WORTHINGTON. Do you know Mr. Joseph Newbold?

Mr. WOLFE. I do.

Mr. WORTHINGTON. Who is he?

Mr. WOLFE. A clothier.

Mr. WORTHINGTON. Have you been in the habit of going into his store in the last six months before you left Logan?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Did you go in there frequently intoxicated?

Mr. WOLFE. No, sir; I generally went in there right after school. as a rule, every evening.

Mr. WORTHINGTON. Did not he and several other persons in his store on several occasions call your attention to the fact that you were drunk and that you were using language that was vulgar and unfit for people around to hear?

Mr. WOLFE. Mr. Newbold has never spoken to me upon the subject.

Mr. WORTHINGTON. That is all, Mr. Chairman.

Mr. CARLISLE. Mr. Wolfe, this visit of the teachers and your interview with the bishop, to which your attention has just been called, all took place after you had refused to pay tithing?

Mr. WOLFE. Within two hours after I had left the college the teachers were at my boarding place; that is, Messrs. Cranney and Wilson.

Mr. CARLISLE. And the interview with the bishop was the next day?

Mr. WOLFE. The bishop came to see me the next day, and I met him on the street corner the next morning. I did not go to his house or hunt him up.

Mr. CARLISLE. Up to that time, how did you stand with your church? Have you any papers, documents, certificates, to show how you stood with this church organization?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Have you them with you?

Mr. WOLFE. I suppose the counsel has them. I will say to Mr. Worthington that I would like to look over those papers myself a moment and put them in order.

Mr. CARLISLE. These papers?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Certainly.

Mr. CARLISLE. Just see what you have there as testimonials of the church as to your standing and character.

Mr. WOLFE. There is one little paper I want that I do not see here.

Mr. CARLISLE. Mr. Chairman, we have here a number of papers issued by the church authorities to Professor Wolfe which we propose to offer to show the estimation in which he was held by the church and its officials. I have not read them all over. Will you look at them, Mr. Worthington?

Mr. WORTHINGTON. May I ask from what date they run?

Mr. CARLISLE. They run from 1892 up to 1904.

Mr. WORTHINGTON. I do not care to look at them, then.

Mr. CARLISLE. They are assignments on missions, and some blessings and some other documents, which all have a bearing upon the question to show how he stood there.

The CHAIRMAN. The last one is dated in 1904?

Mr. CARLISLE. In 1904.

Mr. WORTHINGTON. What time in 1904?

Mr. CARLISLE. I will look at that in a moment.

Mr. OWEN. May 21, 1904.

The CHAIRMAN. If there is no objection, they may go in the record without being read.

Mr. CARLISLE. The stenographer can mark them in their order.

Mr. WORTHINGTON. One of these appears to be a typewritten paper without any signature.

Mr. CARLISLE. I will prove that by him. How did you procure that, Mr. Wolfe?

Mr. WOLFE. That was given to me in the Salt Lake Temple, or rather in the president's office at Salt Lake.

MR. CARLISLE. By whom?

MR. WOLFE. By the typewriter who took the blessing as it was pronounced upon my head, and it was given to me right then and there.

MR. CARLISLE. This is a document dated June 18, 1897. The blessing was pronounced upon you and this paper was delivered to you at this time?

MR. WOLFE. Yes, sir.

MR. CARLISLE. These receipts for tithing we do not want to offer.

MR. WOLFE. No; they are for value received.

MR. CARLISLE. It reads that you have voluntarily donated so much money to the church.

MR. WOLFE. Yes, sir.

MR. CARLISLE. And here is another one.

MR. WOLFE. That is another one.

MR. CARLISLE. Here is one of the papers from the board of education that I omitted.

The CHAIRMAN. What is the date of that, Mr. Secretary?

MR. WORTHINGTON. It is dated July 21, 1892.

MR. CARLISLE. These papers begin back about that time.

MR. WORTHINGTON. It appoints him an instructor for a year.

The papers referred to are as follows:

HOLINESS TO THE LORD.

The general board of education of the Church of Jesus Christ of Latter-Day Saints hereby licenses Walter M. Wolfe to act as an instructor in the academic grade (ancient languages and natural sciences) in any school of the Church of Jesus Christ of Latter-Day Saints in which he may be engaged, under the authority of a duly constituted stake board of education.

This license to be void after June 30, 1893.

In witness whereof we have hereunto attached our signatures and the seal of the board at Salt Lake City, Utah, this 21st day of July, 1892.

In behalf of the board of education.

[SEAL.]

WILFORD WOODRUFF, *President.*

GEO. REYNOLDS, *Secretary.*

DR. KARL G. MAESER,

Chairman, and in behalf of the Board of Examiners.

Holiness to the Lord. General board of education of the Church of Jesus Christ of Latter Day Saints, 1888.

(Indorsed as follows:) "Extended for one school year by order of General Superintendent Dr. K. G. Maeser. B. Cluff, jr. Extended pending examination for degree. October 25, 1894. K. G. Maeser, general superintendent."

GENERAL BOARD OF EDUCATION OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,
OFFICE OF THE BOARD OF EXAMINERS,
Salt Lake City, Utah, January 21, 1897.

MR. WALTER M. WOLFE, *Provo City, Utah.*

DEAR BROTHER: At a meeting of the board of examiners, held December 29, 1896, it was decided to confer upon you the degree of bachelor of didactics, in consideration of your professional preparation

and your efficient work in the church school service. A resolution was also passed to the effect that upon the bestowal of the degree for credits gained elsewhere than before the board of examiners, a charge of \$5 should be made instead of the regular fee of \$10; this is to be payable before the diploma is engrossed. Immediately upon receipt of amount named I will order your diploma engrossed and signed and send it to you. With sincere congratulations, I remain,

Your brother and friend,

WILLARD DOVE, *Secretary.*

Blessing pronounced upon the head of Elder Walter M. Wolfe under the hands of Elders George Reynolds (who was mouth) and Seymour B. Young previous to his departure for a mission to Colorado June 18, 1897.

Brother Walter M. Wolfe, we, your brethren, lay our hands upon your head at this time, and we ordain you a Seventy in the Church of Jesus Christ of Latter-Day Saints and we say unto you, receive ye all the gifts, power, authority, and blessing appertaining to this high and holy calling in the Melchizedek priesthood; and, furthermore, we set you apart to take a mission to Colorado to preach the gospel of the Son of God, and we bless you to this end and say unto you, go in peace and return in safety. We bless you by the authority of the holy priesthood that you may do much good; that your tongue may be loosened to proclaim the eternal principles of the new and everlasting covenant, and that your words may find place in the hearts of the honest, to the glory of God and their salvation. And we renew upon you all blessings that have heretofore been pronounced upon your head by the servants of God and promise you that every righteous desire of your heart shall be realized according to your faith and faithfulness. The Lord will comfort your heart, give you much power for good, satisfy your soul, strengthen your testimony, broaden your comprehension of His purposes, and give you a quickened understanding of His will. These blessings we seal upon your head by the Holy Spirit of promise, by virtue of the holy priesthood, and in the name of the Lord Jesus, our redeemer, in whose name we also ordain you to this priesthood and ministry, even so. Amen.

PROVO, UTAH, *February 1, 1900.*

A blessing by Patriarch Charles D. Evans upon the head of Walter Matson Wolfe, son of Aaron Roberts Wolfe and Laura Frances Jackson, born March 28, 1859, in New York City.

Brother Walter Matson, by virtue of my office as a patriarch I lay my hands upon thy head and pronounce and seal upon thee a blessing as the Lord shall direct. Thou hast been wonderfully led to the truth, for the Lord has been watchful of thee from the days of thy youth; thine intelligence will exalt thee, and thou art one of those seen by Abraham, whom the Lord will make rulers in the last days. By virtue of thy royal birth through Ephraim, it shall be easy for thee to

believe the word of the Lord, which will dwell in thee as treasures abide in the earth, for thy conceptions of truth are glorious, and the fountain of light in thy soul will shine forth to enlighten thy brethren. Thy wisdom shall be vast. Thy understanding shall encompass the heavens and reach down into the earth and discern the things by which it is made, and thou shalt lead out into new fields of thought, and make discoveries that shall enrich the Lord's people, for thou has not yet grasped the compass of thy understanding; thy words shall be written for the generations to come, and many shall call thee the blessed of the Lord; thy royal lineage shall be extended through thee, and the divine rights of inheritance shall descend to thy heirs, for thy inheritance shall be recorded in the holy temples unto thee and thy heirs forever.

God will give thee power to overcome every passion and appetite of the flesh and the angel of death shall stand rebuked, that thou mayest live to fill many days. Thy food and raiment shall not fail thee and the hearts of thy children will be bound to thee as the ivy to the oak.

Thou shalt see Zion redeemed and the Saints made free. Thou will realize the necessity of secret prayer. I bless thee against the climate into which thou art about to move, that no harm may befall thee. I bless thee against the elements, the food, the water, and the air, for thou shalt return in safety and receive honor from thy brethren. In the day of adversity thou shalt not fall, but the Lord will give you humility, and thou shalt advance to thy throne, and I seal upon thee thy exaltation and seal thee up to come forth in the morning of the first resurrection with all thy worthy kindred, in the name of Jesus Christ. Amen.

R. LEO BIRD, *Clerk.*

(Indorsed as follows:) "Walter Matson Wolfe. No. 1969. Recorded in Book C, page 271. Chas. D. Evans, Patriarch."

SALT LAKE CITY, UTAH, *April 11, 1900.*

Elder WALTER M. WOLFE, *Provo.*

DEAR BROTHER: Your name has been suggested and accepted as a member of the Brigham Young Academy Scientific Expedition which is to make explorations through Mexico, Central America, and South America.

This expedition has been organized with our consent and approval, and we trust that those who compose the party will feel the importance of the work and will so order their lives that the Spirit and blessings of our Heavenly Father may be always with them.

Please report to Elder Benjamin Cluff, jr., who will take charge of the expedition, and he will give you all necessary information regarding equipments, time of starting, etc.

Your brother in the gospel,

LORENZO SNOW,
GEO. Q. CANNON,
JOS. F. SMITH,

*First Presidency of the
Church of Jesus Christ of Latter-Day Saints.*

SALT LAKE CITY, *July 3, 1902.*Elder WALTER M. WOLFE, *Provo.*

DEAR BROTHER: Your name has been suggested and accepted as a missionary to Great Britain.

The work of the Lord is progressing in the nations, and faithful, energetic elders are needed in the ministry to promulgate the everlasting gospel, openings for doing good appearing in numerous directions. Yourself, with others, having been selected for this mission, should there be no reasonable obstacles to hinder you from going, we would be pleased to have you make your arrangements to start from this city at as early a date as October, 1902.

Please let us know at your earliest convenience what your feelings are with regard to this call. If you accept it you will receive no further notification, but will be expected to present yourself at the president's office to be set apart on the day previous to that appointed for your departure.

Your brother in the gospel,

JOS. F. SMITH.

P. S.—Please have your bishop indorse your answer.
Exact date of departure will be sent you hereafter.

LATTER-DAY SAINTS EUROPEAN PRINTING,
PUBLISHING, AND EMIGRATION OFFICE,
42 Islington, Liverpool, January 27, 1903.

Elder WALTER M. WOLFE, *London.*

MY DEAR BROTHER: This writing grants you a furlough of six weeks, to finish with your return to your field of labor in London on or before April 1, current year. Go, and God bless you with a lovely time of success and safe journey, sojourn, and return without any misfortune or misstep. My heart and my love and blessing shall attend you at every step. I shall be pleased to see you as I pass through London next Friday, for about twenty minutes, at the station with President Blood. I shall very likely return from the Netherlands before you need to go away. Love to all the elders, sisters, and saints. We are all well and happy. God bless you all forever.

I am, your affectionate brother,

FRANCIS M. LYMAN.

LETTER OF RELEASE.

Elder WALTER M. WOLFE.

DEAR BROTHER: You are honorably released from your missionary labors in the Liverpool office conference, with permission to return home on the steamship *Republic*, which sails June 23, 1904.

Your labors in the ministry in this land have been satisfactory to the president, and no doubt they will result in much good to the people who have listened to your testimonies and given their minds to the contemplation of the Gospel truths presented to them through your instrumentality.

We pray that the blessings of our Eternal Father may attend you during your journey and that your life may be spared to reach home in peace and safety, there to enjoy the society of loved relatives and friends at the gathering place of the saints.

We beseech you, dear brother, to continue your faithful labors in Zion, as directed by the servants of the Lord, to establish the church and kingdom of God upon the earth.

Your brother in Christ,

HEBER J. GRANT,
*President of the European Mission of the Church
of Jesus Christ of Latter-Day Saints.*

42 ISLINGTON, LIVERPOOL, *May 21, 1904.*

TRANSFER.

Elder WALTER M. WOLFE.

BELOVED BROTHER: You are hereby honorably released from your missionary labors in the London conference and appointed to labor in the Liverpool office conference of the Church of Jesus Christ of Latter-Day Saints under the direction of the president of that conference.

It is your duty to preach the Gospel, administer the ordinances thereof that pertains to the office of an elder, and assist your president in discharging any duties which he may require of you for the welfare of the cause where you are appointed to labor.

Dear Brother, keep the commandments of God, honor the covenants you have made with the Lord and your brethren, observe the counsels of those who are placed over you; live pure, be humble and prayerful, resist temptation, eschew the very appearance of evil, that the Holy Spirit may accompany your administrations; that the power of your priesthood and calling may increase upon you; the hearts of the people be opened that they may receive your testimony and minister to your necessities; and then you will be instrumental, in the hands of God, of turning many from the errors and follies of the world to the knowledge of the truth.

FRANCIS M. LYMAN,
*President of the European Mission of the
Church of Jesus Christ of Latter-Day Saints.*

42 ISLINGTON, LIVERPOOL, *December 31, 1903.*

MISSIONARY CERTIFICATE.

To all persons to whom this letter shall come:

This certifies that the bearer, Elder Walter M. Wolfe, is in full faith and fellowship with the Church of Jesus Christ of Latter-Day Saints, and by the general authorities of said church has been duly appointed to a mission to Great Britain to preach the gospel and administer in all the ordinances thereof pertaining to his office.

And we invite all men to give heed to his teachings and counsels as a man of God, sent to open to them the door of life and salvation, and to assist him in his travels in whatsoever things he may need.

And we pray God, the Eternal Father, to bless Elder Wolfe and all who receive him and minister to his comfort, with the blessings of heaven and earth, for time and all eternity, in the name of Jesus Christ. Amen.

Signed at Salt Lake City, Utah, October 28, 1902, in behalf of said church.

JOS. F. SMITH,
JOHN R. WINDER,
ANTHON H. LUND,
First Presidency.

Mr. CARLISLE. You were asked yesterday by the chairman concerning the prevalence of polygamy or polygamous cohabitation since the admission of Utah as a State in 1896 and since the manifesto. I believe your answer was that since the admission of the State it had increased, so far as you could see—that is, polygamous cohabitation?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. I will ask you whether you know any of these men. I will read all the names and if there is any one of them whom you do not know you can say so when I get through, and you may state where they live: David John, Josiah Hickman, S. S. Jones, William Bean, Robert Kirkwood, Nick Muhlsteen, George Gee, Albert Jones, Ben Cluff, Thomas Chamberlin, George Brimhall, George Pay, John Fogelsberg, and Arthur Simmons.

Mr. WOLFE. I know some of them. If you will read them through, Mr. Secretary, I will tell you those whom I know and those whom I do not know.

Mr. CARLISLE. David John.

Mr. WOLFE. I know him.

Mr. CARLISLE. Josiah Hickman.

Mr. WOLFE. I know him.

Mr. CARLISLE. S. S. Jones.

Mr. WOLFE. I know him.

Mr. CARLISLE. William Bean.

Mr. WOLFE. I know him.

Mr. CARLISLE. Robert Kirkwood.

Mr. WOLFE. I know him.

Mr. CARLISLE. Nick Muhlsteen.

Mr. WOLFE. Not personally.

Mr. CARLISLE. Do you know of him?

Mr. WOLFE. Yes, sir. I do not know him personally.

Mr. CARLISLE. George Gee.

Mr. WOLFE. I know him.

Mr. CARLISLE. Alfred Jones.

Mr. WOLFE. I know him.

Mr. CARLISLE. Ben Cluff.

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Thomas Chamberlin.

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. George Brimhall.

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. George Pay.

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. John Fogelsberg.

Mr. WOLFE. I don't know him.

Mr. CARLISLE. Arthur Simmons.

Mr. WOLFE. I don't know Arthur Simmons.

Mr. CARLISLE. There are three of those men, then, that you do not know personally?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Where do these men live whom you do know?

Mr. WOLFE. In or near Provo, with the exception of Mr. Cluff, who lives in Mexico at the present time.

Mr. CARLISLE. Where do the other three gentlemen with whom you are not personally acquainted live, or where are they purported to live?

Mr. WOLFE. Mr. Muhlsteen, if you mean the one I think, lives on the bench near the foot of the mountain a little way from Provo, a mile or two.

Mr. CARLISLE. And Fogelsberg?

Mr. WOLFE. I don't know the man at all.

Mr. CARLISLE. Arthur Simmons?

Mr. WOLFE. I don't know the man.

Mr. CARLISLE. You do not know those?

Mr. WOLFE. No, sir.

Mr. CARLISLE. Do you know whether or not these other men whom you have said that you do know are living in polygamous cohabitation? In the first place, where do they live?

Mr. WOLFE. In Provo.

Mr. CARLISLE. Is Provo a large place or a small place?

Mr. WOLFE. It is a place of seven or eight thousand inhabitants, I should imagine. I think so.

Mr. CARLISLE. Now, answer my question, whether those men are or are not, so far as you know, living in polygamous cohabitation?

Mr. WOLFE. By common repute they are, with the exception of George Gee. I have never heard Mr. Gee mentioned, I think, as a polygamist. He may be, but I know nothing about it.

Mr. CARLISLE. You have heard nothing about it?

Mr. WOLFE. No, sir.

Mr. CARLISLE. How near do you live to some of these men, and what have been your opportunities to know as to what is transpiring there in that little town?

Mr. WOLFE. Some of the men I have been acquainted with, both families, and with most of them I have been reasonably familiar at some time during the past twelve years.

Mr. CARLISLE. Do you know a man by the name of George Taylor?

Mr. WOLFE. I know a George Taylor.

Mr. CARLISLE. What relation, if any, does he bear to Senator Smoot?

Mr. WOLFE. I think he is Senator Smoot's brother-in-law.

Mr. CARLISLE. Where does he live?

Mr. WOLFE. He lives in Provo.

Mr. CARLISLE. Did you know, previous to the election in Utah, that Mr. Smoot would be a candidate for United States Senator?

Mr. WOLFE. I heard so.

Mr. CARLISLE. Was it discussed?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Talked about?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. Did Mr. Taylor ever approach you on the subject?

Mr. WOLFE. He did, sir.

Mr. CARLISLE. Will you state what arguments he used? What are your politics?

Mr. WOLFE. I am a Democrat.

Mr. CARLISLE. If any arguments were used on you by Mr. George Taylor to induce you to support the representatives who would vote for Mr. Smoot, state what they were.

Mr. WOLFE. Yes, sir. After my return from Mexico I found that Senator Smoot's candidacy was being discussed, and, as I said before, I was a Democrat. I am glad that you helped me out of that. I was lined up against most of my good brethren who were Republicans.

Mr. CARLISLE. Your Mormon brethren, you mean?

Mr. WOLFE. Yes, sir; my Mormon brethren. I remember once Senator Smoot expostulated with me, not as an apostle, but as a man on the street. He said he thought I ought to have too much sense to be a Democrat. He did it in a good-natured way. Well, one day I happened to be in Mr. Taylor's store, and we were talking over Mr. Smoot's candidacy, and Mr. Taylor urged me very strongly to give up my old political belief and come around with the great majority. I said, "I would, George, if I believed it was the will of the Lord," and George said, "Brother Wolfe, I feel sure it is the will of the Lord," and I must confess it appears to have been.

Mr. WORTHINGTON. You must confess what?

Mr. CARLISLE. That it appears to have been.

Mr. WOLFE. Still I was obdurate, and continued to vote as I pleased. That is the only case in which I have ever heard a man say it was the will of the Lord that a thing should be done thus and so politically.

Mr. CARLISLE. Did he tell you how it was the will of the Lord? Did he tell you about any consultation about it?

Mr. WORTHINGTON. I submit that he ought not to be led.

Mr. CARLISLE. Did he tell you why it was the will of the Lord? Did he give you any reason for it?

Mr. WOLFE. Yes, sir; he said the matter was talked over in the high council on the Sunday previous.

Mr. CARLISLE. Is that all he said?

Mr. WOLFE. Just excuse me right there. I don't mean as a high council meeting, but I mean as a prayer circle.

Mr. CARLISLE. On Sunday?

Mr. WOLFE. Yes, sir.

Mr. CARLISLE. That is all.

Mr. WORTHINGTON. Have you talked with anybody over night since you were on the stand yesterday about this case and your testimony?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. With whom?

Mr. WOLFE. I went to Mr. Owen's house this morning. I didn't see him from last night until this morning, and I walked up here with him.

Mr. WORTHINGTON. Had you been at his house since you came here?

Mr. WOLFE. Yes, sir; I generally go to his house in the morning and come up from there.

Mr. WORTHINGTON. Were you an acquaintance of his in Utah before you came here?

Mr. WOLFE. I met him twice in Utah before I came here.

Mr. WORTHINGTON. That is the only acquaintance you had with him?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. You were never at his house in Utah?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. That is where you saw him?

Mr. WOLFE. I saw him there once.

Mr. WORTHINGTON. About what is the population of Provo?

Mr. WOLFE. I said seven or eight thousand. It may be less or it may be more.

Mr. CARLISLE. Will you allow me to interrupt? I did not notice that he brought in that book of hymns.

Mr. WORTHINGTON. He can take that up afterwards.

Mr. CARLISLE. All right; go on.

Mr. WORTHINGTON. What proportion of them are Mormons?

Mr. WOLFE. That I do not know. I should say a considerable majority.

Mr. WORTHINGTON. And these persons whose names you have mentioned as being reputed to live in polygamy are, generally speaking, at least, people who had this plural marriage relation before the manifesto?

Mr. WOLFE. I think so. I think every one of them. I don't know one of those who has gone into it since.

Mr. WORTHINGTON. You do not know of any couple living in polygamous relations in your neighborhood, when those relations, by repute or otherwise, arose since the manifesto?

Mr. WOLFE. Unless it is the case of Mr. Hickman, who was before this committee last year.

Mr. WORTHINGTON. We know about him.

Mr. WOLFE. That is the only case I know of in Provo.

Mr. WORTHINGTON. In Cluff's case, of course, the charge is that he married Florence Reynolds in Mexico.

Mr. WOLFE. Yes.

Mr. WORTHINGTON. She has never been back to Utah, so far as you know?

Mr. WOLFE. Not so far as I know.

Mr. WORTHINGTON. He has never lived with her there, so far as you know?

Mr. WOLFE. I think not.

Mr. WORTHINGTON. He himself has now become a resident of Mexico?

Mr. WOLFE. I think so.

Mr. WORTHINGTON. How long has he been away?

Mr. WOLFE. I don't know when he ceased his connection with the academy, for I was in England at the time.

Mr. WORTHINGTON. When you had this conversation with Mr. Taylor was there any other person present?

Mr. WOLFE. I think not.

Mr. WORTHINGTON. How nearly can you fix the date of that conversation?

Mr. WOLFE. I should say it was in October, 1901.

Mr. WORTHINGTON. He said the matter had been discussed at a prayer circle?

Mr. WOLFE. Yes, sir.

Mr. WORTHINGTON. Of the council, was it?

Mr. WOLFE. I think it was the high council prayer circle. I judge so because he is a member of the high council.

Mr. WORTHINGTON. High council of what?

Mr. WOLFE. Utah Stake.

Mr. WORTHINGTON. Could you tell us the day of the week when you had this conversation, when he referred to the previous Sunday?

Mr. WOLFE. I can not; but my impression would be that it was on Saturday. I can not tell the day of the week.

Mr. WORTHINGTON. That is all.

Senator KNOX. I would like to ask a question. Was this school where you taught, a school for young men and young women both?

Mr. WOLFE. Yes, sir.

Senator KNOX. How large a school?

Mr. WOLFE. The one at Provo contained about 750 students.

Senator KNOX. How long were you there?

Mr. WOLFE. I was there a year and a half.

Senator KNOX. How large was the other school?

Mr. WOLFE. The other was considerably larger. I think it probably runs over a thousand.

Senator KNOX. How long were you there?

Mr. WOLFE. I was there from 1892 until June, 1902.

Senator KNOX. What proportion of the students were females?

Mr. WOLFE. My impression is that the females predominated slightly in both schools.

Senator KNOX. Where did the patronage of these schools come from? Was it local or was it from the State at large?

Mr. WOLFE. Neither of those schools depends upon local patronage. The school at Provo draws from southern Utah, Arizona, Colorado, New Mexico, and there are always a few students from old Mexico.

Senator KNOX. Have you a pretty general acquaintance among the scholars, or did you only come in contact with a limited number of them?

Mr. WOLFE. I had a pretty general acquaintance with them.

Senator KNOX. Did you take any interest in them or keep any track of them after they got out of the school?

Mr. WOLFE. Some of them I did; yes, sir.

Senator KNOX. Tell me now, with the exception of this Norwegian girl of whom you spoke yesterday, did you ever know any of the young women who attended either of these schools to be a party to a polygamous marriage?

Mr. WOLFE. If you will say the teachers of the schools and leave out the pupils—

Senator KNOX. My question has direct reference to the pupils.

Mr. WOLFE. Florence Reynolds and Ovena Jorgensen.

Senator KNOX. Those are the only two?

Mr. WOLFE. Those are the only two.

Senator KNOX. What was the sentiment among the pupils in these two schools as to polygamy?

Mr. WOLFE. I think, Senator, that the children who are brought up in polygamous families as a rule regard it as a sacred institution.

Senator KNOX. That is not an answer to my question, however. I

asked you what the sentiment of these two schools was among the pupils?

Mr. WOLFE. My opinion is that they uphold polygamy, but they do not believe in the practice of it under the existing conditions. They are taught it is a divine institution.

Senator KNOX. That is all.

Senator DILLINGHAM. You have spoken about a number of persons who were reputed to be living in polygamous cohabitation.

Mr. WOLFE. Yes, sir.

Senator DILLINGHAM. I wanted to inquire as to the time when they took their plural wives, whether it was before or after the manifesto?

Mr. WOLFE. Senator, every one of these men whose names have been read to-day, with one exception, I believe, has not entered into the polygamous relationship since the manifesto.

The CHAIRMAN. But they have lived in polygamous relationship since?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. And continue at this time?

Mr. WOLFE. To the best of my knowledge and belief.

Mr. CARLISLE. What about Thomas Chamberlin? That is one of the names mentioned?

Mr. WOLFE. Chamberlin? He has, I think, gone into the plural relationship since the manifesto.

The CHAIRMAN. What is his position in the church?

Mr. WOLFE. He was one of the stake presidency of Kanab Stake.

Senator OVERMAN. Was the divine right of polygamy taught in either one of these schools?

Mr. WOLFE. I don't know just how to answer that question. The teaching is that polygamy is a divine institution, and a person should believe in the principle, but under existing conditions they must not teach it or preach it, and we are to suppose that they are not to practice it.

Senator OVERMAN. Was there any general feeling in the church that the manifesto was a trick, as I have seen stated? Was there any such feeling in the Church as that?

Mr. WOLFE. Now, Senator, I will have to answer you from hearsay, and not from my own knowledge. I have heard this statement made in Logan, that a man once got up in the tabernacle and spoke of the manifesto as the will of the Lord and a revelation, and some of his brethren told him that he must not talk that way. Among people generally, I think that the manifesto is regarded as simply a document to tide over existing conditions. I think that is the general sentiment.

Senator OVERMAN. They do not regard the manifesto as a revelation and Divine?

Mr. WOLFE. I think not the same importance as the other revelations.

The CHAIRMAN. Professor, I want to ask as a matter of information, do you know the law of the church in relation to tithing? Do you know what the law is?

Mr. WOLFE. I think I do.

The CHAIRMAN. What is it?

Mr. WOLFE. I think a person should be tithed one-tenth of all they

possess when they come in the church, and should give 10 per cent of their annual income thereafter.

The CHAIRMAN. Does that apply to all adherents of the church?

Mr. WOLFE. I think it should apply to all adherents of the church.

The CHAIRMAN. Do you know whether the law of the church does make it applicable to everybody?

Mr. WOLFE. So far as I know it is applicable to everybody.

The CHAIRMAN. Rich and poor alike?

Mr. WOLFE. Rich and poor alike.

The CHAIRMAN. Who is your next witness?

Mr. CARLISLE. Mr. Chairman, this witness was asked yesterday about the hymns that are used in the church and has produced a hymn book here, and I want to offer in evidence hymns Nos. 61, 282, 289, and 296, and I will ask you whether or not you have heard those hymns sung in the churches during the services, as a part of the services?

Mr. WOLFE. I have heard hymn 61. What is the next one?

Mr. CARLISLE. Two hundred and eighty-two.

Mr. WOLFE. Yes, sir; that is the one from which I quoted yesterday.

Mr. CARLISLE. Now, 289.

Mr. WOLFE. I have never heard that hymn sung.

Mr. CARLISLE. You have never heard it sung?

Mr. WOLFE. No, sir.

Mr. CARLISLE. It is included in the book.

Mr. WOLFE. It is in the book; yes, sir.

Mr. CARLISLE. Now, 296.

Mr. WOLFE. Yes, sir; I have heard that sung.

The CHAIRMAN. Will you read the first one you mentioned? I would like to know what it is.

Mr. WORTHINGTON. Instead of reading them, may I suggest that he sing them?

Mr. CARLISLE. I suggest that Mr. Worthington sing them.

The CHAIRMAN. Read No. 61, if you please, Professor.

Mr. WOLFE (reading):

Up, awake, ye defenders of Zion!
 The foe's at the door of your homes;
 Let each heart be the heart of a lion,
 Unyielding and proud as he roams.
 Remember the wrongs of Missouri;
 Forget not the fate of Nauvoo;
 When the God-hating foe is before you,
 Stand firm, and be faithful and true.

The CHAIRMAN. What is that; 61?

Mr. WOLFE. That is 61.

The CHAIRMAN. Is that all of it?

Mr. WOLFE. No, sir.

The CHAIRMAN. Read what follows.

Mr. WOLFE (reading):

By the mountain our Zion's surrounded;
 Her warriors are noble and brave;
 And their faith on Jehovah is founded,
 Whose power is almighty to save.
 Opposed by a proud boasting nation,
 Their numbers, compared, may be few;
 But their union is known through creation,
 And they've always been faithful and true.

Shall we bear with oppression forever?
 Shall we tamely submit to the foe,
 While the ties of our kindred they sever?
 Shall the blood of our prophets still flow?
 No! the thought sets the heart wildly beating;
 Our vows at each pulse we renew,
 Ne'er to rest till our foes are retreating,
 While we remain faithful and true!

Though assisted by legions infernal,
 The plundering wretches advance,
 With a host from the regions eternal,
 We'll scatter their troops at a glance.
 Soon "the Kingdom" will be independent;
 In wonder the nations will view
 The despised ones in glory resplendent;
 Then let us be faithful and true!

The CHAIRMAN. Did you ever hear that sung by a congregation?

Mr. WOLFE. I have heard that sung; yes, sir.

The CHAIRMAN. Where?

Mr. WOLFE. I have heard that sung in the mission field. I have heard it sung in— I can't tell just where I have heard it sung. I have heard it sung in southern Utah, in Panguitch, and Esperanti, and down in that country. It was a favorite hymn in the mission field.

Senator KNOX. Is that an accepted official hymn book of the church?

Mr. WOLFE. Yes, sir.

Senator KNOX. What does it purport to be by its title page?

Mr. WOLFE. (Reading:)

"Preface to the first English edition. The Saints in this country have been very desirous for a hymn book adapted to——"

Senator KNOX. I do not want that. I want to know what it says on the first page.

Mr. WOLFE. The title page is not here. That is the preface to the 20th edition, dated Salt Lake City, Utah, September, 1891.

The CHAIRMAN. Signed by whom?

Mr. WOLFE. Signed by the publishers. The first page is signed by Brigham Young, Parley P. Pratt, and John Taylor. I think it is the accepted hymn book.

The CHAIRMAN. Have you anything further?

Mr. CARLISLE. No, sir.

Mr. WORTHINGTON. There are a number of other hymn books in use in the church, are there not?

Mr. WOLFE. No, sir; we have but one for ordinary purposes. There are others used in the Sunday school, and we have a hymn book with these words and the music.

Mr. WORTHINGTON. When you were teaching your pupils, did you ever teach them patriotic songs?

Mr. WOLFE. I did not have anything to do with the singing.

Senator KNOX. I notice this hymn book is dated 1840.

Mr. WOLFE. Yes, sir.

Senator KNOX. Have you ever seen a later edition of it?

Mr. WOLFE. That is a later edition of it. If you will turn to the next page you will find it is the Salt Lake imprint, 1891.

Senator KNOX. It was the original edition in 1840?

Mr. WOLFE. That is as I understand it; yes, sir.

The CHAIRMAN. If there is no objection, the hymns offered in evidence by Mr. Carlisle will be printed as a part of the record.
The hymns referred to are as follows:

HYMN 282.

- (1) Praise to the man who communed with Jehovah!
Jesus anointed "that Prophet and Seer"—
Blessed to open the last dispensation;
Kings shall extol him and nations revere.

Chorus:

Hail to the Prophet, ascended to heaven!
Traitors and tyrants now fight him in vain;
Mingling with Gods, he can plan for his brethren,
Death cannot conquer the hero again.

- (2) Praise to his memory, he died as a martyr,
Honored and blest be his ever great name!
Long shall his blood, which was shed by assassins,
Stain Illinois, while the earth lauds his fame.

Hail to the Prophet, etc.

- (3) Great is his glory, and endless his priesthood,
Ever and ever the keys he will hold;
Faithful and true, he will enter his kingdom,
Crowned in the midst of the prophets of old.

Hail to the Prophet, etc.

- (4) Sacrifice brings forth the blessings of heaven;
Earth must atone for the blood of that man;
Wake up the world for the conflict of justice;
Millions shall know "brother Joseph" again.

Hail to the Prophet, etc.

HYMN 289.

- (1) Weep, weep not for me, Zion,
Rejoice and sing ye aloud,
Pray, pray that Judah's fierce lion
May quickly descend in a cloud.
Haste, haste! O, quickly descend in a cloud!

- (2) He wields the rod of His power,
And lays our enemies low;
While frowns His countenance lower,
They sink in perdition and woe.
Yes, yes, they sink to perdition and woe.

- (3) Long, long, dear Saints, we have wandered,
Yet, yet we will not complain,
Though oft our all has been plundered,
The loss is our infinite gain.
Yes, yes, the loss is our infinite gain.

- (4) Cease, cease your sighing and weeping,
Mourn, mourn not, neither repine,
Now I'm in heaven's blest keeping,
With Jesus I ever shall shine.
Yes, yes, with Jesus I ever shall shine.

- (5) Mobs, mobs, of all you've bereft me,
 Home, friends, and pleasures so sweet,
 Now, from your power I'm set free,
 And you and I never shall meet.
 No, no; you and I never shall meet.
- (6) Go, go ye wretches who've slain me;
 Now, now your power is o'er;
 Though in the tomb they have laid me.
 I'm resting on Zion's bright shore.
 Yes, yes, I'm resting on Zion's bright shore.
- (7) Weep, weep not, Zion's fair maidens;
 Brave sons, weep, weep not for me;
 Crowned now, with glory I'm laden,
 Now happy I ever shall be.
 Yes, yes, now happy I ever shall be.
- (8) Sad, sad was that hour of parting,
 Then, then fell many a tear;
 Soon you'll be over the snarling,
 And meet with the holy ones here.
 Haste, haste, to meet with the holy ones here.
- (9) Heaves, heaves each bosom with sorrow,
 Anguish, how fervent the pain!
 Soon, soon will come the blest morrow,
 When you will see Joseph again.
 Yes, yes, then you will see Joseph again.
- (10) Then, then how happy the meeting!
 Joy, joy, each bosom will fill!
 Joseph and Hyrum then greeting,
 On Zion's thrice sanctified hill.
 Yes, yes, on Zion's thrice sanctified hill.

HYMN 296.

- (1) O give me back my prophet dear,
 And patriarch; O give them back,
 The saints of latter-days to cheer,
 And lead them in the Gospel track!
 But O, they're gone from my embrace,
 From earthly scenes their spirits fled,
 Two of the best of Adam's race
 Now lie entombed among the dead.
- (2) Ye men of wisdom, tell me why—
 No guilt, no crime in them were found—
 Why now their blood doth loudly cry
 From prison walls and Carthage ground?
 Your tongues are mute, but pray attend,
 The secret I will now relate—
 While those whom God to earth did lend
 Have met the suffering martyrs' fate.
- (3) It is because they strove to gain,
 Beyond the grave, a heaven of bliss,
 Because they made the Gospel plain
 And led the saints in righteousness;
 It is because God called them forth
 And led them by His own right hand,
 Christ's coming to proclaim on earth,
 And gather Israel to their land.

- (4) It is because the priests of Baal
 Were desperate their craft to save,
 And when they saw it doomed to fall
 They sent the prophets to their grave.
 Like scenes the ancient prophets saw,
 Like these the ancient prophets fell,
 And, till the resurrection dawn,
 Prophet and patriarch, farewell.

The CHAIRMAN. Where do you attend services when you are in Utah—at Provo?

Mr. WOLFE. At Provo when I live in Provo and at Logan when I live in Logan.

The CHAIRMAN. At what place?

Mr. WOLFE. The Stake Tabernacle.

The CHAIRMAN. In both those places?

Mr. WOLFE. In both those places; yes, sir.

The CHAIRMAN. Is this hymn book used there?

Mr. WOLFE. Yes, sir.

The CHAIRMAN. Who is your next witness, Mr. Carlisle?

Mr. CARLISLE. We will have Mr. Thomas.

TESTIMONY OF WILLIAM JONES THOMAS.

WILLIAM JONES THOMAS, being duly sworn, was examined and testified as follows:

Mr. CARLISLE. Will you state what is your place of residence and what is your occupation?

Mr. THOMAS. I live at Spanish Forks, Utah County, Utah.

Mr. CARLISLE. Is that in the southern part of Utah?

Mr. THOMAS. Yes; 60 miles south of Salt Lake City.

Mr. CARLISLE. What is your occupation?

Mr. THOMAS. Farmer.

Mr. CARLISLE. When did you go to Utah?

Mr. THOMAS. In 1861.

Mr. CARLISLE. Were you a Mormon at the time you went there, or did you join the church afterwards, or have you joined at all?

Mr. THOMAS. I was a Mormon going there.

Mr. CARLISLE. Did you ever pass through the Endowment House?

Mr. THOMAS. Yes, sir.

Mr. CARLISLE. Through the Temple, I believe, they call it now?

Mr. THOMAS. Through the Endowment House. I went through the Endowment House in 1869. Did I say 1861?

Mr. CARLISLE. You said you went to Utah in 1861.

Mr. THOMAS. Oh, yes; that is right.

Mr. CARLISLE. How many persons went through the Endowment House with you in 1869, if any more than yourself? About how many?

Mr. THOMAS. Well, from 40 to 50, as near as I can remember it.

Mr. CARLISLE. Did you take any oath or enter into any covenant, or make a pledge there during those ceremonies?

Mr. THOMAS. Yes, sir.

Mr. CARLISLE. Will you state to the committee just as nearly as you can what it was in 1869?

Mr. THOMAS. I can give you in substance one that was heavy upon my mind, and I remember it pretty well, the substance of it. I couldn't tell it in the words exactly.

Mr. CARLISLE. Give it in the words as nearly as you can.

Mr. THOMAS. It was, in substance, that I would seek to avenge the blood of the prophet Joseph Smith upon this nation, and teach my children the same unto the third and fourth generations, as near as I can remember. That was the substance of it.

Mr. CARLISLE. By whom was that administered to you, if you can remember?

Mr. THOMAS. I think I do. I recognized the man as George Q. Cannon.

Mr. CARLISLE. Did any ceremonies take place before that oath was administered to you?

The CHAIRMAN. Mr. Secretary, may I ask the witness right there what George Q. Cannon's position was in the church?

Mr. THOMAS. He was one of the twelve, I believe. Now, I wouldn't be sure.

Senator OVERMAN. You say this has weighed heavily on your mind since then?

Mr. THOMAS. That one oath did.

Senator OVERMAN. Why?

Mr. THOMAS. Because it is contrary to the word of God, as understood, and contrary to my feelings. That is all.

Senator HOPKINS. In what respect?

Mr. THOMAS. Well, I was an American citizen. I swore allegiance and I became an American citizen.

The CHAIRMAN. Proceed, Mr. Carlisle.

Mr. CARLISLE. I have asked you about whether any ceremonies took place before the oath or obligation took place. If so, state what it was.

Mr. THOMAS. There were washings and anointings there.

Mr. CARLISLE. Describe to the committee what you mean by anointing? Was your whole body anointed or your arm anointed; and, if so, was anything said when that was done?

Mr. THOMAS. My head was anointed and my right arm. I do not remember anything else.

Mr. CARLISLE. Was anything said by the person who conducted these ceremonies at the time he anointed your right arm? Were you told what it was for?

Mr. THOMAS. Yes, sir; he spoke very quick and I couldn't catch it all, but I remember when he anointed my arm to make it strong, and the substance of it was that I would avenge the blood of the prophets—prophet or prophets, I believe it was the plural.

Mr. CARLISLE. You say this bore heavily on your mind. Are you now a member of the Mormon Church?

Mr. THOMAS. No, sir.

Mr. CARLISLE. Well, when did you separate from it?

Mr. THOMAS. They dropped me off in 1880—in the year 1880.

Mr. CARLISLE. For what?

Mr. THOMAS. Because I had spoken too openly against the principle of plural marriage.

Mr. CARLISLE. Was that the only thing, so far as you know?

Mr. THOMAS. That was the only thing they brought against me. I said the Book of Mormon is the word of God, and Joseph Smith is a transgressor if he has more wives than one. That was the complaint.

Mr. CARLISLE. You claimed the original Book of Mormon did not teach polygamy?

Mr. THOMAS. No, sir; it prohibited it, and the Bible also. I claimed both books forbid it.

Mr. CARLISLE. Then you were dropped from the church?

Mr. THOMAS. Yes, sir.

Mr. WORTHINGTON. Mr. Thomas, when did you first communicate with anybody outside of the church—

Mr. THOMAS. Sir?

Mr. WORTHINGTON. When did you first inform anybody not of the church of this alleged covenant?

Mr. THOMAS. When did I first?

Mr. WORTHINGTON. Yes.

Mr. THOMAS. I don't know as I have to any one, excepting I have said I would testify to the truth. I was asked if I had been through the house by Mr. Owen.

Mr. WORTHINGTON. When?

Mr. THOMAS. Last summer, some time.

Mr. WORTHINGTON. Up to that time had you ever told anybody who was not a member of the church of this alleged covenant against the nation?

Mr. THOMAS. I might have done so to some of the people there in conversation.

Mr. WORTHINGTON. Out of the church?

Mr. THOMAS. I couldn't say whether I have or not. I might have done so. I wouldn't say I have or have not. I haven't talked much about it. It didn't do me any good to circulate it.

Mr. WORTHINGTON. Do you remember whether there was anything referred to in that portion of the ceremony about any part of the Book of Revelations of the Bible?

Mr. THOMAS. I don't remember. Do you mean stated to me as I went through the house?

Mr. WORTHINGTON. Yes; in connection with the covenants, about the same time.

Mr. THOMAS. I don't remember.

Mr. WORTHINGTON. Would you be able to say whether that is the fact or not, that there was a reference to certain verses of a certain chapter of the Book of Revelations?

Mr. THOMAS. I don't know, sir. It might. I have read Revelations a few times.

Mr. WORTHINGTON. No; but I am asking you whether during this ceremony those verses were referred to, or some of the verses in that book.

Mr. THOMAS. They might have been. I couldn't say whether they was or was not.

Mr. WORTHINGTON. That ceremony lasted how long—the different ceremonies that you went through when you took the endowments?

Mr. THOMAS. The first ceremony, the anointing, didn't take but a few minutes. It might have been not over a minute.

Mr. WORTHINGTON. But the whole ceremony?

Mr. THOMAS. You mean the whole day?

Mr. WORTHINGTON. It took a whole day, did it?

Mr. THOMAS. No, sir; not quite all day.

Mr. WORTHINGTON. It took several hours?

Mr. THOMAS. Yes, sir; it took several hours.

Mr. WORTHINGTON. You would go from one room to another and hear various things?

Mr. THOMAS. Yes, sir.

Mr. WORTHINGTON. Did you repeat anything else you heard that day except this covenant?

Mr. THOMAS. There were several covenants or vows with regard to the priesthood—some good counsel.

Mr. WORTHINGTON. Can you remember them?

Mr. THOMAS. Chastity, and such like.

Mr. WORTHINGTON. Do you remember the language of them?

Mr. THOMAS. No; I don't remember the language exactly of any of them as correct. They passed from my mind and I never thought of them any more.

Mr. WORTHINGTON. You would not undertake to give the exact words of any of them, would you?

Mr. THOMAS. No, sir. That one, I can give you the exact meaning that I got.

Mr. WORTHINGTON. Did you say anything to Mr. Cannon in regard to it, or to anybody else, about its weighing on your mind, and ask for any explanation of it?

Mr. THOMAS. At that time?

Mr. WORTHINGTON. Yes.

Mr. THOMAS. No, sir.

Mr. WORTHINGTON. You never did to anybody, to any authorized person in the church?

Mr. THOMAS. No, sir.

Mr. WORTHINGTON. You just let it prey upon your mind, and did not say anything to anybody about it, did you?

Mr. THOMAS. No, sir; it preyed on my mind.

Mr. WORTHINGTON. I say you never said anything to anybody about it—any authority in the church?

Mr. THOMAS. No, sir.

Mr. WORTHINGTON. That is all.

The CHAIRMAN. Did you take the obligation again at any time after that?

Mr. THOMAS. No, sir.

Mr. CARLISLE. When you got married, did your wife take it?

Mr. THOMAS. She told me so; yes.

Mr. CARLISLE. You did not go through with her, then?

Mr. THOMAS. No, sir.

Mr. CARLISLE. Before you were married?

Mr. THOMAS. No, sir.

Senator KNOX. You took this vow in what year?

Mr. THOMAS. In 1869.

Senator KNOX. How long did you remain in the church after that?

Mr. THOMAS. I remained in the church up until 1880.

Senator KNOX. That was eleven years; and you vowed to avenge the blood of the martyrs upon this nation, did you?

Mr. THOMAS. Yes, sir.

Senator KNOX. And your right arm was anointed to give you strength that you might do so. Is that correct?

Mr. THOMAS. That is the way I understood it.

Senator KNOX. What did you ever do in the line of keeping that vow? Did you ever avenge the blood of the martyrs upon this nation?

Mr. THOMAS. No, sir; I have enlisted twice to try and defend the nation.

Senator KNOX. Were you ever stirred up by the authorities of the church to get busy in that direction of avenging the blood of the martyrs upon this nation?

Mr. THOMAS. No.

Mr. WORTHINGTON. Do you know of any member of the church who did do anything in the way of using his right arm to avenge the blood of the prophets on this nation?

Mr. THOMAS. No, sir.

Mr. WORTHINGTON. You never heard anything of the kind, did you?

Mr. THOMAS. I have heard something of the kind, but I don't know anything.

Mr. WORTHINGTON. I am asking whether anywhere in your neighborhood anything of that kind ever came to your knowledge, by reputation or otherwise?

Mr. THOMAS. Not in my neighborhood; no, sir.

The CHAIRMAN. What have you heard? You said you had heard something. Let us know what you heard.

Mr. THOMAS. I have heard of Mountain Meadow; I guess you have all heard of that.

The CHAIRMAN. What else?

Mr. THOMAS. Well, there was the Parrish brothers. I have heard of them.

The CHAIRMAN. What was that?

Mr. THOMAS. There were two men killed. It is only talk, mind you. I don't know a thing about it.

The CHAIRMAN. I understand. There was the Mountain Meadow massacre. Are there any other incidents you have heard of? You say you have heard of it.

Mr. THOMAS. Yes, sir; I have heard of it. It would take me some time to think upon it, perhaps, now.

The CHAIRMAN. All right.

Mr. THOMAS. There was the Aitkin brothers. I heard of that, now, but I don't know a thing about it.

The CHAIRMAN. What year was that?

Mr. THOMAS. I couldn't say.

The CHAIRMAN. Is there anything further of this witness?

Mr. CARLISLE. My attention is called to another matter which I did not know of before. Do you know a Thomas Michelson?

Mr. THOMAS. I know a man named Morris Michelson.

Mr. WORTHINGTON. Is it Nicholson or Michelson?

Mr. THOMAS. Michelson.

Mr. CARLISLE. It is Morris Michelson, not Thomas?

Mr. THOMAS. I always called him Michelson.

Mr. CARLISLE. You say you always called him that. Was he ever in your employ?

Mr. THOMAS. Yes, sir.

Mr. CARLISLE. Do you know anything about his going to Mexico?

Mr. THOMAS. Yes, sir.

Mr. CARLISLE. Did you have any conversation with him with relation to the purpose for which he was going to Mexico?

Mr. THOMAS. Yes, sir.

Mr. CARLISLE. Will you state to the committee what he said on the subject, whether he said anything about marriage or not?

Mr. THOMAS. We made the acquaintance of one another, and he told me that he was going to Mexico, and he asked me if I wouldn't come up and bring my wife to his place to spend the evening before he went away. I told him I would. There was a young lady there making her home with Mr. Michelson.

Mr. CARLISLE. Was he a married man then?

Mr. THOMAS. Yes, sir; he had a wife and three or four children.

Mr. CARLISLE. Proceed.

Mr. THOMAS. It was rumored around that he had been married to the young lady living there. I did not know anything of the kind, but she made her home there with him. That evening before I left there he told me that he was going down to get some land, but he thought he could get plenty of work there, and get some land so that his boys could have some land when they grew up. So I said: "Mr. Michelson, you are going down to take another wife, ain't you?"

Mr. WORTHINGTON. You say you said that to him?

Mr. THOMAS. Yes, sir; and he joked it off a minute. "Well," he says, "yes, I am going where I can live my religion." I said: "You know what I think about it." He says, "Yes; we have had many a fight over that; but," he says, "that is my trip down there."

Mr. WORTHINGTON. When was this?

Mr. THOMAS. Indeed I couldn't tell. It has been since the manifesto.

Mr. WORTHINGTON. Was it four or five or six or seven or eight years ago?

Mr. THOMAS. Yes; it was about four years ago, if I remember right.

Mr. WORTHINGTON. Did he go?

Mr. THOMAS. Yes, sir.

Mr. WORTHINGTON. Has he ever returned?

Mr. THOMAS. No.

Senator BEVERIDGE. Where did he go?

Mr. THOMAS. To Mexico.

Senator BEVERIDGE. Why did he go down to Mexico?

Mr. THOMAS. Why did he?

Senator BEVERIDGE. Yes.

Mr. THOMAS. He told me he was going down to work there and get land.

Senator BEVERIDGE. So that he could have another wife there?

Mr. THOMAS. He said he was going to marry this young woman.

Senator BEVERIDGE. Down there?

Mr. THOMAS. He didn't say where.

Mr. BEVERIDGE. The place where he did live when you had this conversation was Utah?

Mr. THOMAS. Yes, sir; Spanish Forks.

Mr. WORTHINGTON. He said he was going to some other place where he could live his religion?

Mr. THOMAS. Yes.

Mr. WORTHINGTON. Meaning by that some place where he could have another wife?

Mr. THOMAS. Yes, sir. It was rumored he was married then, but I don't know nothing about it.

The CHAIRMAN. Was the woman he said he was going to marry living in Utah at the time?

Mr. THOMAS. She was at the table.

The CHAIRMAN. She was what?

Mr. THOMAS. She was sitting at the table at the time.

Mr. CARLISLE. And heard this conversation?

Mr. THOMAS. Yes, sir; she waited on the table.

Mr. CARLISLE. You have not been connected with the church since 1880, as I understand you?

Mr. THOMAS. No.

Mr. CARLISLE. Are you sufficiently acquainted with the rules and regulations of the church, or the practice there, to say whether or not a Mormon in good standing can go to Mexico or anywhere else and take another wife, since the manifesto, without the consent of the church authorities or some one of the church officials?

Mr. WORTHINGTON. I think it ought to appear that he knows something about it.

Mr. CARLISLE. I have asked him if he does know. That is my question. If he does not know what the custom or practice is in regard to that, he can say so.

Mr. THOMAS. You can not get married at all through the temple unless you have a recommend from your bishop.

Mr. CARLISLE. I did not ask you about marriage in the temple, but a Mormon in good standing in the church who desires to go to Mexico, for instance, to get married, to take a plural wife.

Mr. THOMAS. Yes.

Mr. CARLISLE. My question was whether you are sufficiently acquainted with the rules and regulations and practice of the church and its officials to say whether he could do so or would do so without getting their consent or approval?

Mr. THOMAS. They can not; that is the understanding I have got.

Mr. CARLISLE. Is that the understanding among the Mormons out there?

Mr. THOMAS. Yes, sir; you must have a recommend.

Mr. WORTHINGTON. What do you mean by saying they must have a recommend?

Mr. THOMAS. Your tithing and your behavior should be taken. If your record is good, he gives you a recommend.

Mr. WORTHINGTON. It is just the same thing as other churches do when a man moves from one vicinity to another?

Mr. THOMAS. Yes, sir.

Mr. WORTHINGTON. A member in good standing?

Mr. THOMAS. Yes, sir.

Mr. WORTHINGTON. So that he can be taken in down there?

Mr. THOMAS. Yes, sir.

Mr. WORTHINGTON. That is all you mean?

Mr. THOMAS. That is what I mean.

Mr. CARLISLE. You do not mean he must get permission of the officials of the church to contract another marriage?

Mr. THOMAS. I mean if you go to get married there in the temple.

Mr. CARLISLE. I am not talking about the temple now. We are speaking about a Mormon in Utah. Take the case of Mr. Michelson. He wanted to go to Mexico, as he told you, to take a plural wife.

Mr. THOMAS. Yes, sir.

Mr. CARLISLE. My question is, whether you are sufficiently acquainted with the rules and regulations and the practice of the Mormon Church to say whether or not he could contract that plural marriage in Mexico without having the consent or the permission of the church or some official of the church in Utah, the place from which he went?

Senator KNOX. Mr. Carlisle, do you not think that inasmuch as it appears by his testimony that he has not been connected with the church for a quarter of a century, probably you are taking up time unnecessarily?

Mr. CARLISLE. I think so, Mr. Senator. I think I can show that by other witnesses, if it is a fact. You need not answer the question, Mr. Thomas.

The CHAIRMAN. Who is your next witness, Mr. Carlisle?

Mr. CARLISLE. Mr. Holmgren.

TESTIMONY OF JOHN P. HOLMGREN

JOHN P. HOLMGREN, being duly sworn, was examined, and testified as follows:

Mr. CARLISLE. Mr. Holmgren, will you give the stenographer your full name?

Mr. HOLMGREN. John P. Holmgren.

Mr. CARLISLE. Where do you reside?

Mr. HOLMGREN. Bear River City, Utah.

Mr. CARLISLE. What is your occupation?

Mr. HOLMGREN. Farmer.

Mr. CARLISLE. How long have you been in Utah?

Mr. HOLMGREN. I have been raised there, and lived there all my life.

Mr. CARLISLE. Are you a member of the Mormon Church?

Mr. HOLMGREN. Yes, sir.

Mr. CARLISLE. What is your politics?

Mr. HOLMGREN. Republican.

Mr. CARLISLE. Were you ever a member of the legislature of the State of Utah?

Mr. HOLMGREN. Yes, sir.

Mr. CARLISLE. When?

Mr. HOLMGREN. In 1889 to 1891.

Mr. CARLISLE. You mean 1899 and 1901?

Mr. HOLMGREN. That is it; 1899 and 1901.

Mr. CARLISLE. Since the State was admitted into the Union?

Mr. HOLMGREN. Yes, sir.

Mr. CARLISLE. You were a member of the State legislature?

Mr. HOLMGREN. That is right.

The CHAIRMAN. I did not understand. He says he was a member of the legislature?

Mr. WORTHINGTON. Two terms.

Mr. CARLISLE. 1899 and 1901.

Mr. WORTHINGTON. It is one term, I suppose, two years?

Mr. CARLISLE. I thought it was two terms.

Mr. HOLMGREN. Two terms; yes, sir.

Mr. CARLISLE. What is the term of a member of the legislature in Utah?

Mr. HOLMGREN. Two years.

Mr. CARLISLE. How long were you a member, then?

Mr. HOLMGREN. Two terms.

Mr. CARLISLE. Four years?

Mr. HOLMGREN. Yes, sir; that is, the beginning of each term.

Mr. CARLISLE. In 1899 one term began, and in 1901 the other term began. That is it?

Mr. HOLMGREN. Yes, sir.

Mr. CARLISLE. Were you there when the so-called Evans bill, which has been described, I believe—

Mr. WORTHINGTON. Yes; we all know what the Evans bill was.

Mr. CARLISLE. Was pending before the legislature?

Mr. HOLMGREN. I was.

Mr. CARLISLE. Did you vote for it, or against it?

Mr. HOLMGREN. I voted against it.

Mr. CARLISLE. How many Mormons were in that legislature, and how many non-Mormons?

Mr. WORTHINGTON. That has all been gone over.

Mr. CARLISLE. Then you need not repeat it. Were the Mormons in a minority or a majority?

Mr. HOLMGREN. I believe they were in a majority. I couldn't say, but that is my understanding of it.

Mr. CARLISLE. Did you vote for that bill?

Mr. HOLMGREN. I did not.

Mr. CARLISLE. Were any arguments made to you to induce you to vote for it; and if so, by whom?

Mr. HOLMGREN. There were different parties who tried to induce me to vote for it; yes, sir. Of course I would rather be excused from naming people's names if it can be avoided.

Mr. CARLISLE. Were they Mormons or non-Mormons?

Mr. HOLMGREN. They were Mormons.

Mr. CARLISLE. After having voted against that bill, were you a candidate for renomination again?

Mr. HOLMGREN. I was.

Mr. CARLISLE. Were you successful or unsuccessful?

Mr. HOLMGREN. Unsuccessful.

Mr. CARLISLE. You never got back in the legislature any more?

Mr. HOLMGREN. No, sir.

Mr. CARLISLE. Did you ever pass through the endowment house?

Mr. HOLMGREN. Yes, sir.

Mr. CARLISLE. When?

Mr. HOLMGREN. In 1889; I believe it was.

Mr. CARLISLE. Do you remember the ceremonies that took place at that time?

Mr. HOLMGREN. Part of it.

Mr. CARLISLE. Are you willing to state the oath that was taken, or not? If you are not willing I shall not press you.

Mr. HOLMGREN. What I understood and heard of it; sure.

Mr. CARLISLE. In the first place, what occurred?

Mr. HOLMGREN. In the endowment house?

Mr. CARLISLE. Yes.

Mr. HOLMGREN. There were a number of oaths and performances that were insignificant, I would say, until we came to the anointing room, and in that anointing room there was some language used that I am sorry I ever heard.

Mr. CARLISLE. Can you state what it was?

Mr. HOLMGREN. In anointing my arms, the gentleman used this language: "That your arms might be strong to avenge the blood of Joseph and Hyrum Smith."

Mr. CARLISLE. Who was the officiating officer?

Mr. HOLMGREN. I don't know him.

Mr. CARLISLE. You do not know who he was?

Mr. HOLMGREN. No, sir.

Mr. CARLISLE. Were there other people going through the ceremony at the same time?

Mr. HOLMGREN. Yes, sir.

Mr. CARLISLE. Did you take an oath or enter into a covenant or make a pledge after that, during any other stage of the proceedings?

Mr. HOLMGREN. I don't remember of any other oath or pledge in reference to that particular language. It might have been there, but I don't recollect hearing it.

Mr. CARLISLE. What you do remember took place in the anointing room?

Mr. HOLMGREN. It did, because I was close to the party who used that language.

Senator OVERMAN. You say you were elected to the legislature twice as a Republican, and after voting against the Evans bill you were defeated. Did that have anything to do with your defeat—your vote against that bill?

Mr. HOLMGREN. I wouldn't hardly think it did, sir.

Mr. CARLISLE. Was it made an objection to you by anybody, so far as you know?

Mr. HOLMGREN. No, sir.

Mr. CARLISLE. If it was, you did not hear it?

Mr. HOLMGREN. I did not.

Mr. CARLISLE. That is all.

The CHAIRMAN. You say you were visited by persons who sought to persuade you to vote for the bill?

Mr. HOLMGREN. Yes, sir.

The CHAIRMAN. Why do you dislike to give their names?

Mr. HOLMGREN. It puts me in the shape of a tattler, is all, Mr. Chairman.

The CHAIRMAN. You have stated they were persons connected with the Mormon Church.

Mr. HOLMGREN. They were, sir.

The CHAIRMAN. Were they high in authority in that church?

Mr. HOLMGREN. Well, not of the highest.

The CHAIRMAN. What were they?

Mr. HOLMGREN. They were officials in the church. I can't exactly say what position they held. They were none of the quorum of the twelve, however. They were lower than that.

The CHAIRMAN. Bishops?

Mr. HOLMGREN. Yes; that is right; bishops and probably stake superintendents, and presidents of stakes—something of that sort.

The CHAIRMAN. Mr. Worthington, do you want to inquire?

Mr. WORTHINGTON. In this ceremony of the endowment house, was there any promise or agreement on your part not to reveal what took place?

Mr. HOLMGREN. Yes, sir.

Mr. WORTHINGTON. You are still a Mormon, are you?

Mr. HOLMGREN. Yes, sir.

The CHAIRMAN. Mr. Carlisle, who is your next witness?

Mr. CARLISLE. Mr. Smurthwaite.

TESTIMONY OF CHARLES A. SMURTHWAITE.

Charles A. Smurthwaite, being duly sworn, was examined and testified as follows:

Mr. CARLISLE. Mr. Smurthwaite, will you state to the committee where you reside, how long you have resided there, and what your business is?

Mr. SMURTHWAITE. I have resided in Ogden since the 18th day of January, 1893. I have been engaged in business there for the last seventeen years, in the wholesale grain and seed trade.

Mr. CARLISLE. Did you ever become a member of the Mormon Church?

Mr. SMURTHWAITE. I became a member of the Mormon Church at the age of 19 in the city of Manchester, England.

Mr. WORTHINGTON. How old are you now?

Mr. SMURTHWAITE. I am 44 on the first day of the coming month.

The CHAIRMAN. I do not understand where you reside.

Mr. SMURTHWAITE. I reside in Ogden City, Utah.

Mr. CARLISLE. Are you now a member of the Mormon Church?

Mr. SMURTHWAITE. No, sir; I was excommunicated on the 4th day of April, 1905.

Mr. CARLISLE. Were you ever connected in any way with the Beck Salt Works Company?

Mr. SMURTHWAITE. I am a director in that company.

Mr. CARLISLE. Will you state to the committee what, if anything, occurred between you and your associates and the presidency of the Mormon Church in regard to that company and its affairs at the time of its organization or immediately thereafter? Just state all the facts.

Mr. SMURTHWAITE. The Beck Salt Company was a corporation organized by John Beck. Sixty per cent of the stock was purchased by a gentleman by the name of Richard J. Taylor, of Ogden, from Mr. Beck. I purchased 20 per cent of the stock from Mr. Beck. In the spring of 1904 we proceeded to build a flume to carry the water from the Salt Lake to salt-making gardens upon land which we had acquired there to the number of 312 acres. In the month of May, 1904, Mr. Taylor came to me and said that he had been to see Mr. David Eccles, of Ogden.

Mr. CARLISLE. Did Eccles own any stock in it?

Mr. SMURTHWAITE. He had some stock in it; yes, sir. Mr. Eccles stated to Mr. Taylor that he had received several letters from Joseph

F. Smith, president of the Mormon Church, that he had read these letters, and that in substance they stated that the Inland Crystal Salt Company, of which company Mr. Smith was president—

The CHAIRMAN. Joseph F. Smith?

Mr. SMURTHWAITE. Joseph F. Smith—had never made any money, and that he was very sorry to know that the enterprise had been started.

Mr. CARLISLE. That is, your enterprise?

Mr. SMURTHWAITE. Our enterprise; and that he was also sorry to know that Mr. Eccles had invested any money in it, because if he desired to invest any money in the salt business they could have sold him any amount of stock that he might have desired to have. Mr. Smith also requested Mr. Eccles to ask Mr. Taylor to visit him at Salt Lake City, and Mr. Taylor came over to my house and asked me if I would go with him, as I was a large stockholder. Mr. Richard J. Taylor, the gentleman to whom I have reference in this statement, is a son of the late John Taylor, president of the Mormon Church in his time. I stated that I would be delighted to go with him, because I had never met Mr. Smith personally; that I had met him on the stand, and would like to meet him personally. Accordingly, I think it was in beginning of June, 1904, Mr. Taylor and myself went to Salt Lake City. We entered the anteroom of the president's office—

Mr. CARLISLE. You mean the office of the salt company?

Mr. SMURTHWAITE. The office of the first presidency of the church. After waiting there three-quarters of an hour we were finally admitted into the president's room. He was seated at a table similar to the one at which you gentlemen are sitting. I sat, as it were, here, Mr. Taylor at my right, Mr. Athon H. Lund, the first counselor to President Smith, at my left; next to him, President John R. Winder, the second counselor, and directly in front of me John Henry Smith, one of the quorum of the twelve apostles. We had in the meantime shaken hands.

Mr. WORTHINGTON. Was President Smith there, do I understand you to say?

Mr. SMURTHWAITE. President Joseph F. Smith sat to my left, a little way distant from Mr. Taylor. Mr. Joseph F. Smith opened the remarks by stating: "Brother, what can we do for you?" Brother Taylor—we refer to our brethren as "brother," and that is my custom; the gentleman I referred to is Richard J. Taylor—stated: "We have come here, Brother Smith, because of a letter that you have written to David Eccles asking us to come—asking me to come, and I have brought Brother Smurthwaite because he is the next largest stockholder to myself." Then Joseph F. Smith said, looking at Mr. Taylor: "I am surprised, Brother Richard, that a man of your experience would go into business in opposition to us without first coming to consult us. An hour—no; you brethren live in Ogden; two hours, anyway—would have set you brethren right on this matter if you had come to consult us about it. We are very sorry indeed that you have gone into this business. We do not know how much money you brethren have. Of course Mr. Eccles has a lot of money, and if he has to fight us it will be a very serious matter. We don't know how much money you brethren have, but we will ruin you." I replied: "Pardon me, Brother Smith, we grant you have the power. I have the power to crush my child, but I have no right."

Replying, Joseph F. Smith said: "But this is business." I answered: "I have always thought that business meant profit, and I can not believe that you gentlemen will cut off your nose to spite your face. We are not going to fight you. Our policy is already outlined. We shall make salt to the best of our ability. You shall name the prices and we shall sell our salt at the prices which you put upon it." Mr. Smith replied: "Well, if you will not cut prices, we will," and then followed by asking, "Where do you intend to sell your salt?" I said we would sell it anywhere we could and to whomsoever we could persuade to buy it. Mr. Smith then said: "Do you mean to say you will go around persuading people to take the money out of our pockets and put it into yours?" I said: "We don't usually use such terms in discussing competitive business, but if that is the way you prefer to discuss it, that is exactly what we propose to do." He said: "Well, you can't sell your salt outside of a given radius," indicating a circle with the index finger of his right hand on the table, "because the trust will not permit us to sell it outside of a given territory." I told him that we had nothing to do with the trust; that we proposed to sell our salt anywhere we could and to whomsoever we could get to buy it.

That was in substance and effect the entire interview. I have omitted to state to you in the beginning, when Joseph F. Smith said to Mr. Taylor that he was surprised that we would go into business in opposition to him, Mr. Taylor answered: "We did not know we were in opposition to you. We did not know that the church owns the Inland Crystal Salt Company," and Mr. Smith replied that the church, in connection with a few of the brethren around here, waving his hands, owned a controlling interest in the stock.

Mr. Taylor, at the conclusion of the interview, said to Mr. Smith that we had not started our works for the purpose of selling out to them; that we desired to conduct a legitimate business; to make salt and sell it, and Mr. Smith replied: "Oh, you have started it like all the balance of them," referring to quite a number of other people who started salt works and had been absorbed by the Inland Crystal Salt Company.

I also failed to remark that when I stated to President Joseph Smith that I granted him the power to ruin us, that I had the power to crush my child, but had not the right, Anthon H. Lund, sitting directly at my left, moved away. He rubbed his hands together like this [indicating], as if in discomfort, and moved away and never returned to the table, and after we had gotten through with our conversation he met us at the door, shook our hands, and said, "God bless you, brethren."

Mr. CARLISLE. What was the extent to which you had proceeded with your enterprise at the time of this interview? How much, if any, had you invested in it?

Mr. SMURTHWAITE. Oh, we had invested up to the time of this interview perhaps \$8,000 or \$9,000, and had acquired indebtedness of \$4,000 besides.

Mr. CARLISLE. Did Mr. Smith say or did he not say that the church owned the Inland Crystal Salt Company?

Mr. SMURTHWAITE. Mr. Smith, in reply to Mr. Taylor, stated that the church, in connection with a few brethren around here, waving

his hand as though it was some of the brethren in the immediate vicinity of the table, owned the controlling interest in the stock.

Mr. CARLISLE. Has or has not the Inland Crystal Salt Company absorbed or consolidated with other companies there? Had it at that time?

Mr. SMURTHWAITE. It had, as I understand, absorbed all the competitive enterprises along the lake shore, with the exception of the Ogden enterprise, called the Great Western Salt and Soda Company, which was an eastern company owned by eastern people, of Boston, principally.

Mr. CARLISLE. You have said you were excommunicated—I believe that is the word you used—from the Mormon Church. What time was that?

Mr. SMURTHWAITE. I was excommunicated on the 4th day of April, 1905.

Mr. CARLISLE. Will you state to the committee what led to that? What was the cause of it?

Mr. SMURTHWAITE. Following this interview with President Joseph F. Smith and his counselors, on that same day I went home on the noon train, determined to see if there was anything in the church, any law, power, or justice, whereby Joseph F. Smith could be brought to account for so atrocious a thing, as I viewed it. I spent the afternoon at home looking into it, and finally concluded that there was no power in the church to bring him to justice.

On the following morning I met the bishop of my ward, and I told him of the interview and took occasion at that time, as I had on some other occasions, to criticise the church for being in business at all. I stated to my bishop: "My theory is that this is the absolute kingdom of God. Joseph F. Smith is the exclusive agent or representative or mouthpiece of God on the earth. When he goes into business it is the equivalent of God being in business, according to our theory, and it is absurd to think that I, a man, a poor weak individual, should hope to compete with God's representative." I put it in that form to show the atrocious character of this church being set up as the Church of Christ being in business at all, because I had been opposed to the commercialism of the church for some years. That was all that took place at that time. In the following November, at the school elections, in the room where the polling booth was located, my wife and I having voted for school trustees—

The CHAIRMAN. Do you mean last November?

Mr. SMURTHWAITE. November, 1904—we met the bishop of my ward as we were going out of the room. I waited until after he got through voting and then I called him to one side and I said: "Bishop, I desire to say to you that I do not believe any longer that Joseph F. Smith is God's prophet. I do not believe that he is worthy to occupy that station, and as I am a visiting teacher in your ward, if you think I should continue to stay in that office, I shall be pleased to do so, but it might be necessary in the discharge of my duties, should matters of this kind arise, to give free expression to my feelings on the subject. If you think under these circumstances I should be released, you are at liberty to release me." Then he said that he was very sorry and that he would release me from further duty in that capacity.

Mr. CARLISLE. As a teacher?

Mr. SMURTHWAITE. As a teacher. A few days following, perhaps a week, my bishop and his two counselors called upon me at my home and asked me what I was going to do about the matter. I told them I did not know, that I felt very weak and incapable, that I felt it my duty to do something, but that I would not do anything until I felt able to do so; that I hoped that power would some day be given to me to tell the story. At the conclusion of the interview we all shook hands and the bishop went home and nothing was said about it until, I think, one evening in the early part of February, 1905, when Elder Hiram H. Goddard, who had been my fellow teacher on the block on which I reside, called upon me in company with a young man of Ogden with the specific statement that he brought him to my house for the purpose of having his faith built up in the Gospel.

We had two hours conversation. The early part of it was devoted to the discussion of abstract religious questions, such as the existence of God and the necessity for a plan of salvation. Toward the latter end of the conversation, in some unfortunate manner, this matter of my interview with President Joseph Smith was brought up, and I briefly related the substance of it as I have here to-day. I also substantiated my position or corroborated my position in the matter of the rejection of Joseph F. Smith as a prophet of God, by a quotation from the testimony before this committee, wherein, being asked by a Senator why it was necessary for a man to continue to live with his wives and have issue, he replied it was because his wives were like everybody else's wives, and that was all. I stated that that was a most atrocious thing and the worse thing that had been said in the anti-Mormon period of Utah's unfortunate history. That is the worse thing against the Mormon women, who are fine, beautiful, pure, chaste women. I had not recalled at the moment that this elder, Hiram H. Goddard, himself, was a polygamist, and did not recall that fact until as we were parting, shaking hands, Mrs. Smurthwaite said to me: "Don't you see you have put your foot in it? You have made a mortal enemy for life. That Brother Goddard himself is a polygamist;" and it was at that moment that I first realized what I had done.

The following Sunday I was waited upon by two teachers, one of them Elder Hyrum H. Goddard and the other E. A. Olsen, and Mr. Goddard had a notebook. He said he had come to me for a statement of my position with reference to the church and the authorities thereof, and he desired to put down what I would say. I told him not to put anything down, because he could not put it down correctly. I meant by that that he could not understand my position and that he would unconsciously misinterpret or miswrite what I might say. I stated to him that if the bishop really desired a statement some time, when I felt able, I would write a statement, so that there could be no question as to my attitude upon these matters and there could be no doubt as to my responsibility for the words that I should utter. Notwithstanding that, he continued to use his pencil and paper. I remonstrated with him several times.

I think it was probably about toward the end of February when that occurred. Well, I did not want to make any statement, as a

matter of fact. I was impelled finally to make it. I did not care to make it. I had lived in the community all my life. I had some knowledge of the feeling among the young people as to what an apostate was and what it meant to carry that title through life, and I hesitated a very great deal about making the statement, because I knew beforehand that the moment I made it that moment would my standing in the church be absolutely severed.

Finally I reached the conclusion that I owed a duty to the community to make a statement to the bishop, and I wrote one.

Mr. CARLISLE. Addressed to the bishop?

Mr. SMURTHWAITE. Addressed to the bishop.

Mr. CARLISLE. Bishop Woolley?

Mr. SMURTHWAITE. Bishop Woolley.

Mr. CARLISLE. Will you state to the committee whether that statement was or was not published; and, if so, under what circumstances and how it was published?

Mr. SMURTHWAITE. I sent the original to Bishop Woolley and a copy to the Deseret News, which is the official organ of the church, with the request that it be published; I think it was on the following evening. I simultaneously sent copies to the Salt Lake Herald and to the Salt Lake Tribune. The letter in question was not published in the Deseret News.

Mr. CARLISLE. Is that the organ of the church?

Mr. SMURTHWAITE. That is the official organ of the church. But it was finally published in the Salt Lake Daily Tribune and the Salt Lake Herald simultaneously on the morning following the day upon which it ought to have appeared, if my request had been granted, in the Deseret Evening News.

Mr. CARLISLE. Will you look at this paper and see if this is the letter to which you refer, and state to the committee whether or not the statements purporting to be statements of facts contained in it are correct and true?

Mr. SMURTHWAITE. That is the paper, sir, and the statements of facts therein is true.

Mr. CARLISLE. See if this is the letter you addressed to the editor of the Deseret News, requesting its publication. [Handing witness a letter.]

Mr. SMURTHWAITE. That is a copy of the letter, sir.

Mr. CARLISLE. We will offer those in evidence, Mr. Worthington.

Mr. WORTHINGTON. All right; I have read it.

The CHAIRMAN. If there is no objection they will go in the record. The papers above referred to are as follows:

OGDEN, UTAH, *March 13, 1905.*

EDITOR DESERET NEWS, *Salt Lake, Utah.*

SIR: I shall esteem it a great favor if you will kindly publish in your issue of to-morrow (Tuesday, March 14, 1905) the inclosed copy of letter which I have this day directed to my ward bishop, Elder E. T. Woolley.

Being church business and of general interest to the Latter-day Saints, I desire its publication in the official paper of the church. I therefore thank you in anticipation of this courtesy.

Yours, respectfully,

CHARLES A. SMURTHWAITE.

OGDEN, UTAH, *March 13, 1905.*

Bishop E. T. WOOLLEY, *City.*

DEAR BISHOP: On Sunday, February 19, 1905, Elders H. H. Goddard and E. A. Olsen, as special teachers, waited upon me, at your request, to discuss with me certain remarks I had made a few nights previous in the presence of Elders H. H. Goddard and Joseph S. Peery, with reference to President Joseph F. Smith. I believe I had said that I could not support Joseph F. Smith as president of the church, nor as prophet, seer, and revelator, because he is and has been for many years living in sin, on his own confession before the Senate committee of the United States during the so-called Smoot investigation.

Elder Goddard was supplied with paper and pencil to transmit to paper any remarks I should make. Against my protest he insisted upon writing, an act of great discourtesy in view of the remonstrances I repeatedly made and of the fact that he was in my home, and thus had no right to do anything to which I might object.

I stated to him that when I should be ready I would prepare a paper which I would send to you, setting forth in my own way just what my position is in regard to the attitude of the leaders toward the church.

A REMINDER.

Before proceeding formally to do this, permit me to remind you that last summer sometime I related to you the substance of an interview had by Elder Richard J. Taylor and myself with President Joseph F. Smith (at his request) in relation to the salt business, wherein, in substance, he expressed his astonishment that, being brethren, we would go into business in opposition to them (the church) and that they would "ruin" us by cutting prices of salt or by other method if we persisted. We were thus between two certain disasters: First, ruin by the church if we tried to compete; second, ruin of that business if we closed down. On that occasion, as I detailed to you—I believe it was the morning after the interview—the remarks and spirit of President Smith were such as to convince me of two things, i. e., that he is not a good man, and consequently can not be a prophet of God, and that the church should not be engaged in business at all, a proposition to which you gave your acquiescence.

SMITH NOT GOD'S PROPHET.

You will remember subsequently that I restated to you my feelings with regard to President Smith, and reiterated to you that I could not believe he is God's prophet; and that, as a visiting teacher in your ward, occasion might require that I so express myself to the people, should the subject arise during our conversation; that heretofore I had refrained from making any remarks on the subject, because I felt that you might feel that it would be outside of my duty to do so, but I now felt that, should the subject arise, my conscience would demand that I should speak the truth. I left the decision to you as to whether or not I should continue my labors as a visiting teacher, and you there and then signified to my release from that calling. That was in November. From that time forth I have felt free to

discuss on any and all occasions, wherever the opportunity might be offered, the special matter involved, and generally President Smith's position at Washington and at home with reference to matters and doctrines of the church. I have felt and feel now that President Smith is unworthy of his high office; that his testimony at Washington, of his continued past and continuous present violations of the law of the State of Utah respecting polygamous cohabitation is indefensible from the viewpoint of a citizen and a Latter-day Saint, and that the remarks made during the interview already mentioned in this paragraph exhibit so violent a disregard and nonunderstanding of the rights of his fellowmen and his duty to God as to render him morally unqualified for the high office which he holds.

RIGHT TO UTTER THOUGHTS.

You will remember on one occasion your good self and your worthy counselors waited upon me at my house, and we discussed these matters at considerable length. At that time I stated to you quite forcibly my opinions, and that I regarded it right, as a Latter-day Saint and a man, to utter my feelings freely, not only privately, but that I had the right, by the liberty which had been won for us in past centuries by our forefathers, to use the pulpits of the church in denouncing sin or unrighteousness wherever I might see it. In offering this criticism of President Smith I am willing to concede to him sincerity, but sincerity does not prove he is right. I do not altogether lay the blame on him personally, but I arraign the policy by which he and his acts are sanctified and made above and beyond criticism, so that none may speak. No wonder this irresponsibility to the people brings woe and trouble and sadness to Latter-day Saints. No wonder pride and autocracy flourish in high places. No wonder the man is feared more than the God he is supposed to serve. The wonder is with God's word that everything in the church is to be done by common consent that men will usurp the rights of the people—that is, do things without even asking the consent of the people, and that the people will continue to permit the outrageous derogation of their rights so plainly established by the history of mankind and confirmed to them by the newly revealed word of God.

THE RIGHT TO REMAIN IN THE CHURCH.

It has been urged that if I feel that Joseph F. Smith, the official head of the church and the so-called "mouthpiece" of God, is not God's prophet, it is my duty to get out of the church. I make to that assertion the most emphatic denial. I answer, first, that Joseph F. Smith is only God's mouthpiece when he speaks his word, and, second, that if it shall be alleged we are bound to "accept his words as the words of God," I answer that these words must be God's words, otherwise you demand that we shall live a lie, i. e., assert that man's words are God's. Has he had God's words? His testimony that he has received no revelation as the head of the church (p. 314, report of Smoot investigation) refutes the question. Can he have God's words? I think not. The answer is that a man who denies the necessity for revelation and hopes none will be given is not likely

to get any. That is exactly our position as a church toward the other Christian churches. They deny the necessity for revelation; the "canon of Scripture is full," and hence we say they can not get it.

NO REVELATIONS.

Taking this truth for granted, then let me here say that on one Sunday evening, during the summer of 1904, at a young people's conference in the tabernacle at Ogden, President Smith, in substance and effect, said: "It is true that the church has had no revelation for many years. I hope to God He will give no more revelation to the church until we learn to live that which He has already given." There were young men in that audience who had been taught to believe all their lives that the church was guided by continuous revelation, who were aghast at this declaration. The thought was forced upon them, "If this is true, then Mormonism is a falsity, because the Master on earth gave unto mankind the greatest commandment, i. e., 'Thou shalt love the Lord thy God with all thy heart. * * * Thou shalt love thy neighbor as thyself. On these two commandments hang all the law and the prophets.'" If Joseph F. Smith spoke the truth, then no further revelation was needed until the people learned to live this commandment; and when they learned to live this commandment no more revelations could be needed, as that would comprehend the whole of God's attributes and would be a fullness of his glory and his righteousness. If Joseph Smith, the prophet, was sent of God, then Joseph F. Smith is not, because his teaching on revelation is a complete overthrow of the basic philosophy of the prophet Joseph Smith, on which this church is founded.

NO RIGHT OF OUSTER.

As a further reason why I should not get out of the church, I answer: This church is mine, in common with the other members of the church. I have defended it when it has been assailed. I have supported its doctrine and lived its precepts. I have invested my earthly substance in its physical upbuilding. My children have been born in it. They and my wife look to it for spiritual instruction and consolation. I have no differences with the church whatsoever. My differences are only with individuals who are misusing the church, as I believe (conscientiously, it may be), but still misusing it. My desire only is to see the church take its place as an honored society in this land, consistent with its own doctrines and principles, when it can not find itself inconsistent with the rest of the country, for the plain teaching of the New Testament and of our own doctrine and covenants, as mentioned in another place in this paper, is in strict conformity with the spirit and letter of the laws of the United States and the laws of any other land where we may dwell.

Again, I decline to leave this church or to be forced to leave it, because I need it, and it needs me so long as I use my powers and my life according to the laws imposed by our Creator; and so long as this is true (and to make it true is my endeavor) I have the right to the fellowship and service of this church as an original right investment. I must remain at liberty to pursue such investigations and to reach such conclusions as I may wish, and to publish such

conclusions, provided they are matters of public moment. In brief, I have a right to this church, and unless other cause shall arise I can not be excluded from it without injustice.

FREE SPEECH AND LIBERTY OF CONSCIENCE.

I demand for myself and for all the members of the church liberty to think and to act and to speak. When I say this, I do not mean that it shall be restricted to private conversation, or to the newspapers and magazines; I mean in the pulpits and the sanctuaries of the church as well. If it is alleged that this right has never been disputed, I leave it to the consciences of the Latter-Day Saints to answer as to whether or not they have it as a possession. Speaking for a vast number of the Saints, I say we have liberty only to speak such things as will be agreeable to so-called authority, while they have liberty to say just about what they please in the pulpit as well as out of it. All civilization agrees that a man has the right to use his intellect in any manner he sees fit, provided he does not interfere with the rights of others. This includes, first, the right to pursue what studies he pleases; and, secondly, to publish them when and where he pleases. The church has no right to prevent one of its members from using arguments to make as many converts as possible to his view. Others of its members may similarly use the avenues of the church to promulgate their views. To say that this is dangerous, and that thus the church could be led astray, is to say that error is stronger than truth; that what exists is more difficult to prove than what does not exist. With free discussion, error may be refuted by argument, and in this contest truth has always the advantage.

TRUTH EASY OF PROOF.

Truth is what exists; error is what does not exist. So it is palpably easier to prove that which exists, and therefore can be seen and heard and felt, than what does not exist, and therefore can not be seen nor heard nor felt. One keen ethical writer thus concisely sums up the argument for free speech: "The prohibition of discussion leaves things practically as they were and gives to error the additional advantage of the presumption that it could not be answered by argument—that is, that it is the truth." Thus any attempt to infringe upon this sacred right, in any manner whatsoever, either by disfellowshipment or by excommunication, is virtually an admission that it is error which it is wished to establish as truth, and that the deceiving of the community is the deliberate aim. Thus, if the church places any one of its members under this condition, it is guilty of the most odious tyranny, and seems to me to take from him what God has conferred: "Go ye into all the world and preach the gospel to every creature." No such narrow construction can by any stretch be placed upon the word "gospel" as to make it other than all truth. No one in possession of the truth can do his duty to God without promulgating it; otherwise he can not be said to "love his neighbor as himself." "He that voluntarily continues in ignorance is guilty of all the crimes which that ignorance produces; as, to him that should extinguish the tapers of a light-house, might be justly imputed the calamities of shipwrecks."

FREE SPEECH OBLIGATORY.

Therefore, I insist that if this church possess the truth, it is bound to permit free speech, even against the church and its faith; because if the church possess all the truth, the promulgation of error only makes the truth more apparent. Similarly, if the president of the church be right in thought and action—that is, if he be true—then no harm can come from criticism of him, for such criticism would be error, and his beautiful character would be thereby made to shine the more by contrast. When the church, therefore, tries to suppress what it may designate as heresy concerning itself and its president, it merely admits that it is afraid to allow these heresies to come into competition with its professed truth.

As a further argument that I can not be excluded from the church, nor from the right of free speech in pulpit or eslewhere in the church, I assert the following axioms:

The church, being established of God, is a perfect society. In such a society it follows: (1.) We were all equal before we joined the church. (2.) We equally made concessions to the church. (3.) Therefore, we have remaining to us equal rights in the church.

TEN PROPOSITIONS.

Having offered these views, I insist upon a recognition by the governing body of the church of the following propositions (if they will not recognize these principles, which I insist are self-proving doctrines of the church, I ask the body of the church to accept them and insist upon them):

1. No man can lead this church except by revelation, or, in the absence of revelation, the strict application of the doctrine of common consent. When he does attempt to lead without both these qualifications, he is without authority and leads astray.

2. No man leading astray should be followed.

3. The members of the church must obey the laws of the land in which they live. "Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land."—Revelation to the prophet, Joseph Smith, August 1, 1831, prior to any revelation on any point of present difference.

PLEDGE OF GOOD FAITH.

4. Utah was admitted to the Union upon a pledge of the leaders, made for the people, that we would not continue to be inimical to the General Government and the institutions general in the Republic. This pledge was not alone asserted specifically in the formal documents, but was afforded by the attitude which our people had assumed and by the expectations of the general officials and the people of the United States. What they expected we agreed to, or we would never have received statehood.

MUST RETIRE FROM DOMINATION OF STATE.

5. I demand that the church retire from its domination of the State. At present the Mormon leadership does dominate the affairs of the State. It is more powerful than all political parties and all civic officials put together.

MUST RETIRE FROM COMMERCIALISM.

6. I demand that the church retire from its commercialism. It can not serve both God and Mammon.

MUST ACCOUNT FOR TITHES.

7. I demand that the tithes be accounted for in detail, beginning at next April conference, and twice each year from that time forward at general conferences; that a list of all property holdings of the church and of the leaders of the church, acquired since he became president, be read semiannually at each conference.

RIGHT OF FREE SPEECH.

8. I demand the right of free speech from the pulpits of the church. If any man accepts the faith as promulgated he should have the right to point out to his fellow-believers any departure from that faith. If he be mistaken his mistakes will soon be shown; if he is right his warning is necessary to preserve the body of the church from being misled: I hold and assert that desertion of the truth does not come originally by or from the body of the church, but by and from the leaders. We declare that the gospel was lost because after Christ had left the earth the church "changed the ordinances and broke the everlasting covenant."

THE LEADERS IN ERROR.

This must of necessity have originated with the leaders or teachers of the church. If the people had been warned and had refused to follow the false leaders that great general departure from the truth might have been averted. I insist that if the leaders anciently misled the people, and the dread apostasy and long darkness followed, it is quite possible that the leaders now or at any time may move into the same darkness, and unless checked the people may go with them, never to return to the light of God's revelation.

9. I maintain that this church is never more to be thrown down nor given to another people. Such being the case, the duty of checking the errors and deposing leaders who have gone astray rests with the people of God in whom He has reposed His power. Therefore, unless God's word is to fail, as it can not, prophets who have ceased to be prophets and men who never were prophets must come from their high place of power, and those who do the will of God from day to day, as He will speak it to His elect, must lead His people.

10. It has been proved by history that when God's people go too far astray in following the false leader they are scourged back to their duty by some great power of the earth; and I believe this nation, which God had upraised to be the home of His church, will scourge back to our duty all of us who shall violate that commandment, given especially to us, which is to obey the laws of the Government under which we live.

PUBLICITY DESIRED.

Maintaining these views, I consider it my duty to give the widest possible publicity to them at this time, and therefore I shall send a copy of this communication to the official organ of the church—the Desert News—and to other newspapers of the State.

I ask all of those who have written me, or with whom I have talked on the subject, and all others, members of the church, who agree with the views which I have expressed, to write to me; and let us seek, in all humility, yet with the strength of truth, to establish the leadership of God's prophet in the church rather than the leadership of man.

My address is—

CHARLES A. SMURTHWAITE,
Ogden, Utah.

Mr. CARLISLE. Proceed now and state what occurred thereafter—after the publication of that article.

Mr. SMURTHWAITE. On the morning that this was published in the Salt Lake Herald and the Salt Lake Tribune, at about 11 o'clock in the morning, I was waited upon by the clerk of my ecclesiastical ward in the church with a summons to appear to answer for my fellowship on the charges of unchristianlike conduct and apostasy. Attached thereto was a complaint signed by Elder Hyrum H. Goddard.

Mr. CARLISLE. I shall offer all these papers; but that is the paper to which you refer, is it?

Mr. SMURTHWAITE. Yes, sir; that is the summons.

Mr. CARLISLE. Well, proceed.

Mr. SMURTHWAITE. That was about 11 or 11.30 o'clock of the day this letter appeared.

Mr. CARLISLE. We will get the date of that summons correctly here. It is March 10, 1905.

Mr. SMURTHWAITE. It was March 14, at about 11.30 o'clock.

Mr. CARLISLE. That it was served on you?

Mr. SMURTHWAITE. That it was served on me.

Mr. CARLISLE. It was dated March 10?

Mr. SMURTHWAITE. Yes, sir; and served on me about 11.30 o'clock, March 14.

Mr. CARLISLE. Did the clerk say anything to you about when he had first seen this notice or received it?

Mr. SMURTHWAITE. I expressed surprise to him when he said that that was the first he had seen of it—on that day.

Mr. CARLISLE. On the 14th?

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. Then he had seen it for the first time on that day, although it is dated March 10?

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. It antedated your conversation, then; did it or did it not?

Mr. SMURTHWAITE. It was subsequent.

Mr. CARLISLE. I mean it antedated your letter?

Mr. SMURTHWAITE. It antedated my letter; yes.

Mr. CARLISLE. It was never delivered to the clerk, as he said, until the morning of the 14th?

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. And it was dated on the 10th?

Mr. SMURTHWAITE. Yes.

Mr. CARLISLE. All right; go ahead. This summons was served on you. What followed?

Mr. SMURTHWAITE. This summons was served on me, and then I made a request upon the bishop that he would have the complainant specify the language I had used which he had concluded was unchristianlike and was speaking against the Lord's anointed. The complaint reads that I had spoken very badly against the Lord's anointed, those whom he sustained—prophets, seers, and revelators; and I requested that he specify the particular language by which his mind had concluded I had spoken ill of the presidents of the church.

Mr. CARLISLE. I will get you to look at these papers and see if this package contains the summons, the charges against you, the proceedings of the two trials, and the correspondence which took place between you and the officials of the church on this subject.

Mr. SMURTHWAITE. This paper [indicating] is the complaint. This paper [indicating] is my answer to the complaint. It is in the wrong place. The summons should be in the front. This paper [indicating] is a continuance of my answer. That completes my answer to the bishop's court.

Mr. CARLISLE. In the first place, right there, the bishop's court is the one which makes the first inquiries, is it, and formulates the charges against you?

Mr. SMURTHWAITE. No; the custom is, as I discovered in my case, for these special teachers to wait upon you, to comply with some certain technical revelations in the Book of Doctrine and Covenants, whereby you are supposed to be labored with by the teachers before any charge is made against you, in order that you may have an opportunity to repent; and that was complied with by Hyrum H. Goddard and E. A. Olsen upon the Sunday I described. Then, when the complaint is filed and you are summoned to appear, you are supposed to appear before the bishop's court, who either finds you innocent or guilty—generally guilty, of course, because you are never charged unless they have some particular purpose in view on which to find you guilty. Now, I did not appear personally.

Mr. CARLISLE. Before the bishop's court?

Mr. SMURTHWAITE. Before the bishop's court. I thought that it was of the utmost importance that my children, of whom I have seven, as they grew up should understand, without the slightest doubt whatever, the reason their father had been excommunicated from the church. So I would not appear in court; I appeared in writing, so that the writing could speak for itself; and that is the writing.

Mr. CARLISLE. That writing is there?

Mr. SMURTHWAITE. Yes, sir; this paper [indicating] is the decision of the bishop's court finding me guilty as charged.

Mr. CARLISLE. Just state what the papers are.

Mr. SMURTHWAITE. This is the decision of the bishop's court, in which he finds me guilty as charged, and states that my case has been referred to the high council of the Weber Stake of Zion. This [indicating] is the letter of the Weber Stake of Zion, officially notifying me of that fact, and asking me to be present at a certain date and show cause why I should not be excommunicated from the church.

The CHAIRMAN. That was the high council?

Mr. SMURTHWAITE. It was the high council. This paper [indicating] is a copy of my acknowledgment of that summons, and asking that a copy of the minutes of the proceedings of said bishop's

court may be furnished me immediately, in order that I may have opportunity to consider said proceedings before submitting my answer thereto. This paper [indicating] is the letter in answer to that; and these two papers here [indicating] are a transcript of the bishop's court proceedings.

Mr. CARLISLE. The bishop's court or the high court?

Mr. SMURTHWAITE. The bishop's court. This is a transcript of the proceedings in the bishop's court. This paper [indicating] is my answer to the high council, in which I deny the charges of apostasy and unchristianlike conduct, and set up my letter to Bishop Wooley as containing all the evidence in the case and denying their right to call that apostasy. This [indicating] is the decision of the high council, confirming the decision of the bishop's court and formally excommunicating me from the church.

Mr. CARLISLE. What is the date of that?

Mr. SMURTHWAITE. That is dated April 4, 1905. This paper [indicating] is a copy of an appeal that I made to a high council recorded and described by some of the minutes—a high council organized by Joseph Smith, the original prophet—found in section 102 of the Book of Doctrine and Covenants, which is to consist of twelve high priests and one or three presidents. I appealed to that tribunal. This [indicating] is a letter stating there is no such tribunal in the church and that my right of appeal lies to the first presidency of the church. In reply to that I quoted from the section in the Book of Doctrine and Covenants that this council should be in existence, and asked that a council of that kind be convened. The copy of that, somehow or other, was mislaid, but this is an answer to that request. This paper [indicating] is an answer from the clerk of the council stating there is no such tribunal in the church as I named, and that therefore, I having declined to appeal to the first presidency of the church, the decision in my case became final.

Mr. CARLISLE. The appeal to the first presidency would be to Joseph F. Smith?

Mr. SMURTHWAITE. To Joseph F. Smith. As he was the principal in my case I declined to appeal to him, of course. This paper [indicating] is a copy of a letter which I addressed to Bishop Woolley on the 22d day of April, requesting that before he placed the matter before the members of the ward to ask them to vote in confirmation of my excommunication from the church, I be permitted to address the people in my defense before they should be called upon to vote upon it. This [indicating] is a letter from him declining the request.

Mr. CARLISLE. I offer these papers in evidence.

The CHAIRMAN. There is no objection to them, and they may go in the record.

The papers above referred to are as follows:

OGDEN CITY, UTAH, *March 8, 1905.*

Bishop EDWIN T. WOOLLEY AND COUNSELORS,
Fourth Ward, Ogden, Weber Stake.

DEAR BRETHERN: I hereby prefer a charge against Elder Charles A. Smurthwaite for apostasy and unchristianlike conduct, and for cause of complaint I allege:

That he expressed and had expressed on a number of occasions very rebellious and unbecoming statements against the authorities

of the Church of Jesus Christ of Latter-day Saints, of which he is a member. Especially does he assail the character, motives, and actions of President Joseph F. Smith, wherein he says that President Smith is not a prophet of God, and that he could not and would not sustain him as such, or as president of the church. He maintains that Joseph F. Smith is leading the church to destruction, and that he was not chosen as president in accordance with the laws and rules governing the church.

His expressions against the Lord's annointed, whom the church sustains as prophets, seers, and revelators, are unbecoming a Latter-day Saint. And notwithstanding he has been visited a number of times by myself and other brethren as teachers, according to the rules of the church, he still maintains the same views and ideas, and does not wish to be visited again by the teachers with a view of getting him to change his position in these matters. It therefore becomes my duty, as his teacher, to prefer this charge against him, and I ask that he be cited to appear before you and show cause, if any he has, why the hand of fellowship should not be withdrawn from him.

Your brother in the Gospel,

HYRUM H. GODDARD,
Presiding teacher, First district.

Signed this 8th day of March, 1905.

This paper was served on me at about 11 o'clock on Tuesday morning, March 14, 1905, by Aarn F. Maw.

OGDEN, UTAH, *March 21, 1905.*

Bishop EDWIN T. WOOLLEY AND COUNSELLORS,
Fourth Ward, Ogden, Weber County, Utah.

DEAR BRETHREN: The following is very respectfully submitted as my answer to the complaint addressed to you by Elder Hyrum H. Goddard, dated March 8, 1905, and delivered to me March 14, 1905.

THE COMPLAINT.

The following is a copy of the complaint:

OGDEN CITY, UTAH, *March 8, 1905.*

Bishop EDWIN T. WOOLLEY AND COUNSELLORS,
Fourth Ward, Ogden, Weber Stake.

DEAR BRETHREN: I hereby prefer a charge against Elder Charles A. Smurthwaite for apostasy and unchristianlike conduct, and for cause of complaint I allege:

That he expressed, and had expressed on a number of occasions, very rebellious and unbecoming statements against the authorities of the Church of Jesus Christ of Latter-Day Saints, of which he is a member. Especially does he assail the character, motives, and actions of President Joseph F. Smith, wherein he says that President Smith is not a prophet of God, and that he could not and would not sustain him as such or as president of the church. He maintains that Joseph F. Smith is leading the church to destruction, and that he was not chosen as president in accordance with the laws and rules governing the church.

His expressions against the Lord's anointed, whom the church sustains as prophets, seers, and revelators, are unbecoming a Latter-Day Saint. And, notwithstanding he has been visited a number of times by myself and other brethren as teachers, according to the rules of the church, he still maintains the same views and ideas, and does not wish to be visited again by the teachers with a view of getting him to change his position in these matters. It therefore becomes my duty, as his teacher, to prefer this charge against him, and I ask that he be cited to appear before you and show cause, if any he has, why the hand of fellowship should not be withdrawn from him.

Your brother in the gospel,

HYRUM H. GODDARD,
Presiding Teacher, First District.

Signed this 8th day of March, 1905.

REQUEST FOR MORE SPECIFIC CAUSE OF COMPLAINT.

This is a copy of my request to you that Elder Goddard be required to specifically state the words and the occasions he alleges against me which constitute the basis of his charge, and which request you have declined:

OGDEN, UTAH, *March 10, 1905.*

Elder CHAS. A. SMURTHWAITE.

DEAR BROTHER: You are hereby requested to appear before the bishopric of the Ogden Fourth Ward, in the Weber Stake of Zion, at 8 o'clock p. m., on Wednesday, March 22, 1905, in the northeast upper room over the amusement hall, in the Ward Building, to answer a charge filed against you by Elder H. H. Goddard, in which you are accused of apostasy and unchristianlike conduct. A copy of the complaint is herewith sent you. And you are hereby notified that if you fail to appear and answer as above required, without reasonable excuse, you will be dealt with according to the evidence and the laws of the church governing such matters.

E. T. WOOLLEY, *Bishop.*
AARON G. MAW, *Clerk.*

This paper was served on me at about 11 o'clock on Tuesday, — 14, 1905, by Aaron G. Maw.

C. A. SMURTHWAITE.

[Page 2. Answer of Elder Smurthwaite to Elder Goddard's complaint.]

OGDEN, UTAH, *March 18, 1905.*

Bishop E. T. WOOLLEY AND COUNSELORS,
Fourth Ward, Weber Stake, Ogden, Utah.

DEAR BRETHREN: I beg to acknowledge the service upon me of the complaint dated March 10, signed by Hyrum H. Goddard, presiding teacher of the first district, and your summons dated March 10, delivered to me by Brother Aaron G. Maw, clerk, in which complaint I am charged with apostasy and unchristianlike conduct, and in which summons I am cited to appear before you and show cause.

I hereby request that complainant be required to specify in his complaint the language which it is complained I have used against the authorities of the Church of Jesus Christ of Latter-Day Saints, by which the conclusion of the complainant has been arrived at that I am guilty of the charges he makes of apostasy and unchristianlike conduct. Also that I be granted a continuance of the said hearing until such time as he shall make amendment to his complaint of the alleged facts upon which his conclusions are based, to the end that I may be afforded an opportunity to know what I am expected to meet, as well as to have time to prepare for such hearing.

The statement of purported facts made by the complainant is clearly a statement only of his conclusion, and it is but fair and reasonable that the language used by me, or the substance thereof, should be given, as well as the time and place when spoken, since otherwise I should be without knowledge of the accusations to be made against me until at the hearing thereof.

Your Brother in the Gospel,

CHARLES A. SMURTHWAITE.

1. I deny that I am guilty of apostasy. Apostasy means, by the dictionary, "A total departure from one's faith or religion; abandonment of creed and renunciation of religious obligations."

I affirm to you, and in the most solemn and earnest manner bear testimony, that I have not departed from the faith and religion of Jesus Christ; on the other hand, that my understanding and adherence to it is, as I believe, greater than it has ever been, and my determination to abide in it is strong and enduring. Furthermore, I affirm unto you that, from childhood, my hope has been, and still is, to grow in the grace and knowledge of our Lord Jesus Christ; and that were it not for that it would not be worth while for me to lift up my voice in protest against those things which have brought the humiliation into which the church at this sad hour is plunged.

2. I deny that I have been guilty of un-Christianlike conduct. God forbid that I should ever be guilty of so foul a thing.

I reaffirm the truthfulness of what I said in regard to Joseph F. Smith, and which is contained in the letter which I directed to you, dated March 13, 1905, and which is hereby made a part of this answer.

3. I repeat that I can not sustain Joseph F. Smith as president and as prophet, seer and revelator; and I deny your right to say that this is apostasy and un-Christlike conduct.

4. I admit that I believe, and hereby state the opinion, that Joseph F. Smith was not chosen in accordance with the will of God, as expressed in the book of Doctrine and Covenants, section 107:22, to wit:

"Of the Melchizdek Priesthood, three presiding high priests, chosen by the body, appointed and ordained to that office, * * * form a quorum of the presidency of the church."

5. I deny that any expressions that I have made are "unbecoming a Latter-Day Saint."

While I have expressed myself on these subjects, perhaps strongly, and certainly earnestly, it has always been in language proper and becoming a Christian and a gentleman. In so expressing my views I have not thought I was going beyond my inherent right. As the magna charta of this right, I refer you to the book of Doctrine and

Covenants, section 50:31 and 32—a revelation given to the elders of the church, to wit:

“Wherefore it shall come to pass, that if you behold a spirit manifested that you can not understand, and you receive not that spirit, ye shall ask of the Father, in the name of Jesus, and if he give not unto you that spirit, then you may know that it is not of God.

“And it shall be given you power over that spirit, and you shall proclaim against that spirit with a loud voice that it is not of God.”

I solemnly aver unto you that I put the spirit shown by Joseph F. Smith on the occasion described to you in my letter dated March 13, 1905, to this test; and that after much inward struggle at last found power over that spirit in the way and manner in the above quoted words of God declared.

Respectfully,

CHARLES A. SMURTHWAITE.

Decision of the Bishop's Court, Fourth Ward, Weber Stake of Zion, in the case of Hyrum H. Goddard *v.* Chas. A. Smurthwaite.

Elder CHARLES A. SMURTHWAITE, *Ogden, Utah.*

DEAR BROTHER: We, your brethren of the bishopric of the Fourth Ward of the Weber Stake of Zion, in the Church of Jesus Christ of Latter-Day Saints, hereby notify you that at the Bishop's Court, held March 22, 1905, in the Fourth Ward meeting house, the complaint in the case of Hyrum H. Goddard *v.* Charles A. Smurthwaite, in which you are charged with apostasy and un-Christianlike conduct, was heard, and we decide, from the evidence, the charges were fully sustained. And we also notify you that the hand of fellowship is withdrawn from you in the Church of Jesus Christ of Latter-Day Saints, and we refer your case to the High Council of the Weber Stake of Zion for their consideration.

E. T. WOOLLEY,
Bishop.

H. W. G. WILLIAM,
First Counselor.

HYRUM BELNOR,
Second Counselor.

Dated March 25, 1905.

PRESIDENCY OF THE WEBER STAKE OF ZION,
Ogden, Utah, March 28, 1905.

Elder CHAS. A. SMURTHWAITE, *Ogden, Utah.*

DEAR BROTHER: At the regular weekly meeting of the presidency of the Weber Stake of Zion, held March 27, 1905, the clerk of the high council presented the transcript from the bishop's court in the case of H. H. Goddard *v.* C. A. Smurthwaite, filed with him on March 25, 1905, containing the complaint, summons and service, answer, and a copy of the decision; also a copy of notice of said decision served on the defendant; also a copy of the minutes of the proceedings in said bishop's court.

After consideration of the matters therein presented it was moved, seconded, and carried that the clerk be instructed to notify C. A. Smurthwaite to appear, in person or by letter, at the regular monthly meeting of the high council to be held Tuesday, April 4, 1905, at 2 o'clock p. m., to show cause why he should not be excommunicated from the Church of Jesus Christ of Latter-day Saints on the charges presented from the bishop's court of the Ogden fourth ward, Weber Stake of Zion, and that the accuser, H. H. Goddard, be also notified to attend.

Pursuant to this action you are herewith summoned to appear, either in person or by letter, before the high council of the Weber Stake of Zion meeting at Ogden, in the Second Ward Institute, Tuesday, April 4, 1905, at 2 o'clock p. m., then and there to show cause why you should not be excommunicated from the Church of Jesus Christ of Latter-day Saints on the charges of unchristianlike conduct and apostasy filed against you by Brother H. H. Goddard, a copy of which charges has already been furnished you by the aforementioned bishop's court.

And you are hereby further notified that if you fail to appear and answer as above required, without reasonable excuse, you will be dealt with according to the evidence and the law of the church in such matters.

By order of the presidency of the Weber Stake of Zion,

JNO. V. BLUTH, *Clerk.*

OGDEN, UTAH, *March 31, 1905.*

Elder JNO. V. BLUTH,

Clerk, Weber Stake of Zion, Ogden, Utah.

DEAR BROTHER: I beg to acknowledge receipt of your summons to appear, either in person or by letter, before the high council of the Weber Stake of Zion meeting at Ogden, in the Second Ward Institute, Tuesday, April 4, 1905, at 2 o'clock p. m., then and there to show cause why I should not be excommunicated from the Church of Jesus Christ of Latter-day Saints on the charges presented from the bishop's court of the Ogden fourth ward, Weber Stake of Zion, on the accusations filed against me by Brother H. H. Goddard.

I ask that a copy of the minutes of the proceedings in said bishop's court be furnished me immediately, in order that I may have opportunity to consider said proceedings before submitting my answer thereto.

Yours, respectfully,

PRESIDENCY OF THE WEBER STAKE OF ZION,
Ogden, Utah, April 2, 1905.

Elder CHAS. A. SMURTHWAITE, *Ogden, Utah.*

DEAR BROTHER: As per your request of March 31, I send you herewith a copy of the certified transcript of proceedings in the bishop's court of the Ogden fourth ward, Weber Stake of Zion, in the case of Hyrum H. Goddard v. Chas. A. Smurthwaite as the same appears

in the papers filed with me from said court in the above entitled case and as the same will be presented at the meeting of the high council on Tuesday, April 4, 1905.

Yours, very respectfully,

JNO. V. BLUTH,
Clerk of the High Council.

1905. In the bishop's court in and for the Fourth Ward, Weber Stake of Zion. Hyrum H. Goddard, accuser, *v.* Charles A Smurthwaite, accused. Apostasy and un-Christianlike conduct.

March 8, complaint filed.

March 10, summons issued, returnable March 22, 1905.

March 14, summons filed after return of service.

March 18, received acknowledgment of service of summons.

March 22, court convened at 8.15 p. m. Singing: "As swiftly my days go out." Prayer by Counselor Hyrum Belnap. Singing: "We are sowing, daily sowing."

The complaint, summons, and notice of delivery were read.

The accused not being present, his answer was read, having been delivered by William B. Hughes.

The court then ruled that the charges were sufficiently specific, and the request for more specific cause was overruled.

The court then heard the testimony of the accuser and witness E. A. Olsen.

Court announced that decision would be given later.

Singing: "Come, come ye saints."

Benediction by Counselor Henry W. Gwilliam.

March 24, court rendered the following decision:

"Minutes of meeting of bishop's court of the Ogden Fourth Ward, March 24, 1905. Bishop E. T. Woolley, Counselors Henry W. Gwilliam and Hyrum Belnap present.

"In the matter of the complaint of H. H. Goddard *v.* Chas. A. Smurthwaite the decision of this court is that the charges were fully sustained, and we hereby withdraw the hand of fellowship from Brother Chas. A. Smurthwaite in the Church of Jesus Christ of Latter-Day Saints, and authorize due notice be given him of this action, and we refer the case to the high council of the Weber Stake.

"E. T. WOOLLEY, *Bishop.*

"H. W. GWILLIAM,

"HYRUM BELNAP,

"Counselors."

March 25, notice of decision was delivered to Charles A. Smurthwaite by A. G. Maw, clerk.

March 25, transcript of proceedings and papers forwarded this day to the clerk of the high council of the Weber Stake of Zion.

OGDEN, *March 25, 1905.*

I hereby certify that the foregoing is a full and true and correct copy of the transcript in the bishop's court of the Fourth Ward of the Weber Stake of Zion, the original papers filed in the case, and the decision of the court therein, all in the case of Hyrum H. Goddard *v.* Charles A. Smurthwaite, on the charge of apostasy and un-Christianlike conduct.

AARON G. MAW, *Clerk.*

OGDEN, UTAH, April 4, 1905.

To the high council of the Weber Stake of the Church of Jesus Christ of Latter-Day Saints, Ogden, Utah.

DEAR BRETHREN: In response to the request of your clerk, Elder John V. Bluth, dated March 28, 1905, to show cause why I should not be excommunicated from the Church of Jesus Christ of Latter-Day Saints, on the charges of un-Christianlike conduct and apostasy filed against me by Elder H. H. Goddard, I answer:

1. My attitude toward the church, and the president thereof, is clearly defined and unreservedly set forth in my letter to Bishop E. T. Woolley dated March 13, 1905, and in my answer to his court dated March 21, 1905.

2. Both of the above-mentioned documents hereby a part of this answer; and I assert that they contain complete refutation of the said charges.

3. I denounce the charges of unchristianlike conduct and apostasy as odiously false, and as malevolent, scandalous, libelous, vicious, and wicked.

4. God is my witness.

Respectfully,

CHARLES A. SMURTHWAITE.

PRESIDENCY OF THE WEBER STAKE OF ZION,
Ogden, Utah, April 4, 1905.

CHAS. A. SMURTHWAITE, Esq., Ogden, Utah.

DEAR BROTHER: At a meeting of the high council held this day as per notice heretofore served upon you, the complaint, the summons, and service, and your answer, as presented by you in the bishop's court of the Ogden Fourth Ward, Weber Stake of Zion, as well as the answer addressed by you to the high council and delivered to me this morning by Brother William F. Toler, were read before the high council.

After weighing the evidence—the charges and the answers thereto by yourself—the presidency presented the following decision, which, after discussion, on motion of Councilor Joseph Parry, was unanimously confirmed:

DECISION.

“We fully sustain and confirm the decision of the bishop's court in withdrawing the hand of fellowship from the defendant, and for further action it is our decision that Charles A. Smurthwaite be excommunicated from the Church of Jesus Christ of Latter-day Saints for unchristianlike conduct and apostasy, as set forth in the complaint.

“L. W. SHURTLIFF, *President.*

“C. F. MIDDLETON, *First Councilor.*

“N. C. FLYGARE, *Second Councilor.*”

I advise you of the above decision in your case, as per instructions of the high council at its meeting of this day.

Very truly,

JNO. V. BLUTH,
Clerk of the Council.

OGDEN, UTAH, April 7, 1905.

To the Presidency and High Council of the Weber Stake of Zion:

I, Charles A. Smurthwaite, do hereby make written appeal, and file the same with you to be transmitted to the proper authorities, against the decision made against me by your body on April 4, 1905; and I make this appeal to the high council of the Church of Christ, which, according to the revelation from God to the prophet Joseph Smith, recorded in section 102 of the Book of Doctrine and Covenants, is to consist of twelve high priests and one or three presidents, as the case may require.

Yours respectfully,

CHARLES A. SMURTHWAITE.

OGDEN, UTAH, April 15, 1905.

CHARLES A. SMURTHWAITE, ESQ., *Ogden, Utah.*

DEAR SIR: Your letter of April 7, 1905, containing your appeal from the decision of the high council of the Weber Stake in your case, was received by me April 11, I having been absent from the city at the time of delivery of the letter. On the evening of April 12, at a meeting of the presidency of the stake, I presented your appeal, and after full consideration I was instructed to write you and advise you that the presidency had instructed me to prepare the transcript on appeal, but not to transmit it until hearing from you again, as the appeal is ambiguous if not contradictory in its wording.

You say in your appeal that you "do hereby make written appeal and file the same * * * to be transmitted to the proper authorities." Had there been no further request it would have been easy to comply with it and I would have been instructed not only to prepare but to transmit a transcript of the papers and proceedings in the case to the proper authorities—that is, the first presidency of the church. But you add in your appeal this: "And I make this appeal to the high council of the Church of Christ, which, according to the revelation from God to the Prophet Joseph Smith, recorded in section 102 of the Book of Doctrine and Covenants, is to consist of twelve high priests and one or three presidents as the case may require." The latter request makes it impossible to transmit your appeal and the transcript of the case, for such a body is not the proper authority, nor in fact is there any such body in the church. In other words, your case having been heard before the high council of this stake, which is just such a body or court as that to which you appeal, there is no higher high council in the church. The only appeal that can lie is to the first presidency of the church.

Sections 102 of the Doctrine of Covenants contains an account of the organization of the first high council in the church, consequently the only high council in the church at that time, and it is therefore referred to as "the high council of the Church of Christ," to which all appeals from the bishops' courts or from the branches of the church would be taken. But verse 12 of the same section, in outlining the proceeding to be followed in a high council, provides for the organization of other high councils. It reads as follows: "Whenever an high council of the church is regularly organized,

according to the foregoing pattern, it shall be the duty, etc.," clearly indicating that the growth of the church would necessitate the organization of more high councils. As the church has grown this intimation has been followed, and in all the organized stakes, so far as I am informed, there is now an organized high council proceeding under the same pattern laid down in the section to which you refer. They are all high councils of the Church of Christ and differ in no particular from the first council organized in 1834 and referred to in section 102, except that their jurisdiction is limited to the stake or district in which they are organized. This being so, your case has already been heard before such a church court as that to which you appeal. There being no high council superior to those organized in the various stakes, and there being no provisions in the church for an appeal from the council of one stake to that of another stake, the only authority to which your appeal can be transmitted is the first presidency of the church. You are of course aware that in all these cases the first presidency sit as an appellate and not as a trial court; that they review the case from the record on appeal and do not rehear the case.

The presidency of the stake considered it best, in fairness to yourself and to them, to advise you of these facts, so that you might have an opportunity to amend your appeal or to signify your desire to continue the appeal in light of the explanation here offered. If you wish the appeal to stand, and it is taken to the proper authorities, I will prepare the transcript as speedily as my other duties will permit and transmit it to the first presidency and advise you of the transmission. I am,

Very respectfully,

JNO. V. BLUTH,
Clerk of the High Council.

PRESIDENCY OF THE WEBER STAKE OF ZION,
Ogden, Utah, April 25, 1905.

CHARLES A. SMURTHWAITE, Esq., *Ogden, Utah.*

DEAR SIR: Your reply of April 19, in answer to mine of April 15, 1905, was presented to the presidency of the stake at their weekly meeting, Monday, April 24, 1905. The presidency desire me to advise you that the references you quote from the Doctrine and Covenants have no application in your case, the procedure therein outlined being entirely on appeals from temporary high councils when established abroad and not in the organized stakes of Zion. There is no higher high council in the church than that permanently and properly organized in any one stake of Zion.

There being no tribunal in the church such as you name having jurisdiction in such cases as yours, the high council of the Weber Stake having no authority to convene such a tribunal, and you having declined to appeal to the first presidency of the church, it has become impracticable to entertain your appeal, and the decision of the high council in your case has therefore become final.

Very respectfully,

JNO. V. BLUTH,
Clerk of the Council.

OGDEN, UTAH, April 22, 1905. -

Bishop E. T. WOOLLEY, *City.*

DEAR BROTHER: I have a last privilege to ask you as my bishop and spiritual father in the Church of Jesus Christ of Latter Day Saints, and as a member of the church and of your ward (although technically an excommunicant) I feel that I am entitled to have it granted.

This privilege is that I be permitted to address the Saints of your ward prior to their being asked to vote in confirmation of my excommunication from the church by the high council of the Weber Stake of Zion. I do not desire publicity for this address. In fact, I desire, should my request be granted, that no announcement of it shall be made in the public press in order that I may have the opportunity of speaking only to the people of my ward and not to curiosity seekers.

In my youth I frequently heard the elders of the church state to the people of my native land that the ministers of other denominations were permitted to occupy the pulpits of this church in Zion, because the truth was never afraid of the error. It is my earnest desire that the people of the Fourth Ward, before they are called upon to confirm what appears to me to be an atrocious decision on the part of the Weber Stake high council, shall have the privilege of hearing what you believe to be my error as against your truth, and thus have an opportunity of judging for themselves before they shall vote on so serious a matter as the excommunication of one of thier fellow-members.

This letter goes by the hand of Elder William F. Toller, under seal, addressed personally to you as my bishop, and I desire an answer, if convenient to you, by his hand.

Yours, sincerely,

CHARLES A. SMURTHWAITE.

CHARLES A. SMURTHWAITE, *Ogden.*

DEAR FRIEND: Replying to your favor of the 22d inst. will say that we have decided adversely to your request to be given the opportunity of addressing the Saints in the meetinghouse on the subject-matter of your excommunication from the church. We can see no benefit that could accrue to anyone from such an action, as the people all understand your position, and surely no good could possibly come from creating a discussion or scene incident to a denouncement of the authorities of the church in our assemblies.

Respectfully, yours,

E. T. WOOLLEY,
H. W. GWILLIAM,
HYRUM BELNAP,
Bishopric of Ogden, Fourth Ward.

The CHAIRMAN. At this time the committee will take a recess until 2 o'clock.

The committee at 12 o'clock took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. Mr. Smurthwaite, you may resume the stand.

Mr. CARLISLE. Mr. Chairman, we have no further questions to ask Mr. Smurthwaite.

Mr. WORTHINGTON. We wish to reserve the cross-examination of Mr. Smurthwaite, Mr. Chairman. I am not prepared to go on with it to-day. There will be some other testimony.

The CHAIRMAN. Will you be prepared to go on to-morrow?

Mr. WORTHINGTON. Yes; to-morrow morning.

The CHAIRMAN. Stand aside then, Mr. Smurthwaite. Who is your next witness, Mr. Carlisle?

Mr. CARLISLE. Mr. Lawrence.

TESTIMONY OF HENRY W. LAWRENCE.

HENRY W. LAWRENCE, being duly sworn, was examined and testified as follows:

Mr. CARLISLE. State your full name.

Mr. LAWRENCE. Henry W. Lawrence.

Mr. CARLISLE. State, if you please, your age, your place of residence, and your occupation.

Mr. LAWRENCE. I will be 71 next July. I live in Salt Lake City.

Mr. CARLISLE. And your occupation?

Mr. LAWRENCE. At the present time I am not in any very active business.

Mr. CARLISLE. What has been your business in the past?

Mr. LAWRENCE. I was formerly one of the early merchants of Utah. At the present time I am connected with some real estate matters.

Mr. CARLISLE. Speak a little louder.

Mr. LAWRENCE. I said I was one of the early merchants of Utah. At the present time I am interested in some real estate and mining matters—nothing very active at the present time.

Mr. CARLISLE. Were you ever connected with the Mormon Church?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. What time did your connection begin?

Mr. LAWRENCE. From early childhood until I was about 35.

Mr. CARLISLE. Can you state about the time, the year when you became connected with it?

Mr. LAWRENCE. When I left the Mormon Church?

Mr. CARLISLE. When you became connected with the Mormon Church?

Mr. LAWRENCE. My parents were Mormons, and I grew up in it from childhood.

Mr. CARLISLE. Were you with the Mormons at Nauvoo?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. How old were you when you left Nauvoo?

Mr. LAWRENCE. I was 9 years old when I left Nauvoo.

Mr. CARLISLE. Are you now connected with the Mormon Church?

Mr. LAWRENCE. No, sir.

Mr. CARLISLE. When were your relations with the church severed?

Mr. LAWRENCE. In 1869.

Mr. CARLISLE. Will you state to the committee the reasons for the severance? Just state in your own way what occurred previous to that time.

Mr. LAWRENCE. Well, I simply asserted my independence and manhood, as you may say. That is what brought me out.

Mr. CARLISLE. In what way did you assert it?

Mr. LAWRENCE. I simply got to a point where I commenced to doubt the system and commenced to think for myself. That made me act a little independent.

Mr. CARLISLE. Were you engaged in any business at that time; if so, what?

Mr. LAWRENCE. I was in the mercantile business.

Mr. CARLISLE. Did you have any connection with any newspaper or magazine; if so, what were their names?

Mr. LAWRENCE. At that time I was helping to support a magazine that was a forerunner of the Tribune. I was not the editor. Messrs. Godbe and Harrison were the editors of this Utah magazine.

Mr. CARLISLE. At the time you speak of, was there any agitation in Utah in regard to the opening of the mines and the development of the mineral resources of that country?

Mr. LAWRENCE. In 1869 three or four of us got together. We had some thoughts and views, and at one time were out in a campaign. The Utah magazine was printed at that time, and the question came up what we should have for the next editorial the next week. After discussing a number of things, we concluded we would advocate the opening of the mines as an editorial for the next week. That editorial was written up by Mr. E. L. P. Harrison. It was cut down and trimmed so as to make it as little objectionable as possible. The magazine at that time was a Mormon publication, or at least it was read by the Mormons in the Territory, but it was an entering wedge to open the mines. Previous to this, General Connor and his command had been mining there; at least they had been prospecting, but there had been no mines opened up that paid. In fact, it was just at the time of the opening of the railroads there, and it would not pay to ship any ores away. The Emma mine was discovered in the fall of 1869, but we knew nothing of that at the time. The Emma mine was one of the principal mines there. I believe it was discovered in September.

Mr. CARLISLE. At that time what was the attitude of the church, or the officials of the church, with regard to that subject of opening up the mines, if you know?

Mr. LAWRENCE. The attitude was against opening the mines. Mr. Young had always said when anyone ordered the mines opened up he would order them opened up through the priesthood—they would dictate it. They assumed to advocate something that was against his counsels and teachings.

Mr. CARLISLE. That was stated in the magazine?

Mr. LAWRENCE. That was in the magazine. This piece was published. After it was written I said to my associates, "I will give you six weeks to stay in the church after we print this." We were all in the church at that time.

Mr. CARLISLE. What followed?

Mr. LAWRENCE. The piece was written, and in a little less than six

weeks they were called in question in Salt Lake City in the old tabernacle.

Mr. CARLISLE. Who was that?

Mr. LAWRENCE. Mr. Godbe and Mr. Harrison were called in question.

Mr. CARLISLE. They were the writers of the article?

Mr. LAWRENCE. They were the editors of the magazine. I went there in sympathy with them, and told them I would stand by them. I knew they were going to be called up and questioned for writing those articles at that time. The question of opening the mines in this editorial was not presented. They were charged with the spirit of apostasy. They had advocated something in the Utah magazine that was against the teachings of the council and the president.

Mr. WORTHINGTON. The charges and everything were in writing, I suppose?

Mr. LAWRENCE. No, sir; they were not in writing. At that time they were called to make a statement and they did so. They took their stand and asserted their rights and privileges within the priesthood. Mormonism in its theory has some democratic theories that are very nice, and that no one could object to. They asserted their rights within the priesthood to think and act for themselves, so far as they did not interfere with the rights of others. At that time the president of the church made a motion to have the Utah magazine suspended, or the people were not to take it any longer. A contrary vote is always called, but it is never expected that men will oppose it if they know it is against the will of the presiding officer or the president of the church. When the contrary vote was called I voted to sustain the Utah magazine.

Mr. CARLISLE. What was the result of that?

Mr. LAWRENCE. The result was that I was called in question. I was down in the body of the people, and I got up and stated I was in favor of the free speech and free press. Some man jumped up near me and said: "Henry Lawrence voted to sustain the Utah magazine." Brigham Young called me to the stand, and I got up and asserted my claim that I could not give up my manhood and my identity, and I was in favor of the paper. I thought there was nothing objectionable about advocating things we needed. At that time, after denouncing Mr. Godbe and Mr. Harrison more than me, the meeting was adjourned, and they were notified to appear before the high council the next Monday. This was on Saturday. There they were tried for their fellowship on a spirit of apostasy from the church. This was before the high council, which is an ecclesiastical court of the Mormon Church.

At that trial George Q. Cannon took this piece that we had printed and said it would take us out of the church. He read it from top to bottom as an evidence of the spirit of apostasy that those men had, that they wanted to open up mines against the teachings of the holy priesthood.

Mr. CARLISLE. Against what?

Mr. LAWRENCE. The teachings and instructions of the holy priesthood.

Mr. CARLISLE. What was the result?

Mr. LAWRENCE. The result was they were cut off from the church.

Mr. CARLISLE. Were you cut off from the church?

Mr. LAWRENCE. I was not cut off at that time.

Mr. CARLISLE. Go on and state when you were cut off, if you were.

Mr. LAWRENCE. At that time when the contrary vote was called I voted to sustain them. Mr. Eli B. Kelsey was one of our associates. He voted to sustain them, and Brigham got up and moved that Eli B. Kelsey be cut off from the Church of Jesus Christ of Latter Day Saints. Those were his words. They did not cut me off at that time.

Mr. CARLISLE. You say he moved to cut him off. What was the result of it?

Mr. LAWRENCE. The vote was taken and he was cut off without any hearing or anything of the kind.

Mr. WORTHINGTON. What was his name?

Mr. LAWRENCE. Eli B. Kelcey.

Mr. WORTHINGTON. He voted to sustain those gentlemen who were on trial?

Mr. LAWRENCE. Those gentlemen who were on trial. The vote was against them. They were cut off from the church; I was not cut off at that time.

Mr. CARLISLE. Were you cut off, as you call it, subsequently?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. State the circumstances under which it was done.

Mr. LAWRENCE. At that time they held on to me. They did not seem to want to dispose of me at that time. Mr. Kelcey was a man who held a permanent position in the church as one of the elders. He had been faithful in gathering the people on his missions in different places and was a very efficient man and an elder of the church. Unfortunately, he did not have any property or means. He was a poor man and he was sacrificed, as the saying is.

Mr. CARLISLE. State what occurred, please.

Mr. LAWRENCE. I was rather prominent in the way of business and they concluded they would hold on to me, a good paying member of the church. I was held on, and my friends in the church plead with me to stay in the church. After they found I would not stay in the church they gave me a private trial in the ward and cut me off for apostasy.

Mr. CARLISLE. They charged you with apostasy?

Mr. LAWRENCE. Yes, sir. When a man disobeys the instructions of the priesthood of the church, that is apostasy.

The CHAIRMAN. I would like to hear that statement again.

Mr. LAWRENCE. Whenever any man disregards the teachings and instructions or counsels of the leaders of the church, he has the spirit of apostasy.

Mr. CARLISLE. And he is tried on that charge?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. Were the charges against you in writing?

Mr. LAWRENCE. No, sir.

Mr. CARLISLE. Did you ever hold any official position in the church?

Mr. LAWRENCE. Nothing greater than an elder.

Mr. CARLISLE. Did you hold any civil positions there in the Territorial government, or otherwise?

Mr. LAWRENCE. Yes, I have had a few positions there.

Mr. CARLISLE. State what they were, to show your standing in the community.

Mr. LAWRENCE. I was marshal of the Territory at one time—Territorial marshal. I have been a member of the city council of Salt Lake City. I have been a member of the Territorial legislature.

Mr. CARLISLE. Have you held any other positions?

Mr. LAWRENCE. When the escheat cases were on under the Edmunds-Tucker law, I was appointed receiver, and held the fund until it was turned over to the Mormons, when it was turned back to them. There may be some minor positions I have held, but I do not remember them now.

Mr. CARLISLE. You say you were connected with the church from the time you were a boy until 1869?

Mr. LAWRENCE. Yes; from childhood until 1869.

Mr. CARLISLE. Do you know what the teachings of the church are with respect to the duty to yield implicit obedience to the priesthood?

Mr. LAWRENCE. The Mormon system is simply theocracy; you can not make anything else out of it. They use the forms of democracy to perpetuate a theocratic rule. That is simply the truth of it. There is no disguising the fact.

Mr. CARLISLE. What were the teachings in respect to the matter about which I have asked you; and if there was any such teaching, state whether it extended to temporal affairs or spiritual affairs.

Mr. LAWRENCE. The teaching is that there is the kingdom of God here upon the earth, which is a temporal and spiritual kingdom combined. Their leader said at one time, in public, it was hard to tell where one left off and the other commenced.

Mr. CARLISLE. Was that the doctrine and teaching of the church during the whole time of your connection with it, or not?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. How is it now?

Mr. LAWRENCE. So far as I know, it is the same. They can not carry out their purpose now like they used to. It is not politic to do it.

Mr. CARLISLE. I speak of the doctrine itself.

Mr. LAWRENCE. The doctrine is that the church is the kingdom of God, governed by apostles, priests, and prophets, and it is the duty of the people to obey them.

Mr. CARLISLE. Have you ever passed through the endowment house?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. Will you state to the committee whether there is any oath or obligation taken there to yield obedience to the priesthood and the church?

Mr. WORTHINGTON. Whether there was at that time?

Mr. CARLISLE. Yes; whether there was at that time?

Mr. LAWRENCE. I do not want to state anything that is not in the public interest, and for the public good, in regard to their affairs like that, because it is held sacred there by them, but so far as I am concerned I do not look upon them as I used to. Whatever is in the public interest I am very willing to state. Outside of that I do not want to say anything about it. I want to simply say that a man has to yield obedience to the priesthood that is over him.

Mr. CARLISLE. My question is whether that is taught in the ceremony, or whether any covenant is taken or any promises made that such obedience will be given?

Mr. LAWRENCE. It is taught, and covenants are made to that effect.

Mr. CARLISLE. In the endowment house?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. Mr. Lawrence, would you object to stating whether there is any oath, commonly called here the oath of vengeance, taken in the endowment house, and what it is?

Mr. LAWRENCE. Yes; there is.

Mr. CARLISLE. Can you state it in terms or in substance?

Mr. LAWRENCE. "You covenant and agree before God and angels and these witnesses that you will avenge the blood of the prophets, the prophet Joseph Smith, Hyrum Smith, Parley P. Pratt, David Patton,"—their names are mentioned.

Mr. CARLISLE. Was that the case when you took the endowment?

Mr. LAWRENCE. Yes, sir. I do not know whether they were all mentioned when I was there or not, but they have been mentioned when I have been there.

Mr. CARLISLE. You have passed through the endowment a number of times?

Mr. LAWRENCE. Yes; I have been there a number of times.

Mr. CARLISLE. You mean these names have been mentioned some of the times when you passed through? That is what you mean?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. You do not know whether they were all mentioned at the same time or not?

Mr. LAWRENCE. No, sir.

Senator DILLINGHAM. Do I understand the witness has given the whole of the obligation?

Mr. CARLISLE. I will ask him. Do you remember now whether there was anything said about vengeance upon the people or vengeance upon the nation, or what was said of that sort, if you remember?

Mr. LAWRENCE. I say it has been stated. I can not state it only as I understand it. The word "nation" was not mentioned where I was in regard to that vengeance, but the feeling has always been against the Nation and the State for allowing that deed to be perpetrated. The word "nation" was not mentioned. It is a little ambiguous in regard to that.

Mr. WORTHINGTON. You say you are ambiguous or it was ambiguous?

Mr. LAWRENCE. It was a little ambiguous, there, who it should be executed on. The supposition is it should be executed on the perpetrators of the deed.

The CHAIRMAN. Mr. Lawrence, you speak so low that I do not believe you can hear yourself.

Mr. LAWRENCE. I will try to speak louder.

Mr. CARLISLE. Mr. Lawrence, I will get you to state, if you can, whether this covenant, or oath, or whatever it may be called, is always administered by the same person and in the same terms, or whether it is administered at different times by different persons, and whether it is in writing or merely oral.

Mr. LAWRENCE. It is administered orally by different persons at different times.

Mr. CARLISLE. It may be then that there is a different form of the oath?

Mr. LAWRENCE. It may be administered a little different. Of course the substance is about the same, but there may be some men who administer it a little different from others. I have no doubt that it is from what I have heard.

Mr. CARLISLE. You may take the witness.

Senator KNOX. Was this vengeance to be executed by the person taking the oath, or vow, or were you to implore the Almighty to avenge the blood of the prophets?

Mr. LAWRENCE. As I say, it was a little abiguous in regard to that. Of course you take an oath to avenge the blood of the prophets and teach the principle to your children and children's children.

Senator KNOX. I think you do not understand me. You stated a moment ago that there was some ambiguity in the oath as to whom the vengeance is directed against.

Mr. LAWRENCE. Yes.

Senator KNOX. Now, I am asking you who was to execute the vengeance. Was the person taking the vow or oath to execute it or were they to implore by prayer that God should take this vengeance?

Mr. LAWRENCE. Well, that was not inserted in it for the Lord to do it. They simply took upon themselves the oath to do it; but I say it is almost impossible for them to wreak vengeance, because those men that committed the deed have probably gone years ago.

Senator KNOX. My question was based on the exact language used by Professor Wolfe yesterday. He said that he heard the oath taken very recently, and that they vowed or promised that they would pray to Almighty God to avenge the blood of the prophets. I think it is quite material, and I want to know what your recollection is about it.

Mr. LAWRENCE. That was not inserted in my day—that is, in regard to asking God to wreak this vengeance.

Senator KNOX. Your idea was that the individual who took the oath was to work out a vengeance?

Mr. LAWRENCE. That was the wording of the obligation.

Senator KNOX. That is all I want to ask.

Senator DILLINGHAM. When do I understand you took the obligation?

Mr. LAWRENCE. I forgot just when I took the obligation.

Senator DILLINGHAM. About when?

Mr. LAWRENCE. It was when I was young; but I knew the obligations up to 1869.

Mr. CARLISLE. Were you what they call a worker in the temple?

Mr. LAWRENCE. I have been there, sir.

Mr. CARLISLE. You say you have been there. My question is were you ever a worker in the temple?

Mr. LAWRENCE. I have assisted there, sir.

Mr. CARLISLE. In what way?

Mr. LAWRENCE. I have officiated in different work.

Mr. CARLISLE. Officiated in the temple?

Mr. LAWRENCE. Yes—not in the temple. It was in the endowment house.

Mr. CARLISLE. That is in the temple now, is it not?

Mr. WORTHINGTON. This ceremony took place in the endowment house until it was destroyed, and then it took place in the temple. That has appeared in the previous evidence.

Mr. CARLISLE. Were you or were you not familiar with the proceedings there during the time you remained in the church?

Mr. LAWRENCE. I was.

Mr. CARLISLE. Did you hear this oath administered to other people as well as yourself?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. State to the committee whether it was substantially, according to your recollection, the same as you took.

Mr. LAWRENCE. Yes; substantially as I have stated.

Mr. CARLISLE. Could anyone pass through the endowment house without taking it?

Mr. LAWRENCE. No, sir.

Mr. CARLISLE. Everyone therefore took that oath, whatever it was?

Mr. LAWRENCE. Anybody of importance—that is, a prominent member in the church had to take those obligations.

Mr. CARLISLE. I was not asking you whether everyone had to take it, but whether everyone who passed through, did take it.

Mr. LAWRENCE. They did take it.

Mr. CARLISLE. They could not pass through without taking it?

Mr. LAWRENCE. No, sir.

The CHAIRMAN. Do you know what the rule is about Mormons going through the endowment house or taking the endowments? Must they all take the endowments?

Mr. LAWRENCE. Yes, sir.

The CHAIRMAN. That is obligatory, is it?

Mr. LAWRENCE. A man is not considered in good standing who has not taken them.

Mr. WORTHINGTON. When you officiated in the temple, did your duties call you into a particular place and particular part of the ceremony where this oath was administered?

Mr. LAWRENCE. I have acted there, sir.

Mr. WORTHINGTON. You have acted there?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. How often?

Mr. LAWRENCE. Probably one to two years or three years, off and on.

Mr. WORTHINGTON. How many times?

Mr. LAWRENCE. Right often. I was not there all the time.

Mr. WORTHINGTON. Tell us about how many times you were present when this oath was administered.

Mr. LAWRENCE. I could not say. It would go into the hundreds, probably.

Mr. WORTHINGTON. Several hundred times.

Mr. LAWRENCE. Yes; or dozens. I would say from one to three years, probably.

Mr. WORTHINGTON. And on each occasion to a great many people, I suppose?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. On all the occasions when you heard it administered to others, or when it was administered to you, did you ever

hear any reference to the nation of the United States as the object of the vengeance?

Mr. LAWRENCE. During my administration the word "nation" was not used.

Mr. WORTHINGTON. You say in your administration. Do you mean you administered the oath?

Mr. LAWRENCE. No, sir—yes, sir. I mean I officiated there with the rest of them.

Mr. WORTHINGTON. Then you both administered the covenant and you heard others administer it?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. You administered it hundreds of times and you heard it administered hundreds of times; is that right?

Mr. LAWRENCE. I was there off and on for one or two years.

Mr. WORTHINGTON. Did you administer it hundreds of times?

Mr. LAWRENCE. I will say, yes.

Mr. WORTHINGTON. Did you hear it administered to others hundreds of times?

Mr. LAWRENCE. I do not know that I did when I was there.

Mr. WORTHINGTON. About how many times would you say you heard it administered by others?

Mr. LAWRENCE. I do not remember of hearing it administered by others.

Mr. WORTHINGTON. Twenty or thirty times?

Mr. LAWRENCE. I do not remember hearing it administered.

Mr. WORTHINGTON. Who administered it to you?

Mr. LAWRENCE. I forget just who administered it to me for the reason that young men and young women are sent through there pretty early in life, and I have forgotten.

Mr. WORTHINGTON. How old were you when you took the obligation?

Mr. LAWRENCE. That I have forgotten.

Mr. WORTHINGTON. Did you take the endowment more than once?

Mr. LAWRENCE. No; not myself.

Mr. WORTHINGTON. Now, I come back. During all the time you administered the oath, or heard it administered by others, did you ever hear the "nation" or the "United States" or the "Government of the United States" referred to in any way as the object of vengeance that was the subject of that covenant?

Mr. LAWRENCE. I will say that at that time it was not connected with the obligation. I say this: That the Government has always been blamed for allowing that deed to be perpetrated.

Mr. WORTHINGTON. Don't let us depart from the ceremony. I want to find out what took place at the ceremony when you administered the covenant. Did you administer it always in the same language?

Mr. LAWRENCE. I tried to, sir.

Mr. WORTHINGTON. Where did you learn it?

Mr. LAWRENCE. I learned it from the church ritual, I suppose. It was what was given me.

Mr. WORTHINGTON. Was it something that was in writing or in print?

Mr. LAWRENCE. No, sir; not in writing.

Mr. WORTHINGTON. It was communicated to you orally and you committed it to memory, did you?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. You do not remember who gave it to you?

Mr. LAWRENCE. I do not remember just now.

Mr. WORTHINGTON. It was given to you as the traditional oath of the temple, was it not?

Mr. LAWRENCE. It was given to me to use.

Mr. WORTHINGTON. You have said to Mr. Carlisle that there is no doubt that the language of the covenant was varied from time to time. Did you ever hear it given in any other form than that you have told us about?

Mr. LAWRENCE. Yes. I will explain that. I have said that there were different parties that officiated at different times, and, from what I had heard, they had changed it a little. Inasmuch as it was orally given, one man would administer it a little different from others.

Mr. WORTHINGTON. You know that by hearsay?

Mr. LAWRENCE. I know that by hearsay only.

Mr. WORTHINGTON. In reference to this matter of the members of the church being instructed to yield implicit obedience to the priesthood, has there been any difference at all from Brigham Young's time in that regard?

Mr. LAWRENCE. I do not know. The general idea is, simply implicit faith in the priesthood. I will give you an idea how emphatic that is, my friend. At the time of the Godbe and Harrison trial—I think it was at the trial, or at the hearing before the trial, which was on Saturday—one of my friends asked: "Is it apostasy to honestly differ with the priesthood?"

Mr. WORTHINGTON. I do not want to stop you when you are answering my question, but the question I am asking you is, whether in this matter of instructions to give implicit obedience to the priesthood, there was any change from the time of Brigham Young down to the present time?

Mr. LAWRENCE. I do not think they can enforce edicts now the same as they could at that time.

Mr. WORTHINGTON. Has there been any change in the teachings in that regard?

Mr. LAWRENCE. Not that I know of.

Mr. WORTHINGTON. It has not been ameliorated at all?

Mr. LAWRENCE. Not that I know of. They can not enforce their edicts like they did at that time.

Mr. WORTHINGTON. Were you examined in November, 1899, on oath as a witness in the matter of the application of John Moore for naturalization papers, before Judge Anderson in the district court for the third judicial district of Utah?

Mr. LAWRENCE. I was.

Mr. WORTHINGTON. Did you then testify on the same general subject on which you have been testifying here?

Mr. LAWRENCE. I was asked some questions on the subject, sir.

Mr. WORTHINGTON. I will ask you whether this occurred during your examination:

"Q. I will ask you to state now the charges upon which you were excommunicated, beginning at the beginning, and state in your own

way the facts relative to the excommunication of yourself and Messrs. Godbe and Harrison.

"A. It was rather a general charge of apostasy. Anything in disobedience to the priesthood in those days was apostasy."

Is that what you said?

Mr. LAWRENCE. In substance, I did.

Mr. WORTHINGTON. I will ask you whether, also on the same subject, you testified as follows:

"Apostasy at that time was questioning the right of the priesthood to dictate to people in anything."

Mr. LAWRENCE. I said that.

Mr. WORTHINGTON. I will ask you whether, on still another occasion, you said:

"Mind you at that time Brigham Young was supreme. The priesthood was supreme here in these mountains."

Did you use that expression?

Mr. LAWRENCE. I think I did.

Mr. WORTHINGTON. Did you at that time also say:

"Brigham Young attempted to control the people in all things, in temporal matters, in spiritual matters, and he has stated on the stand in different places that it is the right of the priesthood to dictate in all things and people to give their unquestioned obedience. Those things are not taught to-day like they were in those days—not to that extent."

Did you say that?

Mr. LAWRENCE. I think I did, probably.

Mr. WORTHINGTON. That was in 1889.

Mr. LAWRENCE. It is impolitic to teach those things to-day as they did then. Then it was open and above board.

The CHAIRMAN. It is not open and above board now?

Mr. LAWRENCE. No, sir; not the same that it was at that time.

The CHAIRMAN. How is it taught?

Mr. LAWRENCE. It is taught—they have an organization that they teach these things—anything they want to from the highest to the lowest.

Senator DILLINGHAM. Do you know how it is taught now?

Mr. LAWRENCE. I know how it used to be taught.

Senator DILLINGHAM. Answer my question.

Mr. LAWRENCE. No, sir; I do not. Only the general order of the system.

Mr. WORTHINGTON. When you gave the testimony which I have just read, that those things are not taught to-day (meaning in 1889) like they were in those days (meaning the days of Brigham Young's presidency), did you say anything then about their being done, not openly, but still being done?

Mr. LAWRENCE. I do not think I did. I do not think I was asked about it.

Mr. WORTHINGTON. I will ask you whether in that testimony you also made this statement:

"A man has a right to apostatize, but he must take the consequences. The state of affairs here now, and the state of affairs 20 and 25 and 30 years ago, are two different states of affairs."

Mr. LAWRENCE. Yes, sir; they are quite different from what they were at that time.

Mr. WORTHINGTON. Was that true? *

Mr. LAWRENCE. That is true.

Mr. WORTHINGTON. You state that now, do you?

Mr. LAWRENCE. Yes; I state that now.

Mr. WORTHINGTON. What was the difference?

Mr. LAWRENCE. No man there* at that time could question the authority of Brigham Young or the leaders of the church and expect to remain in the church. He can do it nowadays, but he must take the consequences if he does do it—if he questions the authority of the leaders of the church. He can do it and he would not suffer the ostracism he did at that time.

Mr. WORTHINGTON. He would not suffer——

Mr. LAWRENCE. He would not suffer the ostracism he did at that time. He would have to take the consequences, though, of the disobedience.

Mr. WORTHINGTON. Did you also on that occasion testify to this effect:

“And to be under that condemnation in the community was simply ostracism from your business, ostracism from society, ostracism from all family relations, and simply you had to be here, as it were, almost isolated by yourself; to-day men can go out of the church and comparatively they have but very little opposition; twenty, twenty-five, or thirty years ago to come out of the church was either you had got to keep very quiet and go along and make no particular opposition, or else you had to undergo all these annoyances.”

Mr. LAWRENCE. I think so.

Mr. WORTHINGTON. Is that true?

Mr. LAWRENCE. That is true.

Mr. WORTHINGTON. Do you affirm it now?

Mr. LAWRENCE. I affirm it now, that you do not have to suffer the consequences you did then.

Mr. WORTHINGTON. Did you also say in that testimony:

“I got up at that time and said that I was in favor of a free press and free speech, and that was rank treason in those days, for the press at that time was under the censorship of the laws of the church.”

Mr. LAWRENCE. I said that, sir.

Mr. WORTHINGTON. I have read here statements made by you on six different occasions when in talking of this matter of apostasy and the trouble that comes from it, and the effect of disobedience on every occasion, you qualified what you said by “in those days” or “at that time.” Why did you do that?

Mr. LAWRENCE. A person that was not acquainted with those days can have very little idea of the tyranny and oppression we had there, and the rule of what was called the priesthood. I say it is more liberal to-day than it was then.

Mr. WORTHINGTON. Is there tyranny in any degree of the priesthood to-day?

Mr. LAWRENCE. It appears in this way. A man of any standing in the church has got to obey the laws of the church; otherwise he has got to get out of the church or suffer socially, politically, or any

other way they can bring pressure on him. He has got to obey the leaders of the church.

Mr. WORTHINGTON. If he remains in the church he must obey the leaders?

Mr. LAWRENCE. If he wants to be a Mormon he has got to obey the leaders.

Senator KNOX. You mean his social and commercial position was very different then from what it would be now, because there is a different element there?

Mr. LAWRENCE. Very different then from what it is now, but still the system is the same as it was then.

Mr. WORTHINGTON. You left the church in 1869?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. Have you continued to live there since then?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. Have you been in business?

Mr. LAWRENCE. Not in mercantile business; mining and real estate.

Mr. WORTHINGTON. In what business were you when you left the church in 1869?

Mr. LAWRENCE. Our firm was one of the principal firms of Utah. The firm was Kimball & Lawrence, a mercantile business.

Mr. WORTHINGTON. You continued after you left the church?

Mr. LAWRENCE. Until 1884.

Mr. WORTHINGTON. After that what did you do?

Mr. LAWRENCE. I sold out and have been engaged in mining and some real estate matters.

Mr. WORTHINGTON. You would not mind telling me whether, as far as financial matters are concerned, you have done very well since you have got out of the church, would you?

Mr. LAWRENCE. I had made some money before I came out of the church.

Mr. WORTHINGTON. You have made more since, have you not?

Mr. LAWRENCE. No; I could not say I have made more. I was in the way of making money when I was in the church.

Mr. WORTHINGTON. I do not mean you have made more since than you made while you were in the church, but you have continued to make money?

Mr. LAWRENCE. No; I do not. I had a very prosperous business at that time.

Mr. WORTHINGTON. And you continued in it for five years after you left the church?

Mr. LAWRENCE. I continued in it until 1884.

Mr. WORTHINGTON. That is fifteen years.

Senator OVERMAN. Did you suffer any loss in business by reason of withdrawing from the church?

Mr. LAWRENCE. Yes; I do not make any complaints in that respect. I expected my business would be ruined. My mercantile business was pretty much ruined after I came out of the church. Of course I could not expect it, and did not get it.

The CHAIRMAN. I could not hear what you said about your business.

Mr. LAWRENCE. I said my business at that time was pretty much ruined.

The CHAIRMAN. At what time?

Mr. LAWRENCE. When I came out of the church—my mercantile business. But I say I have no complaints to make on that score; I expected it to be that way and I took the chances.

The CHAIRMAN. How was it ruined?

Mr. LAWRENCE. My former friends and customers did not come into my store. They dared not come into my store.

Mr. WORTHINGTON. Who were your partners at that time?

Mr. LAWRENCE. Mr. J. B. Kimball.

Mr. WORTHINGTON. Was he a Mormon?

Mr. LAWRENCE. No, sir.

Mr. WORTHINGTON. Did you continue in partnership with him until 1884?

Mr. LAWRENCE. He died in 1874.

Mr. WORTHINGTON. You remained in partnership with him until 1874, and afterwards carried on the business yourself?

Mr. LAWRENCE. Yes, sir. We had a mining business. We had to depend on that more or less. The mines were opened up about 1870. We had more or less Gentiles come in there, and we had that trade to a certain extent.

Mr. WORTHINGTON. Referring to this ceremony and the covenant of vengeance, as it is called, do you remember in that connection whether there was any passage in the book of Revelations of the Bible?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. What is that?

Mr. LAWRENCE. That is used in connection with this as a justification for it.

Mr. WORTHINGTON. Can you give us the verse and chapter of Revelations?

Mr. LAWRENCE. I think it is a chapter from Revelations. It is probably chapter six. It is taken from Revelations. It is simply referred to. I will answer that that quotation is referred to.

Mr. WORTHINGTON. Was it not a part of the teaching of the church when you were connected with it that the Constitution of the United States is an inspired document?

Mr. LAWRENCE. Yes, sir. Do you want an answer to that?

Mr. WORTHINGTON. I have all the answer I care to have, sir. If there is anything you wish to add to take away from the effect of your testimony you have that privilege, provided it is not a speech. Let me read the ninth and tenth verses of the sixth chapter of Revelations and see if those—

Mr. LAWRENCE. "How long, O Lord?" It is just a quotation.

Mr. WORTHINGTON. I will read the two, and see if those two verses, or either of them, are the ones to which you refer:

"And when he had opened the fifth seal, I saw under the altar the souls of them that were slain by the Word of God, and by the testimony which they held.

"And they cried with a loud voice, saying, How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth?"

Mr. LAWRENCE. That is part of it in connection with this?

Mr. WORTHINGTON. We would like to have the whole of it. Just show us all that was referred to in your ceremony there.

MR. LAWRENCE. "How long, O Lord, holy and true?"

MR. WORTHINGTON. "Dost thou not judge and avenge our blood on them that dwell on the earth?"

MR. LAWRENCE. I think that was the part connected with it—just that part.

MR. WORTHINGTON. You say that was used as a justification of the covenant, in connection with it?

MR. LAWRENCE. That was used as a justification of the obligation.

The CHAIRMAN. He did not say as a justification of the covenant.

MR. LAWRENCE. I said that was used as a justification of the obligation.

Senator DILLINGHAM. Can you tell me when and where these persons referred to—the martyrs, so called—met their death?

MR. LAWRENCE. Where?

Senator DILLINGHAM. Yes, where and when?

MR. LAWRENCE. The martyrs?

The CHAIRMAN. Joseph and Hyrum Smith.

MR. LAWRENCE. Joseph and Hyrum Smith were killed in Carthage, Ill. David Patton was killed in Missouri. Parley P. Pratt was killed in one of the Southern States, Arkansas or Missouri.

Senator DILLINGHAM. Was it done by mobs or by authority of law?

MR. LAWRENCE. They were killed by mobs.

Senator DILLINGHAM. How does anybody connect the Government of the United States with the death of those persons?

MR. LAWRENCE. I say the obligation was to avenge the blood of those martyrs.

MR. WORTHINGTON. He says the nation was not referred to.

Senator DILLINGHAM. I know it, but I was wondering how anybody could claim it.

MR. WORTHINGTON. Mr. Carlisle, do you wish to look at the testimony in this case from which I have been reading? There are two or three hundred pages of his testimony.

MR. CARLISLE. Do not put it in the record then. I thought if it was very brief the whole testimony might go in.

The CHAIRMAN. What is that, Mr. Worthington?

MR. WORTHINGTON. It is a report of the testimony to which I referred. He was one of the witnesses.

The CHAIRMAN. Mr. Lawrence, you testified, did you not, in the district court of the third judicial district of Utah, before Judge Anderson?

MR. WORTHINGTON. That is the same thing I have been reading from.

The CHAIRMAN. I want to know about it as a matter of information. Did you testify at that time as follows:

"Nowhere in the teachings of the Mormon leaders, nowhere in their private ceremonies, are people taught to be loyal and true to the Government of the United States."

MR. LAWRENCE. I did, sir.

The CHAIRMAN. What do you say about that being true?

MR. LAWRENCE. It is true now, so far as I know.

The CHAIRMAN. The general tenor of the teachings in early days was disloyalty to the Government?

MR. LAWRENCE. More or less that way?

The CHAIRMAN. And that is true to-day—the part that I just read you?

Mr. LAWRENCE. I have heard some loyal sermons preached of late years, but I thought at the time they were done for effect.

The CHAIRMAN. Again, you testified in that hearing:

“We used to sing a song in those days—‘Brigham Young, he is our king,’ etc.”

Do you remember that you testified to that?

Mr. LAWRENCE. Yes, sir.

The CHAIRMAN. What was that song you used to sing?

Mr. LAWRENCE. I have almost forgotten. It went to the tune of du dah, du dah, day. I forget the words.

The CHAIRMAN. Was the statement true that they then sang a song “Brigham Young or our king?”

Mr. LAWRENCE. It is one of the songs we used to sing.

Mr. CARLISLE. In the churches?

Mr. LAWRENCE. Not particularly in the churches, but by different ones. I don't say it was sung in the churches. It was simply sung by different parties in Utah.

Mr. CARLISLE. You were asked as to whether or not it was taught in the Mormon Church that the Constitution of the United States was an inspired document, and you seemed not to have made a complete answer. Will you state what you desire to state on that subject? You said yes.

Mr. LAWRENCE. The Mormon theory is that they have a commission to build up the church—a kingdom of God here upon the earth. They believe that the Constitution was inspired for the reason that under no other government could they form the nucleus of the kingdom of God—only under a government free and liberal, like the United States.

Mr. CARLISLE. That is what you desired to say, is it?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. Did they, or did they not, hold to the belief that under that Constitution they had a right to teach and practice polygamy?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. That was the doctrine they held, then, prior to the time when the laws have been enforced against them; that is, that they could do it under the Constitution of the United States?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. That stands admitted here by the testimony of their own leaders, Mr. Carlisle.

The CHAIRMAN. This case, I believe, was tried in 1889?

Mr. LAWRENCE. Yes, sir.

The CHAIRMAN. Did you state then, speaking of these covenants: “They covenant, with other things, to obey the priesthood in all things.”

Mr. LAWRENCE. I did.

The CHAIRMAN. Is that true?

Mr. LAWRENCE. That is true, sir. It was in my day.

The CHAIRMAN. Is it now?

Mr. LAWRENCE. So far as I know. They don't obey them like they did.

The CHAIRMAN (reading). “Polygamy is recognized.”

Mr. LAWRENCE. Yes, sir.

The CHAIRMAN. You said that then. What do you say to-day?

Mr. LAWRENCE. Polygamy is part of their creed, part of their principles. It is a revelation, claimed to be from God. Their Morman system is based on revelation. The church is organized and based on revelation. They can not give up one revelation without giving up all the revelations.

The CHAIRMAN. And, though suspended for the time being, it is still a tenet of their faith?

Mr. LAWRENCE. A tenet of their faith. No Morman can be a good Mormon without he believes in that, because if it interferes with revelation from God, it is something he is bound to believe in. He may not practice it, but he is bound to believe in it.

Senator OVERMAN. Do they believe the manifesto is a revelation from God?

Mr. LAWRENCE. I don't think they do believe in that manifesto to the same extent they do in the revelations.

The CHAIRMAN. You testified further:

"If one of the leaders or teachers of the church should preach a sermon in public, advising the people to abandon the practice of polygamy, and advising them to obey the laws against polygamy, if he was not immediately cut off from the church, he would be socially and religiously ostracised."

Is that true?

Mr. LAWRENCE. That was true in my day, and I think it is true yet.

The CHAIRMAN. Do you think it is true to-day?

Mr. LAWRENCE. I think it is.

The CHAIRMAN (reading). "Their polygamy is divine or is not divine," was your testimony then. "It is either a revelation given to Joseph Smith, or it is a fraud? If they believe in Joseph Smith and believe in his revelations, they have got to stick to it."

Mr. LAWRENCE. I said it.

The CHAIRMAN. What have you to say of it to-day?

Mr. LAWRENCE. I say the same to-day.

The CHAIRMAN. Do you know what is meant by living a religion, as used by the heads of the church?

Mr. LAWRENCE. Living a religion is living up to all the teachings and precepts of the church.

The CHAIRMAN. Including polygamy?

Mr. LAWRENCE. There are a great many people in the church who have not been in polygamy. I will say that.

Mr. WORTHINGTON. I would like to have the page of that printed volume which you have, Senator.

The CHAIRMAN. It is page 52.

Mr. WORTHINGTON. You gave this testimony in 1889, that if one of the leaders of the church preached a sermon advising people to abandon the practice of polygamy, and advising them to obey the laws against polygamy, he would be immediately cut off the church?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. Is not that just what the president of the church did just one year later by the manifesto?

Mr. LAWRENCE. Yes, sir; I should just like to make a statement, Mr. Chairman, if you will allow me.

The CHAIRMAN. You have a perfect right to do so.

Mr. LAWRENCE. I just want to make this statement in regard to the people. Those who have opposed this system are not opposing the people. They have nothing but kind feelings toward the masses of the Mormon people. Barring polygamy, the Mormon community will compare very favorably in morals, in sobriety, and in industry with any other class of people of the same intelligence. It is the system that we have been opposing, and not the people. I want to say that in justification.

Mr. WORTHINGTON. You say "the system we have been opposing." What do you mean by "we have been opposing?" Are you, combined with others, fighting the church in any way?

Mr. LAWRENCE. I was one of the parties who came out in the Liberal party in Utah. I have advocated a free press; I have advocated free schools; I have advocated a great many reforms, with others in connection with me.

Mr. WORTHINGTON. Where do you live?

Mr. LAWRENCE. I live in Salt Lake City.

Mr. WORTHINGTON. How long have you lived there?

Mr. LAWRENCE. I have lived there fifty-five years.

Mr. WORTHINGTON. Are you acquainted with any families in your neighborhood where polygamous wives have been taken since the manifesto?

Mr. LAWRENCE. I am not.

The CHAIRMAN. Who is your next witness, Mr. Carlisle?

Mr. CARLISLE. Mr. Owen.

TESTIMONY OF CHARLES M. OWEN.

CHARLES M. OWEN, having been previously sworn, was examined, and testified as follows:

The CHAIRMAN. I believe, Mr. Owen, you have already testified in this case?

Mr. OWEN. Yes, sir.

The CHAIRMAN. And the oath has been administered to you?

Mr. OWEN. Yes, sir.

Mr. CARLISLE. He is recalled. Mr. Owen, will you state whether or not you have an official or certified list of the names of the members of the constitutional convention in Utah, and the names of the members at the various legislative sessions since the admission of Utah as a State?

Mr. OWEN. I have.

Mr. CARLISLE. Have you a copy of it there? First, have you the constitutional convention?

Mr. OWEN. Yes, sir. [The witness produces a paper and hands it to Mr. Carlisle.]

Mr. CARLISLE. I want to offer this in evidence.

The CHAIRMAN. What is it?

Mr. CARLISLE. It is a list of the names of the members of the constitutional convention. The certificate of the secretary of state is as follows:

"This is to certify that the following is a complete list of the members of the constitutional convention which was convened under the enabling act passed by the Congress of the United States, July 16,

1894, as taken from the published volume of debates of the constitutional convention, now on file in this office, it being an official record of all the proceedings of the constitutional convention."

The CHAIRMAN. If there is no objection, it will go in.

The paper referred to is as follows:

STATE OF UTAH.

OFFICE OF THE SECRETARY OF STATE, SALT LAKE CITY, UTAH.

This is to certify that the following is a complete list of the members of the constitutional convention which was convened under the enabling act, passed by the Congress of the United States July 16, 1894, as taken from the published volume of debates of the constitutional convention now on file in this office, it being an official record of all the proceedings of the constitutional convention:

Name.	Residence.	Name.	Residence.
Adams, L. B.....	Ogden, Weber County.	Kearns, Thomas.....	Park City, Summit County.
Allen, R. A.....	Kingston, Plute County.	Keith, David.....	Do.
Anderson, Andrew S.	Frisco, Beaver County.	Kerr, W. J.....	Logan, Cache County.
Barnes, John R.....	Kaysville, Davis County.	Kiesel, F. J.....	Ogden, Weber County.
Bowdle, J. R.....	Salt Lake County.	Kimball, Andrew....	Third precinct, Salt Lake City.
Boyer, J. S.....	Springville, Utah County.	Kimball, James N...	Ogden, Weber County.
Brandley, Theodore..	Richfield, Sevier County.	Lambert, Richard G.	Second precinct, Salt Lake City.
Button, H. G.....	Second precinct, Salt Lake County.	Larsen, Lauritz.....	Spring City, Sanpete County.
Buys, William.....	Heber, Wasatch County.	Larsen, C. P.....	Manti, Sanpete County.
Call, Chester.....	Bountiful, Davis County.	Lemmon, Hyrum....	Payson, Utah County.
Cannon, George M....	Salt Lake County.	Lewis, T. B.....	Ogden, Weber County.
Chidester, John F...	Panguitch, Garfield County.	Low, James P.....	Smithfield, Cache County.
Christiansen, Parley.	Maysfield, Sanpete County.	Lowe, William.....	Willard, Boxelder County.
Clark, T. H., Jr.....	Grantsville, Tooele County.	Lowe, Peter.....	Do.
Coray, L. L.....	Mona, Juab County.	Lund, A. C.....	Ephraim, Sanpete County.
Corfman, E. E.....	Provo, Utah County.	Mackintosh, Richard	Second precinct, Salt Lake City.
Crane, Charles.....	Kanosh, Millard County.	Maloney, Thomas...	Ogden, Weber County.
Creer, Wm.....	Spanish Fork, Utah County.	Maughan, William H.	Wellsville, Cache County.
Cunningham, George	American Fork, Utah County.	McFarland, Robert..	West Weber, Weber County.
Cushing, A. J.....	Sandy, Salt Lake County.	Measer, Karl G.....	Provo, Utah County.
Driver, William.....	Ogden, Weber County.	Miller, G. P.....	Monroe, Sevier County.
Eichnor, D. C.....	First precinct, Salt Lake City.	Moritz, Jacob.....	First precinct, Salt Lake City.
Eldredge, Alma.....	Coalville, Summit County.	Morris, Elias.....	Second precinct, Salt Lake City.
Emery, George R....	Third precinct, Salt Lake City.	Murdock, John R...	Beaver, Beaver County.
Engberg, Anders....	Salem, Utah County.	Murdock, Joseph R..	Charleston, Wasatch County.
Evans, David.....	Ogden, Weber County.	Murdock, James D..	Park City, Summit County.
Evans, A. J.....	Lehi, Utah County.	Nebeker, Aquila....	Laketown, Rich County.
Farr, Lorin.....	Ogden, Weber County.	Page, J. D.....	Mount Pleasant, Sanpete County.
Francis, Samuel....	Morgan, Morgan County.	Partridge, Edward..	Provo, Utah County.
Gibbs, W. H.....	Portage, Boxelder County.	Peters, J. D.....	Brigham City, Boxelder County.
Goodwin, C. C.....	Fifth precinct, Salt Lake City.	Peterson, Mons.....	Moab, Grand County.
Green, J. F.....	Draper, Salt Lake County.	Peterson, J. C.....	Fairview, Sanpete County.
Hammond, F. A.....	San Juan County.	Pierce, Franklin...	First precinct, Salt Lake City.
Hart, Charles H.....	Logan, Cache County.	Preston, William B..	Third precinct, Salt Lake City.
Haynes, Harry.....	Murray, Salt Lake County.	Raleigh, A. H.....	Do.
Heybourne, R. W....	Cedar City, Iron County.	Richards, F. S.....	Fourth precinct, Salt Lake City.
Hill, S. H.....	Second precinct, Salt Lake City.	Ricks, Joel.....	Salina, Sevier County.
Holliday, J. D.....	Santiquin, Utah County.	Roberts, B. H.....	Centerville, Davis County.
Howard, William....	Huntington, Emery County.	Robertson, Jasper...	Orangeville, Emery County.
Hughes, Henry.....	Mendon, Cache County.	Robinson, Joseph E.	Kanab, Kane County.
Hyde, J. A.....	Nephi, Juab County.	Robison, Willis E....	Loa, Plute County.
Ivins, A. W.....	St. George, Washington County.	Ryan, George.....	Eureka, Juab County.
James, William F....	Fifth precinct, Salt Lake City.	Sharp, W. G.....	Castle Gate, Emery County.
Johnson, Lycurgus..	Vernal, Uinta County.		
Jolley, J. L.....	Moroni, Sanpete County.		

Name.	Residence.	Name.	Residence.
Shurtliff, H. T.....	Miller, Salt Lake County.	Thorn, Joseph E.....	Pleasant Grove, Utah County.
Smith, John Henry..	Third precinct, Salt Lake City.	Thurman, Samuel R..	Provo, Utah County.
Snow, Edward H....	St. George, Washington County.	Van Horne, W. G....	Second precinct, Salt Lake City.
Spencer, H. H.....	Ogden, Weber County.	Varian, Charles S ...	Fifth precinct, Salt Lake City.
Squires, George B ...	Salt Lake County.	Warrum, Noble, Jr ...	Logan, Cache County.
Stover, D. B.....	Stockton, Tooele County.	Wells, Heber M.....	Fourth precinct, Salt Lake City.
Strevell, C. N.....	Ogden, Weber County.	Whitney, Orsen F ...	Do.
Symons, Charles W..	First precinct, Salt Lake City.	Williams, J. J	West Jordan, Salt Lake County.
Thatcher, Moses.....	Logan, Cache County.		
Thompson, Daniel ..	Scipio, Millard County.		
Thoresen, I. C.....	Hyrum, Cache County.		

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah, this 4th day of December, A. D. 1905.

[SEAL.]

C. S. TINGEY,

Secretary of State.

Mr. CARLISLE. The next is "A complete list of all the members elected to the State legislature for the sessions of 1896, 1897, 1899, 1901, 1903, and 1905."

The next is a certified "list of the State officers elected at the elections held in the years 1895, 1900, and 1904. It also contains a complete list of the supreme judges elected and appointed, and of district judges elected and appointed for the same period, as of record in this office." That is from the secretary of state.

The CHAIRMAN. In other words, the officials under the State government since its admission?

Mr. CARLISLE. Under the State government. It does not go back beyond the admission of the State.

Mr. WORTHINGTON. Will you state, for our information, Mr. Carlisle, the object of the introduction of these documents?

Mr. CARLISLE. Yes. I propose to show how many of these were Mormons and how many were non-Mormons.

Mr. WORTHINGTON. We join with you, then, in offering that in evidence.

Mr. CARLISLE. The next is a "list of all commissions issued by the several governors of the State of Utah for appointive offices, as will be found in the commission record in this office."

The CHAIRMAN. They will go into the record and be printed.

The papers referred to are as follows:

STATE OF UTAH.

OFFICE OF SECRETARY OF STATE, SALT LAKE CITY, UTAH.

I, C. S. Tingey, secretary of state of the State of Utah, do hereby certify that the following is a complete list of all the members elected to the State legislature for the sessions of 1896, 1897, 1899, 1901, 1903, and 1905, as appears of record in my office:

1896.

MEMBERS OF THE HOUSE.

District.	Name.	District.	Name.
First.....	William H. Gibbs.	Tenth	Joseph R. Murdock.
Second	Joseph Monson.	Eleventh	A. O. Smoot.
Do	John M. Bernhiesel.	Do	Marinus Larsen.
Do	Peter M. Maughan.	Do	James T. Thorne.
Third	Aquila Nebeker.	Do	Hyrum Lemmon.
Fourth	Thomas J. Stevens.	Twelfth	William Gibson.
Do	Amasa S. Condon.	Thirteenth	Adelbert Cazier.
Do	Nathan J. Harris.	Fourteenth	John Lowery, sr.
Do	Lee A. Curtis.	Do	Peter Thompson.
Fifth	Daniel Helner.	Fifteenth.....	James X. Furguson.
Sixth	R. E. Egan.	Sixteenth	William Howard.
Seventh	Emil J. Raddatz.	Seventeenth.....	John H. Shafer.
Eighth	Edward B. Critchlow.	Eighteenth	James M. Bolitho.
Do	Harwood M. Cushing.	Nineteenth	Orvil Thompson.
Do	Thomas D. Lewis.	Twentieth	Presley Denny.
Do	Seth W. Morrison.	Twenty-first.....	Charles Morrill.
Do	George L. Nye.	Twenty-second..	M. W. Mansfield.
Do	William P. Nebeker.	Twenty-third ..	Thomas Sevy.
Do	J. F. Snedaker.	Twenty-fourth ..	Edgar L. Clark.
Do	Alvin V. Taylor.	Twenty-fifth ..	James Andrus.
Do	William W. Wilson.	Twenty-sixth ..	Joseph E. Robinson.
Do	Thomas Fergusson.	Twenty-seventh.	Andrew P. Sorenson.
Ninth	George Beard.		

MEMBERS OF THE SENATE.

First.....	Abraham Zundel.	Sixth	George Sutherland.
Second	Noble Warrum, jr.	Do	Elmer B. Jones.
Third	John R. Barnes.	Seventh	Abel J. Evans.
Fourth	David McKay.	Do	Malin M. Warner.
Do	E. M. Allison.	Eighth	James P. Driscoll.
Fifth	Robert C. Chambers.	Ninth	William Candland.
Sixth	George M. Cannon.	Tenth	John F. Chidester.
Do	Hiram E. Booth.	Eleventh	Edward H. Snow.
Do	Glen Miller.	Twelfth	R. G. Miller.

1897.

MEMBERS OF THE HOUSE.

First.....	Samuel N. Cook, Willard, Box Elder County.	Eighth	George Romney, jr., Salt Lake City, Salt Lake County.
Second	Joseph Kimball, Logan, Cache County.	Do	Richard B. Shepard, Salt Lake City, Salt Lake County.
Do	Ingwald C. Thoresen, Hyrum, Cache County.	Do	Robert W. Sloan, Salt Lake City, Salt Lake County.
Do	Moroni Price, Smithfield, Cache County.	Do	Joseph E. Taylor, Salt Lake City, Salt Lake County.
Third.....	David S. Cook, Garden City, Rich County.	Do	James Thomson, Salt Lake City, Salt Lake County.
Fourth	Angus McKay, Huntsville, Weber County.	Do	Everett W. Wilson, Salt Lake City, Salt Lake County.
Do	Sarah E. Anderson, Ogden, Weber County.	Ninth	Charles A. Callis, Coalville, Summit County.
Do	John N. Perkins, Ogden, Weber County.	Tenth	Joseph R. Murdock, Charleston, Wasatch County.
Do	William H. O'Brien, Ogden, Weber County.	Eleventh	Louis P. Lund, Pleasant Grove, Utah County.
Fifth	John Hopkin, Morgan, Morgan County.	Do	W. O. Creer, Spanish Fork, Utah County.
Sixth	Hyrum Stewart, Kaysville, Davis County.	Do	Hyrum Lemmon, Payson, Utah County.
Seventh	Norman B. Dresser, Mercur, Tooele County.	Do	William M. Roylance, Springville, Utah County.
Eighth	Heber Bennion, Taylorsville, Salt Lake County.	Twelfth	William Gibson, Vernal, Uinta County.
Do	Scipio A. Kenner, Salt Lake City, Salt Lake County.	Thirteenth	Claude V. Wheeler, Silver City, Juab County.
Do	Eurithe K. La Barthe, Salt Lake City, Salt Lake County.	Fourteenth	Aaron Hardy, Moroni, Sanpete County; Neils C. Sorenson, Gunnison, Sanpete County.
Do	Daniel Mangan, Salt Lake City, Salt Lake County.	Fifteenth.....	Oliver G. Kimball, Scofield, Carbon County.

MEMBERS OF THE HOUSE—Continued.

District.	Name.	District.	Name.
Sixteenth	L. P. Oveson, Cleveland, Emery, County.	Twenty-second..	Hlett E. Maxfield, Fremont, Wayne County.
Seventeenth.....	Andrew P. Sorensen, Moab, Grand County.	Twenty-third....	Andrew J. Hansen, Garfield County.
Eighteenth.....	Bernard H. Greenwood, Inverury, Sevier County.	Twenty-fourth ..	John Parry, Cedar City, Iron County.
Nineteenth.....	William A. Ray, Deseret, Millard County.	Twenty-fifth	James G. Duffin, Toquerville, Washington County.
Twentieth.....	William L. H. Dotson, Minersville, Beaver County.	Twenty-sixth....	Joseph E. Robinson, Kanab, Kane County.
Twenty-first	James E. Forshee, Wilmot, Plute County.	Twenty-seventh.	V. P. Martin, Indian Creek, San Juan County.

MEMBERS OF THE SENATE.

First.....	William G. Nebeker.	Sixth.....	David O. Rideout, jr.
Second.....	Joseph Monson.	Do.....	George A. Whitaker.
Third.....	Aquila Nebeker.	Seventh.....	Abraham O. Smoot.
Fourth.....	Lewis W. Shurtliff.	Do.....	Abel J. Evans.
Do.....	Daniel Hamer.	Eighth.....	Joseph V. Robison.
Fifth.....	Robert C. Chambers.	Ninth.....	John F. Allred.
Sixth.....	John T. Calne.	Tenth.....	Isaac K. Wright.
Do.....	Martha H. Cannon.	Eleventh.....	Edward H. Snow.
Do.....	Benjamin A. Harbour.	Twelfth.....	M. E. Johnson.

1899.

MEMBERS OF THE HOUSE.

First.....	John P. Holmgren.	Tenth.....	James W. Clyde.
Second.....	Aaron F. Farr, jr.	Eleventh.....	Marinus Larsen.
Do.....	Albert A. Law.	Do.....	Joseph Lapish.
Do.....	Charles Z. Harris.	Do.....	John E. Betts.
Third.....	David S. Cook.	Do.....	William M. Roylance.
Fourth.....	Tillman D. Johnson.	Twelfth.....	William O'Neil.
Do.....	George W. Bramwell.	Thirteenth.....	Claude V. Wheeler.
Do.....	Nathan J. Harris.	Fourteenth.....	Parley Christiansen.
Do.....	Sherman S. Smith.	Fifteenth.....	O. W. Sorenson.
Fifth.....	Charles A. Welch.	Do.....	Reuben G. Miller.
Sixth.....	John Fisher.	Sixteenth.....	Jasper Robertson.
Seventh.....	George F. Richards.	Seventeenth.....	Lester Taylor.
Eighth.....	Samuel W. Stewart.	Eighteenth.....	Barnard H. Greenwood.
Do.....	Benjamin T. Lloyd.	Nineteenth.....	Thomas C. Callister.
Do.....	Horace Cummings.	Twentieth.....	John R. Murdock.
Do.....	Heber Bennion.	Twenty-first.....	John H. Fullmer.
Do.....	Alice M. Horne.	Twenty-second..	M. W. Mansfield.
Do.....	John E. Hansen.	Twenty-third....	Jesse W. Crosby, jr.
Do.....	Joseph G. Bywater.	Twenty-fourth ..	John Perry.
Do.....	Albert W. Forman.	Twenty-fifth ..	John G. McQuarrie.
Do.....	Charles M. Jackson.	Twenty-sixth....	Joseph E. Robinson.
Do.....	Richard B. Shepard.	Twenty-seventh.	L. H. Redd, jr.
Ninth.....	James Ivers.		

MEMBERS OF THE SENATE.

First.....	William G. Nebeker.	Sixth.....	Richard K. Thomas.
Second.....	Joseph Howell.	Do.....	Orson F. Whitney.
Third.....	Aquila Nebeker.	Seventh.....	Abram O. Smoot.
Fourth.....	Lewis W. Shurtliff.	Do.....	Abel J. Evans.
Do.....	Fred J. Kiesel.	Eighth.....	Joseph V. Robison.
Fifth.....	Robert C. Chambers.	Ninth.....	Ferdinand Alder.
Sixth.....	Martha H. Cannon.	Tenth.....	Isaac K. Wright.
Do.....	David H. Peery, jr.	Eleventh.....	Rollin R. Tanner.
Do.....	David O. Rideout, jr.	Twelfth.....	Harden Bennion.

1901.

MEMBERS OF THE HOUSE.

District.	Name.	District.	Name.
First.....	John P. Holmgren.	Eleventh.....	Mosiah Evans.
Second.....	Seth A. Langton.	Do.....	Henry Gardner.
Third.....	Edward R. South.	Do.....	Ephraim Homer.
Fourth.....	Edward H. Anderson.	Do.....	D. C. Johnson.
Do.....	William Glasman.	Twelfth.....	George P. Billings.
Do.....	Thomas H. Davis.	Thirteenth.....	Frank Holzheimer.
Do.....	Archibald McFarland.	Fourteenth.....	N. C. Christensen.
Fifth.....	Richard R. Fry.	Do.....	John L. Bench.
Sixth.....	O. P. Hatch.	Fifteenth.....	J. R. Sharp.
Seventh.....	Francis E. Hall.	Sixteenth.....	Levi N. Harmon.
Eighth.....	Rolon S. Wells.	Seventeenth.....	A. P. Mohr.
Do.....	William McMillan.	Eighteenth.....	John W. Phillips.
Do.....	Nephi L. Morris.	Nineteenth.....	Eugene W. Kelley.
Do.....	William N. Williams.	Twentieth.....	William H. Barrett.
Do.....	W. G. Van Horne.	Twenty-first.....	Samuel L. Page.
Do.....	A. L. Hamlin.	Twenty-second.....	Albert Stevens.
Do.....	John T. Axton.	Twenty-third.....	Geo. W. Johnson.
Do.....	Bonner X. Smith.	Twenty-fourth.....	Joseph F. McGregor.
Do.....	Orson H. Hewlett.	Twenty-fifth.....	David H. Morris.
Do.....	Archibald Stuart.	Twenty-sixth.....	H. S. Cutler.
Ninth.....	Dan Lambert.	Twenty-seventh.....	Lemuel H. Redd.
Tenth.....	William Van Wageningen.		

MEMBERS OF THE SENATE.

First.....	H. S. Larsen, Brigham City, Boxelder County.	Sixth.....	S. H. Love, Forest Dale, Salt Lake County.
Second.....	Joseph Howell, Wellsville, Cache County.	Seventh.....	A. O. Smoot, Provo, Utah County.
Third.....	J. G. M. Barnes, Kaysville, Davis County.	Do.....	A. J. Evans, Lehi, Utah County.
Fourth.....	Fred J. Kiesel, Ogden, Weber County.	Eighth.....	George O. Whitmore, Nephi, Juab County.
Do.....	Edward M. Allison, jr., Ogden, Weber County.	Ninth.....	Ferdinand Alder, Manti, Sanpete County.
Fifth.....	J. R. Murdock, Charleston, Wasatch County.	Tenth.....	Willis Johnson, Circleville, Plute County.
Sixth.....	George N. Lawrence, Salt Lake City.	Eleventh.....	R. R. Tanner, Beaver, Beaver County.
Do.....	Hoyt Sherman, Salt Lake City.	Twelfth.....	Harden Bennion, Vernal, Uinta County.
Do.....	O. F. Whitney, Salt Lake City.		
Do.....	R. K. Thomas, Salt Lake City.		

1903.

MEMBERS OF THE HOUSE.

First.....	F. W. Fishburn.	Ninth.....	Edward P. Evans.
Second.....	Thomas H. Merrill.	Tenth.....	James B. Wilson.
Do.....	David R. Roberts.	Eleventh.....	John Q. Stone.
Do.....	William W. Hall.	Do.....	Stephen L. Chipman.
Third.....	Robert McKinnon.	Do.....	Charles A. Tietjen.
Fourth.....	Mary G. Coulter.	Twelfth.....	Don B. Colton.
Do.....	Amasa S. Condon.	Thirteenth.....	George H. Adams.
Do.....	Archibald McFarland.	Fourteenth.....	William Metcalf.
Do.....	John C. Child.	Do.....	Lorenzo Peterson.
Fifth.....	James A. Anderson.	Fifteenth.....	Edwin C. Lee.
Sixth.....	David Stoker.	Sixteenth.....	Joseph E. Johnson.
Seventh.....	William Spry.	Seventeenth.....	Alma Molyneux.
Eighth.....	Heber A. Smith.	Eighteenth.....	Asa R. Hawley.
Do.....	James W. Cahoon.	Nineteenth.....	Charles W. Watts.
Do.....	Thomas Hull.	Twentieth.....	William H. Barrett.
Do.....	John J. Stewart.	Twenty-first.....	William E. White.
Do.....	Daniel McRae.	Twenty-second.....	Willis E. Robison.
Do.....	Albert L. Hamlin.	Twenty-third.....	Alfred Luther.
Do.....	Willard Done.	Twenty-fourth.....	Morgan Richards, jr.
Do.....	Albert N. Nash.	Twenty-fifth.....	David H. Morris.
Do.....	James N. Haslam.	Twenty-sixth.....	Joel H. Johnson.
Do.....	Charles Brink.	Twenty-seventh.....	Wayne H. Redd.

MEMBERS OF THE SENATE.

District.	Name.	District.	Name.
First.....	H. S. Larsen, Brigham City, Box Elder County.	Sixth.....	Simon Bamberger, Salt Lake City.
Second.....	Alonzo G. Barber, Logan, Cache County.	Seventh.....	Henry Gardner, Spanish Fork, Utah County.
Third.....	J. G. M. Barnes, Kaysville, Davis County.	Do.....	C. E. Loose, Provo, Utah County.
Fourth.....	David McKay, Huntsville, Weber County.	Eighth.....	George C. Whitmore, Nephi, Juab County.
Do.....	Edward M. Allison, Ogden, Weber County.	Ninth.....	C. P. Larsen, Mantli, Sanpete County.
Fifth.....	J. R. Murdock, Charleston, Wasatch County.	Tenth.....	Willis Johnson, Circleville, Plute County.
Sixth.....	George N. Lawrence, Salt Lake City.	Eleventh.....	A. B. Lewis, Frisco, Beaver County.
Do.....	Hoyt Sherman, Salt Lake City.	Twelfth.....	Harden Bennion, Vernal, Uintah County.
Do.....	S. H. Love, Salt Lake City.		
Do.....	William N. Williams, Salt Lake City.		

1905.

MEMBERS OF THE HOUSE.

First.....	F. W. Fishburn, Brigham City.	Elghth.....	William M. McCrea, Salt Lake City.
Second.....	David R. Roberts, Logan.	Ninth.....	M. J. Dalley, Park City.
Do.....	Thomas H. Merrill, Richmond.	Tenth.....	James B. Wilson, Midway.
Do.....	W. H. Maughan, Wellsville.	Eleventh.....	George Austin, Lehi, Utah.
Third.....	George Spencer, Randolph.	Do.....	John H. Wooton, American Fork.
Fourth.....	Rudolph Kuchler, Ogden.	Do.....	Grant Simons, Payson.
Do.....	Wm. L. Stewart, Plain City.	Do.....	George A. Hone, Benjamin.
Do.....	Thomas C. Pancake, Ogden, Utah.	Twelfth.....	O. D. Allen, Maeser.
Do.....	George S. Dean, North Ogden.	Thirteenth.....	Herbert Hopes, Eureka.
Fifth.....	James A. Anderson, Morgan.	Fourteenth.....	N. C. Christensen, Sterling.
Sixth.....	Ezra F. Richards, Farmington.	Do.....	Abram Johnson, Mt. Pleasant.
Seventh.....	Wm. N. Gundy, Stockton.	Fifteenth.....	James P. Curtin, Winter Quar- ters.
Elghth.....	Cleason S. Kinney, Salt Lake City.	Sixteenth.....	Geo. M. Miller, Huntington.
Do.....	Wm. T. Edwards, Salt Lake City.	Seventeenth.....	John E. Pace, Castleton.
Do.....	Herbert B. Cromar, Salt Lake City.	Eighteenth.....	Asa R. Hawley, Central.
Do.....	Thos. Hull, Salt Lake City.	Nineteenth.....	Orvil L. Thompson, Scipio.
Do.....	A. V. Anderson, Bingham.	Twentieth.....	John F. Tolton, Beaver.
Do.....	William J. Panter, Union.	Twenty-first.....	James E. Peterson, Circleville.
Do.....	Charles E. Marks, Salt Lake City.	Twenty-second.....	George L. Stringham.
Do.....	Stonewall J. Stookey, Salt Lake City.	Twenty-third.....	Alfred Luther, Escalante.
Do.....	Harry S. Joseph, Salt Lake City.	Twenty-fourth.....	Thomas J. Jones, Cedar City.
		Twenty-fifth.....	Thomas P. Cottam, St. George.
		Twenty-sixth.....	Charles W. Carroll, Orderville.
		Twenty-seventh.....	Walter C. Lyman, Bluff.

MEMBERS OF THE SENATE.

First.....	Peter Clegg, Tooele City.	Sixth.....	Simon Bamberger, Salt Lake City.
Second.....	Alonzo G. Barber, Logan.	Seventh.....	Henry Gardner, Spanish Fork
Third.....	Wesley K. Walton, Woodruff.	Do.....	C. E. Loose, Provo.
Fourth.....	David McKay, Huntsville.	Elghth.....	Thomas C. Callister, Fillmore
Do.....	Chas. R. Hollingsworth, Ogden.	Ninth.....	C. P. Larsen, Mantli.
Fifth.....	Frederick Rashand, Park City.	Tenth.....	Willis Johnson, Circleville.
Sixth.....	Stephen H. Love, Forest Dale.	Eleventh.....	A. B. Lewis, Frisco.
Do.....	Samuel C. Park, Salt Lake City.	Twelfth.....	Harden Bennion, Vernal.
Do.....	George N. Lawrence, Salt Lake City.		
Do.....	Wm. N. Williams, Salt Lake City.		

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah, this fourth day of December, A. D. 1905.

[SEAL.]

C. S. TINGEY,
Secretary of State.

STATE OF UTAH.

OFFICE OF THE SECRETARY OF STATE, SALT LAKE CITY, UTAH.

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the following is a full, true, and correct list of the State officers elected at the elections held in the years 1895, 1900, and 1904, which also contains a complete list of the supreme judges elected and appointed, and of district judges elected and appointed for the same period, as of record in this office:

STATE OFFICERS ELECTED, 1895.

Name and office.	Residence.
Heber M. Wells, governor.....	Salt Lake City.
James T. Hammond, secretary of state.....	Logan.
Morgan Richards, jr., State auditor.....	Parowan.
James Chipman, State treasurer.....	American Fork.
A. C. Bishop, attorney-general.....	Ogden.
John R. Park, superintendent public instruction.....	Salt Lake City.

STATE OFFICERS ELECTED, 1900.

Heber M. Wells, governor.....	Salt Lake City.
James T. Hammond, secretary of state.....	Do.
Charles S. Tingey, State auditor.....	Nephi.
John De Grey Dixon, State treasurer.....	Provo.
M. A. Breeden, attorney-general.....	Ogden.
A. C. Nelson, superintendent public instruction.....	Manti.

STATE OFFICERS ELECTED, 1904.

John C. Cutler, governor.....	Salt Lake City.
Charles S. Tingey, secretary of state.....	Do.
John A. Edwards, State auditor.....	Brigham City.
James Christlansen, State treasurer.....	Richfield.
M. A. Breeden, attorney-general.....	Salt Lake City.
A. C. Nelson, superintendent public instruction.....	Do.

SUPREME JUDGES ELECTED.

Name.	Date of election.	Residence.
Charles S. Zane.....	1895	Salt Lake City.
George W. Burtch.....	1895	Do.
James A. Miner.....	1895	Do.
Robert N. Baskin.....	1898	Do.
George W. Burtch, R. E.....	1900	Do.
Wm. M. McCarty.....	1902	Richfield.
D. N. Straup.....	1904	Salt Lake City.

DISTRICT JUDGES ELECTED.

District.	Name.	Date of election.	Residence.
First.....	Charles H. Hart.....	1895	Logan.
Do.....	Charles H. Hart, R. E.....	1900	Do.
Do.....	W. W. Maughan.....	1904	Do.
Second.....	Henry H. Rolapp.....	1895	Ogden.
Do.....	Henry H. Rolapp, R. E.....	1900	Do.
Do.....	James A. Howell.....	1904	Do.

DISTRICT JUDGES ELECTED—Continued.

District.	Name.	Date of election.	Residence.
Third.....	Le Grande Young.....	1895	Salt Lake City.
Do.....	Andrew Howatt.....	1895	Do.
Do.....	Ogden Hiles.....	1895	Do.
Do.....	Samuel W. Stewart.....	1900	Do.
Do.....	Wm. C. Hall.....	1900	Do.
Do.....	C. W. Morse.....	1900	Do.
Do.....	C. W. Morse, R. E.....	1904	Do.
Do.....	M. L. Ritchie.....	1904	Do.
Do.....	Geo. G. Armstrong.....	1904	Do.
Do.....	T. D. Lewis.....	1904	Do.
Fourth.....	E. A. Wilson.....	1895	Provo.
Do.....	W. H. Dusenberry.....	1896	Do.
Do.....	John E. Booth.....	1900	Do.
Do.....	John E. Booth, R. E.....	1904	Do.
Fifth.....	E. V. Higgins.....	1895	Beaver.
Do.....	Thos. Marioncaux.....	1900	Do.
Do.....	Joshua Greenwood.....	1904	Fillmore.
Sixth.....	Wm. M. McCarty.....	1895	Richfield.
Do.....	Wm. M. McCarty, R. E.....	1900	Do.
Do.....	John F. Childester.....	1904	Panguitch.
Seventh.....	Jacob Johnson.....	1895	Spring City.
Do.....	Jacob Johnson, R. E.....	1900	Do.
Do.....	Ferdinand Erickson.....	1904	Mount Pleasant.

JUDGES APPOINTED SINCE STATEHOOD.

District.	Name.	Date.	Residence.
Third.....	John A. Street, to fill vacancy.....	Feb. 4, 1896	Salt Lake City.
Do.....	M. L. Ritchie, to fill vacancy.....	May 21, 1896	Do.
Fourth.....	A. C. Hatch, to fill vacancy.....	June 23, 1896	Heber City.
Do.....	J. E. Booth, to fill vacancy.....	May 9, 1899	Provo.
Sixth.....	John F. Childester, to fill vacancy.....	Jan. 3, 1903	Panguitch.
Third.....	T. D. Lewis, additional judge provided.....	Apr. 10, 1903	Salt Lake City.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 4th day of December, A. D. 1905.

[SEAL.]

C. S. TINGEY,
Secretary of State.

STATE OF UTAH.

OFFICE OF SECRETARY OF STATE, SALT LAKE CITY, UTAH.

I, C. S. Tingey, secretary of state of the State of Utah, do hereby certify that the following is a true and correct list of all commissions issued by the several governors of the State of Utah for appointive offices, as will be found in the commission record in this office.

Date.	Governor issuing.	To whom issued.	Title of office.
Apr. 17, 1896	Heber M. Wells.....	John C. Graham.....	Trustee Agricultural College.
Do.....	do.....	D. C. Adams.....	Do.
Do.....	do.....	W. S. McCornick.....	Do.
Do.....	do.....	Emily S. Richards.....	Do.
Apr. 18, 1896	do.....	Sarah G. Goodwin.....	Do.
Do.....	do.....	Lorenzo Hansen.....	Do.
Do.....	do.....	M. W. Merrill.....	Do.
Apr. 22, 1897	do.....	Clarissa S. McAllister.....	Do.
Apr. 30, 1898	do.....	W. S. McCornick.....	Do.
Do.....	do.....	Emily S. Richards.....	Do.
Do.....	do.....	Joseph Morrell.....	Do.

Date.	Governor issuing.	To whom issued.	Title of office.
Apr. 30, 1898	Heber M. Wells.....	M. W. Merrill.....	Trustee Agricultural College.
Do.....	do.....	Lorenzo Hanson.....	Do.
Do.....	do.....	Mrs. John E. Bagley.....	Do.
Do.....	do.....	D. C. Adams.....	Do.
Mar. 23, 1899	do.....	do.....	Do.
Mar. 28, 1899	do.....	Emily S. Richards.....	Do.
Mar. 27, 1899	do.....	Joseph Morrell.....	Do.
Do.....	do.....	W. S. McCornick.....	Do.
Apr. 5, 1899	do.....	M. W. Merrill.....	Do.
Apr. 18, 1899	do.....	Lorenzo Hansen.....	Do.
Apr. 19, 1899	do.....	Mrs. John E. Bagley.....	Do.
Feb. 23, 1900	do.....	John A. McAllister.....	Do.
Mar. 24, 1901	do.....	Lorenzo Hansen.....	Do.
Apr. 1, 1901	do.....	Emily S. Richards.....	Do.
Apr. 13, 1901	do.....	Mrs. John E. Bagley.....	Do.
Mar. 24, 1901	do.....	Sith A. Langton.....	Do.
Apr. 25, 1901	do.....	John A. McAllister.....	Do.
Mar. 25, 1903	do.....	W. S. McCornick.....	Do.
Do.....	do.....	Evan R. Owen.....	Do.
Do.....	do.....	Geo. C. Whitmore.....	Do.
Do.....	do.....	John A. McAllister.....	Do.
Mar. 27, 1905	John C. Cutler.....	Lorenzo N. Stohl.....	Do.
Apr. 5, 1905	C. S. Tingey, acting gov- ernor.	Thomas Smart.....	Do.
May 10, 1905	do.....	Susa Young Gates.....	Do.
Apr. 17, 1896	Heber M. Wells.....	Robert C. Lund.....	State board of equalization.
Do.....	do.....	Thomas D. Dec.....	Do.
Do.....	do.....	J. E. Booth.....	Do.
Do.....	do.....	John J. Thomas.....	Do.
Apr. 6, 1899	do.....	Robert C. Lund.....	Do.
Apr. 27, 1899	do.....	John J. Thomas.....	Do.
May 27, 1899	do.....	Swen O. Nielson.....	Do.
Mar. 14, 1901	do.....	Robert C. Lund.....	Do.
Do.....	do.....	John J. Thomas.....	Do.
Apr. 4, 1901	do.....	Swen O. Nielson.....	Do.
Mar. 22, 1901	do.....	Thomas D. Dec.....	Do.
Apr. 7, 1903	do.....	John J. Thomas.....	Do.
Do.....	do.....	Robert C. Lund.....	Do.
Apr. 4, 1905	C. S. Tingey, Act. Gov.....	Thos. D. Dec.....	Do.
Apr. 12, 1905	do.....	O. J. Sallsbury.....	Do.
July 21, 1905	John C. Cutler.....	John Watson.....	Do.
Apr. 6, 1896	Heber M. Wells.....	F. S. Baskin.....	State board of medical exam- iners.
Do.....	do.....	J. M. Dart.....	Do.
Do.....	do.....	John T. White.....	Do.
Do.....	do.....	O. C. Ormsby.....	Do.
Do.....	do.....	M. M. Graves.....	Do.
Do.....	do.....	S. L. Brick.....	Do.
Do.....	do.....	W. R. Pike.....	Do.
Dec. 27, 1897	do.....	Briant Stringham.....	Do.
Mar. 4, 1898	do.....	E. S. Wright.....	Do.
Mar. 7, 1898	do.....	J. F. Critchlow.....	Do.
Apr. 3, 1899	do.....	John T. White.....	Do.
Do.....	do.....	J. M. Dart.....	Do.
Do.....	do.....	E. S. Wright.....	Do.
Do.....	do.....	S. L. Brick.....	Do.
Do.....	do.....	O. C. Ormsby.....	Do.
Mar. 29, 1899	do.....	Briant Stringham.....	Do.
Apr. 6, 1899	do.....	A. C. Ewing.....	Do.
Aug. 5, 1899	do.....	J. C. Hanchett.....	Do.
Mar. 14, 1901	do.....	do.....	Do.
Apr. 1, 1901	do.....	E. G. Gowans.....	Do.
Do.....	do.....	R. W. Fisher.....	Do.
Do.....	do.....	A. C. Ewing.....	Do.
Apr. 12, 1901	do.....	E. S. Wright.....	Do.
Do.....	do.....	S. L. Brick.....	Do.
June 14, 1901	do.....	Briant Stringham.....	Do.
Mar. 14, 1903	do.....	J. C. Hanchett.....	Do.
Mar. 15, 1903	do.....	Briant Stringham.....	Do.
Do.....	do.....	R. W. Fisher.....	Do.
Do.....	do.....	D. C. Budge.....	Do.
Do.....	do.....	A. S. Condon.....	Do.
Do.....	do.....	A. C. Ewing.....	Do.
Do.....	do.....	E. S. Wright.....	Do.
Apr. 20, 1905	John C. Cutler.....	Robert W. Fisher.....	Do.
Apr. 24, 1905	do.....	Charles L. Olsen.....	Do.
Apr. 28, 1905	do.....	A. C. Ewing.....	Do.
Do.....	do.....	Amasa S. Condon.....	Do.
May 19, 1905	do.....	E. S. Wright.....	Do.
June 10, 1905	do.....	D. C. Budge.....	Do.
Apr. 24, 1896	Heber M. Wells.....	John Q. Packard.....	Board of Regents University of Utah.
Do.....	do.....	Waldmer Van Cott.....	Do.
Do.....	do.....	James E. Talmage.....	Do.
Do.....	do.....	Isaac Smith.....	Do.

Date.	Governor issuing.	To whom issued.	Title of office.
May 18, 1896	Heber M. Wells.....	Emma J. McVicker	Board of Regents University of Utah.
July 18, 1896	.....do.....	Rebecca E. Little.....	Do.
Do.....	.....do.....	James Sharp.....	Do.
Mar. 20, 1897	.....do.....	Rebecca E. Little.....	Do.
Do.....	.....do.....	James Sharp.....	Do.
Apr. 12, 1897	.....do.....	T. R. Cutler.....	Do.
Apr. 7, 1898	.....do.....	Joseph Howell.....	Do.
Mar. 18, 1899	.....do.....	Rebecca E. Little.....	Do.
Do.....	.....do.....	W. W. Rifer.....	Do.
Do.....	.....do.....	James Sharp.....	Do.
Mar. 20, 1899	.....do.....	Emma J. McVicker.....	Do.
Do.....	.....do.....	Frank Pierce.....	Do.
June 6, 1902	.....do.....	A. H. Lund.....	Do.
Mar. 24, 1903	.....do.....	.....do.....	Do.
Mar. 23, 1903	.....do.....	Waldmer Van Cott.....	Do.
Mar. 25, 1903	.....do.....	W. W. Rifer.....	Do.
Mar. 29, 1905	C. S. Tingey, acting governor.	Charles G. Plummer.....	Do.
Apr. 3, 1905	.....do.....	Rebecca E. Little.....	Do.
Do.....	.....do.....	Frank Pierce.....	Do.
Apr. 10, 1905	.....do.....	Antoinette B. Kinney.....	Do.
Apr. 21, 1905	John C. Cutler.....	Richard W. Young.....	Do.
Apr. 24, 1896	Heber M. Wells.....	John Q. Cannon.....	Adjutant-general.
Do.....	.....do.....	E. W. Tatlock.....	Inspector-general.
Do.....	.....do.....	C. S. Burton.....	Quartermaster-general.
Do.....	.....do.....	T. J. Stevens.....	Commissary-general.
Do.....	.....do.....	G. H. Penrose.....	Surgeon-general.
Do.....	.....do.....	Noble Warrum, jr.....	Judge-advocate-general.
Do.....	.....do.....	John W. Greenman.....	Inspector target practice.
Do.....	.....do.....	N. W. Clayton.....	Aid-de-camp.
Do.....	.....do.....	Henry J. Newman.....	Do.
Apr. 1, 1897	.....do.....	E. W. Tatlock.....	Inspector target practice.
Apr. 2, 1897	.....do.....	Henry W. Wallace.....	Inspector-general.
Mar. 9, 1897	.....do.....	John Q. Cannon.....	Adjutant-general.
May 16, 1898	.....do.....	Charles S. Burton.....	Do.
Mar. 27, 1899	.....do.....	.....do.....	Do.
Mar. 21, 1899	.....do.....	Benner X. Smith.....	Judge-advocate.
Mar. 27, 1899	.....do.....	W. G. Nebeker.....	Aid-de-camp.
Mar. 28, 1899	.....do.....	S. H. Pinkerton.....	Surgeon-general.
Do.....	.....do.....	Theodore Bruback.....	Aid-de-camp.
Apr. 5, 1899	.....do.....	N. W. Clayton.....	Quartermaster-general.
Do.....	.....do.....	John Mateer.....	General Inspector target practice.
Mar. 14, 1901	.....do.....	Nephi W. Clayton.....	Quartermaster-general.
Apr. 8, 1901	.....do.....	Charles S. Burton.....	Adjutant-general.
Do.....	.....do.....	Wm. J. Shealy.....	Commissary-general.
Do.....	.....do.....	S. H. Pinkerton.....	Surgeon-general.
Do.....	.....do.....	Benner X. Smith.....	Judge-advocate-general.
Do.....	.....do.....	Morris L. Ritchie.....	Inspector-general.
Do.....	.....do.....	Geo. A. Seaman.....	Inspector target practice.
Do.....	.....do.....	Edward S. Ferry.....	Aid-de-camp.
Do.....	.....do.....	John D. Spencer.....	Do.
Jan. 6, 1905	John C. Cutler.....	John M. Bowman.....	Adjutant-general.
Do.....	.....do.....	A. B. Irvine.....	Judge-advocate-general.
Jan. 9, 1905	.....do.....	Jos. J. Daynes, jr.....	Aid-de-camp.
Jan. 10, 1905	.....do.....	A. P. Kesler.....	Quartermaster-general.
Jan. 12, 1905	.....do.....	Miles R. Taylor.....	Aid-de-camp.
Jan. 13, 1905	.....do.....	Joseph Geoghegan.....	Inspector-general.
Jan. 28, 1905	.....do.....	Geo. A. Seaman.....	Inspector target practice.
Mar. 17, 1905	.....do.....	A. S. Bower.....	Surgeon-general.
Jan. 11, 1905	.....do.....	Geo. M. Hansen.....	Commissary-general.
Apr. 24, 1896	Heber M. Wells.....	Willard Young.....	Brigadier-general.
Mar. 28, 1899	.....do.....	John Q. Cannon.....	Do.
Apr. 8, 1901	.....do.....	.....do.....	Do.
Jan. 9, 1905	John C. Cutler.....	Samuel C. Park.....	Do.
Apr. 24, 1896	Heber M. Wells.....	Thomas Lloyd.....	Coal mine inspector.
Sept. 29, 1897	.....do.....	Gomer Thomas.....	Do.
Mar. 3, 1899	.....do.....	.....do.....	Do.
Mar. 25, 1901	.....do.....	.....do.....	Do.
Feb. 21, 1905	John C. Cutler.....	.....do.....	Do.
Apr. 27, 1896	Heber M. Wells.....	Grant H. Smith.....	Member code commission.
Do.....	.....do.....	Richard W. Young.....	Do.
Do.....	.....do.....	William A. Lee.....	Do.
Apr. 15, 1896	.....do.....	Margaret A. Caine.....	Member Utah silk commission.
May 16, 1896	.....do.....	Mary A. Cazler.....	Do.
June 25, 1896	.....do.....	Isabella Bennett.....	Do.
Do.....	.....do.....	Zlma D. H. Young.....	Do.
Do.....	.....do.....	Ann C. Woodbury.....	Do.
Apr. 17, 1899	.....do.....	Elizabeth C. Packard.....	Do.
Apr. 27, 1896	.....do.....	Ann C. Woodbury.....	Do.
Apr. 18, 1901	.....do.....	Maria E. Zundell.....	Do.
June 1, 1901	.....do.....	Rachel Siegel.....	Do.
Apr. 29, 1896	.....do.....	Wesley K. Walton.....	Member State board land commission.
Do.....	.....do.....	Thomas D. Rees.....	Do.

Date.	Governor issuing.	To whom issued.	Title of office.
Mar. 18, 1897	Heber M. Wells.....	Wesley K. Walton.....	Member State board land commission.
Mar. 20, 1897	do	F. S. Harris.....	Do.
Do.	do	Thomas D. Rees.....	Do.
Do.	do	Isaac Macfarland.....	Do.
Nov. 24, 1897	do	Byron Groo.....	Do.
May 9, 1899	do	Wesley K. Walton.....	Do.
Do.	do	Thomas D. Rees.....	Do.
Apr. 4, 1899	do	Isaac Macfarland.....	Do.
Apr. 5, 1899	do	Byron Groo.....	Do.
June 10, 1899	do	Fisher S. Harris.....	Do.
Apr. 2, 1901	do	J. A. Melville.....	Do.
Do.	do	Thomas D. Rees.....	Do.
Do.	do	Byron Groo.....	Do.
Do.	do	Herschel Bullen.....	Do.
Apr. 1, 1903	do	Byron Groo.....	Do.
Apr. 3, 1903	do	Herschel Bullen.....	Do.
Apr. 24, 1903	do	James A. Melville.....	Do.
Apr. 6, 1903	do	Thomas A. Rees.....	Do.
Mar. 9, 1905	C. S. Tingey, acting governor.	William H. Thain.....	Do.
Do.	do	Wm. D. Candland.....	Do.
Do.	do	H. N. Hayes.....	Do.
Do.	do	Wm. Spry.....	Do.
Do.	do	John DeGrey Dixon.....	Do.
May 7, 1896	Heber M. Wells.....	John T. Rieh.....	Trustee State Industrial School.
May 8, 1896	do	T. B. Lewis.....	Do.
May 16, 1896	do	Ashley Stringham.....	Do.
May 20, 1896	do	Joseph S. Peery.....	Do.
May 20, 1897	do	N. C. Flygare.....	Do.
Do.	do	J. M. Millan.....	Do.
May 25, 1897	do	Angus T. Wright.....	Do.
May 27, 1899	do	do.....	Do.
Aug. 3, 1899	do	Thomas Maloney.....	Do.
Apr. 8, 1901	do	N. C. Flygare.....	Do.
Do.	do	Richard T. Hume.....	Do.
Mar. 8, 1905	John C. Cutler.....	Harry Joseph.....	Do.
Apr. 4, 1905	C. S. Tingey, acting governor.	T. B. Evans.....	Do.
Do.	do	E. M. Conroy.....	Do.
May 9, 1896	Heber M. Wells.....	John R. Winder.....	Director Deseret Agricultural and Manufacturing Society.
Do.	do	N. A. Empey.....	Do.
Do.	do	Margaret B. Salisbury.....	Do.
Do.	do	Frank W. Jennings.....	Do.
Do.	do	S. W. Sears.....	Do.
Do.	do	Bertha Bamberger.....	Do.
Do.	do	Mary D. Hendrickson.....	Do.
Do.	do	E. J. Conrad.....	Do.
Do.	do	Abraham Hatch.....	Do.
Do.	do	L. W. Shurtliff.....	Do.
Do.	do	Cornelia Horne Clayton.....	Do.
Mar. 18, 1899	do	N. A. Empey.....	Do.
Do.	do	S. W. Sears.....	Do.
Do.	do	E. J. Conrad.....	Do.
Mar. 20, 1899	do	Richard Palfreyman.....	Do.
Do.	do	John R. Winder.....	Do.
Do.	do	W. H. Streepor.....	Do.
Do.	do	John H. White.....	Do.
Do.	do	Wiley G. Cragum.....	Do.
Do.	do	Bertha Bamberger.....	Do.
Apr. 1, 1899	do	Aaron F. Furr.....	Do.
Apr. 26, 1899	do	Ruth Fox.....	Do.
Apr. 20, 1900	do	Ben R. Eldredge.....	Do.
Do.	do	Moses W. Taylor.....	Do.
Mar. 21, 1901	do	John C. Cutler.....	Do.
Mar. 22, 1901	do	Geo. F. Beekstead.....	Do.
Do.	do	Moses W. Taylor.....	Do.
Mar. 26, 1901	do	J. G. McDonald.....	Do.
Mar. 29, 1901	do	Ruth M. Fox.....	Do.
Apr. 4, 1903	do	J. G. McDonald.....	Do.
Apr. 9, 1903	do	M. K. Parsons.....	Do.
Apr. 10, 1903	do	Geo. H. Adams.....	Do.
Do.	do	Thos. H. Smith.....	Do.
Do.	do	Mrs. Priscilla J. Rlter.....	Do.
Do.	do	Ruth M. Fox.....	Do.
Do.	do	W. G. Cragum.....	Do.
Do.	do	John H. Seeley.....	Do.
Apr. 28, 1903	do	Wm. C. Winder.....	Do.
Mar. 25, 1903	do	J. S. Bransford.....	Do.
Do.	do	S. W. Sears.....	Do.
Mar. 31, 1903	do	John C. Cutler.....	Do.
Oct. 4, 1904	do	Jos. A. Silver.....	Do.
Mar. 28, 1905	John C. Cutler.....	Lester D. Freed.....	Do.
July 21, 1905	do	Jos. A. Silver.....	Do.
Sept. 28, 1905	do	Wm. C. Winder.....	Do.

Date.	Governor issuing.	To whom issued.	Title of office.
May 11, 1896	Heber M. Wells.	M. B. Sowles.	State board of correction.
Do.	do	Thomas Kearns	Do.
Do.	do	Francis Armstrong	Do.
Mar. 27, 1899	do	M. B. Sowles	Do.
July 24, 1899	do	Elias A. Smith	Do.
Apr. 18, 1901	do	do	Do.
Do.	do	Geo. A. Lowe	Do.
Mar. 17, 1903	do	Fisher S. Harris	Do.
Mar. 21, 1903	do	Charles Read	Do.
Mar. 21, 1905	John C. Cutler.	Elias A. Smith	Do.
Do.	do	J. E. Frick	Do.
Jan. 6, 1896	Heber M. Wells.	D. H. Christensen	State board of education.
Do.	do	J. E. Talmage	Do.
Do.	do	J. F. Millsbaugh	Do.
Mar. 31, 1898	do	Milton Bennion	Do.
Apr. 1, 1899	do	do	Do.
Mar. 29, 1899	do	A. C. Nelson	Do.
Mar. 30, 1901	do	Frank B. Cooper	Do.
Do.	do	Wm. S. Marks	Do.
May 10, 1902	do	Wm. Allison	Do.
Apr. 20, 1903	do	do	Do.
Nov. 23, 1904	do	D. H. Christensen	Do.
Mar. 2, 1905	John C. Cutler.	do	Do.
Do.	do	William Allison	Do.
June 5, 1896	Heber M. Wells.	John Sharp	State fish and game warden.
Mar. 20, 1897	do	do	Do.
Mar. 29, 1899	do	do	Do.
June 8, 1901	do	do	Do.
Mar. 20, 1903	do	do	Do.
Mar. 24, 1905	John C. Cutler.	do	Do.
June 16, 1896	Heber M. Wells.	J. L. Boyden	State board of pharmacy.
Do.	do	B. F. Riter	Do.
Apr. 22, 1897	do	F. C. Schramm	Do.
Do.	do	G. H. Fennemore	Do.
July 22, 1899	do	C. H. McCoy	Do.
Feb. 20, 1900	do	James L. Franken	Do.
Apr. 7, 1900	do	G. H. Fennemore	Do.
Do.	do	B. F. Riter	Do.
Apr. 5, 1900	do	T. H. Carr	Do.
Apr. 7, 1902	do	Wm. W. Cook	Do.
Apr. 21, 1903	do	do	Do.
Do.	do	James L. Franken	Do.
June 19, 1896	do	J. A. Wright	State board of horticulture.
Apr. 5, 1897	do	C. H. Blomsterberg	Do.
Do.	do	J. A. Wright	Do.
Apr. 9, 1897	do	Thomas Judd	Do.
Mar. 27, 1899	do	J. A. Wright	Do.
Do.	do	Thomas Judd	Do.
Do.	do	H. E. Cary	Do.
Mar. 20, 1901	do	B. H. Bower	Do.
May 26, 1903	do	Jos. Hyrum Perry	Do.
May 27, 1903	do	B. H. Bower	Do.
Do.	do	Mons Peterson	Do.
Do.	do	Thomas Judd	Do.
Mar. 17, 1905	John C. Cutler.	John E. Cox	Do.
Apr. 4, 1905	C. S. Tingey, acting gov- ernor.	Thomas Judd	Do.
Apr. 6, 1905	do	C. A. Hickenlooper	Do.
Do.	do	J. D. Wadley	Do.
Nov. 3, 1905	John C. Cutler.	J. Edward Taylor	Do.
Apr. 5, 1896	Heber M. Wells.	George E. Elerbeck	State board of dental examiners.
Do.	do	A. Scott Chipman	Do.
Apr. 2, 1897	do	W. H. Bucher	Do.
May 13, 1898	do	Geo. E. Elerbeck	Do.
July 20, 1899	do	J. F. Snedaker	Do.
Mar. 16, 1901	do	W. H. Bucher	Do.
Do.	do	Geo. E. Elerbeck	Do.
May 29, 1901	do	Henry W. Davis	Do.
Mar. 15, 1901	do	A. S. Chapman	Do.
Mar. 12, 1896	do	E. A. Stratford	Trustee State school of deaf, dumb, and blind.
Do.	do	A. W. Carlson	Do.
Do.	do	David Evans	Do.
Do.	do	Harriet F. Emmerson	Do.
Do.	do	Martha Hughes Cannon	Do.
Apr. 5, 1897	do	E. A. Stratford	Do.
Do.	do	Harriet F. Emmerson	Do.
Feb. 18, 1898	do	Maud May Babcock	Do.
Mar. 18, 1899	do	do	Do.
Apr. 5, 1899	do	John Watson	Do.
Oct. 25, 1899	do	E. H. Anderson	Do.
May 24, 1899	do	Eva F. Corey	Do.
Apr. 3, 1901	do	Eva F. Corey	Do.
Apr. 7, 1901	do	F. W. Chambers	Do.
Apr. 12, 1901	do	M. L. Ritchie	Do.

Date.	Governor issuing.	To whom issued.	Title of office.
Apr. 8, 1903	Heber M. Wells	Maud M. Babcock	Trustee State school of deaf, dumb, and blind.
Apr. 6, 1903	do	John Watson	Do.
Apr. 10, 1903	do	F. W. Chambers	Do.
Apr. 4, 1903	do	Eva F. Corey	Do.
Mar. 24, 1905	John C. Cutler	P. A. Simpkin	Do.
Aug. 16, 1905	do	Charles J. Ross	Do.
May 18, 1899	Heber M. Wells	S. A. King	District attorney.
May 31, 1899	do	Thomas Marineaux	Do.
May 16, 1899	do	John F. Ohidester	Do.
Do	do	F. E. Woods	Do.
Jan. 3, 1903	do	Jos. H. Erickson	Do.
Apr. 7, 1903	do	Geo. Halverson	Do.
Apr. 13, 1904	do	B. X. Smith	Do.
Nov. 20, 1896	do	H. G. Whitney	Semi-centennial commission.
Do	do	E. G. Rognan	Do.
Do	do	Spencer Clawson	Do.
Do	do	O. R. Savage	Do.
Do	do	E. F. Colbourn	Do.
Do	do	Mrs. A. W. McCune	Do.
Do	do	Geo. Y. Wallace	Do.
Mar. 25, 1897	do	Emily Katz	Do.
Do	do	Ira E. Hooper	Do.
Do	do	Elias A. Smith	Do.
Do	do	W. A. Nelden	Do.
Mar. 27, 1897	do	Reed Smoot	Do.
Do	do	Jacob Moritz	Do.
Mar. 31, 1897	do	H. H. Spencer	Do.
Mar. 29, 1897	do	John Nicholson	State board of labor, conciliation, and arbitration.
May 8, 1897	do	W. S. Willis	Do.
Do	do	E. A. Wall	Do.
Nov. 16, 1897	do	J. S. Daveler	Do.
Apr. 19, 1899	do	John Nicholson	Do.
July 8, 1899	do	J. S. Daveler	Do.
Mar. 30, 1901	do	John Nicholson	Do.
Do	do	J. S. Daveler	Do.
Do	do	E. A. Wall	Do.
May 10, 1897	do	Willard Young	State engineer.
July 29, 1898	do	R. C. Gemmell	Do.
May 11, 1899	do	do	Do.
June 1, 1901	do	A. F. Doremus	Do.
June 2, 1903	do	do	Do.
Mar. 14, 1905	John C. Cutler	Caleb Tanner	Do.
Mar. 18, 1897	Heber M. Wells	H. J. Faust, jr	Statedairy and food commission.
Apr. 17, 1899	do	do	Do.
Mar. 25, 1901	do	Moroni Heiner	Do.
Mar. 2, 1903	do	do	Do.
Mar. 9, 1905	John C. Cutler	John Peterson	Do.
Feb. 9, 1898	Heber M. Wells	R. R. Anderson	State bank examiner.
Apr. 6, 1899	do	do	Do.
June 1, 1901	do	Walter J. Beattie	Do.
Mar. 12, 1903	do	do	Do.
Mar. 2, 1905	John C. Cutler	O. A. Glazier	Do.
Feb. 16, 1898	Heber M. Wells	F. S. Bascom	State board of health.
Do	do	W. R. Pike	Do.
Do	do	E. E. Wilcox	Do.
Do	do	A. W. Taylor	Do.
Mar. 9, 1898	do	R. O. Gimmell	Do.
Do	do	T. B. Beatty	Do.
Apr. 2, 1898	do	Martha Hughes Cannon	Do.
Mar. 28, 1899	do	F. S. Bascom	Do.
Do	do	T. B. Beatty	Do.
Do	do	W. R. Pike	Do.
Do	do	A. F. Doremus	Do.
Do	do	A. W. Taylor	Do.
Do	do	Martha Hughes Cannon	Do.
Apr. 8, 1901	do	Frank B. Steele	Do.
Apr. 13, 1901	do	W. Z. Croxall	Do.
Mar. 21, 1903	do	A. F. Doremus	Do.
Mar. 7, 1905	John C. Cutler	T. B. Beatty	Do.
Apr. 10, 1905	do	W. R. Calderwood	Do.
Mar. 31, 1905	do	Frederick Stauffer	Do.
July 25, 1899	Heber M. Wells	J. H. Paul	Utah Art Institute board.
Do	do	J. B. Fairbanks	Do.
Do	do	J. T. Harwood	Do.
Do	do	H. L. A. Culmer	Do.
Aug. 25, 1899	do	W. E. Ware	Do.
Aug. 28, 1899	do	Louise Richards	Do.
Sept. 22, 1899	do	Mrs. Elizabeth McCune	Do.
Dec. 2, 1899	do	John Hafen	Do.
June 1, 1901	do	J. T. Harwood	Do.
Apr. 12, 1901	do	Mary Teasdel	Do.
Apr. 16, 1901	do	Geo. F. Taggart	Do.
Apr. 12, 1901	do	Alice M. Horne	Do.

Date.	Governor issuing.	To whom issued.	Title of office.
Mar. 7, 1903	Heber M. Wells	Geo. M. Ottinger	Utah Art Institute board.
Do.	do	A. L. Lovey	Do.
Do.	do	S. T. Whitaker	Do.
June 3, 1902	do	Edna L. Sloan	Do.
Nov. 6, 1905	John C. Cutler	John Hafen	Do.
Do.	do	J. Leo Fairbanks	Do.
Nov. 11, 1905	do	Virginia Snow Stephen	Do.
Do.	do	Lee Greene Richards	Do.
Oct. 10, 1900	Heber M. Wells	Emma J. McVicker	Superintendent of public instruction.
June 4, 1901	do	Charles De Moisey	Commissioner of bureau of statistics.
Mar. 15, 1903	do	do	Do.
Nov. 6, 1905	John C. Cutler	Fred W. Price	Do.
Mar. 24, 1903	Heber M. Wells	E. J. Kearns	State board of sheep commissioners.
Do.	do	John C. Sharp	Do.
Do.	do	John C. Mackay	Do.
Do.	do	James L. Writhall	Do.
Do.	do	Wilford Day	Do.
Mar. 13, 1905	John C. Cutler	Lewis R. Anderson	Do.
Do.	do	J. S. Ostler	Do.
Do.	do	John E. Austin	Do.
Mar. 23, 1903	Heber M. Wells	L. W. Shurtliff	Louisiana Purchase Exposition.
Do.	do	Hoyt Sherman	Do.
Mar. 27, 1903	do	Willis Johnson	Do.
June 23, 1903	do	Samuel Nowhouse	Do.
Mar. 23, 1903	do	Geo. P. Holman	Lewis and Clark Exposition.
Mar. 24, 1903	do	H. B. Clawson	Do.
June 13, 1903	do	F. J. Keisel	Do.
Nov. 23, 1904	do	A. B. Lewis	Do.
Mar. 16, 1905	John C. Cutler	Rudolph Kuehler	Do.
Do.	do	Wesley K. Walton	Do.
Do.	do	Web. Greene	Do.
Do.	do	F. W. Fishburn	Do.
Mar. 25, 1905	do	Rudolph Kuehler	Do.
Do.	do	Wesley K. Walton	Do.
Do.	do	F. W. Fishburn	Do.
Apr. 17, 1905	do	Web. Green	Do.
Mar. 17, 1903	Heber M. Wells	Herman Harms	State chemist.
Mar. 21, 1905	John C. Cutler	do	Do.
May 1, 1903	Heber M. Wells	C. M. Benedict	State board of barber examiners.
Do.	do	P. A. Hill	Do.
Do.	do	Felix Rheinbold	Do.
July 23, 1904	do	do	Do.
Mar. 6, 1905	John C. Cutler	Albert E. Walker	Do.
Mar. 29, 1905	do	J. D. Harris	Do.
Apr. 3, 1905	do	C. M. Benedict	Do.
Mar. 4, 1905	do	Lewis R. Anderson	State board of sheep commissioners.
Do.	do	J. S. Ostler	Do.
Do.	do	John Austin	Do.
Apr. 17, 1905	do	Geo. Webb	State board of park commissioners.
Apr. 12, 1905	do	Joseph R. Murdock	Do.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 4th day of December, A. D. 1905.

[SEAL.]

C. S. TINGEX,
Secretary of State.

Mr. CARLISLE. Mr. Owen, can you state to the committee which ones of these officials were Mormons? Take each list, if you please, and state which were Mormons and which were non-Mormons.

Mr. WORTHINGTON. Do you want him to mention every name?

Mr. CARLISLE. No; I do not want him to do that.

Mr. WORTHINGTON. Can he not mark on the lists those who are non-Mormons?

Mr. CARLISLE. He has done that.

Mr. WORTHINGTON. We can go over it and if we find any fault with it we can call attention to it.

The CHAIRMAN. Then that list might be submitted to counsel.

Mr. WORTHINGTON. We could not do it at once.

Mr. CARLISLE. Of course not. Will you state, Mr. Owen, what the letter M means opposite a gentleman's name?

Mr. OWEN. It means Mormon.

Mr. CARLISLE. And the letter G?

Mr. OWEN. Gentile.

Mr. CARLISLE. So they are divided into those two classes.

Mr. OWEN. There is also another class.

Mr. CARLISLE. What is that?

Mr. OWEN. Indicating whether a person is a polygamist or not, and also showing whether he holds or has held ecclesiastical office within the church.

Mr. CARLISLE. Those marks are on the margin.

Mr. OWEN. Yes, sir.

Mr. CARLISLE. They speak for themselves.

Mr. WORTHINGTON. That was not in the list you handed to me.

Mr. CARLISLE. No; that was the certified list of the secretary of state.

Mr. WORTHINGTON. This is the same list?

Mr. CARLISLE. The same names.

Mr. WORTHINGTON. Are they in the same order?

Mr. OWEN. I will not say they are in the same order, because one was taken by the secretary of state and one by myself.

Mr. CARLISLE. But the names are all certified by the secretary of state as having held the respective offices to which they are assigned there on the paper. That is all I want to ask. You made that list yourself?

Mr. OWEN. All the notations on the side are mine.

Mr. CARLISLE. And the letters?

Mr. OWEN. The letters indicating whether they are Mormon or Gentile were by myself.

Mr. CARLISLE. That is all we have with Mr. Owen.

Mr. WORTHINGTON. I see on this paper headed "Members constitutional convention," there are some marginal notes referring to other things—"Gone to Idaho," for instance.

Mr. OWEN. Yes, sir.

Mr. WORTHINGTON. Have you personal knowledge of those matters, or are they something you got from rumor or hearsay?

Mr. OWEN. I think those are mostly of my own knowledge. For instance, "Chester Call, gone to Idaho." I know he is there, and I know he is in Chesterfield.

Mr. WORTHINGTON. Opposite the name of another man you have here "Children since"—

Mr. OWEN. 1890.

Mr. WORTHINGTON. I suppose it is intended for 1890, but it looks just as much like 1880. Have you personal knowledge about those children being born since 1890?

Mr. OWEN. I have, from the records in Salt Lake City. The basis of my knowledge was from the records of Salt Lake City.

Mr. WORTHINGTON. I presume this is all right, Mr. Chairman, but it will take a long time for us to go over that and verify it.

Mr. CARLISLE. This proceeding, perhaps, will not close with the next adjournment of the committee.

Mr. WORTHINGTON. Oh, no; we are going to take up some time.

Mr. CARLISLE. You can take that paper and examine it as long as you choose.

Mr. WORTHINGTON. It will be necessary to go over hundreds of names and verify the information about them.

The CHAIRMAN. Very well. Then you may examine it.

Mr. CARLISLE. We will leave the paper. Let it be marked by the stenographer, and Mr. Worthington can keep it as long as he chooses.

Mr. WORTHINGTON. It had better go in the record just as it is. We can get it then in printed form, which will be much more convenient.

The CHAIRMAN. Let it go in the record as it is, and you can take it and examine it carefully.

The paper referred to is as follows:

MEMBERS CONSTITUTIONAL CONVENTION.

1895.

	Adams, L B	Ogden, Weber	G	
*435	Allen, R A	Kingston, Plute	M	Bp Kingston
	Anderson, A S	Frisco, Beaver	M	
	Barnes, John R	Kaysville, Davis	M	Polyg Bp Kaysville
	Bowdle, J R	Salt Lake City	G	
	Boyer, J S	Springville, Utah	M	
	Brandley, Theo	Richfield, Sevier	M	Polyg Bp; #2 Eliza Souk; since '90; gone to Canada '99
	Button, H G	2d Prec. S. L. City	G	
	Buys, Wm	Heber, Wasatch	M	
	Call, Chester	Bountiful, Davis	M	Polyg Gone to Idaho
	Cannon, Geo M	Salt Lake Co	M	Polyg Stake Supt Sunday Sch Ella Steffensen, Kate Morris, Alice Neff; all since '90.
	Chidester, J F	Panguitch, Garfield	M	
	Christiansen, P	Mayfield, San Pete	M	Polyg Bp Mayfield.
	Clark, Thos H, Jr	Grantsville, Tooele	M	
	Coray, L L	Mona, Juab	M	
	Corfman, E E	Provo, Utah	G	
393	Crane, Chas	Kanosh, Millard	G	
	Creer, Wm	Spanish Fork, Utah	M	
	Cunningham, Geo	Am. Fork, Utah	M	
	Cushing, A J	Sandy, Salt Lake	G	
	Driver, Wm	Ogden, Weber	M	
	Eichnor, D C	1st Prec. S L City	G	
	Eldredge, Alma	Coalville, Summit	M	1st Coun Stake Pres; Defeated by B H Roberts for Congress 1898.
	Emery, Geo R	3d Prec. S L City	M	Polyg Bp. Children since '90 Stake Pres. '03.
	Engberg, Andreas	Salem, Utah	M	High Priest
	Evans, David	Ogden, Weber	G	
	Evans, Abel J	Lehi, Utah	M	2d Coun. Stake Pres.
*106	Farr, Lorin	Ogden, Weber	M	Polyg Patriarch; ex-Stake Pres. Claims to have obeyed law.
	Francis, Samuel	Morgan, Morgan	M	Polyg
	Gibbs, Wm H	Portage, Box Elder	M	Co to Stake Pres. Malad.
*341	Goodwin, C C	5th Prec. S L City	G	
	Green, Jas F	Draper, Salt Lake	M	
*151	Hammond, F A	Bluff, San Juan	M	Polyg Pres San Juan Stake. (3, 15, 32 Bio)
	Hart, O H	Logan, Cache	M	
	Haynes, H	Murray, Salt Lake	G	
*401	Halladay, John D	Santaquin, Utah	M	Polyg Bp. Santaquin.
	Heybourne, R W	Cedar City, Iron	M	Pres. 63d Q of 70
	Hill, Sam. H	2d Prec. S L City	M	Polyg Children since '90
	Howard, Wm	Huntington, Emery	M	Polyg #2 d. '04
	Hughes, H	Mendon, Cache	M	Polyg Bp (Dead)
	Hyde, j Alonzo	Nephi, Juab	M	
	Ivins, A W	St George, Wash'tn	M	Pres. Juarez Stake in Mexico
	James, W F	5th Prec. S L City	G	
	Johnson, Iycurgus	Vernal, Uintah	M	
	Jolley, Jos Loftus	Meroni, San Pete	M	Polyg 100 days, \$50. Bp.
*629	Kiesel, F J	Ogden Weber	G	
*500	Keith, David	Park City, Summit	G	
*695	Kearns, Thos	Park City, Summit	G	
*364	Kerr, Wm J	Logan, Cache	M	Polyg Children since '90; # 2 has quit.
	Kimball, Andrew	3d Prec. S L City	M	Pres. St Joseph Stake, Ariz.
	Kimball, Jas N	Ogden, Weber	G	
	Lambert, Richard G	2d Prec. S L City	M	
	Larsen, Laurits	Spring Cy, San Pete	M	Polyg Bp. Spring City
	Larsen, C. P	Manti, San Pete	M	

MEMBERS CONSTITUTIONAL CONVENTION—Continued.

Lemmon, Hyrum	Payson, Utah	M	1st Coun. Stake Pres.
Lewis, T B	Ogden, Weber	M Polyg	8 wives m 2 Coray sisters same day.
Lowe, Wm	Willard, Box Elder	M	
Lowe, Peter	" " "	M	
Low, Jas P	Smithfield, Cache	M	
Lund, Antony C	Ephraim, San Pete	M	Son of apostle
*327 Maeser, Karl G	Provo, Utah	M Polyg	\$300; d '01.
MacIntosh, Richard	2d Prec. S L City	G	
Maloney, Thos	Ogden, Weber	G	
Maughan W H	Wellsville, Cache	M Polyg	Bp. D '05. 6 wives.
McFarland, Robert	W Weber, Weber	M	Bp. W. Weber.
Miller, Geo P	Monroe, Sevier	M	
*487 Morris, Elias	2d Prec. S L City	G	
Moritz, Jacob	1st Prec. S L City	G	Bp. S. L. City.
*189 Murdock, John R	Beaver, Beaver	M Polyg	Pres Beaver Stake.
Murdock, Jos R	Charleston, Wasatch	M	Stake Pres.
Murdock, Jas D	Park City, Summit	G	
Nebeker, Aquilla	Laketown, Rich	M	
Page, Jere D	Mt Pleasant, S Pete	M	
Partridge, Edw	Provo, Utah	M Polyg	Stake Pres. Utah Stake
Peters, J D	Brigham, Box Elder	M	High Coun.
Peterson, Mons	Moab, Grand	M	
Peterson, James C	Fairview, San Pete	M	Bp. Fairview
Pierce, Frank	1st Prec. S L City	G	
*237 Preston, Wm B	3d Prec. S L City	M Polyg	Presiding Bp. over whole church.
*277 Raleigh, Alonzo H	3d Prec. S L City	M Polyg	Bp. (Dead)
*532 Richards, F. S	4th Prec. S L City	M	Church Atty.
Ricks, Joel	Salina, Sevier	M Polyg	Gone to Rexburg, Ida.
*688 Roberts, B H	Centerville, Davis	M Polyg	Maggie Shipp '96 1/7/70
Robertson, Jasper	Orangeville, Emery	M	Bp.
Robinson, Jes E	Kanab, Kane	M Polyg	President California Mission. M.
Robison, Willis E	Loa, Wayne	M	Wilma Brown (Pl) '02.
Ryan, George	Eureka, Juab	G	Stake Pres.
Smith, John Henry	2d Prec. S L City	M Polyg	Apostle. Children since '90; twins by plural born during Convention. Pres. of Convention.
Squires, Geo B	Salt Lake Co.	G	
Sharp, Wm G	Castle Gate, Emery	G	Gone to N Y City.
Shurtliff, H T	Salt Lake Co.	M	
Snow, Edw H	St George, Wash'tn	M	Stake Pres.
Spencer, Hiram H	Ogden, Weber	G	
Stover, David B	Stockton, Tooele	G	Dead.
Strevell, C N	Ogden, Weber	G	
Symons, Chas W	1st Prec. S L City	M	
Thompson, Dan	Scipio, Millard	M	
*264 Thatcher, Moses	Logan, Cache	M Polyg	Ex-apostle. Children since '00.
Thoresen, I C	Hyrum, Cache	M	Coun. Stake Pres.
Thorne, Jos E	Pleasant Grove, Utah	M	Bp. Pl. Grove
Thurman, Samuel R	Provo, Utah	M Polyg	Pl: Vic. Hodgert, S L City.
Van Horne, W G	2d Prec. S L City	G	
*542 Varian, Chas S	5th Prec. S L City	G	
*619 Wells, Heber M	4th Prec. S L City	M	
Warrum, Noble, Jr.	Logan, Cache	G	
*700 Whitney, Orson F	4th Prec. S L City	M Polyg	{#1 dead; m. #2. {Bp 18th Wd. S L City
Williams, Jos J	W Jordan, Salt Lake	M	
Watson, Thos S	Heber, Wasatch	G	D. '05.

RECAPITULATION:

Mormons..... 77; Gentiles..... 30 Polygamists..... 30

U. S. SENATORS.

*682 1896-99	Cannon, Frank J	M	
*6— 1896-97	Brown, Arthur	G	
*678 1897-03	Rawlins, Jos L	M	
1899-	(No election)		
*695 1901-05	Kearns, Thos	G	
*698 1903-09	Smoot, Reed	M	Apostle
*694 1905-11	Sutherland, Geo	G	
	M. 3. G. 3.		

CONGRESSMEN

*687 1895-97	Allen, Clarence E	G	
1897-99	King, Wm H	M	
*688 1899-01	Roberts, Brigham H	M Polyg	Excluded.
1899-01	King, Wm H	M	By Special Election, April 1899, to fill vacancy caused by the exclusion of Polygamist Roberts.
*694 1901-03	Sutherland, Geo	G	
1903-05	Howell, Jos	M	
1905-07	Howell, Jos	M	
	M. 5. G. 2.		

REED SMOOT.

STATE OFFICERS.

GOVERNOR.

*619	1896-01	Wells, Heber M	M
	1901-05	Wells, Heber M	M
	1905-	Cutler, Jno C	M
			3 M

SECRETARY OF STATE.

	1896-01	Hammond, J T	M
	1901-05	Hammond, J T	M
	1905-	Tingey, Chas S	M
			3 M

AUDITOR.

	1896-01	Richards, Morgan	M
	1901-05	Tingey, Chas S	M
	1905-	Edwards, J A	M
			3 M

TREASURER.

	1896-01	Chipman, Jas	M
	1901-05	Dixon, Jno De Gray	M
	1905-	Christiansen, Jas	M
			3 M

ATTORNEY GENERAL.

	1896-01	Bishop, A C	G
	1901-05	Breedon, M A	G
	1905-	Breedon, M A	G
			3 G

SUPERINTENDENT OF PUBLIC INSTRUCTION.

*329	1896-01	Park, Jno R	M
	1901-05	Nelson, A C	M
	1905-	Nelson, A C	M
			3 M

JUSTICES OF THE SUPREME COURT.

1896-	Miner, Jas A	G
1896-	Zane, Chas S	G
1896-	Bartch, Geo W	G
1897-		
1899-05	Baskin, R N	G
1901-07	Bartch, Geo W	G
1903-09	McCarty, Wm	G
1905-11	Straup, D N	G
		7 Gent.

DISTRICT JUDGES.

Dist. 1--	1896-01	Hart, Chas II	M	
	1901-05	Hart, Chas II	M	
	1905-	Maughan, W W	M	3 Mor.
Dist. 2--	1896-01	Rolapp, H H	M	
	1901-05	Rolapp, H H	M	
	1905-	Howell, J A	M	3 Mor.
Dist. 3--	1896-01	Hiles, Ogden	G	
	"	Street, Jno A	G	
	"	Ritchie, M L	G	3 Gent.
Dist. 3--	1901-05	Hall, Wm C	G	
	"	Stewart, Samuel W	M	
	"	Morse, Chas W	G	1 Mor. 2 Gent.
	1905-	Morse, Chas W	G	
	"	Ritchie, M L	G	
	"	Armstrong, Geo D	G	
	"	Lewis, T D	M	1 M. 3 Gent.
Dist. 4--	1896-01	Wilson, E A	M	
	1901-05	Booth, J E	M	Polyg Bp. Provo
	1905-	Booth, J E	M	Polyg All Mor.
Dist. 5--	1896-01	Higgins, E V	G	
	1901-05	Marloneaux, Thos	G	
	1905-	Greenwood, Joshua	M	1 M. 2 Gent.
Dist. 6--	1896-01	McCarty, Wm	G	
	1901-05	McCarty, Wm	G	
	1905-	Chidester, J F	M	1 Mor. 2 Gent.
Dist. 7--	1896-01	Johnson, Jacob	G	
	1901-05	Johnson, Jacob	G	
	1905-	Erickson, Ferd	M	1 Mor. 2 Gent.

DISTRICT ATTORNEY.

Dist. 1—1896—	Nebeker, F K	M	
1901—	Nebeker, F K	M	
1905—	Holten, F J	M	3 Mor.
Dist. 2—1896—			
1901—	Hayes, A B	M	
1905—	Halvorsen, Geo	M	2 M.
Dist. 3—1896—	Eiehnor, D C	G	
1901—	Eiehnor, D C	G	
1905—	Loofbourow, Fred	G	3 Gent.
Dist. 4—1896—	King, S A	M	
1901—	Hatch, A C	M	
1905—	Houtz, D D	M	3 Mor
Dist. 5—1896—	Marionaux, Thos	G	
1901—	Greenwood, Joshua	M	
1905—	Melville, J A	M	2 Mor 1 Gent
Dist. 6—1896—	Chidester, J F	M	
1901—	Chidester, J F	M	
1905—	Erickson, Jos H	M	4 Mor
Dist. 7—1896—	Wood, F E	M	
1901—	Livingston, W D	M	
1905—	Wood, F E	M	3 Mor

SENATORS FIRST LEGISLATURE, 1896.

Dist. 1—Zundall, Abraham	M	Polyg	
2—Warrum, Noble, Jr.	G		
3—Barnes, John R	M	Polyg	Bp. Kaysville
4—McKay, David	M		Bp. Huntsville
Allison, E M	G		
5—Chambers, R C	G		
6—Cannon, Geo M	M	Polyg	M. 3 wives since Mfsto
Booth, Hiram E	G		
Miller, Glen	G		
Sutherland, Geo	G		
Jones, Elmer B	G		
7—Evans, Abel J	M		Co to St. Pres. Alpine. St. (Author of "Evans Bill.")
Warner, M M	G		
8—Driscoll, Jas P	G		
9—Candland, Wm	M		
10—Chidester, Jno F	M		
11—Snow, Edw H	M		St. Pres. St. George. St.
12—Miller, R G	M		St. Pres. Emery.

*694

RECAPITULATION.

Mormon 9; Gentile 9; Polygamists 3.

REPRESENTATIVES FIRST LEGISLATURE, 1896.

Dist. 1—Gibbs, William H	M		Co to St. Pres. Malad. St.
2—Monson, Jos	M		
Bernhisel, Jno M	M		
Maughan, Peter M	M		
3—Nebeker, Aquila	M		
4—Stevens, Thos J	M		Bp. 5th Wd Ogden
Condon, Amasa S	G		
Harris, Nathan J	M		
Curtis, Lee A	G		
5—Heiner, Daniel	M	Polyg	Stake Pres.
6—Egan, R E	M		Bp So. Bountiful.
7—Raddatz, Emil J	G		
8—Critehlow, E B	G		
Cushing, H M	G		
Lewis, T D	M		
Morrison, Seth W	G		
Nye, Geo L	G		
Nebeker, Wm P	M		
Snedaker, J F	M		
Taylor, A V	M		
Wilson, W W	M		
Ferguson, Thos	G		
9—Beard, Geo	M	Polyg?	
10—Murdock, Jos R	M		Stake Pres. Wasatch.
11—Smoot, A O	M		
Larsen, Marlinus	M		Bp. Sp. Fork.
Thorne, James T	M		Bp. Pl. Grove.
Lemmon, Hyrum	M		St. Pres. Nebc.
12—Gibson, Wm	M		
13—Cozier, Adelbert	M	Polyg	
	M 22	G 8	P 3
Dist. 14—Lowry, Jno Sr.	M		
Thompson, Peter	M		
15—Ferguson, Jas X	G		
16—Howard, Wm	M	Polyg	
17—Shafer, Jno H	M		
18—Bolitho, Jas M	G		

REPRESENTATIVES FIRST LEGISLATURE, 1896—Continued.

Dist. 19—Thompson, Orvil	M	Bp. Scipio
20—Denny, Presley	G	
21—Morrill, Chas	M	
22—Mansfield, M W	M	Bp. Thurber
23—Sevy, Thos	M	
24—Clark, Edgar L	M	
25—Andrus, James	M Polyg	Bp.
26—Robinson, Joe E	M Polyg	Pres. California Mission
27—Sorenson, A P	M	
	M 12	G 3 P 3

RECAPITULATION.

H R	Mormons 34	Gentiles 11	Polygs 6
Sen	9	9	3
	43	20	9
	68.3%	81.7%	21%

SENATORS SECOND LEGISLATURE, 1897.

Dist. 1—Nebeker, Wm G	M	
2—Monson, Jos	M	
3—Nebeker, Aquila	M	
4—Shurtliff, Lewis W	M	Stake Pres. Weber
Hamer, Dan	M	
*671 5—Chambers, R O	G	
6—Caine, John T	M	
Cannon, Martha H	M	Pl wife
Harbour, Ben H	G	
Rideout, D O, Jr.	M	
Whitaker, Geo A	G	
7—Smoot A O	M	
Evans, Abel J	M	Coun. Alpine Stake
8—Robinson, Jos V	M	Polyg
9—Allred, Jno F	M	
*478 10—Wright, Isaac K	M	
11—Snow, Edw H	M	St Pres. St George
12—Johnson, M E	M	
	M 15	G 3

RECAPITULATION

Mormons 15; Gentile 3; Polygamist 1; Plural wife 1.

REPRESENTATIVES SECOND LEGISLATURE 1897

Dist. 1—Cook, Samuel W	M	
2—Kimball, Jos	M	
Thoresen, I O	M	St Pres. Hyrum. St
Price, Moroni	M	
3—Cook, David S	M	Bp. Syracuse
4—McKay, Angus	M	
Anderson, Sarah E	M	
Perkins, Jno N	G	
O'Brien, Wm H	G	
5—Hopkins, Jno	M	Polyg Gone to Big Horn Wyo—3m U.C./94
6—Stewart, Hyrum	M	
7—Dresser, Norman B	G	
*567 8—Bennion, Heber	M	Polyg Bp. Taylorsville—M. 1899.
Kenner, Scipio A	M	
La Barthe, E K	G	
Mangan, Dan	G	
Romney, Geo Jr	M	
Shephard, Richd B	G	
*448 Sloan, Robt W	M	
Taylor, Jos E	M	Polyg St Pres. S L. Stake—M. since 1890
Thomson, Jas E	M	
Wilson, E W	G	
9—Callis, Chas A	M	
10—Murdock, Jos R	M	Stake Pres. Wasatch.
11—Lund, Louis P	M	High Co. High Priest.
Creer, W O	M	
Lemmon, Hyrum	M	Pres. Nebo Stake.
Roylance, W M	M	
12—Gibson, Wm	M	
13—Wheeler, Claude V	M	
	M 23	G 7 P 8
Dist. 14—Hardy, Aaron	M	Polyg. Tith. Clk. N. San Pete.
Sorenson, Nella C	M	
15—Kimball, O G	M	
16—Oveson, L P	M	Bp. Cleveland. Emery.
17—Sorenson, A P	M	
*418 18—Greenwood, B H	M	Bp. Inverury.
19—Ray, Wm A	M	

REPRESENTATIVES SECOND LEGISLATURE, 1897—Continued.

Dist. 20—Dotson, W H L	M	
21—Forshee, Jas E	M	
22—Mansfield, Hiett E	M	Bp. Fremont.
23—Hansen, And. J	M	
24—Parry, Jno	M	
25—Duffin, Jas G	M	Bp. Pres. Chicago-Mission
26—Robinson, Jos E	M	Polyg. Pres. Cal. Mission. m since 1890
27—Martin, V P	M	

M. 16 g-p 2

RECAPITULATION.

H R Mormons 38	Gentiles 7	Polygs 6 Pl Wife ..
Sen. 15	3	1 1
53	10	6 1
82.5%	17.5%	13.5

SENATORS THIRD LEGISLATURE, 1899.

Dist. 1—Nebeker, Wm G	M	
2—Howell, Joseph	M	
3—Nebeker, Aquila	M	
*550 4—Shurtliff, Lewis W	M	Stake Pres. Weber.
*629 Kiesel, Fred J	G	
5—Chambers, Robert C	G	
6—Cannon, Martha H	M	Polyg {Baby born within 60 days of adjournment of wife { legislature.
Peery, David H, Jr.	G	
Rideout, D O, Jr.	M	
Thomas, R K	M	Polyg Pl. wf. Alice McLachlan, since 90
*700 Whitney, Orson F	M	Polyg Bp. 18th Wd S L Cty.
7—Smoot, Abraham O	M	
Evans, Abel J	M	St Pres. Alpine.
8—Robinson, Jos V	M	Polyg
9—Alder, Ferdinand	M	
*478 10—Wright, Isaac K	M	
11—Tanner, Rollin R	M	
12—Bennion, Harden	M	

RECAPITULATION.

Mormons 15;	Gentiles 3;	Polygamists 3;	Polygamist wife 1.
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REPRESENTATIVES THIRD LEGISLATURE, 1899.

Dist. 1—Holmgren, Jno P	M	
2—Farr, Aaron F, Jr	M	
Law, Albert A	M	
Harris, Chas Z	M	
3—Cook, David S	M	Bp. Syracuse.
4—Johnson, Tillman D	G	
Bramwell, Geo W	M	Bp. Plain City.
Harris, Nathan J	M	
Smith, Sherman S	G	
5—Welch, Chas A	M	St Pres. Big Horn Wyo now
6—Fisher, Jno	M	
7—Richards, Geo F	M	St Pres. Tooele
8—Stewart, Sam W	M	
Lloyd, Ben T	M	
Cummings, Horace	M	Mem Sun Sch Union Bd Religion Classes.
Bennion, Heber	M	Polyg Bp. M since 1890
Horne, Alice M	M	Dtr Apostle Merrill.
Hansen, Jno E	M	Deseret News employee.
Bywater, Jos G	G	
Forman, Albert W	G	
Jackson, G M	G	
Shephard, Richard B	G	
9—Ivers, Jas	G	
10—Clyde, Jas W	M	
11—Larsen, Marinus	M	Bp. Spanish Fork.
12—Lapish, Jos	M	
Betts, Jno E	M	
Roylance, W M	M	
12—O'Neil, Wm M	M	
13—Wheeler, Claude V	M	

M 23 G 7 P 1

Dist. 14—Christiansen, Parley	M	Polyg Bp Mayfield.
15—Sorenson, C W	M	
Miller, Reuben G	M	Stake Pres. Emery.
16—Robertson, Jasper	M	Bp. Orangeville.
17—Taylor, Lester	M	
*413 18—Greenwood, B H	M	Bp. Inverury Sevier
19—Callister, Thos C	M	Stake Pres.
20—Murdock, Jno R	M	Polyg. Stake Pres.

REPRESENTATIVES THIRD LEGISLATURE, 1899—Continued.

Dist. 21—Fullmer, Jno H	M	
22—Mansfield, M. W	M	Bp. Thurber
23—Crosby, Jesse W Jr	M Polyg	Stake Pres. Panguitch—now Big Horn, Wyo.
24—Parry, Jno	M	
25—McQuarrie, Jno G	M	Pres. Mission N. Y.
26—Robinson, Jos E	M Polyg	Stake Pres. Cal. m since 1890
27—Redd, L H	M	St Pres. San Juan

m15 g — P 4

RECAPITULATION.

HR Mormons	38	Gentiles	7	Polygamists	5	Pl. wife.	—
Sen.	15		3		3		1
	53		10		8		1
	84%		16%			14.3	

SENATORS FOURTH LEGISLATURE, 1901.

Dist. 1—Larsen, H S	M	
2—Howell, Jos	M	
3—Barnes, J G M	M	
4—Kiesel, Fred J	G	
Allison, E M, Jr.	G	
5—Murdock, J R	M	Stake Pres. Wasatch.
6—Lawrence, Geo N	G	
Sherman, Hoyt	G	
*700 Whitney, Orson F	M Polyg	Bp. 18th Wd S. L. City.
Thomas, R K	M Polyg	Alice McLachlan since 90
Love, S H	M	
7—Smoot, Abraham O	M	
Evans, Abel J	M	St. Pres. Alpine.
8—Whitmore, Geo C	M	
9—Alder, Ferdinand	M	
10—Johnson, Willis	M	
11—Tanner, R R	M	
12—Bennion, Harden	M	

RECAPITULATION.

Mormons 14; Gentiles 4; Polygamists 2.

REPRESENTATIVES FOURTH LEGISLATURE, 1901.

Dist. 1—Holmgren, Jno P	M	
2—Langton, Seth A	M	
Pond, Jos T	M	
Maughan, Peter M	M	
3—South, E R	M	
4—Anderson, Edw W	M	
Glassman, Wm	G	
Davis, Thos H	G	
McFarland, Arch	M Polyg	
5—Fry, R R	M	Stake Pres. Morgan Bp. Co
6—Hatch, O P	M	High Co. ph Feb. 17, 01
7—Hall, Francis E	G	
8—Wells, Rulon S	M	Seven Pres. Seventy
McMillan, Wm	M	Bp. 28th Wd. S. L. City.
Morris, Nephi L	M	St. Pres. S. L. Stake.
Williams, W N	M	70 Mgr. Coop. Furn. Co.
Van Horne, W G	G	
Hamblin, A L	G	
• Axton, Jno T	G	
Smith, B X	G	
Hewlett, Orson H	M	
Stuart, Archibald	M	
9—Lambert, Dan	M	
10—Van Wagenen, Wm	M	
11—Evans, Mosiah	M	Emp. Utah Sugar Co.
Gardner, Henry	M	Bp. Sp. Fork.
Homer, Eph	G	
Johnson, D C	G	
12—Billings, Geo P	M	Bp. Jensen. Uinta St.
13—Holzheimer, Frank	G	
	20 10 P 1	
14—Christensen, N C	M	Bp. Sterling, So. San Pale.
Bench, Jno L	M	
15—Sharp, J R	M	
16—Harmon, Levi N	M	
17—Mohr, A P	M	
18—Phillips, Jno W	G?	Not much of anything.
19—Kelley, E W	G	
20—Barrett, W H	G?	

REPRESENTATIVES FOURTH LEGISLATURE, 1901—Continued.

Dist. 21—Page, Samuel L	M	
22—Stevens, Albert	M	
23—Johnson, Geo W	M	
24—McGregor, Jos F	M	
25—Morris, D H	M	
26—Cutler, H S	M	Bp. Kanab.
27—Redd, L H	M	St. Pres. San Juan. M of Bishopric (Trib)

RECAPITULATION.

H R: Mormons	32	Gentiles	18	Polygamists	1
Sen.	14		4		2
	46		17		3
	73%		27%		7% of M

See Trib Mar 3. 1901 Vote of Evan Bill No. 25-17

SENATORS FIFTH LEGISLATURE, 1903.

Dist. 1—Larsen, H S	M	
2—Barber, A G	M	
3—Barnes, J G M	M	
4—McKay, David	M	Bp. Huntsville.
Allison, E M	G	
5—Murdock, J R	M	Stake Pres. Wasatch.
6—Lawrence, Geo N	G	
Sherman, Hoyt	G	
Love, S H	M	Emp. Z. C. M. I.
Williams, W N	M	70.
Bamberger, Simon	G	
*518 7—Gardner, Henry	M	Bp. Sp. Fork.
Loose, C E	G	
8—Whitmore, Geo C	M	
9—Larsen, C P	M	
10—Johnson, Willis	M	
*645 11—Lewis, A B	G	
12—Bennion, Harden	M	

RECAPITULATION.

Mormons 12	Gentiles 6
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REPRESENTATIVES FIFTH LEGISLATIVE, 1903.

Dist. 1—Fishburn, F W	M	
2—Merrill, J. H	M	Polyg Bp. Richmond. Son of Apostle.
Roberts, D R	M	
Hall, W W	M	
3—McKinnon, Robert	M	
4—Coulter, Mary G	G	
Condon, Amasa S	G	
McFarland, Archibald	M	Polyg
Child, Jno C	M	
5—Anderson, Jas A	M	
6—Stoker, David	M	Bp. Bountiful.
7—Spry, Wm	M	
8—Smith, Heber A	M	
Cahoon, Jas W	G	
Hull, Thos	M	Emp. Church. Office-Surveyor Genl
Stewart, Jno J	G	
McRae, Daniel	M	Bp. Granger.
Hamlin, Albert L	G	
Done, Willard	M	Emp. Z. C. M. I.
Nash, Albert H	G	
Haslam, Jas N	M	
Brink, Chas	G	
9—Evans, Edw P	G	
10—Wilson, Jas P	M	
11—Stone, Jno G	M	
Austin, Geo	M	Emp. Utah. Sugar.
Chipman, S L	M	Stake Pres. Alpine.
Tiefjen, Chas A	M	
12—Colton, Don B	M	
13—Adams, Geo H	M	
	22	8
14—Metcalf, Wm	M	Polyg
Peterson, Lorenzo	M	
15—Leo, Edwin O	G	
16—Johnson, Jos E	M	
17—Molyneaux, Alma	M	
18—Hawley, Asa R	M	
19—Watts, Chas W	M	
20—Barrett, W H	G	
21—White, W E	G	
22—Robison, Willis E	M	St. Pres. Wayne.

REPRESENTATIVES FIFTH LEGISLATURE, 1903—Continued.

Dist. 23—Luther, Alfred	M	
24—Richards, Morgan Jr	M	
25—Morris, D H	M	
26—Johnson, Joel H	M	
27—Redd, Wayne H	M	St. Pres. San. Juan.

RECAPITULATION.

H R Mormons 34	Gentiles 11	Polygamists 8
Sen. 12	6	..
46	17	3
73%	27%	7% of M

See Arguments, p. 223 Van Cott

SENATORS SIXTH LEGISLATURE, 1905.

Dist. 1—Clegg, Peter,	M	
2—Barber, A G	M	
3—Walton, Wesley K	G	
4—McKay, David	M	Bp. Huntsville.
Hollingsworth, Chas R	G	
5—Rasband, Fred	M	Bp. Park City.
6—Love, Stephen H	M	
Park, Sam C	G	
Lawrence, Geo N	G	
Williams, W N	M	Seventy
Bamberger, Simon	G	
7—Gardner, Henry	M	2d Coun. Stake Pres.
*518 Loose, C E	G	
8—Callister, Thos C	M	1st Coun. Stake Pres.
9—Larsen, C P	M	
10—Johnson, Willis	M	
*645 11—Lewis, A B	G	
12—Bennion, Harden	M	

RECAPITULATION.

Mormons 11 Gentiles 7

REPRESENTATIVES SIXTH LEGISLATURE, 1905.

Dist. 1—Fishburn, F W (R)	M	
2—Maughan, W H (R)	M	
Merrill, Thos H (R)	M	Polyg Bp. Richmond. Son of Apostle.
Roberts, David R (R)	M	
3—Spencer, Geo (R)	M	
4—Dean, Geo S (R)	M	
Kuchler, Rudolph (R)	G	
Pancake, Thos C (R)	G	
Stewart, Wm L (R)	M	
5—Anderson, J A (R)	M	
6—Richards, Ezra F (R)	M	
7—Gundry, Wm N (R)	G	
8—Anderson, A V (R)	G	
Cromar, Herbert B (R)	G	
Edward, Wm T (R)	M	
Hull, Thos (R)	M	{Emp. Church Offices. {Gen. Secy. Y M M I A
Joseph, Harry S (R)	G	
Kinney, Clesson S (R)	G	
Marks, Chas E (R)	M	
McCrea, Wm N (R)	G	
Panter, W J (R)	M	Ret'd. Missionary
Stokey, S J (R)	M	
9—Dalley, M J (R)	G	
10—Wilson, J B (R)	M	
11—Austin, Geo (R)	M	Emp. Utah Sugar Co.
Hone, Geo A (R)	M	
Simons, Grant (R)	M	
Wooton, Jno H (R)	M	
12—Allen, O D (R)	M	
13—Hopes, Herbert (R)	G	
	N 20 G 10 P 1	
14—Johnson, Abram (R)	M	
Christensen, N C (R)	M	Bp. Sterling. So San Pete.
15—Curtin, J P (R)	G	
16—Miller, Geo M (R)	G	
17—Pace, Jno E (R)	M	St. Pres. Emery.
18—Hawley, Asa R (R)	M	
19—Thompson, Orvil L (R)	M	Bp. Scipio
20—Tolton, Jno F (D)	M	St. Pres. Beaver
21—Peterson, Jas E	M	Bp. Circleville-Panquitch.
22—Stringham, Geo L	M	Bp. Thurber.
23—Luther, Alfred	M	

REPRESENTATIVES SIXTH LEGISLATURE, 1905—Continued.

Dist. 24—Jones, Thos J	M	Bro to Stake Pres.
25—Cottam, Thos	M	1st Coun. Stake Pres.
26—Carroll, Chas W	M	
27—Lyman, Walter C	M	Stake Pres. San Juan

RECAPITULATION.

H R.	Mormons 33	Gentiles 12	Polygamist 1
Sen.	10	8	1
		20	
		31.7%	

BOARD OF REGENTS, UNIVERSITY OF UTAH.

APPOINTED BY GOVERNOR WELLS.

	4/24/96	Paekard, Jno Q	G	
	"	Van Cott, Waldemar	G	
*359	"	Talmage, Jas E	M	
	"	Smith, Isaac	M	Polyg Presdey. Cache Stake
	5/18/96	McVicker, Emma J	G	
*250	7/18/96	Little, Rebecca E	M	Pl. wife
	"	Sharp, Jas	M	
*250	3/20/97	Little, Rebecca E	M	Pl. wife
	"	Sharp, Jas	M	
*519	4/12/97	Cutler, Thos R	M	Polyg Bp.
	4/ 7/98	Howell, Jos	M	
*250	3/18/99	Little, Rebecca E	M	Pl. wife
	"	Riter, W W	M	
	"	Sharp, Jas	M	
	3/20/99	McVicker, Emma J	G	
	"	Pierce, Frank	G	
*319	6/ 6/02	Lund, A H	M	1st Pres'dey.
	3/23/03	Van Cott, Waldemar	G	
*319	3/24/03	Lund, A H	M	1st Pres'dey.
	3/25/03	Riter, W W	M	
		M. 14	G 6	P 2. pl w. 3

APPOINTED BY GOVERNOR CUTLER.

	3/20/05	Plummer, Chas G	G	
*250	4/ 3/05	Little, Rebecca E	M	Pl. wife
	"	Pierce, Frank	G	
	4/10/05	Kinney, Antoinette B	G	
*560	4/21/05	Young, Richard W	M	Stake Pres.
		M. 2		G 3

TRUSTEES AGRICULTURAL COLLEGE OF UTAH.

APPOINTED BY GOVERNOR WELLS.

	4/17/96	Graham, Jno C	M	Polyg
	"	Adams, D C	G	
*624	"	McCornick, W S	G	
	"	Richards, Emily S	M	
	4/18/96	Goodwin, Sarah G	M	
	"	Hansen, Lorenzo	M	
	"	Merrill, Marriner W	M	Polyg Apostle
	4/22/97	McAllister, Clarissa	M	
	4/30/98	McCornick, W S	G	
*604	"	Richards, Emily S	M	
	"	Morrell, Joseph	M	Polyg Stake Pres.
	"	Merrill, Marriner W	M	Polyg Apostle
	"	Hansen, Lorenzo	M	
	"	Bagley, Mrs. John E	G	
	"	Adams, D C	G	
	3/23/99	Adams, D C	G	
*604	3/28/99	Richards, Emily S	M	
	3/29/99	Morrell, Joseph	M	Polyg Stake Pres
*624	"	McCornick, W S	G	
	4/5/99	Merrill, Marriner W	M	Polyg Apostle
	4/18/99	Hansen, Lorenzo	M	
	4/19/99	Bagley, Mrs. John E	G	
	2/28/00	McAllister, Jno A	M	Vice Merrill
	3/24/01	Hansen, Lorenzo	M	
*604	4/1/01	Richards, Emily S	M	
	4/13/01	Bagley, Mrs John E	G	
	3/24/01	Langton, Seth A	M	Vice Morrel
	4/25/01	McAllister, Jno A	M	
*604	3/25/03	McCornick, W S	G	
	"	Owen, Evan R	M	sp. Wellsville
	"	Whitmore, Geo C	M	
	"	McAllister, Jno A	M	

M. 22. G. 10. Poly. 6.

TRUSTEES AGRICULTURAL COLLEGE OF UTAH—Continued.

APPOINTED BY GOVERNOR CUTLER.

2/27/05 Stohl, Lorenzo N M Bp. Brigham City
4/5/05

APPOINTED BY TINGEY, ACTING GOV.

4/5/05 Smart, Thos M
5/10/05 Gates, Susan Young M
M. S.

TRUSTEES STATE INDUSTRIAL SCHOOL.

APPOINTED BY GOVERNOR WELLS.

5/ 7/96 Rich, Jno T M
5/ 8/96 Lewis, T B M Polyg
5/17/96 Stringham, Ashby M
5/20/96 Peery, J S M
5/20/97 Flygare, N C M Polyg
" McMillan, J H G
5/25/97 Wright, Angus T M
5/27/99 Wright, Angus T M
8/ 3/99 Maloney, Thos G
4/8/01 Flygare, N C M Polyg St Py. Weber
" Hume, Richard T G
3/8/0 M8 G3 P1

APPOINTED BY GOVERNOR CUTLER.

3/8/05 Joseph, Harry S G

APPOINTED BY ACTING GOVERNOR TINGEY.

4/4/05 Evans, T B M Polyg
" Conroy, E M G
M1 G2

TRUSTEES STATE SCHOOL FOR THE DEAF, DUMB, AND BLIND.

APPOINTED BY GOVERNOR WELLS.

3/12/96 Stratford, E A M
" Carlson, A W M
" Evans, David G
" Emmerson, Harriet F G
" Cannon, Martha Hughes M Polyg wife
*304 4/5/97 Stratford, E A M
" Emmerson, Harriet F G
2/18/98 Babcock, Maud May M Pl. w
3/18/99 Babcock, Maud May M Pl. w.
4/5/99 Watson, Jno M Bp. Ogden
10/25/99 Anderson, E H M
5/24/99 Coray, Eva F M
4/3/01 Corey, Eva F M
4/7/01 Chambers, F W M
4/12/01 Ritchie, M L G
4/3/03 Babcock, Maud May M Pl. W.
4/6/03 Watson, Jno M Bp. Ogden
4/10/03 Chambers, F W M
4/4/03 Corey, Eva F M
M. 15. G. 4. Pl W. 3

APPOINTED BY GOVERNOR CUTLER.

Simpkin, Peter A G Rev. (Only minister ever appointed by governor on any commission.)

G. 1.

STATE BOARD OF EDUCATION.

APPOINTED BY GOVERNOR WELLS.

6/ 6/96 Christensen, D H M
" Talmage, J E M
" Millsbaugh, J F G
3/31/98 Bennion, Milton M
4/ 1/99 Bennion, Milton M
3/29/99 Nelson, A O M
3/30/01 Cooper, F B G
" Marks, W S M

STATE BOARD OF EDUCATION—Continued.

5/10/02 Allison, W M M
 4/20/03 Allison, W M M
 11/23/04 Christensen, D H M
 M. 9. G. 2.

APPOINTED BY GOVERNOR CUTLER.

3/ 2/05 Christensen, D H M
 " Allison, W M M
 M. 2.

STATE BOARD OF DENTAL EXAMINERS.

APPOINTED BY GOVERNOR WELLS.

4/5/96 Ellerbeck, Geo E M
 " Chapman, A S G
 4/2/97 Bucher, W H G
 5/13/98 Ellerbeck, Geo E M
 7/20/99 Snedaker, J F M
 3/15/01 Bucher, W. H G
 " Ellerbeck, Geo E M
 5/29/01 Davis, Henry W M
 3/15/01 Chapman, A S G
 M. 5 G. 4

DIRECTORS DESERET AGRICULTURAL AND MANUFACTURING SOCIETY

APPOINTED BY GOVERNOR WELLS.

*240 5/9/96 Winder, Jno R MXPolyg 1st Presidency. Ex polyg
 " Empey, Nelson A M Bp.
 " Sallsbury, Margaret G
 " Jennings, Frank M
 " Sears, S W M Polyg
 " Bamberger, Bertha G
 " Hendrickson, Mary D M
 " Conrad, E J M
 " Hatch, Abram M Stake Pres.
 *550 " Shurtliff, L W M Stake Pres.
 " Clayton, Cornelia H M
 3/18/99 " Empey, Nelson A M Bp.
 " Sears, S W M Polyg
 " Conrad, E J M
 3/20/99 " Palfreyman, Richard M
 *240 " Winder, Jno R M *Polyg 1st Presidency
 " Streepser, W H M
 " White, Jno H M
 " Cragum, Wiley M Polyg
 " Bamberger, Bertha G
 *59 4/1/99 " Farr, Aaron M Polyg
 4/26/99 " Fox, Ruth M 1st wife of polyg.
 4/20/00 " Eldredge, Ben R M
 " Taylor, Moses M Stake pres.
 3/21/01 " Cutler, Jno C M
 3/22/01 " Beckstead, Geo F M Polyg
 " Taylor, Moses W M Stake pres.
 3/26/01 " McDonald, Jno G M
 3/29/01 " Fox, Ruth M 1st wife of polyg.
 4/4/03 " McDonald, J G M
 4/9/03 " Parsons, M K G
 4/10/03 " Adams, Geo H M
 " Smith, Thos H M
 " Riter, Priscilla J M
 " Fox, Ruth M 1st wife of polyg.
 " Cragum, W G M
 " Seeley, J H M
 4/28/03 " Winder, W C M
 3/25/03 " Bransford, J S G
 " Sears, S W M Polyg
 3/31/03 " Cutler, Jno C M
 10/4/04 " Silver, Jos A M Polyg
 M 37 G. 5. P. 7 •

APPOINTED BY GOVERNOR CUTLER

3/21/05 Freed, Lester D G
 " Silver, Jos A M Polyg
 M. 1 G. 1. P. 1

BOARD OF EQUALIZATION.

APPOINTED BY GOVERNOR WELLS.

4/12/96 Lund, Robert C M
 " Dee, Thos D M
 " Booth, Jno E M Polyg
 " Thomas, J J G
 4/6/99 Lund, Robert C M
 M 4 G 1 P 1

BOARD OF EQUALIZATION—Continued.

4/27/99	Thomas, J J	G	
3/14/01	Lund, Robert C	M	
"	Thomas, J J	G	
4/4/01	Nielson, Swen O	M	
3/22/01	Dee, Thos D	M	
4/7/03	Thomas, J J	G	
"	Lund, Robert C	M	
		M 4	G 3

APPOINTED BY ACTING GOVERNOR TINGEY.

4/4/05	Dee, Thos D	M	
4/12/05	Salisbury, O J	G	

APPOINTED BY GOVERNOR CUTLER.

7/21/05	Watson, Jno	M	Bp. Ogden
		M 2	G 1

STATE BOARD OF MEDICAL EXAMINERS.

APPOINTED BY GOVERNOR WELLS.

4/6/96	Bascom, F S	G	
"	Dart, J M	G	
"	White, Jno T	G	
"	Ormsby, O C	M	Polyg
"	Graves, M M	G	
"	Brick, S L	G	
"	Pike, W R	M	
12/27/97	Stringham, Briant	M	Polyg
3/4/98	Wright, E S	M	
3/7/98	Critchlow, Jno F	G	
4/3/99	White, Jno T	G	
"	Dart, J M	G	
"	Wright, E S	M	
"	Brick, S L	G	
"	Ormsby, O C	M	Polyg
3/29/99	Stringham, Briant	M	Polyg
4/6/99	Ewing, A C	G	
3/5/99	Hanchett, J C	G	
3/14/01	Hanchett, J C	G	
4/1/01	Gowans, E G	M	
"	Fisher, R W	G	
"	Ewing, A C	G	
4/12/01	Wright, E S	M	
"	Brick, S L	G	Polyg
6/14/01	Stringham, Briant	M	
3/14/03	Hanchett, J C	G	Polyg
3/15/03	Stringham, Briant	M	
"	Fisher, R W	G	
"	Budge, D C	M	
"	Condon, A S	G	
"	Ewing, A C	G	
"	Wright, E S	M	
		M 13	G 19 P 6

APPOINTED BY GOVERNOR CUTLER.

4/20/05	Fisher, R W	G	
4/24/05	Olsen, C L	M	
4/28/05	Ewing, A C	G	
"	Condon, Amasa S	G	
5/19/05	Wright, E S	M	
6/10/05	Budge, D C	M	
		M 3	G 2

STATE BOARD OF LAND COMMISSIONERS

APPOINTED BY GOVERNOR WELLS.

4/29/96	Walton, Wesley K	M	
"	Rees, Thos D	M	
3/18/97	Walton, Wesley K	M	
3/20/97	Harris, Fisher S	G	
"	Rees, Thos D	M	
"	McFarland, Isaac	M	
11/24/97	Groo, Byron	G	
5/9/99	Walton, Wesley K	M	
"	Rees, Thos D	M	
4/4/99	McFarland, Isaac	M	
4/5/99	Groo, Byron	G	
6/10/99	Harris, Fisher S	G	

STATE BOARD OF LAND COMMISSIONERS—Continued.

7/2/01	Melville, Jas A	M
"	Rees, Thos D	M
"	Groo, Byron	G
"	Bullen, Herschel	M
4/1/03	Groo, Byron	G
4/3/03	Bullen, Herschel	M
4/24/03	Melville, Jas A	M
4/6/03	Rees, Thos D	M
		M 14 G 6

APPOINTED BY ACTING GOVERNOR TINGEY.

3/9/05	Thain, Wm H	M	} Present Board all Mormon.
"	Candland, W D	M	
"	Hayes, H W	M	
"	Spry, Wm	M	
"	Dixon, Jno De Gray	M	

STATE BOARD OF CORRECTIONS.

APPOINTED BY GOVERNOR WELLS.

5/11/96	Sowles, M B	G
"	Kearns, Thos	G
"	Armstrong, Francis	M
3/27/99	Sowles, M B	G
7/24/99	Smith, Elias A	M
4/13/01	Smith, Elias A	M
"	Lowe, Geo A	G
3/17/03	Harris, Fisher S	G
3/21/03	Read, Chas	G
		M 3 G 6

APPOINTED BY GOVERNOR CUTLER.

3/21/05	Smith, Elias A	M
"	Frick, J E	G
		M 1 G 1

STATE BOARD OF PHARMACY.

APPOINTED BY GOVERNOR WELLS.

6/16/96	Boyden, J L	M
"	Riter, B F	M
4/22/97	Schramm, F C	G
"	Fennemore, G H	G
6/22/99	McCoy, O H	G
2/20/00	Franken, J L	G
4/7/01	Fennemore, G H	G
4/4/01	Riter, B F	M
4/5/01	Carr, F H	G
4/7/02	Cook, Wm W	G
4/21/03	Cook, Wm W	G
"	Franken, J L	G
		M 3 G 9

STATE BOARD OF HORTICULTURE.

APPOINTED BY GOVERNOR WELLS.

6/19/96	Wright, J A, Pres.	G
4/5/97	Blomsterberg, C H	G
"	Wright, J H	G
4/8/97	Judd, Thos	M
3/27/99	Wright, J A, Secy.	G
"	Judd, Thos	M
"	Carey, H E	G
3/20/01	Bower, B H	M
5/26/03	Parry, Jos H	M
5/27/03	Bowers, B H	M
"	Peterson, Mons,	M
"	Judd, Thos	M
		M-7 G 5

APPOINTED BY GOVERNOR CUTLER.

3/17/05	Cox, Jno E	M
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APPOINTED BY ACTING GOVERNOR TINGEY.

4/4/05	Judd, Thos	M	} Bp. Pl View. Present Board all Mormon.
4/6/05	Hickenlooper, C N	M	
"	Wadley, J D	M	
		M 4 G 0	

REED SMOOT.

STATE BOARD OF LABOR AND ARBITRATION.

APPOINTED BY GOVERNOR WELLS.

*336	3/29/97	Nicholson, John	M	Polyg
	5/ 8/97	Willis, W S	G	
	"	Wall, E A	G	
	11/16/97	Daveler, J S	G	
*338	4/19/99	Nicholson, John	M	Polyg
	7/ 8/99	Daveler, J S	G	
*336	3/30/01	Nicholson, John	M	Polyg
	"	Daveler, J S	G	
	"	Wall, E A	G	
			M 3	G 6 Polyg 3

SEMI-CENTENNIAL COMMISSION.

APPOINTED BY GOVERNOR WELLS.

11/20/96	Whitney, H G	M	
"	Rognon, E G	G	
"	Clawson, Spencer	M	
"	Savage, C R	M	Polyg
"	Colborn, E F	G	
"	McCune, Mrs A W	M	
"	Wallace, Geo Y N	G	
3/25/97	Katz, Emily	M	
"	Hooper, Ira E	M	
"	Smith, Elias A	M	
"	Nelden, W A	G	
3/27/97	Smoot, Reed	M	Apostle
"	Moritz, Jacob	G	
3/31/97	Spencer, H H	G	
		M 8	G 3

LOUISIANA PURCHASE EXPOSITION COMMISSION

APPOINTED BY GOVERNOR WELLS.

*550	2/23/03	Shurtliff, L W	M	Stake Pres.
	"	Sherman, Hoyt	G	
	3/27/03	Johnson, Willis	M	
	6/23/03	Newhouse, Sam	G	
			M 2	G 2

LEWIS AND CLARK EXPOSITION COMMISSION.

APPOINTED BY GOVERNOR WELLS.

3/23/03	Holman, Geo P	G	
3/24/03	Clawson, H B	M	Polyg Patriarch
*629	6/13/03	Kiesel, Fred J	G
*645	11/23/04	Lewis, A B	G
		M 1	G 3

Under New Law.

BY GOVERNOR CUTLER.

3/14/06	Kuchler, R	G	
"	Walton, Wesley K	M	
"	Greene, Web	G	
"	Fishburn, F W	M	
		m 2	g 2

Under Old Law.

BY GOVERNOR CUTLER.

3/25/05	Kuchler, R	G	
"	Walton, Wesley K	M	
"	Fishburn, F W	M	
4/17/06	Greene, Web	G	
		m 2	g 2

CODE COMMISSION.

BY GOVERNOR WELLS.

*560	4/27/96	Smith, Grant H	G	
	"	Young, Richard W	M	Stake pres.
	"	Lee, Wm A	G	
		M 1	G 3	

STATE BOARD OF HEALTH.

BY GOVERNOR WELLS.

2/16/98	Bascom, F S	G	
"	Pike, W R	M	
"	Wilcox, E E	M	
"	Taylor, A W	M	
3/9/98	Gemmell, R C	G	
"	Beattie, T B	G	
4/2/98	Cannon, Martha H	M	Plural wife
3/28/99	Bascom, F S	G	
"	Beatty, T B	G	
"	Pike, W R	M	
"	Doremus, A F	G	
"	Taylor, A W	M	
"	Cannon, Martha H	M	Plural wife
4/3/01	Steele, F B	G	
4/13/01	Croxall, W Y	M	
3/21/03	Doremus, A F	G	
		M 8	G 8

BY GOVERNOR CUTLER.

3/7/05	Beatty, T B	G	
4/10/05	Calderwood, W R	M	
3/31/05	Stauffer, Fred	M	
		M 2	G 1

UTAH ART INSTITUTE.

BY GOVERNOR WELLS.

7/25/99	Paul, J H	M	
"	Fairbanks, J B	M	
"	Harwood, J T	M	
"	Culmer, H L A	M	
8/25/99	Ware, W E	G	
8/28/99	Richards, Louise	M	
9/22/99	McCune, Elizabeth	M	
12/2/99	Hafen, Jno	M	
6/1/01	Harwood, J T	M	
4/12/01	Teasdel, Mary	M	
4/16/01	Taggart, Geo F	M	
4/12/01	Horne, Alice M	M	
3/7/03	Ottinger, Geo M	M	
"	Lovey, A L	G	
"	Whitaker, S T	M	
6/3/02	Sloan, Edna I.	M	
		M 14	G 2

STATE BOARD OF EXAMINERS OF BARBERS

BY GOVERNOR WELLS.

5/1/03	Benedict, C M	M	
5/1/03	Hill, P A	M	
"	Rheinbold, Felix	G	
		M 2	G 1

BY GOVERNOR CUTLER.

3/6/05	Walker, Albert E	M	
3/29/05	Harris, J. D	?	
4/3/05	Benedict, C M	M	
		M 2	1

STATE BOARD OF SHEEP COMMISSIONERS

BY GOVERNOR WELLS.

3/24/03	Kearns, E J	M	
"	Sharp, Jno C	M	
"	Mackey, Jno C	M	
"	Wrathall, J L	M	Polyg Bp.
"	Day, Willford	M	
		M 4	

BY GOVERNOR CUTLER.

3/13/05	Anderson, Lewis R	M	
"	Ostler, J S	M	
"	Austin, Jno E	M	
		M 3	

REED SMOOT.

UTAH SILK COMMISSION.

BY GOVERNOR WELLS.

	4/15/96	Caine, Margaret A	M	
	5/15/96	Cazier, Mary A	M	
	6/25/96	Bennett, Isabella	G	
*57C	"	Young, Zina D H	M	Plural wife
	"	Woodbury, Ann O	M	
	4/17/99	Packard, Eliza O	M	
*128	4/27/99	Woodbury, Ann O	M	
	4/18/01	Zundall, Maria E	M	
	6/ 1/01	Siegel, Rachel	G	

NATIONAL GUARD.

BY GOVERNOR WELLS.

	4/24/96	Cannon, Jno Q	M	Adjutant General
	"	Tatlock, E W	G	Inspector General
	"	Young, Willard	M	Brigadier General
	"	Burton, Chas S	M	Quartermaster General
	"	Stevens, T J	M	Commissary General
	"	Penrose, G H	G	Surgeon General
	"	Warrum, Noble, Jr	G	Judge-Advocate General
	"	Greenman, Jno W	G	Inspector of Target Practice
	"	Clayton, N W	M	Aide
	"	Newman, Henry J		Aide
	4/1/97	Tatlock, E W	G	Inspector of Target Practice
*502	4/2/97	Wallace, Henry, W	M	Inspector General
	3/9/97	Cannon, Jno Q	M	Adjutant General
	5/16/98	Burton, C S	M	Adjutant General
	3/27/99	Burton, C S	M	Adjutant General
	3/24/99	Smith, Benner X	G	Judge-Advocate General
	3/27/99	Nebeker, W G	M	Aide
	3/28/99	Cannon, Jno Q	M	Brigadier General
	"	Pinkerton, S H	G	Surgeon General
	"	Bruback, Theo	G	Aide
	4/5/99	Clayton, N W	M	Aide
	"	Meteer, Jno	G	Insptr. Target Practice
	4/8/01	Burton, C S	M	Adjutant General
	"	Cannon, Jno Q	M	Brigadier General
	3/14/01	Clayton, N W	M	Quartermaster General
	4/ 8/01	Shealey, W J	G	Commissary General
	"	Pinkerton, S H	G	Surgeon General
	"	Smith, Benner X	G	Judge-Advocate General
	"	Ritchie, M L	G	Inspector General
	"	Seaman, Geo A	M	Inspector. Target Practice
	3/ 8/01	Ferry, E S	G	Aide
	"	Spencer, Jno D	M	Aide

BY GOVERNOR CUTLER.

	1/ 6/05	Bowman, J M	G	Adjutant General
	"	Park, Sam O	G	Brigadier General
	"	Irvine, A B	M	Judge-Advocate General
	1/ 9/05	Daynes, Jos J, Jr	M	Aide
	1/10/05	Kesler, A P	M	Quartermaster General (Son-in-law of Jos F Smith)
	1/12/05	Taylor, Miles R	M	Aide
	1/13/05	Geoghegan, Jos	G	Inspector General (Agent For sugar companies)
	1/28/05	Seaman, Geo A	M	Inspector Target Practice
	3/17/05	Bower, A S	G	Surgeon General
	1/11/05	Hansen, Geo M	M	Commissary General

STATE COAL MINE INSPECTOR.

BY GOVERNOR WELLS.

	4/24/96	Lloyd, Thos	M	
	9/27/97	Thomas, Gomer	M	
	3/3/99	Thomas, Gomer	M	
	3/25/01	Thomas, Gomer	M	

BY GOVERNOR CUTLER.

	2/21/05	Thomas, Gomer	M	
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STATE CHEMIST.

BY GOVERNOR WELLS.

	3/17/03	Harms, Herman	G	
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BY GOVERNOR CUTLER.

	3/21/05	Harms, Herman	G	
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BANK EXAMINER.

BY GOVERNOR WELLS.

2/ 9/98	Anderson, R R	M	
4/ 6/99	Anderson, R R	M	
6/ 1/01	Beatie, W J	M	Bp.
3/12/03	Beatie, W J	M	Bp.

BY GOVERNOR CUTLER.

3/ 2/05	Glazier, C A	M	
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STATE ENGINEER.

BY GOVERNOR WELLS.

5/10/97	Young, Willard	M	
3/29/98	Gemmell, R C	G	
5/11/99	Gemmell, R C	G	
6/1/01	Doremus, A F	G	
6/2/03	Doremus, A F	G	

BY GOVERNOR CUTLER.

3/14/05	Tanner, Caleb	M	
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STATE DAIRY AND FOOD COMMISSIONER.

BY GOVERNOR WELLS.

3/18/97	Faust, H J, Jr	M	
4/17/99	Faust, H J, Jr	M	
3/25/01	Heiner, Moroni	M	
3/2/03	Heiner, Moroni	M	

BY GOVERNOR CUTLER.

3/9/05	Peterson, John	M	
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STATE FISH AND GAME WARDEN.

BY GOVERNOR WELLS.

6/5/96	Sharp, John	M	
3/20/97	Sharp, John	M	
3/29/99	Sharp, John	M	
6/8/01	Sharp, John	M	
3/20/03	Sharp, John	M	

BY GOVERNOR CUTLER.

2/24/05	Sharp, John	M	
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CLERK SUPREME COURT.

	Palmer, L P	G	
	Palmer, L P	G	
	Griffith, H W	G	

REPORTER SUPREME COURT.

*354	Tanner, J M	M	Polyg 5 wives.
	Thompson, J W		
	Nye, Geo L	G	
	Thompson, J W		

DISTRICT JUDGES.

[Appointed to fill vacancies.]

BY GOVERNOR WELLS.

2/4/96	Street, Jno A	G	
5/21/96	Ritchie, M L	G	
6/26/96	Hatch, A C	M	
5/9/99	Booth, J E	M	Polyg Bp.
4/10/03	Lewis, T D	M	
1/8/03	Chidester, Jno F	M	

Mr. WORTHINGTON. While Mr. Owen is on the stand I would like to ask a question about another matter.

The CHAIRMAN. Before going into that, may I ask him a question?

Mr. WORTHINGTON. Certainly.

The CHAIRMAN. Without going into the details, what do you find to be the fact in relation to the government of the State since the State was admitted into the Union as between Gentiles and Mormons?

Mr. OWEN. It shows that every governor, every secretary of state, every treasurer, every auditor, and every superintendent of State education has been a Mormon. It shows that a two-thirds majority, or to exceed it, have always been in every legislature Mormon. It shows that there has never been a legislature without at least 1 polygamist, and from that, I think, to 10. It shows that in the constitutional convention of 107 members, 70 were Mormon, 30 were Gentiles; and of the 70 Mormons, 30 were polygamists, and 36 held office in the church of bishop or better.

Mr. CARLISLE. How about the judges?

Mr. OWEN. The supreme court has been Gentile. The district courts have been partially Gentile and partially Mormon. In the appointment of persons to commissions under the State, men who have been notoriously living in defiance of the State laws have been granted the credentials of the State under the seal of the State. This was perhaps most notoriously so in the case—

Mr. WORTHINGTON. Do you not think we can get along without the adjectives and adverbs? Tell us the facts.

Mr. OWEN. Excuse me. The case, if you desire it—

Mr. WORTHINGTON. You can vent your spleen somewhere else.

The CHAIRMAN. He used the word "notorious" in the sense of public.

Mr. OWEN. The case of Apostle Heber J. Grant, who was commissioned not to a State office but to represent the State in the first International Congress for School Hygiene at Nuremberg, Germany, he then being a fugitive from justice and a warrant outstanding.

The CHAIRMAN. When was that commission issued?

Mr. OWEN. He was commissioned in March, 1903.

The CHAIRMAN. Have you stated generally the character of the State offices?

Mr. OWEN. Yes, sir.

The CHAIRMAN. Then, since the admission of the State into the Union, have the executive officers of the State and the legislature been nominated by Mormons?

Mr. OWEN. Yes, sir.

The CHAIRMAN. Have you anything further, Mr. Carlisle?

Mr. CARLISLE. No; I will reserve my examination.

Mr. WORTHINGTON. It appears, I believe, that of the population of the State two-thirds are Mormons?

Mr. OWEN. I hardly think that is so now.

Mr. WORTHINGTON. What do you say then is the proportion?

Mr. OWEN. I should say possibly 60 per cent Mormon and 40 per cent Gentile.

Mr. WORTHINGTON. What was it, say, in 1896, when the State was admitted?

Mr. OWEN. Well, possibly, as you say, two-thirds about that time, I think.

Mr. WORTHINGTON. It is a fact, is it not, that if the Mormons had chosen to do so, having a majority of the votes, they could have had every office in the State filled by a Mormon from beginning to end?

Mr. OWEN. No; I think that could hardly be true, because had that been done there is a majority of Gentiles, as was shown prior to that time, in Salt Lake County and Weber County, and a very even division in Juab County.

Mr. WORTHINGTON. I say in the State offices.

Mr. OWEN. They could have dictated absolutely.

Mr. WORTHINGTON. They could have had every State officer a Mormon if they had wanted to?

Mr. OWEN. As they have had, excepting the attorney-general.

Mr. WORTHINGTON. You have already said the supreme court was Gentile. Every member of the supreme court of that State from the time the State was admitted down to this date has been a Gentile.

Mr. OWEN. I don't think they had the timber for supreme court officers.

Mr. WORTHINGTON. I am not asking whether they had the timber. I am asking about the fact.

Mr. OWEN. They could have done it. There is no question about it.

Mr. WORTHINGTON. You give them the credit, then, for saying they would not put men in the supreme court of the State who are not fit to be there, even though they had to go outside of their own church?

Mr. OWEN. Yes; I give them credit for at least desiring to have some proper forms of law.

Mr. WORTHINGTON. Mr. Owen, something was said here, during the examination of Mr. Wolfe, about a letter that had been written to this committee in regard to his testimony, and upon that being brought to his attention he said he had talked to you. Did you write that letter?

Mr. OWEN. Yes; I think I mentioned that I might possibly want to call Professor Wolfe.

Mr. WORTHINGTON. I would like to see the letter.

Mr. OWEN. I haven't it.

Mr. WORTHINGTON. To whom was it addressed?

Mr. OWEN. That was addressed to the chairman of the committee.

Mr. WORTHINGTON. Mr. Chairman, is there any reason why we should not see that letter?

The CHAIRMAN. Not the slightest, so far as I am concerned, if I can find it. I can not lay my hand on it now, but I will hand it to you in the morning.

Mr. CARLISLE. That is all we have this afternoon, Mr. Chairman.

The CHAIRMAN. Do you want to put on any witness now, Mr. Worthington?

Mr. WORTHINGTON. No; we have no witnesses now.

The CHAIRMAN. Then the committee will adjourn, for that reason, until 10 o'clock to-morrow morning.

Mr. CARLISLE. I think, Mr. Chairman, we can conclude this to-morrow.

The CHAIRMAN. I am very glad to know that.

The committee, at 3.35 o'clock p. m., adjourned until Friday, February 9, 1906, at 10 o'clock a. m.

WASHINGTON, D. C., *February 9, 1906.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Dillingham, Beveridge, Hopkins, Knox, and Overman.

The CHAIRMAN. Mr. Secretary, have you anything further?

Mr. CARLISLE. Before the gentlemen proceed with the cross-examination of Mr. Smurthwaite, I desire to offer to the committee an advertisement or a statement contained in the *Deseret News*, published at Great Salt Lake City, Utah Ter., Saturday, September 18, 1852; and also, in connection with that, the proceedings of a special conference held or assembled in the Tabernacle, Great Salt Lake City, Utah Ter., August 28, 1852, at 10 o'clock a. m., etc., at which this revelation establishing polygamy or recognizing polygamy as a principle of the church was first published.

The CHAIRMAN. That was in 1852?

Mr. CARLISLE. In 1852.

The CHAIRMAN. Mr. Secretary, will you read the notice to which you refer?

Mr. CARLISLE. Yes, sir; I will read it.

There is a finger pointing to it, and it is as follows:

"*Deseret News*, extra. Just issued from the press in pamphlet form, 48 pages of solid matter, sufficient for a book of 200 pages in popular style, including in full the minutes of the late special conference, business, speeches, sermons, and addresses on matrimony; the 'Great revelation given to Joseph Smith, Nauvoo, July 12, 1843,' concerning marriage for time and eternity; President Young's sermons of August 8 and 15, and other important items which will not soon be found again embodied in one work; for sale at the News office; price, 50 cents cash; and those who do not apply soon will apply in vain; they are going fast."

The extra referred to is embodied in this pamphlet I have here and is the document referred to in this notice which I have just read.

Mr. WORTHINGTON. The object of this, as I understand it, is to show that Brigham Young really was the first propounder of the doctrine of polygamy, and that he undertook to put it back on Joseph Smith?

Mr. CARLISLE. That is what we will probably claim.

Mr. WORTHINGTON. Can you tell me what that has to do with the question before the committee?

Mr. CARLISLE. We claim that this is the first publication of this doctrine.

Mr. WORTHINGTON. I say, can you tell me what your position will be in reference to what that has to do with the question before the committee?

Mr. CARLISLE. It may have a good deal to do with the question before the committee, because if this was not recognized as a revelation in 1852, of course the Mormon people were indulging in a practice which was not revealed to them at all, which has no binding force upon them; and we claim that Joseph Smith did not make any such revelation; in other words, that this is not a religious persecution, as the gentlemen on the other side claim, but this doctrine of polygamy was not a part of the religion of the Mormon Church.

Mr. WORTHINGTON. We have said nothing about this being a religious persecution.

Mr. CARLISLE. Yes; page after page in the argument before the committee is devoted to the discussion of that question—the question of religious liberty.

The CHAIRMAN. You claim that this was the first publication of the doctrine of polygamy?

Mr. CARLISLE. Yes, sir.

The CHAIRMAN. And that was in Utah in 1852?

Mr. CARLISLE. Yes, sir.

The CHAIRMAN. Have you any objection to it?

Mr. WORTHINGTON. I object to it as irrelevant, but as this is an investigation and not a trial I suppose it will go in. Everything seems to go in.

The CHAIRMAN. Very well; let it go in.

Mr. WORTHINGTON. Do you want the whole pamphlet to go in?

Mr. CARLISLE. Yes; because it contains a number of discourses which I think the committee ought to have.

The CHAIRMAN. Very well; this will go in.

The pamphlet referred to is as follows:

DESERET NEWS—EXTRA.

Great Salt Lake City, U. T., September 14, 1852.

A special conference of the elders of the Church of Jesus Christ of Latter-Day Saints assembled in the Tabernacle, Great Salt Lake City, August 28, 1852, 10 o'clock a. m., pursuant to public notice.

Present: The first presidency, Brigham Young, Heber C. Kimball, Willard Richards.

Presiding patriarch, John Smith.

Of the twelve apostles, Orson Pratt, John Taylor, Wilford Woodruff, Geo. A. Smith, Ezra T. Benson, Erastus Snow, and Franklin D. Richards.

Of the first presidents of the seventies, Joseph Young, Henry Herriman, Zera Pulsipher, Albert P. Rockwood, Jedediah M. Grant.

Presidency of his priests quorum, John Young, Reynolds Cahon, George B. Wallace.

Presiding bishop, Edward Hunter, and about two thousand elders.

Clerk of conference, Thomas Bullock.

Reporter, G. D. Watt.

Called to order by President Kimball.

The choir sung a hymn. Prayer by Elder Geo. A. Smith. Singing.

President Kimball presented the business of the conference in the following speech:

We have come together to-day, according to previous appointment, to hold a special conference to transact business a month earlier than usual, inasmuch as there are elders to be selected to go to the nations of the earth, and they want an earlier start than formerly. There will probably be elders chosen to go to the four quarters of the globe to transact business, preach the gospel, etc.

I recollect reading in one of the revelations in the Book of Doctrine and Covenants, where the Lord says: "If a man, inasmuch as he is an elder, had a desire in his heart to preach the gospel, he it is

that is called to preach the gospel." On the other hand, the Scriptures or some of the other revelations of God say that many are called, but few are chosen; when a man has that desire in his heart he is called, but perhaps not a great many will be chosen to go forth and preach the gospel.

I suppose you are all aware, by the information that we have received from our brethren the apostles, who have lately returned from foreign missions, that the work of God has commenced in many nations of Europe and upon the islands of the sea. Still there are many nations where the gospel door has not yet been opened in a direct way, though the foundation has been laid for the introduction of the gospel among them, and indirectly the door has been opened to all nations—that is, there are a great many adjacent rooms still; it has been opened into the main room, leading from that, that have yet to be opened with the smaller keys.

I want to say one thing before we proceed to the business of calling and setting apart those who have to go from this place to the nations this season. We have made a selection of a considerable number of elders to leave home and go abroad. This may be repugnant to the feelings of some. They may think it is a hazardous undertaking, but at the same time to go now is nothing to compare with going out to preach the gospel fifteen years ago, when they had to go not only without purse or scrip, but without any knowledge that there was a friend to take them by the hand when they arrived at their destination; now they can not go to any part of the world scarcely but they will find themselves among the saints.

It is a pleasure to preach the truth, I will say, to those who love to do the will of the Father, as it was with Jesus Christ; for, says he, Father, not my will but thine be done; I wish to know nothing but thy will, and that I will do until I spend my life. Did he not do this? He did. You require that same spirit and determination to carry out the same purpose; and I beg and beseech of you, brethren, you that shall be chosen, when you are elected, to go, if you don't live until you get to the United States; for when men are called and set apart to the ministry, to go to the nations of the earth, if they refuse to go it is death to them—that is, to their characters as faithful elders in Israel; they go down and not up, backward and not forward. I merely speak of this from my own experience, for I have had one in this church of upwards of twenty years. I was raised up, as it were, with the prophet; I lived with him to the day of his death. As to our present prophets and elders, Brother Brigham Young, I have lived with, with him I have traveled, and with him I have suffered. I have eaten and slept with him, and been by his side almost my whole life. I could say with propriety, and I can say it with truth, that Joseph Smith was a prophet of God, a seer, a revelator, an apostle of Jesus, and was ordained directly under the hands of Peter, James, and John; and he died a prophet, and Hyrum died a patriarch of Jesus, a father in Israel.

Brother Brigham Young is the successor of Joseph Smith, and a better man never lived upon the earth, nor ever sought the interest of this people more fervently from morning until night, and vice versa, than he has done. Did he not travel in the days of Joseph? He did, from the time he came into the church until the death of

Joseph, and so did I. Did we ever hesitate for one moment? No; not for a moment.

Jesus sought to do the will of his Father in Heaven; so it was our duty to do the will of Joseph; and now it is the duty of us all to do the will of Brother Brigham, for he reveals to us the will of God, which is his will. We will do his will as an elder, as a prophet, as an apostle of Jesus Christ, holding the same keys that Peter of old held, the same that Joseph Smith held as an apostle. You all believe this, don't you, without an exception? Well, if this is your faith, if this is your determination, I want you should manifest it by raising your right hands and saying "Aye." [A literal forest of hands was the result of this call, and the spacious hall trembled when a simultaneous "Aye" burst from the mouths of over 2,000 persons.] There it is, and it can not be any other way.

I say to those who are elected to go on missions, *go, if you never return*, and commit what you have into the hands of God—your wives, your children, your brethren, and your property. Let truth and righteousness be your motto, and don't go into the world for anything else but to preach the gospel, build up the kingdom of God, and gather the sheep into the fold. You are sent out as shepherds to gather the sheep together, and remember that they are not your sheep; they belong to him that sends you; then don't make a choice of any of those sheep; *don't make selections before they are brought home and put into the fold.* You understand that. Amen.

Elder Geo. A. Smith said:

What has been said, brethren and sisters, is verily true. This kingdom of God has been built up by His distinguished blessings and the exertion and energy of those whom God has called to bear it off. When men refuse to fulfill their callings, and magnify them in the proclamation of the fullness of the gospel to the nations of the earth, they certainly lay the foundation for their own ruin. When men, on the other hand, become so puffed up in their own estimation as to think that the kingdom of God could not roll forth without their mighty exertions, they fall into transgression; they are fools in Israel, and their greatness will vanish like smoke.

The fact is, God has planned for us the best sieve that could be imagined. He is determined to sift the nations with the sieve of vanity, and he has placed us here on the edge of the mountains, where a little shaking of the winds will cause everything without weight easily to slide off to the diggings; and in this way the work of sifting is going on daily, and hourly, and yearly, from time to time, according to the nature of the materials that happen to be thrown upon the sieve.

No doubt many of us may be called upon—if not to-day, at some other time—to bear the message of the gospel of salvation to the nations of the earth, for this was one of the commandments of the prophet. He enjoined upon us that we preach the gospel to all nations; that we should send forth the word to all people. This responsibility has been laid upon the priesthood of the church, and they are required to fulfill this commandment. There is not an elder, a priest, a teacher, or a member of this church but what bears a share of this responsibility.

The missions we will call for during this conference are generally not to be very long ones; probably from three to seven years will be as long as any man will be absent from his family. If any of the elders refuse to go, they may expect that their wives will not live with them, for there is not a Mormon sister who would live with a man a day who would refuse to go on a mission. There is no other way for a man to save his family, and in order to save himself he must fulfill his calling and magnify his priesthood in proclaiming the fullness of the gospel to the nations of the earth, and this certainly ought to be the greatest joy to the family of any man who feels the importance of building up the kingdom that he is actually considered worthy in these last days to be one of the number to go forth, as one of the horns of Joseph, to push the nations together, to gather out the honest in heart, to run for the prize which we all labor for.

I feel deeply interested in these matters, and hope and pray that all men who are called upon to go forth on missions to preach the gospel may have the faith of the church upon their heads, and that they may lift up their voices in faith before the people, that the light of truth may be a lamp in their path, and that by their exertions and the blessings of God it may be lighted up in distant nations.

I recollect a little incident in history that is told of William the Conqueror. After he had been King in England twenty years he became very corpulent. In consequence of a little joke upon his corpulency by the French king, he declared war, and the declaration was made in these words: "Tell my fair uncle I will pay him a visit, and I will bring along tapers enough to set all France on fire." You may suppose we are sending out but a few elders, probably not more than 100 or 150; but we intend to continue the work and send out elders enough to set the world on fire spiritually.

Elder J. Taylor remarked:

Brother George was talking about setting the world on fire. I think when the elders have traveled through the world as far as some of us have and seen the rottenness and weakness of their institutions, the folly and corruption that everywhere prevail, they will find that it is pretty near time, as the prophets have said, for it to be burned up and all its works. But I suppose it is necessary before the world is burned up that the good wheat should be saved and gathered into the garner and prepare to take a fresh start in peopling the earth and placing affairs upon a proper foundation.

There is no person that reflects upon the condition of the world, as it now exists, but his heart must be pained, must be filled with sympathy for the inhabitants of the earth. I have gazed upon their proceedings myself; I have watched their follies, abominations, and corruptions; I have seen them with my own eyes until I have wept over them. They seem to me to be regardless of God, heaven, hell, eternity, or anything else, and there are thousands and tens of thousands and millions of people upon the continent of Europe that would like no better employment than to go into deadly combat and destroy one another.

The people talk about how corrupt we, the Latter-Day Saints, are. If all they say about us be true, it is only a tithing of what you will

find in the world. I have told them to look at home, to examine their own firesides, and they would find plenty of corruption and abomination. They are living without God in the world, without hope, and they are dying without hope, consequently they are careless, profligate, and reckless.

The Lord has shone upon us; He has lit up a candle of intelligence in our souls; has imparted to us the principles of eternal truth; opened the heavens, and sent His Holy Angel to put us in possession of principles that will exalt us in the scale of intelligence among men, and raise us up to be associates of the gods in the eternal worlds.

Then shall we, who have thus been blessed with the visions of eternity, with light and intelligence, we who are filled with the spirit of God burning in our hearts, who have gazed upon the hidden things of eternity, and contemplated the purposes of God in their majesty and glory; I say, shall we shrink from the task of going forth to snatch these fallen sons of men from everlasting burning? Should we refuse to do so, it would testify that we had not a single spark of humanity in our bosoms and were not fit to live in the world, much less to associate with the gods in the eternal worlds.

I know you have a desire to do these things; but I will tell you there are many things that are calculated to try the feelings of men.

Those who have to go out, have to put their noses to the grindstone, and keep it there, and let them grind at it, and not murmur a word, and then, before it is healed, put it there again, and bear it all the time, and go along without saying anything, for you know it is a sin in the religious world to get angry. You need not attempt to go without faith in God; and you will have need of all the wisdom and intelligence you can command. You can not go and convert the world all at once, for it is too far sunken in folly and vice. This reminds me of a dream a brother had in France. He said he thought he was trying to kindle a fire on the seashore. Every time he attempted to light it a wave came and rolled over it, and he could hardly accomplish it until the tide began to recede, and then he considered he would build up a fire when the wood got dry.

You need not think of going abroad into the world, and going, as the Methodists sing, "on flowery beds of ease," for a great many consider you as impostors, and as a general thing you are looked upon as suspicious characters, to say the least of it, and you will be closely watched. If you go to those foreign nations your footsteps will be traced, no matter how privately you may make your entrance or how privately you may take your departure. It will be all known to the police authorities, and they can give all the information required touching your movements.

It was not more than ten minutes after I had taken the cab and started to the railway station to take my last departure from France when one of the high police came to inquire after me. The gentleman with whom I stayed was a very affectionate friend to me, and he kept the police in conversation for two hours, speaking very highly of me; he told them I was a respectable, high-minded man, etc. The police told him of every place I had been at since I came to Paris; when I came to France; what hotel I stayed in, and when I went to England, and how long I stayed there; when I went to Germany, and how long I stayed there; what books I had printed, etc. He gave

my friend a most minute account of every step I had taken, and all this is recorded in the books of the police. They have a congress of police among the nations of Europe, by which they can transmit information about every person who appears as a public character in any of those nations.

This is the way you will be watched. If you go to any of these nations it will be necessary for you to use the greatest wisdom and prudence, and that you should pray to God to guard you in all things.

This police authority did not come after me until I had finished my work. I suppose they would not have injured me, for I had broken no law; but this is their policy. With it we have nothing to do, and I should recommend you strictly to obey all police regulations and never interfere with any national, civil, or police institutions or regulations. I suppose they might have telegraphed after me if they wished; but I took another course not, however, knowing that they were after me. I turned off the main route to go by a little seaport town, and I missed the whole concern, and was in France a week longer, and they knew nothing about me. I was out of their track, and came off safe. The Lord blessed me, and I have been blessed as much in these nations as anywhere else.

You may talk about difficulties, and what you have passed through here and there, but we should not be men if we did not have difficulties to meet with; and we always feel much better when we have conquered them.

This is the difference between us and the world—they meet with difficulties, and they quash down under them, while we ride over them and become victorious. This is the reason why there are so many institutions among the Gentiles that come to naught—they meet with difficulties, and fall before them; we meet with the same, but we have a God at the helm and we triumph over them.

Another elder and myself stayed in a hotel in a small town for about a week, the landlord of which was an infidel. After we had been there two or three days I told the landlord I was a religious man. He replied: "Oh, you are religious, are you? Religion is a pack of nonsense." I told him I cared as little about most of the religion of Christendom as he did; but the one I believed in, I told him, would benefit both body and soul, in time and eternity. I talked to him a little about it, and he began to feel much interested.

I told him about the success and prosperity that attended our works; and finally he said: "I don't know but I will sell out and go to America, for I am tired of France." I said, "I will tell you where you will find a first rate place to settle down in that country," and directed him to Iowa. He spoke to an elder that was with him, after I had gone away, and said, "I don't like the way Mr. Taylor speaks to me." "Why?" said the elder. "He speaks as though he wants to push me off on one side somewhere, and I want to go where he is; you have got the right religion, and had I found this I should have been a religious man."

I talked to another gentleman who came in, who wanted to be introduced to me—a man of good education, and talked the English language as well as I did. We talked about everything almost, until religion came on in the conversation. When I was preparing to leave, the gentleman said, "Oh, Mr. Taylor, I wish you would stay three or four days more here, and I will introduce you to a rich sugar

manufacturer; and there is a gentleman living in a castle not far from here, I will introduce you to him." They felt as sorry at my going away as though I had stayed with them twelve months; and they came more than a mile to see me off and bid me good-by, and prayed God to bless me before I left.

You will see many such things as these. I could have introduced the gospel in the whole of that country had I had time. You will find that the spirit of the Lord will go before you and prepare the way. I had men come to me and say, "God bless you; you are the man I dreamed about." That is the kind feeling that operates upon the people in those parts, as well as in other parts of the world—the spirit of the Lord goes before his servants.

I recollect associating with some medical professors—American gentlemen—who had come to Paris for the purpose of attending medical lectures, etc., at l'Ecole de Medicine and visiting the hospitals; and though we were Mormons, they were glad to have our society, and seemed to feel a desire to associate with us. We talked Mormonism to them and many other things.

These men came there, remained two or three months, and went away; nobody cared anything about them, only just as much as they paid their way, and that was all. We went there and planted the gospel in the hearts of the people, and they feel as all other people do who are members of this church, the spirit of God was with them, and we could rejoice in the bosom of our friends, and talk of the things of God and the blessings he gives to his people. I looked at these doctors, and I said to myself, "You poor, miserable creatures; you wander round the world without the spirit and blessings of God, and nobody cares for you, whether you live or die, while we come here to plant the standard of truth in the hearts of the people and can rejoice with them in its blessings."

If any of you go into those countries you will find as warm-hearted people as you will find anywhere else. Brothers F. D. Richards and E. Snow can bear testimony of this. The gospel has the same effect in their hearts as it has in yours. I won't occupy your time further. May God bless you in the name of Jesus; amen.

Elder Ezra T. Benson said:

I feel thankful for the privilege to occupy a few moments at this conference, and to give my testimony concerning the work of the Lord in these last days.

I feel thankful that we are here and that we are blessed with the spirit of truth, which is one of the greatest blessings in the kingdom of God. When we have the spirit of truth dwelling in our hearts we are ready, and not only ready but willing to do the things that is required at our hands.

We have been hearing this morning that there are many that will be called to go to the nations of the earth. I feel that I can say that there is not an individual that will be called upon, if he has the spirit of the Lord or of Mormonism in his heart, but what will respond to the call with all his soul. He will feel to thank God and his brethren that he is worthy to be called with such a high and holy calling as to be a messenger of salvation, for I do actually know by experience that there is no calling under the heavens among the

children of men that is so desirable and so great as to go and preach this gospel.

If a man will magnify his priesthood he can do more in one hour in the vineyard preaching the gospel and gathering the saints in one, if he is sent to do so, than he can do here in ten, laboring with his hands for himself, for his family, and for the kingdom of God on the earth; for it is impossible for us to retain the spirit of God, it is impossible for us to love the Lord, or even to keep in good fellowship with this people, unless we do as we are told. Inasmuch as there are honest people in the earth, scattered among the nations, is it pleasing in the sight of God for us to sit down here, unless we are commanded to do so, and refuse to give them the truth? It is perfectly right to tarry here and prepare for the saints who are gathering, unless we are commanded otherwise.

I wish to say a few words to those who shall be called upon to go to the nations. The time is now, I feel persuaded of it, for us elders in Israel, to work while the day lasts—to work while there is time and opportunity—while God is softening the hearts of the people; now is the time for the elders to visit the nations, and tell them what they know concerning this great work in the last days; and when we do well for the kingdom of God, we do well for ourselves; when we do well for the people among the nations of the earth, we do well for ourselves; if we go and do as we are told, and that is, to preach what we actually know, and verily believe.

If it be possible, point out one man, an elder in this church, who has gone out to preach the gospel, and has been faithful in the kingdom of God, that has not been blessed, and his family has been blessed. There is not an instance on the records of this church, showing when a man has gone forth to proclaim the truth, that he has not been blessed. The opposite is the case—they have always returned home rejoicing, with their hearts filled with the love of God. Well, then, brethren, let us go, if we are called upon, and proclaim the good news, that God is doing a great work in the valleys of the mountains; that God has called his prophet, his apostles, and other servants to proclaim the glad tidings to the children of men, to those who sit in darkness and the shadow of death.

We have the name of being the best-feeling people on the face of the earth; and I will tell you furthermore, we just have the name of being the best people there is in the world; and the time is not far distant when the nations will seek for counsel at the feet of the servants of God. Why? Because we seek wisdom at the hand of God; because we are led by the revelation of Jesus Christ; because we live humble, and are honest before God, and he will pour out his blessings upon our heads, to enlighten our minds, and give us visions and revelations, so that we can not be led astray. I know this from the testimony that I receive.

I can bear testimony that God has been with me. Why? Because I have gone and done just as I have been told. It is because it was my determination, my will, and my desire, to do the thing I was sent to do. We had a little to do with mobs, it is true. They undertook to mob me a little, and Brother Grant said, when he heard of it in Washington, he was glad of it. [A voice in the stand: "And so was I."] I was too, because I felt when they were trying to mob me, and seek my life, I was better than they were; if I had not been, they

would not have tried to destroy me from the earth. They ran me into Brother Farnsworth's potato hole; to be sure, I ran in there, and thought it was a first-rate place to hide; I staid there a couple of hours; and reflected upon mobs, upon the things of the kingdom, and called upon my Father in heaven, by the authority of the holy priesthood, and I felt as though I could whip all the mobs in Missouri, if it had been wisdom to do so, and the best course for me to take; I would have gone out and whipped the whole posse of them. [A voice from the stand: "Yes; after they had all gone away."]

Many in Kanessville wanted me to wrestle with them. I said, I don't wrestle with any except from Salt Lake, but I can tap you on the head as I would a little boy, if that will do you any good; but when I see a man from Salt Lake, full of good works, I consider it an honor to wrestle with a man of that class; but I don't have anything to do with the low, degenerated characters who do nothing else but wrestle and gamble; but I said if you don't believe I can wrestle try me, and I will end you up a few times. They thought I was a very stout man, and it passed off just as well as though I had tried my dexterity upon them.

To close up the whole matter, I feel thankful to God that I am here; I am blessed, and the people here and that are on the road are also blessed.

Now is the time for the elders to go forth and preach the gospel; the Lord will soften the hearts of the people, and if mobs are stirred up it is all for the good of the saints.

When Satan begins to grin and show his teeth you may know there are sheep not far off. Only put your trust in God, and He will keep you and preserve you as in the hollow of his hand. Be comforted, brethren, whether you go to the nations of the earth or stay at home. It is just as necessary for men to live humble here as it is for them to live humble when they go there, for Satan is not dead yet, and Brother Brigham says he is glad of it. It is necessary he should live on the earth a little while longer, to stir up the saints by way of remembrance of the covenant they have made, and I have become perfectly reconciled concerning the things of the kingdom, and am so from day to day.

Let God do as He pleases and call whom He pleases and send whom He pleases abroad, and tell whom He pleases to remain at home; it is all the keeping of His commandments, and one station is as honorable as the other. If a man is told to tarry at home, he is as honorable as that messenger who is going to the nations of the earth. But if we sit down and consult the natural man, consult our own private feelings, and say here is my poor wife, here are my children, and there is my farm that I have earned with my own hands; I know how I came by my hard-earned property; how can I go and preach under these circumstances? All my property and all my fair calculations will be knocked into pie. Supposing they are, let them all go; there is plenty more farms and everything else; we are in the world and it is filled with the elements, and we have the keys and the power to work and organize them, make them honorable, and contribute to our happiness and earthly comfort.

What is there more honorable than to carry a message of the gospel from this people? You have the prayers and the faith of your brethren and the prayers and the faith of the whole priesthood.

Who is there that can not go and do good under these circumstances? If there are any such men, they are not fit to live upon the earth. If a man is not fit to tarry at home, he is not fit to send abroad, and if he is not fit to send abroad he is not fit to tarry among the people of God, only to be a scourge and a stumbling block to them.

Then let us rejoice; and if I should give way to my feelings, I should shout, Glory, hallelujah! And I would call upon every individual to feel that the great God is with them, and He is your Father and you are His sons and daughters and have a right to the legacy of eternal life, and not be bowed down in your minds and say, "I don't know, I am afraid I am not worthy to go preaching." If you get the testimony of the spirit of the Lord, you belong to the great family of God, and if you have the testimony of Jesus abiding in your heart you may rejoice all the day long.

Have we anything to fear? No! What did the president say the other day? He said he had not anything to fear; but if he should have any fears it would be that this people would sit down and lull themselves to sleep and forget the Kingdom of God. Can a man do this when he feels the spirit of truth in his heart? No. He will long to go to the nations of the earth, and be willing to be handled like the clay in the hands of the potter. We do not care what his testimony or knowledge has been; it is the abiding witness we want from day to day; it is that which carries a man safe through, according to my experience; it is then that we have no need to fear.

In the days of Nauvoo there were fears; there was death. The people were afraid this thing and the other would be wrong; that Brother Joseph would get wrong; that we should have to submit to principles and doctrines contrary to the doctrines of Jesus Christ, &c. From the experience we have already had, in the Kingdom of God, has any person a right now to such fears or such a thought for a moment? No. He knows that the principles that have been taught by the Prophet Joseph, Brother Brigham, Heber, and Willard, and by every good man in this church, are correct principles, and that these men have been borne off triumphantly over every trial and difficulty they have been called to pass through. The elders, therefore, can go to the nations with their consciences as clear as drifting snow and with the satisfaction that all is right in Zion, and that we are led by the best men upon the face of this earth. Are you afraid to bear this testimony to this perverse generation? No. The spirit of the Lord will back you up and put to silence the slanderers in the Gentile world. I have known it by experience. I have not been insulted in any congregation when I have taught the principles of God as they are taught in the valleys of the mountains. Every dog has been obliged to close his mouth, and has not even dared to exhibit his teeth.

All is right, all is glorious; Mormonism will continue should it come hot or cold, should it blow high or low, for God sustains it. When you feel so, brethren, you feel right; you feel strong and ready to combat with your enemies; right is written upon your commissions; you are mighty in the right to do right, so that you are perfectly willing that all the devils in hell should know your works; that God, angels, and your brethren should know, and when you are called home, you will return like lions in strength; you will feel well; you will feel blessed.

While you are gone prayers are ascending in your behalf, and in the behalf of your families, and every blessing you need is poured out abundantly upon you, and your hearts are filled with gladness.

This is the way to live in the midst of the saints in the world, and when the bowels of hell are moved with wrath against you, and devils belch out their fury, you are then ready to withstand them. Suppose Brother Taylor had been guilty of any wickedness in his travels, the whole country would have known it. Just so it is in the United States or anywhere else; if a man does not do right, but intends to feed his passion and carnal appetite, it would be better for him to turn round and say, Brethren, good-by to Mormonism.

We can not hide anything from God's spirit, and from His servants; I know this to be true. Then let us put the rough and ready side out, and let the word be, Come on, all hands, and build up the kingdom of God. This is my determination, and if God will give me strength and wisdom, and the good blessings of my brethren, it is my determination to shape my affairs so that when I go away I can be gone any length of time, and not be like the man who went upon the Indian expedition in Utah—he had not got fairly started before he wanted to return. What's the matter? "Oh, dear, I have married me a wife and can not go."

I am glad in my heart, and I say, God bless Brothers Brigham, Heber, and Willard; they are the counsel of heaven to this people, and I mean to honor them in the earth, wherever I go, and I would preach down in the bowels of hell the same as I do here and not be ashamed of it. My story all the time is, hurrah for Mormonism!

There is a jolly lot of fellows coming on from Kanessville and other places; eight or ten thousand Mormons will come here this season. They are a good people. Are the good brethren and sisters here thinking about it? Are they willing to take them by the hand and say, brother, sister, come to my house, and I will make you welcome to this or that—to comfort their hearts after the toils of such a journey? They are a good people; as good a people as you are, and just as willing to be counselled. My heart yearns after them, and I want you to feel after them likewise, by rendering them all the assistance in your power, until they are comfortably located.

I only throw out these few hints that you may be prepared to act when you receive the proper instructions from your president. There are musicians coming, who perform upon almost all kinds of musical instruments; the lame are coming; the blind, and the widows, and the fatherless. I did not stop to make any selections; but I said, come on, all of you. We have among them big men and little men, big women and little women; grandfathers and grandmothers; and for aught I know, great-grandfathers and great-grandmothers; but if they are not, they will be when they get here; for we have the name of raising the most children, and the best on the earth; and it will be very curious if we do not carry out what they all say we are guilty of.

I told them in Pottawatomie that we wanted good men to mingle with the saints; we are sent out to preach to a people who wish to do good to their fellow-men and be saved in the kingdom of God, and if you are not willing to obey the gospel and build up the kingdom you can not stand among this people, for God intends to raise up a holy race before Him in the last days to do His will in all things. After we have warned the nations we will return home and raise a

holy posterity before the Lord. Therefore we want good men and praying men, for I have no confidence in any man who does not pray. It is as much as I can do to live and pray all the time, and, after all, I suppose I may say, like the good old Methodist, "I leave undone those things I ought to do, and do the things I ought not." I do not feel that I have any animosity in my heart to any man on earth. If a man will be my enemy, and is determined to be, all I ask of him is to keep out of my way. I will not injure him, but let him get all the glory and exaltation he can and I will not throw the ashes of a rye straw in his path.

I can feel sensibly that there has been an increase of union and faith among the people here since I left here last fall; it is either in me or in you. [A voice in the stand: "It is in both."] "It is in both," brother Brigham says. Let this union and this faith continue to increase until we are brought into the presence of our God. And may this be the happy lot of us all. Amen.

President Young remarked:

The morning is far spent, but before we close the morning service I would like to present before the conference the names of a few elders who have been selected to take missions.

I suppose the brethren understand the object of this special conference. It is for the purpose of transacting business pertaining to foreign missions and of giving to the brethren an opportunity to cross the plains before the cold weather. We shall send them out from this conference.

I wish to say to the brethren I am thankful, and I rejoice in the Lord, my Savior, for His choice blessings which we enjoy. It was observed by Brother Benson that Brother Brigham has but one fear concerning this people; it is true.

I do not fear all the devils in hell or all the mobs that could be raised; but if I have any fear it is upon this ground, that the people, in their blessings, should forget the Lord their God. I do not say that this is the case with this people; but if there is danger to be anticipated it is in the slackness of the people to remember the Lord when the fostering hand of Providence is pouring out blessings upon them and round about them all the day long.

This has been in former times, when the blessings of the Lord have been poured out upon the people. It is written in the Bible concerning ancient Israel that they got fat and kicked against the Lord their God. You may understand the expression as you please; they forgot the Lord and began to trust in the wisdom of man. They forgot their prayers and the duties they owed to one another, and they fell back into a careless carnal security and became like the rest of the world.

This is the only ground on which I would have fear were I to entertain any. As I have often said, and the same I can say again, it is too late in the day for this people ever to be cast off or disowned by the Lord. The work the Lord promised to do is too nigh accomplished, and He has promised to make a short work on the earth. This work has been some time commenced, and if any of the people will not serve their God and do the work He has given them to do they will be removed out of the way, and that speedily. It is too late in the day

for this people to apostatize and the priesthood to be taken again from the earth, so there is not much ground for fears even in this respect.

A few words to the elders of Israel with regard to the building up of the kingdom of God. Suppose every man who has wanted to go out to preach (and almost every elder has wanted to go); suppose they had all gone six years ago last fall and left Nauvoo entirely destitute of elders and attended diligently to preaching up to this time, would there have been a place prepared for the gathering of the saints from all the world? No. There would have been no place for the elders to gather them to; there would have been no standard reared or rallying point for the people. Do you preach the gathering of Israel and the redemption of Zion? You do; and when you had got through this and found all the rest had been neglected, what would be the situation of the elders of Israel? Their mouths would be closed up and sealed; they would not have any more influence among the people than those doctors and philosophers in France, spoken of by Elder Taylor; they came, they tarried, and if they paid for what they had it was all right; they went and no person cared for them or sought after them. It would have been the same with the elders of this church.

The whole machinery is in operation and complete, that when the elders go forth to preach the gospel every man carries with him a two-edged sword; pierces the hearts of the people by the spirit of the gospel which he goes to proclaim; but if the work is in progress only in part, his sword is blunted at once; it has no edge; it is incomplete and does not pierce the hearts of the people, consequently he had better have stayed at home.

Why I make these remarks is that we may understand that unless this work is in progress as a whole it is not complete; we are found wanting and not prepared to do the work we are called and sent to do. Now, it is just as necessary for us to come to these valleys and build houses, make fences, erect schoolhouses, rear up places of worship, and prepare for the gathering of Israel as it is to go and preach to Israel to influence them to gather. The one is just as honorable and as acceptable in the sight of God as the other; and those that labor faithfully at home will be crowned with those that labor faithfully abroad. Those who are selected to remain at home receive as those who are selected to go abroad.

It is unnecessary for me, for any of the Twelve, or for any of my brethren to rise up here to preach to the elders, to infuse the spirit of preaching in them, for we have had to hold them back with a cable rope, as it were, to keep them from going to preach. There is no lack of the spirit of the gospel in the elders of Israel, for we have been teased all the time to give them permission to go out and give vent to the spirit within them; but had we listened to them, you and I would not have had this commodious house to preach in this day. All the elders would have been off preaching, and there would not have been enough left to have made the women and children comfortable.

What is to be done? Obey counsel. They do, and how far? Enough to scare the whole world. Look at the spirit that is in the midst of this people, and that overshadows them. What influence does this have upon the nations of the earth? It fills them with

terror and awe, and when they reflect and reason it fills them with astonishment that there is a people on the earth, in the present confused revolutionary state of the nations, that will hearken to counsel and be of one heart and one mind; they are filled with fear and astonishment, and they dread the union that is among this people more than they dread the Lord Almighty upon His throne. This is a pretty positive proof that this people are willing to hearken to the counsels of heaven.

Brother Benson proclaims in our hearing that this spirit has increased since he left here last fall. It has, and I expect it has grown in his own bosom. It has in mine. What do you think about it yourselves, brethren? Would you not be ready, also, to acknowledge that the same spirit is increasing in your bosoms—a spirit of love and union and of faith in your calling? I think there are a great many who can say, and say it truly, that the spirit of the Lord has greatly increased in their hearts for six or eight months past, or for a year. Were it not so, we should not be found growing in the knowledge of the truth. This is our labor, our business, and our calling, to grow in grace and in knowledge from day to day and from year to year.

I wish to say to this congregation that I wish them to say to the families of the brethren who are not here to-day, and I would like all the inhabitants of these valleys to hear it, "When our brethren who are on the plains come with their families into this city or into any of the settlements of the Latter-Day Saints, sit down and calmly make a calculation in your own hearts how you would wish a neighborhood of Latter-Day Saints to receive you if you had been journeying across the plains this season." Ponder it over in your minds and place yourselves in the situation of a pilgrim traveling across the plains, and after a hard and fatiguing summer's work now we have got home. Imagine yourselves at the doors of your brethren who have plenty. Here are their gardens groaning with the abundance of the products of the earth—with potatoes, beets, and cabbages; here is milk and butter, and fine flour in great quantities; here are tomatoes and garden vegetables of every description. "Now," you say, "I have got home to my brother's door, and he has got plenty."

What would you wish these brethren to do to you? Ask that same question to your neighbors, and get them to answer it. I can tell you what you would they should do to you; you would wish them to say, "Come brother, or sister, into my garden, and help yourself to some garden sauce; walk in here, and take and eat and make yourselves glad." And if they turn round and say, "Brother, how shall I pay you for what I get?" then you can not hear that, for it is something that is altogether out of the question. "The Lord gave it to me, now come and help me to eat it." That do to the emigrant saints, every one of you. I know it is the will of the Lord you should do it; and I know if He should speak to you himself He would tell you the same thing. I tell you just as it is, and that is just as good precisely as though another came and told you. Then the brethren will feel joyful; their hearts will be made glad, and they will know that you are actually growing in the knowledge of the truth.

There are a great many coming. Brother Benson says all are coming; even the great-granddaddies and great-grandmammies,

uncles, and aunts—all are coming—and I am glad of it. I rejoice, for it puts us in a position that we can send out elders from this place into all the world; whereas before our circumstances needed all the men we had here to prepare for the gathering of the saints. Now the time has come that we can send out our little parties to gather up Israel and preach the gospel to the nations before the end comes.

The reports we have heard from our brethren are favorable, cheering, and rejoicing to every heart. Those who are coming from the islands of the sea, and from the old countries, where the elders have been sent; those from Pottawatomie and the States are coming home. For the present this is the place of gathering. Here the standard is reared for the Latter Day Saints from all nations, that they may spread out from this place and fill up other places until all the continent of America, which is the land of Zion, shall be peopled with the saints of the Most High.

Question: When are we going back to Jackson County? Not until the Lord commands His people; and it is just as much as you and I can do to get ready to go when He does command us.

Brother Benson and Grant have been successful in their missions. Brother Benson says some of the brethren were glad when he was mobbed. I was glad of it, for every mobbing difficulty will add glory upon the heads of the humble, faithful, and contrite in heart; it serves to prove and give them experience; it shows them the contrast between the one and the other. All this is preparatory for the saints to enter into their rest and for the wicked to receive their punishment. Brother Benson has been successful; and I thank the Lord Almighty that he turned the key here last fall and caused a tremendous commotion among the political elements—earthquake, thundering, and lightning—above and below the earth, with great excitement; this gathered a great many more saints than if it had been fair weather all the time.

This clashing and noise of the elements stirred up the people in Pottawatomie and then they wanted to go to the mountains; like Brother George A. Smith in the latter days of Nauvoo, he wanted to go to the mountains, or to California, or Oregon; he was not very particular. What for? Simply because he was obliged to go somewhere. The saints who are coming now from Pottawatomie were obliged to leave for the valleys of the mountains. Why? Because they had to run somewhere. Do you suppose I am sorry because of persecution? No! I never was in my life; but I have thanked God a thousand times that the devil is not yet bound, for if he had been the saints would have gone to sleep; and if there could be such a thing they would have been blotted out of existence, with all their intelligence, and the earth have received them into its bowels. Light, knowledge, truth, wickedness of every kind, the works of the Almighty, and the works of the devil all conspire to roll on the great work that the Lord Jesus Christ is doing upon the earth, every person and power in their own order.

I do not wish to detain the congregation longer this morning. Brother Kimball set before you the object of the meeting, and I have hinted at it. We will now read over a few names that we have

selected. May the Lord God of Israel bless you, in the name of Jesus Christ. Amen.

The clerk read 98 names of individuals who had been proposed to foreign missions.

Singing. Benediction by Geo. A. Smith.

Adjourned for one and one-half hours.

2 P. M.

Conference called to order by President Young.

Singing. Prayer by President J. Young. Singing.

The following elders were then appointed to their several missions:

Europe—England.—Daniel Spencer, Charles A. Harper, Isaac Allred, John Van Cott, Mellen Attwood, Chancey G. Webb, Charles Smith, Sylvester H. Earl, David Grant, Thomas W. Treat, Benjamin Brown, James T. Park, Perregrine Sessions, Osman M. Duel, John A. Hunt, James Pace, William Burgess, jr., Levi Nickerson, Noah T. Guymon, William Glover, Edward Martin, Levi E. Riter, John S. Fulmer, Richard Cook, John Oakley, William Clayton, William Pitt, John C. Hall, Wm. Woodward, James G. Willie, Daniel D. McArthur, Moses Thurston, John Perry, Wm. Empey, Spicer Crandell, John Mayer, Elias Gardner.

Ireland.—Daniel Toner, John McDonald.

Wales.—Dan Jones, Thomas Jeremy, Daniel Daniels.

France.—Andrew L. Lamoreaux.

Germany.—George Mayer, George C. Riser, Jacob F. Secrist, Wm. Taylor.

Capital of Prussia.—Orson Spencer, Jacob Houtz, Moses Clough.

Norway.—Eric G. M. Hogan, Canute Peterson.

Denmark.—George Percy.

Gibraltar.—Edward Stephenson, Nathan T. Porter.

Asia—Hindoostan.—Nathaniel V. Jones, Amos M. Mussel, Samuel A. Wooley, Richard Balentyne, Robert Owen, Robert Skelton, Wm. Fotheringham, Wm. F. Carter, Truman Leonard.

Siam.—Chancy W. West, Sterne Hotchkiss.

China.—Hosea Stout, James Lewis, Chapman Duncan.

Africa—Cape of Good Hope.—Jesse Haven, Leonard I. Smith, Wm. Walker.

America—Nova Scotia and British provinces.—John Robinson, A. D. L. Buckland, Benjamin T. Mitchell, Joseph Millet.

West Indies.—Jesse Turpin, Darwin Richardson, Alfred R. Lambson, Aaron Farr.

British Guiana.—James Brown, Elijah Thomas.

Texas.—Preston Thomas, Williams Camp, Washington Jolly.

New Orleans.—John Brown.

St. Louis.—Horace S. Eldredge.

Iowa.—Daniel Miller.

Washington City.—Orson Pratt.

Australia.—Augustus Farnham, William Hyde, Burr Frost, John Hyde, Josiah W. Flaming, Paul Smith, James Graham, John S. Eldredge, Absolem P. Dowdle.

Sandwich Islands.—William McBride, Ephraim Green, Edgerton Snyder, James Lawson, Benjamin F. Johnson, Thomas Kairnes, Nathan Tanner, Reddick N. Allred, Reddin A. Allred.

Elder O. Pratt said:

The congregation have seen manifested the determination of these brethren who have been appointed to go on their respective missions. If it be the minds of this assembly that all of these brethren whose names have been read shall fulfill their several appointments, you will manifest it by the uplifted hand. [The manifestation was unanimous.]

I will make a few observations by permission. When I see so many of my brethren feeling a desire to go to the nations, to different parts of the earth, it truly is a cause of great rejoicing to my heart. When I read occasionally letters and communications that are published in the *Millennial Star* in regard to the spread of this work among the different nations, it is a cause of joy to me which is indescribable. And when I see the brethren going forth to the different nations I almost feel as though I wanted to go to all these different places at the same time myself, to go with my brethren and be instrumental with you in trying to build up this kingdom among the nations. There is certainly no work in which the servants of God can be engaged that is so pleasing and joyful to the mind as to be engaged in the work of the holy ministry, in trying to persuade the honest in heart among the nations to receive the truth.

This generation has been calling a long time for miracles, but one of the greatest miracles in the last days, in my estimation, is the fact that scores and hundreds of the missionaries of the Latter Day Saints are traversing the globe, going from nation to nation, upon the principle that the ancient apostles traveled, namely, "without purse or scrip." Is not that a miracle? Has there any such thing happened before for many generations as people traveling over the whole earth, starting from their homes without purse or scrip? If you should go upon your own business and the Lord had not a hand in the matter it would be nine chances out of ten if you did not perish before you returned, and perhaps nine chances out of ten if you ever obtained means to accomplish your journey and pay your passage from place to place. But where is there an example of any faithful man in this church since the year 1830 that has gone forth, trusting in the Lord God of Israel with mighty prayer, but what has been sustained, upheld, and preserved to return again in honor unless they have fallen perhaps by sickness or have died martyrs in testimony of the truth?

We find, then, that the Lord has actually wrought miracles in scores and hundreds of instances in sustaining His servants among foreign nations, in foreign lands, where it would be almost impossible for people that were on their own business to have accomplished anything or to have traveled among them. What has the Lord said upon this subject? He commands us in a revelation given September 22d, 1832, as follows: "Therefore, let no man among you (for this commandment is unto all the faithful who are called of God in the church unto the ministry) from this hour take purse or scrip that goeth forth to proclaim this gospel of the kingdom." This was

a command given twenty years ago this next September. Says one, "That looks rather hard." It does not look hard at all, for that same God that gave the commandment is able to bear you up—He is able to sustain you.

Perhaps this might have had reference, more particularly, to those who are actually in their fields of labor; this may be the case, for traveling to your field of labor is one thing, and laboring in it is another. There may actually be instances where an elder is obliged, circumstances being such, to take some means to assist him until he shall arrive at his field of labor, but when he gets there then depend upon the Lord God of Israel and the people to feed and sustain him. I am not going to say but what it will apply in traveling to the field of his labor; at any rate, I would not be afraid to trust the God of Israel to assist me in going to my field of labor as well as to assist me after having arrived there.

What would be the best thing, then, for these elders who are going forth? As a general thing I would say to them: "If you have any cash leave it with your wives and children to comfort their hearts, to support them in your absence and be a blessing to them. And if you can get mules and horses to carry you from here to the States, when you get onto the frontiers sell them, and they will bring you in a little cash to carry you through the mobocratic divisions of the country." [A voice in the stand: "Send that back!"] The Lord will always provide some way to get along, and the faithful servant of God has nothing to fear only his own weakness and his own imperfections and follies; these are the things that he has need to fear the most.

If an elder gets unfaithful when he is abroad, he is sometimes apt to get into straight places; but if he is diligent in prayer, in doing the work of the Lord, striving in faith to live humbly before Him, setting a proper example before his brethren and the people among whom he labors, he will find that the Lord will bear him off victorious, his power will be upon him, and when he administers the words of life it will be by the power and wisdom of the Holy Spirit; when he administers in the ordinances of the church, the blessings of Jehovah will follow; when he says to the sick, "Be thou healed in the name of Jesus Christ"—behold! it is done; when he commands the lame will leap like an hart; the power of the Lord God of Israel will be made manifest through his faithful servants, and they have nothing to fear.

Brethren, I will prophesy that the power of the Lord of Israel will be with you to a far greater extent than what has been poured out in days that are past; and the way will open before you, and the Lord will visit the hearts of the people before you arrive among them and make manifest to them by visions and dreams that you are the servants of God before they shall see your faces; and you will receive heavenly visions to comfort you, and dreams to give you knowledge of the things of God, if you prove faithful before Him. I will prophesy this in the name of the Lord God of Israel, and you will find that this power will be more conspicuously made manifest through your administrations on those missions than has ever taken place since the rise of the church.

How often have I reflected upon the words of the Savior, which were given expressly to his servants; they were not given to the whole church, but to his servants who are engaged in the work of

ministry. He said, "Take no thought for the morrow, what ye shall eat or what ye shall drink, or wherewithal ye shall be clothed. Consider the lilies of the field; they toil not, neither do they spin, yet Solomon or the kings of this world are not arrayed like one of these. And if God so clothe the grass which to-day is, and to-morrow is thrown into the fire, how much more shall He clothe you if you are not of little faith? Therefore take no thought for these things." You will find, brethren, if you go forth trusting in the Lord, that whatever you need will be ministered to you in the very moment, and you will return again with your hearts filled with joy, and your bodies comfortably clothed, and means in your pockets to assist your families when you return to them, and with souls as seals to your ministry, with whom you shall rejoice in time and in eternity.

I have oftentimes thought of another saying in the Book of Mormon, concerning the parable of the vineyard, delivered by one of the old, ancient prophets. He said "that the servants of God shall go forth and labor for the last time;" and the prophecy says, "Behold they were few, the Lord labored with them." Among all the servants that have labored in previous dispensations the parable does not condescend to say that the Lord labored with them, although he no doubt did. But here it is expressly said that the laborers were few, and the Lord labored with them. And after the vineyard was pruned and was no more corrupt He called up His servants and said, "Behold, you see I have done according to my will, and ye shall have joy with me in the fruit of my vineyard." This truly seems to be characteristic of the way and manner this gospel is going to the nations. It does not go according to the will of man, neither according to his inferior judgment, but according to the will of God. It breaks forth on the right hand, and on the left, and the servants of God are sent forth by His will and authority; and if they are faithful He has ordained them to labor in His vineyard; and the prophecy says they will be faithful, and they shall keep the commandments of the Lord of the vineyard in all things.

Try to have this prophecy fulfilled upon your own heads; keep the commandments of the Lord of the vineyard in all things that His blessings may be upon you; that when you set your hands with the pruning knife to prune and train up the branches of the trees of the vineyard, and dig around their roots, the power of the everlasting God may rest upon you and the vineyard where you labor. Keep the commandments of the Lord in all things, that you may have joy with Him in the fruits of the vineyard when the work is finished. May He bless you as He did Abraham and His servants of old, that you may do the work He has appointed to you in faith and prayer and perseverance, that you may bring home your thousands and rejoice in the midst of the mountains.

Elder Franklin D. Richards followed in a short speech not reported.

President H. C. Kimball motioned that Elder Orson Pratt take a mission to Washington to preach the gospel and preside over the saints in the United States, upper and lower Canada, and the British provinces in North America. Seconded and carried unanimously.

Elder J. M. Grant, and W. W. Phelps severally addressed the audience.

President Young said:

I want to say a few words to the congregation before we dismiss, for we shall be under the necessity of separating soon, and probably we shall hold another meeting this evening.

I have heard the exhortations of the brethren who have spoken to-day with joy; they seem to be in good spirits and certainly, yea, most assuredly, there is the most novelty in Mormonism that there is in anything upon the face of the earth. It is musical; it pleases both the eye and the ear, and I may say, every sense of the man.

When I heard the brethren exhorting those who are going out on missions, I wished them to impress one thing upon the minds of these elders, for it is necessary that it should be uppermost there, which may be the means of preserving them from receiving stains on their characters from which very probably they may never recover. If we get a blight upon our characters before the Lord, or in other words lose ground and backslide by transgressions, or in any other way, so that we are not up even with the brethren as we are now, we never can come up with them again; but this principle must be carried out by the elders wherever they go, whatever they do, or wherever they are; one thing must be observed and be before them all the time in their meditations and in their practice, and that is, clean hands and pure hearts before God, angels, and men.

If the elders can not go with clean hands and pure hearts, they had better stay here and wash a little longer. Don't go thinking when you arrive at the Missouri River, at the Mississippi, at the Ohio, or at the Atlantic that then you will purify yourselves, but start from here with clean hands and pure hearts, and be pure from the crown of the head to the soles of your feet. Then live so every hour; go in that manner, and in that manner labor, and return again as clean as a piece of pure, white paper. This is the way to go, and if you do not do that your hearts will ache. How can you do it? Is there a way? Yes. Do the elders understand that way? They do. You can not keep your own hands clean and hearts pure without the help of the Lord; neither will He keep you pure without your own help.

Will you be liable to fall into temptations and be overtaken by sin? Yes; unless you live so as to have the revelations of Jesus Christ continually, not only to live in it to-day or while you are preaching, in a prayer meeting, or in a conference; and when you are out of these meetings, when you are guarded more particularly by the Spirit, say that you can get along without the Holy Ghost. You must have it all the time, on Sunday, Monday, Tuesday, and every day through the week, and from year to year, from the time you leave home until you return, so that when you come back you may not be afraid if the Lord Almighty should come into the midst of the saints and reveal all the acts, and doings, and designs of your hearts in your missions; but be found clean, like a piece of white paper. That is the way for the elders to live in their ministry, at home and abroad.

There are a great many things that could be said here which would add to the comfort and consolation of us all, a great many principles that could be taught to the elders which they must learn when they go abroad. I will notice one thing with regard to learning. You will hear a great many elders say, "If I could go to

preaching I could become a man like many others; I should receive knowledge and understanding; I should be noted, become a great man and a wise man." Many have such feelings—that they are greater who are in the world preaching the gospel than those who remain here. It is a grand mistake, for if those who have lived with us all the time have not a knowledge of true principles, do not understand the root and foundation of the superstructure, are not filled with knowledge and understanding here, they need not appeal to the Gentile world for it. If they have not the foundation within themselves, of talent and tact, they need not go abroad for the spirit of the Lord to instruct them in things they can not be instructed in here at home, and to obtain improvement where improvement can not be made.

We may live here year after year, and store up knowledge all the time, and yet not have an opportunity of exhibiting it to others, but if I have knowledge by the spirit of the Lord, I gain it at the fountain, and if not quite at the fountain head, the nigher I am to that place, the more I get; though I have not the privilege of exhibiting it to the people, it is on hand whenever the time comes it should be used. It is a vain idea to suppose that we can send elders into the world who have not got good common sense, to make men of them; if they have good sense here, they will have it yonder; if they have good sense yonder, they will have good common sense here; whether they are there or here does not alter the foundation that is in them. If the elders have natural ability, and have obtained great wisdom or learning, to go abroad gives them an opportunity to improve what they have.

I want to refer to the last speech made here. Brother Phelps feels very joyful, as the rest of us do. When we hear the glad tidings of salvation among the nations, it gives a spring to our feelings and fills us with unspeakable joy.

Perhaps in the case before us, as in others, we might say that men become children; we are children in the first place, then become men; and in the second place men become children in their understanding. As to the correctness of the exalted views that Brother Phelps has of myself, I leave it to the congregation to decide for themselves, but to place me on a par with the personages he has named, who have overcome and entered into the presence of God, or even to compare me with Joseph Smith, our martyred prophet, is too much, though I expect, if I am faithful, I will be as great as they are now, and so can every other faithful man.

But am I now to be compared with these exalted characters? Not at all; not even with Joseph Smith, and he is at present inferior to others Bro. Phelps has named. But I expect, if I am faithful with yourselves, that I shall see the time with yourselves that we will know how to prepare to organize an earth like this; know how to people that earth, how to redeem it, how to sanctify it, and how to glorify it with those who live upon it who hearken to our counsel.

The Father and the Son have attained to this point already. I am on the way, and so are you, and every faithful servant of God.

One of the greatest queries on the minds of the saints is to understand the nature, the principle, or the foundation of our existence. To say nothing about what has been, if you will follow out that which

is before you, you can learn all about it. I have a notion to tell you, though I have not time to say much about it now. I will, however, just tell to you the simple story relating to the exaltation of man in the celestial kingdom of God. We will take Joseph, for instance. He is faithful to his calling, has filled his mission to this earth, and sealed his testimony with his blood; he has done the work which his Father gave him to do, and will soon come to the resurrection; his spirit is waiting for the resurrection of the body, which will soon be. But has he the power to resurrect that body? He has not. Who has this power? Those that have already passed through the resurrection, who have been resurrected in their time and season, by some person else, and have been appointed to that authority just as you elders have with regard to your authority to baptize.

You have not the power to baptize yourselves; neither have you power to resurrect yourselves; and you could not legally baptize a second person for the remission of sins until some person first baptized you and ordained you to this authority. So with those that hold the keys of the resurrection to resurrect the saints, Joseph will come up in his turn, receive his body again, and continue his mission in the eternal worlds until he carries it to perfection, with all the rest of the faithful, to be made perfect with those who have lived before, and those who shall live after, and when the work is finished, and it is offered to the Father, then they will be crowned, and receive keys and powers by which they will be capable of organizing worlds. What will they organize first? Were I to tell you I should certainly spoil all the baby resurrection that Elder Hyde and others ever preached, as sure as the world.

After men have got their exaltation and their crowns; have become gods, even the sons of God; are made king of kings and lord of lords, they have the power then of propagating their species in spirit, and that is the first of their operations with regard to organizing a world. Power is then given to them to organize the elements, and then commence the organization of tabernacles. How can they do it? Have they to go to that earth? Yes; and Adam will have to go there, and he can not do without Eve; he must have Eve to commence the work of generation and they will go into the garden and continue to eat and drink of the fruits of the corporal world until this grosser matter is diffused sufficiently through their celestial bodies to enable them, according to the established laws, to produce mortal tabernacles for their spiritual children.

This is a key for you. The faithful will become gods, even the sons of God; but this does not overthrow the idea that we have a father. Adam is my father (this I will explain to you at some future time), but it does not prove that he is not my father if I become a god; it does not prove that I have not a father.

I am on the way to become one of those characters, and am nobody in the world but Brigham Young. I never professed to be Brother Joseph, but Brother Brigham, trying to do good to this people. I am no better nor any more important than any other man who is trying to do good; if I am, I don't know it. If I improve upon what the Lord has given me and continue to improve, I shall become like those who have gone before me; I shall be exalted in the celestial kingdom, and be filled to overflowing with all the power I can wield,

and all the keys of knowledge I can manage will be committed unto me. What do we want more? I shall be just like every other man, have all that I can, in my capacity, comprehend and manage.

I am on my way to this great exaltation; I expect to attain unto it. I am in the hands of the Lord and never trouble myself about my salvation, or what the Lord will do with me hereafter. It is for me to do the will of God to-day, and when to-morrow comes, to enquire what is his will concerning me, then do the will of my Father in the work he has appointed me to do, and that is enough for me. I am serving a God who will give me all I merit when I come to receive my reward. This is what I have always thought, and if I still think so, it is enough for me.

I say to the brethren who are leaving home, when you go from home leave everything you have got here; don't take anything with you but the Lord and yourselves.

You will want horses to bear you over the plains, but don't carry your wives or your children in your hearts or in your affections with you one rod; dedicate them to the Lord God of Israel and leave them alone; and when you are in England or among other nations, no matter where, when you pray for your families pray for them as being in the Great Salt Lake Valley, and do not bring them close to you as though they were in your carpetbag; pray for them where they are. You must feel if they live, all right; if they die, all right; if I die, all right; if I live, all right, for we are the Lord's and we shall soon meet again.

I wish to say to you that are left here, whose husbands and fathers are going away for a season, don't cling to them one particle, but let them go as cheerfully as you would give a weary traveler a cup of cold water. If you live, it is all right, and if you fall asleep before they return, it is all right; don't send your hearts after them one step, nor suffer your spirits to cling to them one moment; then your wives in very deed will be blessed, and be helpmeets to their husbands.

But if a wife should yet cling around a husband's neck and say, "Oh, how I love you, dear husband!" and keep him in her embraces, that woman is a dead weight to that man and not a help to him. Women should be loyal to the cause of God and help build up His kingdom by their husbands in assisting them to fulfill their missions, and if they do not do it they are not a helpmate to their husbands. I know there are a great many here who have had an experience in these things. It is no matter if they are on the other side of the globe, apart. Let them long for each other, and there will be a thread of communication between them. The man can not be useful in his labors while she is all the time weeping and mourning every day of her life. Let a man suffer his mind to be drawn out all the time after his family and he will become inactive in the work of the Lord.

When you leave—understand it—you have neither wife nor children. You have handed them all over to the Lord Jesus Christ. Let the brethren go and say: "I will keep my eyes straight before me on the object of my mission and not look behind me to my family; but I will accomplish my mission, and when I have done it is all right; I am willing to go home if the Lord wishes me to do so."

The time is far spent, and it is necessary for our meeting to be brought to a close. May the Lord bless us; and I say He does bless us. We are greatly blessed above all people upon the face of this earth. Let us be faithful to God and the covenant we have made. Amen.

Adjourned till to-morrow, 10 a. m.

Benediction by President Young.

SUNDAY, 29th August, 1852—10 a. m.

Conference convened pursuant to adjournment, and called to order by President H. C. Kimball.

Choir sung a hymn.

Prayer by Elder Ezra T. Benson, and singing. Prof. Orson Pratt then said:

It is quite unexpected to me, brethren and sisters, to be called upon to address you this forenoon, and still more so to address you upon the principle which has been named, namely, a plurality of wives.

It is rather new ground for me—that is, I have not been in the habit of publicly speaking upon this subject—and it is rather new ground to the inhabitants of the United States, and not only to them, but to a portion of the inhabitants of Europe; a portion of them have not been in the habit of preaching a doctrine of this description, consequently we shall have to break up new ground.

It is well known, however, to the congregation before me that the Latter Day Saints have embraced the doctrine of a plurality of wives as a part of their religious faith. It is not, as many have supposed, a doctrine embraced by them to gratify the carnal lusts and feelings of man; that is not the object of the doctrine.

We shall endeavor to set forth before this enlightened assembly some of the causes why the Almighty has revealed such a doctrine, and why it is considered a part and portion of our religious faith. And I believe that they will not, under our present form of government (I mean the Government of the United States), try us for treason for believing and practising our religious notions and ideas. I think, if I am not mistaken, that the Constitution gives the privilege to all the inhabitants of this country of the free exercise of their religious notions, and the freedom of their faith and the practice of it. Then, if it can be proven to a demonstration that the Latter-Day Saints have actually embraced, as a part and portion of their religion, the doctrine of a plurality of wives, it is constitutional. And should there ever be laws enacted by this Government to restrict them from the free exercise of this part of their religion such laws must be unconstitutional.

But, says the objector, we can not see how this doctrine can be embraced as a matter of religion and faith; we can hardly conceive how it can be embraced only as a kind of domestic concern, something that pertains to domestic pleasures, in no way connected with religion. In reply we will show you that it is incorporated as a part of our religion and necessary for our exaltation to the fullness of the Lord's glory in the eternal world. Would you like to know the reasons? Before we get through we will endeavor to tell you why we consider

it an essential doctrine to glory and exaltation, to our fullness of happiness in the world to come.

We will first make a few preliminary remarks in regard to the existence of man—to his first existence in his first estate—and then say something in relation to his present state and the bearing which it has upon his next, or future, state.

The Mormons have a peculiar doctrine in regard to our preexistence, different from the views of the Christian world, so called, who do not believe that man had a preexistence. It is believed by the religious world that man, both body and spirit, begins to live about the time that he is born into this world or a little before. That, then, is the beginning of life. They believe that the Lord, by a direct act of creation, formed, in the first place, man out of the dust of the ground, and they believe that man is possessed of both body and spirit, by the union of which he became a living creature. Suppose we admit this doctrine concerning the formation of the body from the dust, then how was the spirit formed? Why, says one, we suppose it was made by a direct act of creation, by the Almighty himself; that He moulded the spirit of man, formed and finished it in a proper likeness to inhabit the tabernacle he had made out of the dust.

Have you any account of this in the Bible? Do the Scriptures declare that the spirit was formed at the time the tabernacle was made? No. All the tabernacles of the children of men that were ever formed, from remote generations, from the days of Adam to this time, have been formed out of the earth. We are of the earth earthy. The tabernacle has been organized according to certain principles, and laws of organization with bones and flesh and sinews and skin. Now, where do you suppose all these tabernacles got their spirits? Does the Lord make a new spirit every time a tabernacle is made? If so, the work of creation, according to the belief of Christendom, did not cease on the seventh day. If we admit their views, the Lord must be continually making spirits to inhabit all the tabernacles of the children of men; He must make something like one thousand millions of spirits every century; He must be working at it every day, for there are many hundreds of individuals being born into the world every day. Does the Lord create a new spirit every time a new tabernacle comes into the world? That does not look reasonable or godlike.

But how is it, you inquire? Why, the fact is that being that animates this body; that gives life and energy and power to move, to act, and to think; that being that dwells within this tabernacle is much older than what the tabernacle is. That spirit that now dwells within each man and each woman of this vast assembly of people is more than a thousand years old, and I would venture to say that it is more than 5,000 years old.

But how was it made, when was it made, and by whom was it made? If our spirits existed thousands of years ago; if they began to exist; if there were a beginning to their organization, by what process was this organization carried on? Through what medium and by what system of laws? Was it by a direct creation of the Almighty, or were we framed according to a certain system of laws—in the same manner as our tabernacles? If we were to reason from analogy, if we admit analogical reasoning in the question, what

would we say? We should say that our spirits were formed by generation, the same as the body or tabernacle of flesh and bones. But what says Revelation upon this subject? We will see whether Revelation and analogy will agree.

We read of a certain time when the cornerstones of the earth were laid, and the foundations thereof were made sure; of a certain time when the Lord began to erect this beautiful and glorious habitation—the earth; then they had a time of joy: I do not know whether they had instruments of music or whether they were engaged in the dance; but one thing is certain, they had great joy, and the heavens resounded with their shouts; yea, the Lord told Job that all the sons of God shouted for joy and the morning stars sang together when the foundations of this globe were laid.

The sons of God, recollect, shouted for joy, because there was a beautiful habitation being built, so that they could get tabernacles and dwell thereon; they expected the time, they looked forward to the period, and it was joyful to them to reflect that the creation was about being formed, the corner stone of it was laid, on which they might, in their times and in their seasons and in their generations, go forth and receive tabernacles for their spirits to dwell in. Do you bring it home to yourselves, brethren and sisters? Do you realize that you and I were there? Can you bring it to your minds that you and I were among that happy number that shouted for joy when this creation was made? Says one, "I don't recollect it." No wonder, for your recollection is taken from you, because you are in a tabernacle that is earthly, and all this is right and necessary.

The same is written of Jesus Christ himself, who had to descend below all things. Though He had wisdom to assist in the organization of this world, though it was through Him, as the great leader of all these sons of God, the earth was framed, and framed, too, by the assistance of all His younger brethren, yet we find, with all that great and mighty power He possessed and the great and superior wisdom that was in His bosom, that after all His judgment had to be taken away; in His humiliation His reason, His intelligence, His knowledge, and the power that He was formerly in possession of vanished from Him as He entered into the infant tabernacle.

He was obliged to begin down at the lowest principles of knowledge and ascend upward by degrees, receiving grace for grace, truth for truth, knowledge for knowledge, until He was filled with all the fullness of the Father and was capable of ruling, governing, and controlling all things, having ascended above all things. Just so with us; we that once lifted up our united voices as sons and daughters of God and shouted for joy at the laying of the foundation of this earth have come here and taken tabernacles, after the pattern of our elder brother, and in our humiliation (for it is humiliation to be deprived of knowledge we once had and the power we once enjoyed—in our humiliation, just like our elder brother, our judgment is taken away. Do we not read also in the Bible that God is the Father of our spirits?

We have ascertained that we have had a previous existence. We find that Solomon, that wise man, says that when the body returns to the dust the spirit returns to God, who gave it. Now, all of this congregation very well know that if we never existed there we could not return there. I could not return to California. Why? Because I

never have been there. If you never were with the Father, the same as Jesus was before the foundation of the world, you never could return there any more than I could to the West Indies, where I have never been. But if we have once been there, then we can see the force of the saying of the wise man, that the spirit returns to God, who gave it; it goes back where it once was.

Much more evidence might be derived in relation to this subject, even from the English translation of the Bible, but I do not feel disposed to dwell too long upon any particular testimony. Suffice to say that the prophet Joseph Smith's translation of the fore part of the book of Genesis is in print and is exceedingly plain upon this matter. In this inspired translation we find the preexistence of man clearly laid down, and that the spirits of all men, male and female, did have an existence before man was formed out of the dust of the ground. But who was their father? I have already quoted a saying that God is the father of our spirits.

In one sense of the word there are more gods than one, and in another sense there is but one God. The Scriptures speak of more gods than one. Moses was called a god to Aaron in plain terms, and our Savior, when speaking upon this subject, says: "If the Scriptures called them gods unto whom the word of God came, why is it that you should seek to persecute me and kill me, because I testify that I am the son of God?" This, in substance, was the word of our Savior. Those to whom the word of God came are called gods, according to his testimony. All these beings, of course, are one, the same as the Father and the Son are one. The Son is called God, and so is the Father, and in some places the Holy Ghost is called God.

They are one in power, in wisdom, in knowledge, and in the inheritance of celestial glory; they are one in their works; they possess all things, and all things are subject to them; they act in unison; and if one has power to become the father of spirits, so has another; if one god can propagate his species and raise up spirits after his own image and likeness and call them his sons and daughters, so can all other gods that become like him do the same thing; consequently there will be many fathers, and there will be many families and many sons and daughters, and they will be the children of those glorified celestial beings that are counted worthy to be gods.

Here let me bring for the satisfaction of the saints the testimony of the vision given to our prophet and revelator, Joseph Smith, and Sidney Rigdon on the 16th day of February, 1832. They were engaged in translating the New Testament by inspiration, and while engaged in this great work they came to the twenty-ninth verse of the fifth chapter of John, which was given to them in these words: "They who have done good in the resurrection of the just, and they who have done evil in the resurrection of the unjust." This being given in different words from the English translation caused them to marvel and wonder, and they lifted up their hearts in prayer to God that He would show them why it was that this should be given to them in a different manner; and behold, the visions of heaven opened before them.

They gazed upon the eternal worlds and saw things before this world was made. They saw the spiritual creation who were to come forth and take upon themselves bodies, and they saw things as they are to be in the future. They saw the celestial, terrestrial, and teles-

tial worlds, as well as the sufferings of the ungodly. All passed before them in this great and glorious vision. And while they were yet gazing upon things as they were before the world was made they were commanded to write, saying, "This is the testimony, last of all, which we give of Him, that He lives, for we saw Him, even on the right hand of God, and we heard the voice bearing record that He is the only begotten of the Father; that by Him and through Him and of Him the worlds are and were created, and the inhabitants thereof are begotten sons and daughters unto God."

Notice this last expression: "The inhabitants thereof are begotten sons and daughters unto God," meaning the different worlds that have been created and made. Notice this does not say that God, whom we serve and worship, was actually the Father himself in His own person of all these sons and daughters of the different worlds, but they "are begotten sons and daughters unto God"—that is, begotten by those who are made like Him, after His image and in His likeness. They begat sons and daughters, and begat them unto God, to inhabit these different worlds we have been speaking of. But more of this, if we have time, before we get through.

We now come to the second division of our subject, or the entrance of these spirits upon their second estate, or their birth and existence in mortal tabernacles. We are told that among this great family of spirits some were more noble and great than others, having more intelligence.

Where do you read that, says one? Out of the book of Abraham, translated from the Egyptian papyrus by the Prophet Joseph Smith. Among the great and numerous family of spirits ("the begotten sons and daughters unto God") there are some more intelligent than others, and the Lord showed unto Abraham "the intelligences that were organized before the world was, and among all these there were many of the noble and great ones." And God said to Abraham, "Thou art one of them; thou wast chosen before thou wast born."

Abraham was chosen before he was born. Here then is knowledge, if we had time to notice it, upon the doctrine of election. However, I may just remark, it does not mean unconditional election to eternal life of a certain class and the rest doomed to eternal damnation. Suffice to say that Abraham and many others of the great and noble ones in the family of spirits were chosen before they were born for certain purposes, to bring about certain works, to have the privilege of coming upon the stage of action, among the host of men, in favorable circumstances. Some came through good and holy parentages to fulfill certain things the Lord decreed should some to pass from before the foundations of the world.

The Lord has ordained that these spirits should come here and take tabernacles by a certain law—through a certain channel—and that law is the law of marriage. There are a great many things that I will pass by; I perceive that if I were to touch upon all these principles the time allotted for this discourse would be too short, therefore I am under the necessity of passing by many things in relation to these spirits in their first estate, and the laws that governed them there, and come to their second estate.

The Lord ordained marriage between male and female as a law through which spirits should come here and take tabernacles and enter into the second state of existence. The Lord himself solemnized the

first marriage pertaining to this globe, and pertaining to flesh and bones here upon this earth. I do not say pertaining to mortality; for when the first marriage was celebrated no mortality was there. The first marriage that we have any account of was between two immortal beings—old father Adam and old mother Eve—they were immortal beings; death had no dominion, no power over them; they were capable of enduring forever and ever in their organization. Had they fulfilled the law and kept within certain conditions and bounds their tabernacles would never have been seized by death; death entered entirely by sin and sin alone. This marriage was celebrated between two immortal beings. For how long? Until death? No. That was entirely out of the question; there could have been no such thing in the ceremony.

What would you consider, my hearers, if a marriage was to be celebrated between two beings not subject to death? Would you consider them joined together for a certain number of years, and that then all their covenants were to cease forever and the marriage contract be dissolved? Would it look reasonable and consistent? No. Every heart would say that the work of God is perfect in and of itself, and inasmuch as sin had not brought imperfection upon the globe, what God joined together could not be dissolved and destroyed and torn asunder by any power beneath the celestial world, consequently it was eternal. The ordinance of union was eternal. The sealing of the great Jehovah upon Adam and Eve was eternal in its nature, and was never instituted for the purpose of being overthrown and brought to an end. It is known that the Mormons are a peculiar people about marriage. We believe in marrying not only for time, but for all eternity.

“This is a curious idea,” says one, “to be married for all eternity.” It is not curious at all, for when we come to examine the Scriptures we find that the very first example set for the whole human family, as a pattern instituted for us to follow, was not instituted until death, for death had no dominion at that time, but it was an eternal blessing pronounced upon our first parents. I have not time to explain further the marriage of Adam and Eve, but will pass on to their posterity.

It is true that they became fallen, but there is a redemption. But some may consider that the redemption only redeemed us in part—that is, merely from some of the effects of the fall. But this is not the case. Every man and woman must see at once that a redemption must include a complete restoration of all privileges lost by the fall.

Suppose, then, that the fall was of such a nature as to dissolve the marriage covenant by death—which is not necessary to admit, for the covenant was sealed previous to the fall, and we have no account that it was dissolved—but suppose this was the case, would not the redemption be equally as broad as the fall, to restore the posterity of Adam back to that which they lost? And if Adam and Eve were married for all eternity, the ceremony was an everlasting ordinance that they twain should be one flesh forever. If you and I should ever be accounted worthy to be restored back from our fallen and degraded condition to the privileges enjoyed before the fall, should we not have an everlasting marriage seal, as it was with our first progenitors? If we had no other reasons in all the Bible, this would be sufficient to settle the case at once in the mind of every reflecting

man and woman, that inasmuch as the fall of man has taken away any privileges in regard to the union of male and female, these privileges must be restored in the redemption of man, or else it is not complete.

What is the object of this union? is the next question. We are told the object of it; it is clearly expressed. "For," says the Lord unto the male and female, "I command you to multiply and replenish the earth." And inasmuch as we have proved that the marriage ordinance was eternal in its nature previous to the fall, if we are restored back to what was lost by the fall we are restored for the purpose of carrying out the commandment given before the fall, namely, to multiply and replenish the earth. Does it say, "Continue to multiply for a few years, and then the marriage contract must cease, and there shall be no further opportunity of carrying out this command, but it shall have an end?" No; there is nothing specified of this kind; but the fall has brought in disunion through death. It is not a part of the original plan; consequently when male and female are restored from the fall, by virtue of the everlasting and eternal covenant of marriage, they will continue to increase and multiply to all ages of eternity, to raise up beings after their own order and in their own likeness and image, germs of intelligence that are destined, in their times and seasons, to become not only sons of God, but gods themselves.

This accounts for the many worlds we heard Elder Grant speaking about yesterday afternoon. The peopling of worlds, or an endless increase, even of one family, would require an endless increase of worlds; and if one family were to be united in the eternal covenant of marriage, to fulfill that great commandment to multiply his species and propagate them, and if there be no end to the increase of his posterity, it would call for an endless increase of new worlds; and if one family calls for this, what would innumerable millions of families call for? They would call for as many worlds as have already been discovered by the telescope; yea, the number must be multiplied to infinity in order that there may be room for the inheritance of the sons and daughters of the gods.

Do you begin to understand how these worlds get their inhabitants? Have you learned that the sons and daughters of God before me this day are his offspring—made after his own image—that they are to multiply their species until they become innumerable?

Let us say a few words, before we leave this part of the subject, on the promises made to Abraham, Isaac, and Jacob. The promises were: "Lift up your eyes, and behold the stars; so thy seed shall be, as numberless as the stars." What else did He promise? "Go to the seashore and look at the ocean of sand, and behold the smallness of the particles thereof, and then realize that your seed shall be as numberless as the sand." Now, let us take this into consideration. How large a bulk of sand would it take to make as many inhabitants as there are now upon the earth? In about 1 cubic foot of sand, reckoning the grains of a certain size, there would be a thousand million particles.

Now, this is about the estimated population of our globe. If our earth were to continue eight thousand years, or eighty centuries, with an average population of one thousand millions per century, then three

cubic yards of sand would contain a greater number of particles than the whole population of the globe from the beginning until the measure of the inhabitants of this creation is complete. If men then cease to multiply, where is the promise made to Abraham? Is it fulfilled? No. If that is the end of his increase, behold the Lord's promise is not fulfilled, for the amount of sand representing his seed might all be drawn in a one-horse cart, and yet the Lord said to Abraham: "Thy seed shall be as numerous as the sands upon the seashore"—that is, to carry out the idea in full, it was to be endless, and therefore there must be an infinity of worlds for their residence.

We can not comprehend infinity, but suffice it to say, if all the sands on the seashore were numbered, says the prophet, Enoch, and then all the particles of the earth besides, and then the particles of millions of earths like this, it would not be a beginning to all thy creations, and yet thou art there, and thy bosom is there, and thy curtains are stretched out still. This gives plenty of room for the fulfilment of the promise made to Abraham, and enough to spare for the fulfilment of similar promises to all his seed.

We read that those who do the works of Abraham are to be blessed with the blessings of Abraham. Have you not, in the ordinances of this last dispensation, had the blessings of Abraham pronounced upon your heads? Oh, yes, you say; I well recollect, since God has restored the everlasting priesthood, that by a certain ordinance these blessings were placed upon our heads—the blessings of Abraham, Isaac, and Jacob. Why, says one, I never thought of it in this light before. Why did you not think of it? Why not look upon Abraham's blessings as your own, for the Lord blessed him with a promise of seed as numerous as the sand upon the seashore; so will you be blessed, or else you will not inherit the blessings of Abraham.

How did Abraham manage to get a foundation laid for this mighty kingdom? Was he to accomplish it all through one wife? No. Sarah gave a certain woman to him whose name was Hagar, and by her a seed was to be raised up unto him. Is this all? No. We read of his wife Keturah, and also of a plurality of wives and concubines—which he had—from whom he raised up many sons. Here, then, was a foundation laid for the fulfilment of the great and grand promise concerning the multiplicity of his seed. It would have been rather a slow process if Abraham had been confined to one wife, like some of those narrow contracted nations of modern Christianity.

I think there is only about one-fifth of the population of the globe that believe in the one-wife system, the other four-fifths believe in the doctrine of a plurality of wives. They have had it handed down from time immemorial, and are not half so narrow and contracted in their minds as some of the nations of Europe and America, who have done away with the promises and deprived themselves of the blessings of Abraham, Isaac, and Jacob. The nations do not know anything about the blessings of Abraham, and even those who have only one wife can not get rid of their covetousness and get their little hearts large enough to share their property with a numerous family. They are so penurious and so narrow, contracted in their feelings that they take every possible care not to have their families large. They do not know what is in the future nor what blessings they are

depriving themselves of because of the traditions of their fathers. They do not know that a man's posterity in the eternal worlds are to constitute his glory, his kingdom, and dominion.

Here, then, we perceive, just from this one principle, reasoning from the blessings of Abraham alone, the necessity—if we would partake of the blessings of Abraham, Isaac, and Jacob—of doing their works, and he that will not do the works of Abraham and walk in his footsteps will be deprived of his blessings.

Again, let us look at Sarah's peculiar position in regard to Abraham. She understood the whole matter. She knew that unless seed was raised up to Abraham that he would come short of his glory, and she understood the promise of the Lord and longed for Abraham to have seed. And when she saw that she was old, and fearing that she should not have the privilege of raising up seed, she gave to Abraham Hagar. Would Gentile Christendom do such things nowadays? O, no; they would consider it enough to send a man to an endless hell of fire and brimstone. Why? Because tradition has instilled this in their minds as a dreadful, awful thing.

It matters not to them how corrupt they are in female prostitution, if they are not lawfully married to only one wife, but it would be considered an awful thing by them to raise up a posterity from more than one wife; this would be wrong indeed, but to go into a brothel and there debauch themselves in the lowest haunts of degradation all the days of their lives they consider only a trifling thing; nay, they can even license such institutions in Christian nations and it all passes off very well.

There is tradition, and their posterity have been fostered and brought up in the footsteps of wickedness. This is death, as it stalks abroad among the great and popular cities of Europe and America.

Do you find such haunts of prostitution, degradation, and misery here in the cities of the mountains? No. Were such things in our midst we should feel indignant enough to see such persons blotted out of the page of existence. These would be the feelings of this community.

Look upon those who committed such iniquity in Israel in ancient days; every man and woman who committed adultery were put to death. I do not say that this people are going to do this, but I will tell you what we believe—we believe it ought to be done.

Whoredom, adultery, and fornication have cursed the nations of the earth for many generations and are increasing fearfully upon the community, but they must be entirely done away from those who call themselves the people of God; if they are not, woe! woe! be unto them also, for "thus saith the Lord God Almighty," in the Book of Mormon, "woe unto them that commit whoredoms, for they shall be thrust down to hell!" There is no getting away from it. Such things will not be allowed in this community, and such characters will find that the time will come that that God whose eyes are upon all the children of men and who discerneth the things that are done in secret will bring their acts to light and they will be made an example before the people and shame and infamy will cleave to their posterity after them unto the third and fourth generation of them that repent not.

How is this to be prevented, for we have got a fallen nature to grapple with? It is to be prevented in the way the Lord devised in ancient times—that is, by giving to His faithful servants a plurality of wives, by which a numerous and faithful posterity can be raised up and taught in the principles of righteousness and truth; and, then, after they fully understand those principles that were given to the ancient patriarchs, if they keep not the law of God and commit adultery and transgressions of this kind, let their names be blotted out from under heaven that they may have no place among the people of God.

But again, there is another reason why this plurality should exist among the Latter Day Saints. I have already given you one reason, and that is that you might inherit the blessings and promises made to Abraham, Isaac, and Jacob and receive a continuation of your posterity, that they may become as numerous as the sand upon the seashore. There is another reason, and a good one, too. What do you suppose it is? I will tell you, and it will appear reasonable to every man and woman of a reflecting mind. Do we not believe, as the Scriptures have told us, that the wicked nations of the earth are doomed to destruction? Yes; we believe it.

Do we not also believe, as the prophets have foretold, concerning the last days as well as what the new revelations have said upon the subject, that darkness prevails upon the earth and gross darkness upon the minds of the people, and not only this, but that all flesh has corrupted its way upon the face of the earth—that is, that all nations, speaking of them as nations, have corrupted themselves before the Most High God by their wickedness, whoredoms, idolatries, abominations, adulteries, and all other kinds of wickedness? And we furthermore believe that according to the Jewish prophets, as well as the Book of Mormon and modern revelations given in the Book of Doctrine and Covenants, that the sword of the vengeance of the Almighty is already unsheathed and stretched out, and will no more be put back into the scabbard until it falls upon the heads of the nations until they are destroyed; except they repent.

What else do we believe? We believe that God is gathering out from among these nations those who will hearken to His voice and receive the proclamation of the gospel to establish them as a people alone by themselves, where they can be instructed in the right way and brought to the knowledge of the truth. Very well, if this be the case, that the righteous are gathering out and are still being gathered from among the nations, and being planted by themselves, one thing is certain, that that people are better calculated to bring up children in the right way than any other under the whole heavens. Oh, yes, says one, if that is the case—if you are the people the ancient prophets have spoken of, if you are the people that are guided by the Lord—you are under the influence, power, and guidance of the Almighty, you must be the best people under heaven to dictate the young mind. But what has that to do with the plurality of wives? I will tell you.

I have already told you that the spirits of men and women all had a previous existence, thousands of years ago, in the heavens, in the presence of God, and I have already told you that among them are many spirits that are more noble, more intelligent, than others, that

were called the great and mighty ones, reserved until the dispensation of the fullness of times, to come forth upon the face of the earth, through a noble parentage, that shall train their young and tender minds in the truths of eternity, that they may grow up in the Lord and be strong in the power of His might, be clothed upon in His glory, be filled with exceeding great faith, that the visions of eternity may be opened to their minds, that they may be prophets, priests, and kings to the Most High God.

Do you believe, says one, that they are reserved until the last dispensation for such a noble purpose? Yes; and among the saints is the most likely place for these spirits to take their tabernacles—through a just and righteous parentage. They are to be sent to that people that are the most righteous of any other people upon the earth; they are to be trained up properly, according to the laws which the Lord ordained before they were born. This is the reason why the Lord is sending them here, brethren and sisters, they are appointed to come and take their bodies here, that in their generations they may be raised up among the righteous.

The Lord has not kept them in store for five or six thousand years past, and kept them waiting for their bodies all this time, to send them among the Hottentots, the African negroes, the idolatrous Hindoos, or any other of the fallen nations that dwell upon the face of this earth. They are not kept in reserve in order to come forth to receive such a degraded parentage upon the earth. No; the Lord is not such a being. His justice, goodness, and mercy will be magnified toward those who are chosen before they were born, and they long to come, and they will come among the saints of the living God. This would be their highest pleasure and joy, to know that they could have the privilege of being born of such noble parentage.

Then is it not reasonable and consistent that the Lord should say unto His faithful and chosen servants that had proved themselves before Him all the day long; that had been ready and willing to do whatsoever His will required them to perform, "Take unto yourselves more wives, like unto the patriarchs Abraham, Isaac, and Jacob, of old; like those who lived in ancient times, who walked in my footsteps and kept my commands?" Why should they not do this? Suppose the Lord should answer this question, would He not say: "I have here in reserve noble spirits that have been waiting for thousands of years to come forth in the fullness of times, and which I designed should come forth through these my faithful and chosen servants, for I know they will do my will, and they will teach their children after them to do it." Would not this be the substance of the language if the Lord should give us an answer upon this subject?

But then another question will arise, How are these things to be conducted? Are they to be left at random? Is every servant of God at liberty to run here and there seeking out the daughters of men as wives unto themselves without any restriction, law, or condition? No. We find these things were restricted in ancient times. Do you not recollect the circumstance of the prophet Nathan's coming to David? He came to reprove him for certain disobedience and told him about the wives he had lost through it, that the Lord would have given them to another; and he told him if he had been faithful that the Lord would have given him still more, if he had only asked for

them. Nathan, the prophet, in relation to David was the man that held the keys concerning this matter in ancient days, and it was governed by the strictest laws.

So in these days let me announce to this congregation that there is but one man in all the world, at the same time, who can hold the keys of this matter; but one man has power to turn the key to inquire of the Lord and to say whether I, or these my brethren, or any of the rest of this congregation, or the saints upon the whole face of the earth may have this blessing of Abraham conferred upon them. He holds the keys of these matters now, the same as Nathan in his day.

But, says one, how have you obtained this information? By new revelation. When was it given, and to whom? It was given to the prophet, seer, and revelator, Joseph Smith, on the 12th day of July, 1843, only about eleven months before he was martyred for the testimony of Jesus.

He held the keys of these matters; he had the right to inquire of the Lord, and the Lord has set bounds and restrictions to these things. He has told us in that revelation that only one man can hold these keys upon the earth at the same time, and they belong to that man who stands at the head to preside over all the affairs of the church and kingdom of God in the last days. They are the sealing keys of power, or, in other words, of Elijah, having been committed and restored to the earth by Elijah, the prophet, who held many keys, among which were the keys of sealing, to bind the hearts of the fathers to the children and the children to the fathers, together with all the other sealing keys and powers pertaining to the last dispensation. They were committed by that angel who administered in the Kirtland Temple and spoke unto Joseph, the prophet, at the time of the endowments in that house.

Now, let us inquire what will become of those individuals who have this law taught unto them in plainness if they reject it. [A voice in the stand: "They will be damned."] I will tell you. "They will be damned," saith the Lord God Almighty in the revelation he has given. Why? Because where much is given, much is required; where there is great knowledge unfolded for the exaltation, glory, and happiness of the sons and daughters of God, if they close up their hearts, if they reject the testimony of His word and will, not give heed to the principles He has ordained for their good, they are worthy of damnation, and the Lord has said they shall be damned. This was the word of the Lord to his servant Joseph, the prophet himself. With all the knowledge and light he had, he must comply with it, or, says the Lord unto him, you shall be damned, and the same is true in regard to all those who reject these things.

What else have we heard from our president? He has related to us that there are some damnations that are eternal in their nature, while others are but for a certain period. They will have an end. They will not receive a restoration to their former privileges, but a deliverance from certain punishments, and instead of being restored to all the privileges pertaining to man previous to the fall they will only be permitted to enjoy a certain grade of happiness, not a full restoration. Let us inquire after those who are to be damned, admitting they will be redeemed, which they will be if they have not sinned against the Holy Ghost. They will be redeemed, but what

will it be to? Will it be to exaltation and to fullness of glory? Will it be to become the sons of God or gods to reign upon thrones and multiply their posterity and reign over them as kings? No; they will not. They have lost that exalted privilege forever, though they may, after having been punished for long periods, escape by the skin of their teeth.

But no kingdom will be conferred upon them. What will be their condition? I will tell you what Revelation says, not only concerning those that reject these things, but concerning those that through their carelessness, or want of faith, or something else have failed to have their marriages sealed for time and for all eternity; those that do not do these things, so as to have the same ordinances sealed upon their heads by divine authority as was upon the head of old father Adam—if they fail to do it through wickedness, through their ungodliness—behold, they also will never have the privilege of possessing that which is possessed by the gods that hold the keys of power, of coming up to the thrones of their exaltation and receiving their kingdoms. Why? Because, saith the Lord, all oaths, all covenants, and all agreements, etc., that have been made by man, and not by me, and by the authority I have established, shall cease when death shall separate the parties. That is the end, that is the cessation, they go no farther, and such a person can not come up in the morning of the resurrection and say, behold I claim you as my wife, you are mine, I married you in the other world before death, therefore you are mine; he can not say this. Why? Because he never married that person for eternity.

Suppose they should enter into covenant and agreement, and conclude between themselves to live together to all eternity, and never have it sealed by the Lord's sealing power, by the holy priesthood, would they have any claim on one another in the morning of the resurrection? No; it would not be valid or legal, and the Lord would say it was not by Him, your covenants were not sealed on the earth, and therefore they are not sealed in the heavens; they are not recorded on My book, they are not to be found in the archives of eternity; therefore the blessings you might have had are not for you to enjoy. What will be their condition? The Lord has told us. He says, these are angels, because they keep not this law they shall be ministering servants unto those who are worthy of obtaining a more exceeding and eternal weight of glory, whereof, saith the Lord, they shall remain singly and separately in their saved condition, and shall not have power to enlarge themselves, and thus shall they remain forever and ever.

Here, then, you can read their history; they are not gods, but angels and servants to the gods. There is a difference between the two classes; the gods are exalted; they hold keys of power, are made kings and priests, and this power is conferred upon them in time by the everlasting priesthood to hold a kingdom in eternity that shall never be taken from them in worlds without end, and they will propagate their species. They are not servants, for one god is not to be a servant to another god; they are not angels, and this is the reason why Paul said, "Know ye not that we shall judge angels?" Angels are inferior to the saints, who are exalted as kings. These angels who are to be judged and to become servants to the gods did not keep the law, therefore, though they are saved, they are to be servants to those who are in a higher condition.

What does the Lord intend to do with this people? He intends to make them a kingdom and priests, a kingdom unto himself, or, in other words, a kingdom of gods, if they will hearken to His law. There will be many who will not hearken, there will be the foolish among the wise who will not receive the new and everlasting covenant in fullness, and they never will attain to their exaltation, they never will be counted worthy to hold the scepter of power over a numerous progeny, that shall multiply themselves without end, like the sand upon the seashore.

We can only touch here and there upon this great subject, we can only offer but a few words with regard to this great, sublime, beautiful, and glorious doctrine which has been revealed by the prophet, seer, and revelator, Joseph Smith, who sealed his testimony with his blood, and thus revealed to the nations things that were in ancient times, as well as things that are to come.

But while I talk the vision of my mind is opened; the subject spreads forth and branches out like the branches of a thrifty tree; and as for the glory of God, how great it is. I feel to say hallelujah to His great name; for He reigns in the heavens, and He will exalt His people to sit with Him upon thrones of power to reign forever and ever.

Benediction by Zera Pulsipher.

2 P. M.

Conference called to order by President H. C. Kimball. Singing by the choir.

A blessing was asked on the sacrament emblems by Bishop Lorenzo D. Young, who spoke to the saints during the administration.

President Young remarked:

While the sacrament is passing, I will take the liberty of making a few remarks.

Some truth has been referred to here, from the stand, with regard to the congregation. These, my brethren and sisters, are in a habit of being here one part of the Sabbath to hear and understand for themselves. I should be as happy to see this house as full every Sabbath in the after part of the day as it is this afternoon. It is a requirement of the Lord, which is both reasonable and pleasing to all those who are diligently doing His will. We have a comfortable house to meet in, where we can preach, sing, pray, exhort, and exercise ourselves in our several capacities, according to our calling, in the worship of God.

This is a great blessing; if we can realize it, it is one of the greatest blessings we can enjoy; to manifest to our Father in heaven, to witness to him that we do always remember the death and sufferings of His Son Jesus Christ, who he sent into the world to redeem the world—to shed His own blood for our sins. If we could realize it, it is one of the greatest blessings we could enjoy—to come before the Lord and before the angels and before each other to witness that we remember that the Lord Jesus Christ has died for us. This proves to the Father that we remember our covenants; that we love His gospel; that we love to keep His commandments and to honor the name of the Lord Jesus upon the earth. Let us try to do this; it is a blessing, a privilege, and a duty we should constantly attend to.

Instead of suffering our labors to occupy the Sabbath—instead of planning our business to infringe upon the first day of the week, we should do as little as possible. If it is necessary to cook food, do so; but even if that could be dispensed with it would be better. As to keeping the Sabbath according to the Mosaic law, indeed I do not; for it would be almost beyond my power; still, under the new covenant, we should remember to preserve holy one day in the week as a day of rest, as a memorial of the rest of the Lord, and the rest of the saints, also for our temporal advantage, for it is instituted for the express purpose of benefiting man. It is written in this book (the Bible) that the Sabbath was made for man and not man for the Sabbath. It is a blessing to him. As little labor as possible should be done upon that day. It should be set apart as a day of rest, to assemble together in the place appointed, according to revelation, confessing our sins, bringing our tithes and offerings, and presenting ourselves before the Lord, there to commemorate the death and sufferings of our Lord Jesus Christ.

These are institutions expressly for the benefit of man; not imposed upon him as by a taskmaster, in the form of a rigid discipline, but they are bestowed upon him as a blessing, a favor, and a mercy for his express benefit. I trust I will yet see the day when we shall be so situated, and attain to the knowledge and understanding, that every man and every woman will observe and do their duty strictly; do that which is required of them; do no evil; when all will be peace and joy, and the earth be lighted up by the spirit of intelligence. You trust and hope for the same things, and, if we are faithful, that time is near at hand.

It is true most of the doctrine we believe comes in contact with all the prejudices and prepossessing feelings of the Christian world. In the practical part of our religion we do not differ from them in many respects. They pray, and so do we; they keep the Sabbath pretty tolerably well, and so do we; they say they believe in the Lord Jesus Christ, so do we, and keep the commandments; and they call upon the Lord, probably as faithfully. In some of the plain, practical duties of the gospel the religious world are very diligent; but to the doctrinal parts of the gospel of salvation they are entire strangers.

In the commencement of the career of Brother Joseph Smith he had all the influence of the sectarian world that was acquainted with his doings to cope with; he had them to contend with day and night. He labored faithfully, though in his youth, and almost entirely destitute of literary knowledge, with not many advantages of an earthly nature, yet the truth he revealed triumphed; the principles he put forth actually circumscribed the religious knowledge of all the Christian world. Almost every principle and every idea taught in the gospel that the world had preached and wrote so much about he proved they were ignorant of. He taught the people how to have faith in the Lord Jesus Christ. He also taught them how to repent. This was new to the world—to be informed that they did not know even how to repent. He taught them how to embrace the gospel of salvation, what it was, and that these doctrines are essentially necessary for the salvation of the children of men.

There was no person previous to this to step forth and say it was absolutely necessary to observe these doctrines in order to be saved

and actually substantiate that doctrine from the Bible. No person could substantiate the doctrine so as to place the truth beyond doubt and controversy that it was necessary for a person to believe on the Lord Jesus Christ.

It is well known to this congregation that the whole Christian world was baffled and not only baffled, but actually put to shame upon true philosophy, and their mouths were closed in silence by the "infidel," so called. It is well known to this congregation that those who did not believe the Bible, who did not believe in the Lord Jesus Christ, by good reasoning would overcome and triumph over the whole Christian world—set them at naught and hold them in derision.

The case is different now. Do they overcome the elders of this church? They do not; but they are like the frosted grass upon the prairie before the burning flame. An elder of Israel overcomes them on the ground of their own philosophy and drowns them in the sea of their own arguments. Could the Christian world do it? No! Brother Joseph told the people it was necessary to be baptized for the remission of sins, and proved it by the Bible; he proved it by his works; he proved it by thousands of witnesses in his day.

He also introduced the doctrine of laying on of hands for the reception of the Holy Ghost, and proved it from the Bible, by reason, by his own and the experience of thousands besides. You, elders of Israel, do you know whether these doctrines were borne off by you and others triumphantly? They have been successful among every people, nation, kindred, and tongue, wherever they have been proclaimed. These doctrines are beyond the power of controversy and doubt. No caviler could confute or present the least argument which would prove successful in overthrowing the principles taught by the elders of Israel.

Brother Joseph introduced a great many new doctrines. It was perfectly new to this generation, but in truth an old doctrine, to be baptized for the remission of sins—that it was absolutely necessary—and then receive the laying on of hands for the reception of the Holy Ghost; and many other doctrines, though in reality old, yet true, and new to this benighted generation.

When the elders first commenced preaching Mormonism, twenty years ago, they would take the Bible and prove every item of doctrine to the people beyond doubt and controversy. What did the priests say to you? Can you recollect what they said in the different States where this gospel was first preached? What arguments were used against you and the doctrines you believe? Yes, the priests would halloo from the pulpit, "Joe Smith! Old Joe Smith!" That was their argument to begin with. "Impostor! Impostor! He is deluding the people! He is deluding the people! Old Joe Smith, the money digger! He is a necromancer! He is a fortune teller—a money digger! Old Joe Smith!" What a profound argument! There is no answering it. You know these are the arguments used against the doctrine preached by the elders of this church.

When you introduced the Book of Mormon, the argument used against it was: It is a deception! Joe Smith!! Imposter!!! And these are the arguments that have been urged from beginning to end, but they could not bring one passage of Scripture or one substantial reason against the doctrine taught and believed by this church.

What has been said to you? What has been said to me? If we will preach this doctrine, the people, almost universally, will follow us and say, "Don't mention Joseph Smith; never mention the Book of Mormon or Zion and all the people will follow you." I said it would not do them any good, if we were to listen to their requirements; what I have received from the Lord I have received by Joseph Smith; he was the instrument made use of; if I drop him I must drop these principles; they have not been revealed, declared, or explained by any other man since the days of the Apostles. If I lay down the Book of Mormon I shall have to deny that Joseph Smith is a prophet, and if I lay down the doctrine and cease to preach the gathering of Israel and the building of Zion I must lay down the Bible, and, consequently, I might as well go home as undertake to preach without these three items.

Did not your hearts used to tremble dreadfully, you old elders in Israel, when you had to preach in new places? You would take up the Bible and quote Scripture from Genesis to Revelations, so as to surprise the people, and did not mention Joseph Smith. Did it not make you tremble when you had to say that Joseph Smith was a prophet—when you came to that point and was obliged either to deny or to own him before the people?

Some are endowed with more moral courage than others. I know the spirits in men generally incline to weakness and diffidence; and all men, more or less, feel their own weakness and inability. The elders of Israel especially feel the prejudices of the people bearing down upon their spirits, but when they once open their mouths and say that Joseph is a prophet, such a flood of light at once comes upon them that they are ready to ask no odds of all the world. But in preparing to make this declaration their hearts tremble and their knees smite each other almost like Belshazzar's; after they have once started they are independent enough.

I suppose some of you have an experience on this subject. One of the elders with whom I am acquainted, after he got baptized got cornered up, and was obliged to preach a sermon. He never had been able to say that he knew Joseph was a prophet, but he was there in the meeting, the windows and doors full of people, and all around on the green, waiting to hear a Mormon preacher. There was none there but this one man, and he was called upon to preach; he thought he would pray and dismiss the meeting; he never had known that Joseph Smith was a prophet; that was the lion that lay in his path, and he could not get by him, nor dig under him, nor leap over him; and the lion he must meet—he must say "Joseph," for better or for worse. As soon as he got "Joseph" out, "is a prophet" was the next; and from that his tongue was loosened and he continued talking till nearly sundown. The Lord pours out His spirit upon a man when he testifies that that the Lord gives him to testify of. From that day to this he has never been at a loss to know that Joseph was a prophet. I assure you his heart quaked, and that has been the case with a great many others.

When Brother Joseph revealed the great mystery of being baptized for the dead, did not a great many of the elders of Israel think, then, "Mormonism can not endure; it will be overcome." Every item of doctrine Brother Joseph has brought forth had to meet opposi-

tion from the world. We all know that it comes in contact with sectarian influence and other influence that is not direct from God.

When the elders went forth the priests supposed they could easily put them down, but when they undertook to substantiate the doctrine of baptism for the dead, were the priests successful in confuting their arguments? No! The doctrine has rode triumphantly over all sectarianism (what I mean by sectarianism is false religion), and is so far from being put to silence by all the rest of the world that it is as popular wherever you go as any doctrine taught; it is as readily and quickly believed.

You can understand from the few remarks I make with regard to the gospel that many things which were revealed through Joseph came in contact with our prejudices; we did not know how to understand them. I refer to myself, for instance. I never could be persuaded that God would send every person to a lake of fire and brimstone, to be tormented by the devil, to all eternity, for any little sin he might commit, which was the doctrine handed down. After all, my traditions were such that when the vision came first to me it was so directly contrary and opposite to my former education, I said, wait a little; I did not reject it, but I could not understand it. I then could feel what incorrect tradition had done for me. Suppose all that I have ever heard from my priest and parents--the way they taught me to read the Bible--had been true; my understanding would be diametrically opposed to the doctrine revealed in the vision. I used to read and pray, and read and think, until I knew and fully understood it for myself, by the visions of the holy spirits. At first it actually came in contact with my own feelings, though I never could believe like the mass of the Christian world around me; but I did not know how nigh I believed as they did. I found, however, I was so nigh I could shake hands with them any time I wished.

You heard Brother Pratt state, this morning, that a revelation would be read this afternoon which was given previous to Joseph's death. It contains a doctrine a small portion of the world is opposed to; but I can deliver a prophesy upon it. Though that doctrine has not been preached by the elders, this people have believed in it for many years.

The original copy of this revelation was burnt up. William Clayton was the man who wrote it from the mouth of the prophet. In the meantime it was in Bishop Whitney's possession. He wished the privilege to copy it, which Brother Joseph granted. Sister Emma burnt the original. The reason why I mention this is because that the people who did know of the revelation suppose it was not now in existence.

The revelation will be read by you. The principle spoken upon by Brother Pratt this morning we believe in. And I tell you--for I know it--it will sail over and ride triumphantly above all the prejudice and priestcraft of the day; it will be fostered and believed in by the more intelligent portions of the world as one of the best doctrines ever proclaimed to any people. Your hearts need not beat; you need not think that a mob is coming here to tread upon the sacred liberty which the Constitution of our country guarantees unto us, for it will not be.

The world has known long ago, even in Joseph's days, that he had more wives than one. One of the Senators in Congress knew it very

well. Did he oppose it? No. But he has been our friend all the day long, especially upon this subject. He said pointedly to his friends: "If the United States do not adopt that very method, let them continue as they now are; pursue the precise course they are now pursuing, and it will come to this, that their generations will not live until they are 30 years old. They are going to destruction. Disease is spreading so fast among the inhabitants of the United States that they are born rotten with it, and in a few years they are gone." Said he, "Joseph has introduced the best plan for restoring and establishing strength and long life among men of any man on the earth, and the Mormons are a very good and virtuous people."

Many others are of the same mind; they are not ignorant of what we are doing in our social capacity. They have cried out, "Proclaim it;" but it would not do a few years ago; every thing must come in its time, as there is time to all things. I am now ready to proclaim it.

This revelation has been in my possession many years, and who has known it? None but those who should know it. I keep a patent lock on my desk, and there does not anything leak out that should not.

It pleases me a little to think how anxious this people are for new revelation. I wish to ask you a question: Do this people know whether they have received any revelations since the death of Joseph, as a people? I can tell you that you receive them continually. I would be willing, the elders of Israel should understand one principle, and this I have taught often. It is also taught in the Old and New Scriptures, or, in other words, in the former and latter Scriptures. The principle is set forth simply, which is this: When a man is called, as Joseph was, to be a prophet, he writes his revelations. Joseph wrote a great many. He would, for instance, give a revelation to a man to go to Sanpete to labor; he would give revelations touching both temporal and spiritual things; in the building up of houses and cities, or in the proclamation of the gospel to the world, all of which are necessary for the salvation and exaltation of the people of the Lord.

Now, brethren, the calling of an apostle is to build up the kingdom of God in all the world; it is the apostle that holds the keys of this power, and nobody else. If an apostle magnifies his calling he is the word of the Lord to this people all the time or else he does not magnify his calling, either one or the other.

If he magnifies his calling his words are the words of eternal life and salvation to those who hearken to them, just as much so as any written revelations contained in these three books. (Bible, Book of Mormon, and Doctrine and Covenants.) There is nothing contained in these three books that is any more revelation than the words of an apostle that is magnifying his calling.

I want you to understand it. If it was necessary to write them we would write all the time. We would rather the people, however, would live so as to have revelations for themselves and then do the work we are called to do; that is enough for us. Can any of you think of any revelations you have received that are not written? You can.

I preached a short sermon here yesterday with regard to exaltation. I spoke but a few minutes and Brother Pratt brought up the same subject. It is all connected with the great gospel sermon, for

we can but notice parts of it when we undertake to speak to the people.

It is all connected with the exaltation of man, showing how he becomes exalted to be a king and a priest, yea, even a god, like his Father in heaven. Without the doctrine that this revelation reveals no man on earth ever could be exalted to be a god. Do you find out now, when you are exalted, what you will be yonder? We read in the Scriptures that Jesus declared he is the first and the last. It is written again in this book by the Prophet Joseph that He is the first and the last—the last and the first. This principle you see in all the works of the Lord. When a man commences the work of his exaltation he begins at the last thing that will be completed. Our spirits thousands of years ago were first begotten, and at the consummation of all things, when the Saviour has finished His work and presented it to the Father, He will be crowned.

None of you will receive your crowns of glory, immortality, and eternal lives before He receives His. He will be crowned first, and then we will be crowned, every one in his order, for the work is finished, and the spirit is complete in its organization with the tabernacle. The world is the first to be redeemed, and the people last to be crowned upon it. I leave these remarks with you, and we will now have the revelation read.

Elder Thomas Bullock then read the following

REVELATION :

[Given to Joseph Smith, Nauvoo, July 12th, 1843.]

Verily, thus saith the Lord, unto his servant Joseph, that inasmuch as you have enquired of my hand to know and understand wherein I, the Lord of justice, and my servants, Abraham, Isaac, and Jacob, as also Moses, David, and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines: Behold! and lo, I am the Lord thy God, and will answer thee as touching this matter. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you, for all those who have this law revealed unto them must obey the same; for behold! I revealed unto you a new and everlasting covenant, and if ye abide not that covenant, then are ye damned; for no one can reject this covenant and be permitted to enter into my glory; for all who will have a blessing at my hands shall abide the law which was appointed for that blessing, and the conditions thereof, as was instituted from before the foundations of the world; and as pertaining to the new and everlasting covenant, it was instituted for the fulness of my glory, and he that receiveth a fulness thereof must and shall abide the law, or he shall be damned, saith the Lord God.

And verily I say unto you that the conditions of this law are these: All covenants, contracts, bonds, obligations, oaths, vows, performances, associations, or expectations that are not made and entered into and sealed by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity and that, too, most holy by revelation and commandment, through the medium of mine anointed, whom I have appointed on the earth to hold this power (and I have appointed unto my servant Joseph to hold this power

in the last days, and there is never but one on the earth at a time on whom this power and the keys of this priesthood are conferred) are of no efficiency, virtue, or force in and after the resurrection from the dead, for all contracts that are not made unto this end have an end when men are dead.

Behold! mine house is a house of order, saith the Lord God, and not a house of confusion. Will I accept of an offering, saith the Lord, that is not made in my name? Or will I receive at your hands that which I have not appointed? And will I appoint unto you, saith the Lord, except it be by law, even as I and my Father ordained unto you, before the world was? I am the Lord thy God, and I give unto you this commandment, that no man shall come unto the Father but by me or by my word, which is my law, saith the Lord, and everything that is in the world, whether it be ordained of men, by thrones, or principalities, or powers, or things of name, whatsoever they may be, that are not by me or by my word, saith the Lord, shall be thrown down and shall not remain after men are dead, neither in nor after the resurrection, saith the Lord your God, for whatsoever things remaineth are by me, and whatsoever things are not by me shall be shaken and destroyed.

Therefore, if a man marry him a wife in the world, and he marry her not by me, nor by my word; and he covenant with her so long as he is in the world, and she with him, their covenant and marriage is not of force when they are dead, and when they are out of the world: Therefore they are not bound by any law when they are out of the world: Therefore when they are out of the world they neither marry nor are given in marriage, but are appointed angels in heaven, which angels are ministering servants, to minister for those who are worthy of a far more and an exceeding and an eternal weight of glory; for these angels did not abide by law, therefore they can not be enlarged, but remain separately and singly, without exaltation, in their saved condition, to all eternity, and from henceforth are not gods, but are angels of God forever and ever.

And again, verily I say unto you, if a man marry a wife and make a covenant with her for time and for all eternity, if that covenant is not by me or by my word, which is my law, and is not sealed by the holy spirit of promise through him whom I have anointed and appointed unto this power, then it is not valid, neither of force, when they are out of the world, because they are not joined by me, saith the Lord, neither by my word: When they are out of the world it can not be received there, because the angels and the gods are appointed there, by whom they can not pass: They can not, therefore, inherit my glory, for my house is a house of order, saith the Lord God.

And again, verily I say unto you, if a man marry a wife by my word, which is my law, and by the new and everlasting covenant, and it is sealed unto them by the Holy Spirit of promise, by him who is anointed, unto whom I have appointed this power, and the keys of this priesthood, and it shall be said unto them, ye shall come forth in the first resurrection; and if it be after the first resurrection, in the next resurrection; and shall inherit thrones, kingdoms, principalities, and powers, dominions, all heights, and depths, then shall it be written in the Lamb's Book of Life that he shall commit no murder, whereby to shed innocent blood, and if ye abide in my covenant and commit no murder whereby to shed innocent blood, it shall be done

unto them in all things whatsoever my servant hath put upon them, in time, and through all eternity; and shall be full of force when they are out of the world, and they shall pass by the angels, and the Gods, which are set there, to their exaltation and glory in all things, as hath been sealed upon their heads, which glory shall be a fullness and a continuation of the seeds forever and ever.

Then shall they be Gods, because they have no end, therefore shall they be from everlasting to everlasting because they continue; then shall they be above all, because all things are subject unto them. Then shall they be Gods, because they have all power, and the angels are subject unto them:

Verily, verily I say unto you, except ye abide my law, ye can not attain to this glory, for straight is the gate, and narrow the way that leadeth unto the exaltation and continuation of the lives, and few there be that find it, because ye receive me not in the world, neither do ye know me. But if ye receive me in the world, then shall ye know me, and shall receive your exaltation, that where I am, ye shall be also. This is eternal lives, to know the only wise and true God, and Jesus Christ whom he hath sent. I am he. Receive ye, therefore, my law. Broad is the gate, and wide the way that leadeth to the death, and many there are that go in thereat, because they receive me not, neither do they abide in my law.

Verily, verily I say unto you, if a man marry a wife according to my word, and they are sealed by the Holy Spirit of promise, according to mine appointment, and he or she shall commit any sin or transgression of the new and everlasting covenant whatever, and all manner of blasphemies, and if they commit no murder, wherein they shed innocent blood, yet they shall come forth in the first resurrection and enter into their exaltation; but they shall be destroyed in the flesh, and shall be delivered unto the buffetings of Satan unto the day of redemption, saith the Lord God.

The blasphemy against the Holy Ghost, which shall not be forgiven in the world nor out of the world, is in that ye commit murder, wherein ye shed innocent blood, and assent unto my death, after ye have received my new and everlasting covenant, saith the Lord God, and he that abideth not this law can in no wise enter into my glory, but shall be damned, saith the Lord.

I am the Lord thy God, and will give unto thee the law of my holy priesthood as was ordained by me and my Father before the world was. Abraham received all things, whatsoever he received, by revelation and commandment, by my word, saith the Lord, and hath entered into his exaltation and sitteth upon his throne.

Abraham received promises concerning his seed, and of the fruit of his loins—from whose loins ye are, viz, my servant Joseph—which were to continue so long as they were in the world; and as touching Abraham and his seed, out of the world, they should continue; both in the world and out of the world should they continue as innumerable as the stars, or, if ye were to count the sand upon the seashore ye could not number them. This promise is yours, also, because ye are of Abraham, and by this law are the continuation of the works of my Father, wherein He glorifieth himself. Go ye, therefore, and do the works of Abraham—enter ye into my law and ye shall be saved. But if ye enter not into my law ye can not receive the promises of my Father which He made unto Abraham.

God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? Because this was the law; and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises. Was Abraham, therefore, under condemnation? Verily I say unto you, Nay; for I the Lord commanded it. Abraham was commanded to offer his son Isaac. Nevertheless it was written, "Thou shalt not kill." Abraham, however, did not refuse, and it was accounted unto him for righteousness.

Abraham received concubines, and they bare him children, and it was accounted unto him for righteousness, because they were given unto him, and he abode in my law; as Isaac also, and Jacob did none other things than that which they were commanded; and because they did none other things than that which they were commanded they have entered into their exaltation, according to the promises, and sit upon thrones, and are not angels, but are gods. David also received many wives and concubines, as also Solomon, and Moses my servant, as also many others of my servants, from the beginning of creation until this time; and in nothing did they sin, save in those things which they received not of me.

David's wives and concubines were given unto him, of me, by the hand of Nathan, my servant, and others of the prophets who had the keys of this power; and in none of these things did he sin against me, save in the case of Uriah and his wife; and, therefore, he hath fallen from his exaltation and received his portions; and he shall not inherit them out of the world, for I gave them unto another, saith the Lord.

I am the Lord thy God, and I gave unto thee, my servant Joseph, an appointment, and restore all things; ask what ye will and it shall be given unto you, according to my word; and as ye have asked concerning adultery—verily, verily I say unto you if a man receiveth a wife in the new and everlasting covenant, and if she be with another man, and I have not appointed unto her by the holy anointing, she hath committed adultery, and shall be destroyed. If she be not in the new and everlasting covenant, and she be with another man, she has committed adultery; and if her husband be with another woman, and he was under a vow, he hath broken his vow, and hath committed adultery; and if she hath not committed adultery, but is innocent, and hath not broken her vow, and she knoweth it, and I reveal it unto you, my servant Joseph, then shall you have power, by the power of my holy priesthood, to take her, and give her unto him that hath not committed adultery, but hath been faithful, for he shall be made ruler over many, for I have conferred upon you the keys and power of the priesthood, wherein I restore all things and make known unto you all things in due time.

And, verily, verily, I say unto you, that whatsoever you seal on earth shall be sealed in heaven; and whatsoever you bind on earth, in my name, and by my word, saith the Lord, it shall be eternally in the heavens, and whatsoever sins you retain on earth shall be retained in heaven.

And again, verily I say, whomsoever you bless I will bless, and whomsoever you curse I will curse, saith the Lord; for I the Lord am thy God.

And again, verily I say unto you, my servant Joseph, that whosoever you give on earth and to whomsoever you give anyone on earth,

by my word and according to my law it shall be visited with blessings, and not cursings, and with my power, saith the Lord, and shall be without condemnation on earth and in heaven; for I am the Lord thy God, and will be with thee even unto the end of the world and through all eternity; for, verily I seal upon you your exaltation and prepare a throne for you in the kingdom of my Father with Abraham, your father. Behold I have seen your sacrifices and will forgive all your sins; I have seen your sacrifices in obedience to that which I have told you; go, therefore, and I make a way for your escape, as I accepted the offering of Abraham of his son Isaac.

Verily I say unto you, a commandment I give unto mine handmaid, Emma Smith, your wife, whom I have given unto you that she stay herself and partake not of that which I commanded you to offer unto her, for I did it, saith the Lord, to prove you all, as I did Abraham, and that I might require an offering at your hand by covenant and sacrifice; and let mine handmaid, Emma Smith, receive all those that have been given unto my servant Joseph and who are virtuous and pure before me; and those who are not pure, and have said they were pure, shall be destroyed, saith the Lord God; for I am the Lord thy God, and ye shall obey my voice; and I give unto my servant Joseph that he shall be made ruler over many things for he hath been faithful over a few things; and from henceforth I will strengthen him.

And I command mine handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But if she will not abide this commandment she shall be destroyed, saith the Lord, for I am the Lord thy God, and will destroy her if she abide not in my law. But if she will not abide this commandment, then shall my servant Joseph do all things for her even as he hath said, and I will bless him and multiply him, and give unto him an hundredfold in this world of fathers and mothers, brothers and sisters, houses and lands, wives and children, and crowns of eternal lives in the eternal worlds. And again, verily I say let mine handmaid forgive my servant Joseph his trespasses, and then shall she be forgiven her trespasses wherein she hath trespassed against me, and I the Lord thy God will bless her and multiply her and make her heart to rejoice.

And again I say let not my servant Joseph put his property out of his hands, lest an enemy come and destroy him, for Satan seeketh to destroy; for I am the Lord thy God, and he is my servant, and behold, and lo, I am with him as I was with Abraham, thy father, even unto his exaltation and glory.

Now, as touching the law of the priesthood, there are many things pertaining thereunto. Verily, if a man be called of my Father, as was Aaron, by mine own voice and by the voice of Him that sent me, and I have endowed him with the keys of the power of this priesthood if he do anything in my name and this priesthood; if he do anything in my name and according to my law and by my word he will not commit sin, and I will justify him. Let no one, therefore, set on my servant Joseph, for I will justify him; for he shall do the sacrifice which I require at his hands for his transgressions, saith the Lord your God.

And again, as pertaining to the law of the priesthood, if any man espouse a virgin and desire to espouse another, and the first gave her consent; and if he espouse the second, and they are virgins and have

vowed to no other man, then is he justified. He can not commit adultery for they are given unto him; for he can not commit adultery with that that belongeth unto him and to none else; and if he have ten virgins given unto him by this law he can not commit adultery, for they belong to him, and they are given unto him, therefore is he justified. But if one, or either of the ten virgins, after she is espoused, shall be with another man she has committed adultery and shall be destroyed, for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world, and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that He may be glorified.

And again, verily, verily I say unto you, if any man have a wife who holds the keys of this power, and he teaches unto her the law of my priesthood, as pertaining to these things, then shall she believe and administer unto him or she shall be destroyed, saith the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law. Therefore it shall be lawful in me, if she receive not this law, for him to receive all things whatsoever I the Lord his God will give unto him, because she did not believe and administer unto him, according to my word; and she then becomes the transgressor, and he is exempt from the law of Sarah, who administered unto Abraham according to the law when I commanded Abraham to take Hagar to wife. And now, as pertaining to this law, verily, verily I say unto you, I will reveal more unto you hereafter; therefore let this suffice for the present. Behold, I am Alpha and Omega—amen.

Conference then adjourned to the 6th of October next, 10 o'clock a. m.

Benediction by H. C. Kimball.

In the evening the Tabernacle was filled with elders, who were addressed by the twelve, presidents of seventies, etc., on various things concerning the building up of the kingdom of God.

A DISCOURSE.

[Delivered by President B. Young, in the Tabernacle, Great Salt Lake City, August 8, 1852.]

I will read a revelation given to Joseph Smith, jr., and Sidney Rigdon. But previous to my doing so, and commencing upon the subject that I expect to lay before the people this morning, I will say to them my understanding with regard to preaching the gospel of salvation is this: There is but one discourse to be preached to all the children of Adam, and that discourse should be believed by them and lived up to. To commence, continue, and finish this gospel sermon will require all the time that is allotted to man, to the earth, and all things upon it in their mortal state. That is my idea with regard to preaching. No man is able to set before a congregation all the items of the gospel in this life and continue these items to their termination, for this mortal life is too short. It is inseparably connected, one part with the other, in all the doctrines that have been revealed to man, which is now called the various doctrines of Christianity, of which all professors of religion believe a portion, but

severally reject, or desire to reject, other portions of the truth, each sect or individual taking to themselves portions of the Bible, portions of the doctrine of salvation, that are the most pleasing to them, rejecting all the rest, and mingling these doctrines with the tenets of men.

But let a gospel sermon be preached, wherein all the principles of salvation are embodied, and we will acknowledge at the end of the mortality of this earth, and all things created upon it, at the closing-up scene, at the final consummation of all things that have been from the commencement of the creation of the world, and the peopling of it unto the latest generation of Adam and Eve, and the final finishing up of the work of Christ; I say, we shall acknowledge that there is the gospel sermon, and that it could not be preached to finite beings in one short life.

I make these remarks for the purpose of extricating myself from the arduous task of undertaking to set before this congregation every item of the doctrine of salvation in all of their various significations, as they are presented in this life and according to our understanding. I make these introductory remarks to free myself from the great task of finishing the discourse I shall commence. I did not expect to finish it; I do not expect to see the end of it until the winding-up scene; I do not even commence at the beginning of it; I only catch at it where it comes to me in the nineteenth century, for it has been before me; it is from eternity to eternity.

Christ is the author of this gospel, of this earth, of men and women, of all the posterity of Adam and Eve, and every living creature that lives upon the face of the earth, that flies in the heavens, that swims in the waters, or dwells in the field. Christ is the author of salvation to all this creation, to all things pertaining to this terrestrial globe we occupy.

This, however, would be contrary to our prejudices to admit for a moment that Christ in his redeeming properties has power to redeem any of the works of His hands, any other living creature, but the children of Adam and Eve. This would not be in accordance with our proposed feelings and long-imbibed prejudices, perhaps, but He has redeemed the earth; He has redeemed mankind and every living thing that moves upon it, and He will finish his gospel discourse when He overcomes his enemies, and puts his last enemy under his feet, when He destroys death, and him that hath the power of it, when He has raised up his kingdom and finished his work which the Father gave him to do, and presents it to his Father, saying:

“I have done the work; I have finished it. I have not only created the world, but I have redeemed it; I have watched over it and have given to those intelligent beings that you have created by me—their agency—and it has been held with perfection to every creature of intelligence, to every grade of mankind. I have preserved inviolate their agency. I have watched over them and overruled all their actions, and held in my hand the destinies of men; and I have finished up my gospel sermon,” as he presents the finished work to his Father.

It takes just such a character as the Savior to preach one gospel discourse; and this was commenced with the commencement of all men upon this earth or any other, and it will never close until the winding-up scene, and all is finished, and the kingdom is presented to the Father. I expect only to look into some portions of it as it

comes to me in the nineteenth century of the Christian era. I will now read a revelation that was given to Joseph Smith, jr., and Sidney Rigdon, called a vision :

1. Hear, O ye heavens, and give ear, O earth, and rejoice ye inhabitants thereof, for the Lord is God, and beside Him there is no Savior. Great is His wisdom, marvellous are His ways, and the extent of His doings none can find out. His purposes fail not; neither are there any who can stay His hand. From eternity to eternity He is the same, and His years never fail.

2. For thus saith the Lord: I the Lord am merciful and gracious unto those who fear me and delight to honor those who serve me in righteousness and in truth unto the end. Great shall be their reward and eternal shall be their glory, and to them will I reveal all mysteries; yea all the hidden mysteries of my kingdom from days of old and for ages to come will I show them, even the things of many generations. Their wisdom shall be great and their understanding reach to heaven; and before them the wisdom of the wise shall perish and the understanding of the prudent shall come to naught, for by my spirit will I enlighten them, and by my power will I make known unto them the secrets of my will; yea, even those things which eye has not seen nor ear heard nor yet entered into the heart of man.

3. We, Joseph Smith, jr., and Sidney Rigdon, being in the Spirit on the 16th of February, in the year of our Lord 1832, by the power of the Spirit our eyes were opened and our understandings were enlightened so as to see and understand the things of God, even those things which were from the beginning before the world was, which were ordained of the Father through His only begotten Son, who was in the bosom of the Father even from the beginning, of whom we bear record, and the record which we bear is the fullness of the gospel of Jesus Christ, who is the Son whom we saw and with whom we conversed in the heavenly vision; for while we were doing the work of translation, which the Lord had appointed unto us, we came to the twenty-ninth verse of the fifth chapter of John, which was given unto us as follows: Speaking of the resurrection of the dead, concerning those who shall hear the voice of the Son of Man and shall come forth, they who have done good in the resurrection of the just, and they who have done evil in the resurrection of the unjust.

Now, this caused us to marvel, for it was given unto us of the Spirit, and while we meditated upon these things the Lord touched the eyes of our understandings and they were opened, and the glory of the Lord shone round about, and we beheld the glory of the Son, on the right hand of the Father, and received His fullness; and saw the holy angels and they who are sanctified before His throne worshiping God and the Lamb, who worship Him for ever and ever. And now, after the many testimonies which have been given of Him, this is the testimony, last of all, which we give of Him, that He lives; for we saw Him, even on the right hand of God; and we heard the voice bearing record that He is the only begotten of the Father; that by Him and through Him and of Him the worlds are and were created; and the inhabitants thereof are begotten sons and daughters unto God. And this we saw also, and bear record, that an angel of God, who was in authority in the presence of God, who rebelled against the only begotten Son whom the Father loved, and who was

in the bosom of the Father, and was thrust down from the presence of God and the Son, and was called Perdition, for the heavens wept over him. He was Lucifer, a son of the morning. And while we were yet in the Spirit, the Lord commanded us that we should write the vision, for we beheld Satan, that old serpent, even the devil, who rebelled against God and sought to take the kingdom of our God and His Christ. Wherefore he maketh war with the saints of God, and encompasses them round about. And we saw a vision of the sufferings of those with whom he made war and overcame, for thus came the voice of the Lord unto us.

4. Thus saith the Lord, concerning all those who know my power and have been made partakers thereof and suffered themselves, through the power of the devil, to be overcome and to deny the truth and defy my power; they are they who are the sons of perdition, of whom I say it had been better for them never to have been born, for they are vessels of wrath doomed to suffer the wrath of God, with the devil and his angels, in eternity; concerning whom I have said there is no forgiveness in this world nor in the world to come, having denied the Holy Spirit after having received it, and having denied the only begotten Son of the Father, having crucified Him unto themselves, and put Him to an open shame, these are they who shall go away into the lake of fire and brimstone, with the devil and his angels, and the only ones on whom the second death shall have any power, yea, verily, the only ones who shall not be redeemed in the due time of the Lord, after the sufferings of His wrath, for all the rest shall be brought forth by the resurrection of the dead through the triumph and the glory of the Lamb, who was slain, who was in the bosom of the Father before the worlds were made.

And this is the gospel, the glad tidings which the voice out of the heavens bore record unto us, that He came into the world, even Jesus, to be crucified for the world, and to bear the sins of the world and to sanctify the world and to cleanse it from all unrighteousness, that through Him all might be saved, whom the Father had put into His power, and made by Him, who glorifies the Father, and saves all the works of His hands, except those sons of perdition who deny the Son after the Father has revealed Him, wherefore He saves all except them; they shall go away into everlasting punishment, which is endless punishment, which is eternal punishment, to reign with the devil and his angels in eternity, where their worm dieth not and the fire is not quenched, which is their torment, and the end thereof, nor their torment, no man knows, neither was it revealed, neither is, neither will be revealed unto man, except to them who are made partakers thereof; nevertheless I the Lord show it by vision unto many, but straightway shut it up again, wherefore the end, the width, the height, the depth, and the misery thereof they understand not, neither any man except them who are ordained unto this condemnation. And we heard the voice saying, write the vision, for lo, this is the end of the vision of the sufferings of the ungodly.

5. And again we bear record, for we saw and heard, and this is the testimony of the gospel of Christ concerning them who come forth in the resurrection of the just; they are they who received the testimony of Jesus and believed on His name, and were baptized after the manner of His burial—being buried in the water in His name—and this according to the commandment which He has given that, by

keeping the commandments, they might be washed and cleansed from all their sins and receive the Holy Spirit by the laying on of the hands of him who is ordained and sealed unto this power, and who overcome by faith and are sealed by the Holy Spirit of promise, which the Father sheds forth upon all those who are just and true; they are they who are the church of the first born; they are they into whose hands the Father has given all things; they are they who are priests and kings, who have received of His fullness and of His glory, and are priests of the Most High after the order of Melchisedek, which was after the order of Enoch, which was after the order of the only begotten, wherefore, as it is written, they are gods, even the sons of God; wherefore all things are theirs, whether life or death, or things present, or things to come, all are theirs and they are Christ's, and Christ is God's; and they shall overcome all things, wherefore let no man glory in man but rather let him glory in God, who shall subdue all enemies under his feet. These shall dwell in the presence of God and His Christ forever and ever; these are they whom He shall bring with Him when He shall come in the clouds of heaven to reign on the earth over his people; these are they who shall have part in the first resurrection; these are they who shall come forth in the resurrection of the just; these are they who are come unto Mount Zion, and unto the city of the living God, the heavenly place, the holiest of all; these are they who have come to an innumerable company of angels, to the general assembly and the church of Enoch and the first born; these are they whose names are written in heaven where God and Christ are the judge of all; these are they who are just men made perfect through Jesus the mediator of the new covenant, who wrought out this perfect atonement through the shedding of His own blood; these are they whose glory is that of the sun, even the glory is that of God the highest of all, whose glory the sun of the firmament is written of as being typical.

6. And again, we saw the terrestrial world, and behold and lo, these are they who are of the terrestrial, whose glory differs from that of the church of the first born, who have received the fulness of the Father, even as that of the moon differs from the sun of the firmament. Behold, these are they who died without law, and also they who are the spirits of men kept in prison, whom the Son visited, and preached the gospel unto them that they might be judged according to men in the flesh, who received not the testimony of Jesus in the flesh, but afterwards received it. These are they that are honorable men of the earth, who are blinded by the craftiness of men. These are they who received of His glory, but not of His fulness. These are they who received of the presence of the Son, but not of the fulness of the Father. Wherefore they are bodies terrestrial and not bodies celestial, and differ in glory as the moon differs from the sun. These are they who are not valiant in the testimony of Jesus. Wherefore they obtained not the crown over the kingdom of our God. And this is the end of the vision which we saw of the terrestrial, that the Lord commanded us to write while we were yet in the Spirit.

7. And again, we saw the glory of the celestial, which glory is that of the lesser, even as the glory of the stars differ from that of the glory of the moon in the firmament. These are they who received not the gospel of Christ, neither the testimony of Jesus. These are they who deny not the Holy Spirit. These are they who are thrust

down to hell. These are they who shall not be redeemed from the devil until the last resurrection, until the Lord, even Christ the Lamb, shall have finished His work. These are they who receive not of His fulness in the eternal world, but of the Holy Spirit through the ministration of the terrestrial, and the terrestrial through the ministration of the celestial, and also the celestial receive it of the administering of angels who are appointed to be minister for them or who are appointed to be ministering spirits for them, for they shall be heirs of salvation. And thus we saw in the heavenly vision the glory of the celestial, which surpasses all understanding, and no man knows it except to whom He has revealed it. And thus we saw the glory of the terrestrial, which excels in all things the glory of the celestial, even in glory, and in power, and in might, and in dominion. And thus we saw the glory of the celestial, which excels in all things, where God, even the Father, reigns upon His throne forever and ever, before whose throne all things bow in humble reverence and give Him glory forever and ever.

They who dwell in his presence are the church of the first born, and they see as they are seen and know as they are known, having received of His fulness and of His grace, and he makes them equal in power and in might and in dominion. And the glory of the celestial is one, even as the glory of the sun is one. And the glory of the terrestrial is one, even as the glory of the moon is one. And the glory of the celestial is one, even as the glory of the stars is one, for as one star differs from another in glory, even so differs one from another the celestial world, for these are they who are of Paul and of Apollos and of Cephas; these are they who say they are some of one and some of another; some of Christ, and some of John, and some of Moses, and some of Elias, and some of Esaias, and some of Isaiah, and some of Enoch, but received not the gospel, neither the testimony of Jesus, neither the prophets, neither the everlasting covenant; last of all, these all are they who will not be gathered with the saints to be caught up into the church of the first born and received into the cloud. These are they who are liars and sorcerers, and adulterers, and whoremongers, and whosoever loves and makes a lie; these are they who suffer the wrath of God on the earth; these are they who suffer the vengeance of eternal fire; these are they who are cast down to hell and suffer the wrath of Almighty God until the fulness of time, when Christ shall have subdued all enemies under His feet and shall have perfected His work, when He shall deliver up the kingdom and present it unto the Father spotless, saying I have overcome and have trodden the wine press alone, even the wine press of the fierceness of the wrath of Almighty God. Then shall He be crowned with the crown of His glory to sit on the throne of His power to reign forever and ever. But behold, and lo, we saw the glory and inhabitants of the celestial world, that they were as innumerable as the stars in the firmament of heaven or as the sand upon the seashore, and heard the voice of the Lord saying: "These all shall bow the knee, and every tongue shall confess to Him who sits upon the throne forever and ever, for they shall be judged according to their works, and every man shall receive according to his own works and his own dominion, in the mansions which are prepared, and they shall be servants of the Most High, but where God and

Christ dwell they can not come, worlds without end. This is the end of the vision which we saw, which we were commanded to write while we were yet in the spirit.

8. But great and marvelous are the works of the Lord and the mysteries of His kingdom which he showed unto us, which surpasses all understanding in glory, and in might, and in dominion, which He commanded us we should not write, while we were yet in the spirit, and are not lawful for man to utter; neither is man capable to make them known, for they are only to be seen and understood by the power of the Holy Spirit, which God bestows on those who love Him and purify themselves before Him; to whom He grants this privilege of seeing and knowing for themselves; that through the power and manifestation of the Spirit, while in the flesh, they may be able to bear His presence in the world of glory. And to God and the Lamb the glory, and honor, and dominion forever and ever. Amen.

These are the words of the vision that were given to Joseph and Sidney. My mind rests upon this subject, upon this portion of the gospel of salvation, and has done so, more or less, for a great many years. The circumstances that surround me almost daily, things that I see and hear, cause my mind to reflect upon the situation of mankind; create in me an anxiety to learn why things are as they are; why it is that the Lord should build a globe like this earthly ball and set it in motion, then people it with intelligent beings, and afterwards cast a vail over the whole and hide Himself from His creation, conceal from them the wisdom, the glory, the truth, the excellency, the true principles of His character, and His design in forming the earth.

Why cast this vail over them, and leave them in total darkness; leave them to be carried away with erroneous doctrine, and exposed to every species of wickedness, that would render them obnoxious to the presence of God, who placed them upon the face of this earth? My daily experience and observation cause me to inquire into these things. Can I attribute all to the wisdom of Him that has organized this earth, and peopled it with intelligent beings; and see the people honestly desiring to do right all the day long, and would not lift hand or heel against the Almighty, but would rather have their heads taken from their bodies than dishonor Him? And yet we hear one crying on the right hand, "This is the law of God, this is the right way." Another upon the left saying the same; another in front, and another in the rear, and to every point of the compass, hundreds and thousands of them, and all differing one from another.

They do the best they can, I admit. See the inhabitants of the earth, how they differ in their prejudices and in their religion. What is the religion of the day? What are all the civil laws and governments of the day? They are merely traditions, without a single exception. Do the people realize this—that it is the force of their education that makes right and wrong with them? It is not the line which the Lord has drawn out; it is not the law which the Lord has given them; it is not the righteousness which is according to the character of Him who has created all things, and by His own law governs and controls all things, but by the prejudice of education, the prepossessing feeling that is begotten in the hearts of the children of men by surrounding objects, they being creatures of circumstances

who are governed and controlled by them more or less. When they thus are led to differ one from another, it begets in them different feelings; it causes them to differ in principle, object, and pursuits; in their customs, religion, laws, and domestic affairs in all human life; and yet every one of every nation there is under heaven considers that they are the best people; that they are the most righteous, have the most intelligence and best of men for their priests and rulers, and are the nearest to the very thing the Lord Almighty requires of them. There is no nation upon this earth that does not entertain these sentiments.

Suppose a query arising in the mind of the different sects of the human family, Do not the Latter-Day Saints think they are the best people under the whole heaven, like ourselves? Yes; exactly. I take that to myself. The Latter-Day Saints have the same feeling as the rest of the people; they think also that they have more wisdom and knowledge and are the nearest right of any people upon the face of the earth.

Suppose you visit China and mingle among the "celestial" beings there; you will find a people who hold in scorn and ridicule every other people, and especially those of Christendom. They consider themselves more holy, more righteous, more upright, more honest, filled with more intelligence; they consider themselves better educated, better in every respect, in all their civil and religious rites, than any other nation under heaven.

Suppose you next visit Spain. There you will find the mother and grandmother and great-grandmother of all the Christian denominations upon the face of the earth, though these are but a scanty proportion of mankind, compared with all the inhabitants upon the face of the globe. I suppose not one-twelfth or one-sixteenth part of the inhabitants of the earth believe in Jesus Christ, and probably not one-thirtieth part of them.

Take the mother of modern Christianity. Go into Italy, to Rome, the seat of her government, and we find that they also consider themselves to be the best people in the world—the nearest the Lord and the path of right—more so than any other people upon the face of the earth.

Then visit the first Protestant Church that was organized, and they consider themselves nearer right than their mother or any of their sisters. You may thus follow it down to the last reformer upon the earth; and then step back to those we call "heathen," to all that ever lived—from the place Noah landed his ark to the building of the Tower of Babel, and in their dispersion trace their footsteps to the islands and continents under the whole heavens—and you can not find a people that do not believe they are nearest right in their religion, more so than their neighbors, and have the best form of civil government.

Suppose you call upon the aborigines of our country here; these wild Indians—we call them "savages;" we call them "heathens." Let yourselves be divested of prejudice; let it be entirely forgotten and out of the question, together with all your education and former notions of things, your religious tenets, etc, and let your minds be in open vision before the Almighty, seeing things as they are. You will find that that very people know just as much about the Lord as

anybody else. Like the rest of mankind they step into a train of ideas and ordinances peculiar to the prejudices of their education.

All this I admit, and I admit it upon the resources of my own knowledge that I have pertaining to the inhabitants of the earth; this also every person knows who is acquainted with the different customs and religions of different countries.

Let me step over into England and carry with me my Yankee notions and manners and I should be a burlesque to them. Let an Englishman pass over into Scotland and speak and act according to English customs, it would differ so far from them that they would laugh at him. Let a Scotchman or an Englishman go to Ireland, and it would be just the same. This difference of feeling, sentiment, and custom exists in those countries that are so near each other. If you go to France you will find that they walk over the customs and manners of England as unworthy of their notice. Should you thus go from one people to another, throughout all nations, you would find that they differ in their religious and national customs, according to the teachings of the mother and the priest. In this manner the consciences of mankind are formed—by the education they receive. You know this to be true by your own experience.

That which you once considered perhaps to be a nonessential in religion you now consider to be very essential. That which you once esteemed to be unbecoming in society has become so interwoven in your feelings, by being accustomed to it, that it ultimately appears quite rational to you.

When you survey the inhabitants of the world you will find that the religion tenets of all nations have sprung from their education; consequently if we should summon the whole earth before us and strictly examine them we should find that the nations of the earth, as far as they know and understand, are doing about the best they know how; they are just about as near right as they know how to be.

These tribes of Indians differ from one another in their sentiments and feelings; they war with each other, and try to destroy each other; and why do they do it? Why, "you are not as righteous as I am, and I want to bring you over to my faith." You see these bands of Indians doing these things, and you spurn the idea. Suppose you extend the principle, and carry it among the greatest nations of the earth; and you would see Queen Victoria, one of the most powerful sovereigns, sitting at the head of one of the most powerful nations upon the earth, sending her forces among these "celestial" ones, battering down the walls of China, bombarding their cities, throwing confusion into their States, and destroying thousands of their people—extending their sway of empire over India. And why all this? "To subdue you heathens, and bring you over to our more enlightened customs and religion."

Does one nation rise up to war with another without having motives, and those which they will substantiate as being good and sufficient? Will one people rise up to war with another people except the motive that moves them is of a nature to justify them in their own minds and judgment for doing so? No. There is not a people upon the face of this earth that would do so; they all calculate to do that which seemeth good to them.

There are the Jews—and recollect that they are a very religious people of this day; a more religious people never lived than they—

that is, the tribe of Judah and the half tribe of Benjamin that were left in Jerusalem; they are as tenacious as any people can be, to this day, for the religion of their fathers, and where can you see them among the nations of the earth without seeing a hunted, driven, and persecuted people? The laws of nations have been framed for the express purpose of killing and destroying them from the earth. Yes, in the midst of nations that profess to adhere to the doctrines of Christianity—that legislate and make laws and put them in force—laws have been made to exterminate them; then cry out against them, and raise mobs to persecute and destroy, and clear the earth of the Jews. Notwithstanding all this, will they forsake their religion? No. They have suffered themselves to be stoned in the streets of the cities, their houses to be burned over their heads; but will they forsake their religion? No. They will perish rather.

The Christians say they are wrong, and the "Holy Roman Catholic Church" would have killed every one of them hundreds of years ago had not God promised by his holy prophets that they should remain and multiply. They have been distributed, dispersed, scattered abroad among the nations of the earth to fulfil that and many more of the sayings of their prophets, and they are as tenacious this day with regard to their religion as in the days of Moses, and are as anxiously expecting and looking for the Messiah.

Conscience is nothing else but the result of the education and traditions of the inhabitants of the earth. These are interwoven with their feelings and are like a cloak that perfectly envelops them in the capacity of societies, neighborhoods, people, or individuals. They frame that kind of government and religion and pursue that course collectively or individually that seemeth good to themselves.

When we look at the whole creation, and that, too, from the days of Adam down to this time, what do we see? According to the reading of the Bible, the sayings of Jesus Christ, of all the ancient prophets, and of the apostles—every soul, every son and daughter of Adam and Eve that have lived from the day of the transgression to this time, and that will live from this time henceforth, so long as any of the posterity of Adam and Eve shall continue upon the earth, unless they know Jesus Christ and his Father and receive the Holy Ghost and be prepared to dwell with the Father and the Son, become acquainted with them, and converse with them, they will all be damned—every soul of them will be sent to hell.

And what do we see on the back of this, I ask? We see that all Christendom are ready to pounce upon them that believe in Jesus Christ and are trying to attain this knowledge, and grind them down and send them down, and continue to bear upon them, and crowd them down—down to the bottom of the "bottomless pit," and throw upon them pig metal and lead to keep them down. This is what we see, and all creation may see it also if they will open their eyes.

I shall not undertake to prove from the Bible everything I say; yet it is all there.

With regard to the peculiar and varied formations of the religions of the day, I will say we can see in them the first strong lines of the religion of Christ drawn out, which have existed among them from the days of apostasy from the true order to the present day.

If you could just humble yourselves until your eyes should be enlightened by the spirit of God, by the spirit of intelligence, you may

understand things the world can not see, and understand that it is the privilege of every person to know the exact situation of the inhabitants of the earth for themselves. The ancient apostles saw it, Jesus Christ knew all about it, and the prophets before them prophesied and wrote and preached about what was then upon the earth, what had been, and what would be.

The inquiry might be made, Can any person in the world prophesy unless he possess the spirit of it? No; they can not. They may prophesy lies by the spirit of lies, by the inspiration of a lying spirit, but can they see and understand things in the future so as to prophesy truly of things to come unless they are endowed with the spirit of prophecy No. Is this the privilege of every person? It is. Permit me to remark here, this very people called Latter-Day Saints have got to be brought to the spot where they will be trained (if they have not been there already), where they will humble themselves, work righteousness, glorify God, and keep his commandments. If they have not got undivided feelings they will be chastised until they have them, not only until every one of them shall see for themselves and prophesy for themselves, have visions to themselves; but be made acquainted with all the principles and laws necessary for them to know, so as to supersede the necessity of anybody teaching them.

Is not the time to come when I shall not say to my neighbor, "Know the Lord," for he will know him as well as I do? This is the very people that come to it sooner or later. Can we come to it? We can. If you are industrious and faithful scholars in the schools you have entered into, you shall get lessons one after another, and continue on until you can see and understand the spirit of prophecy and revelation, which can be understood according to a systematic principle and can be demonstrated to a person's understanding as scientifically as Professor Pratt, who sits directly behind me, can an astronomical problem.

I do not propose to go into that or to say anything to the brethren or to this people with regard to their daily walk and actions. I have proposed to view the inhabitants of the earth and their situations that you and I might understand that the Lord Almighty has a hand in all these matters; that the Lord is on the earth and fills immensity. He is everywhere; He dictates to governors and kings and manages the whole affairs of the nations of the earth and has from the days of Adam and will until the winding up scene and the work shall be finished.

There is only one gospel sermon, recollect, brethren and sisters, and the time that is required to preach it is from the fall, or from the day when Adam and his wife Eve came here upon this planet, and from that time until Jesus Christ has subdued the last enemy, which is death, and put all things under His feet and wound up all things pertaining to this earth. Then the gospel will have been preached and brought up and presented and the effects thereof to the Father.

Now, what shall we do with the inhabitants of the earth? Their true situation can be presented to your mind if you will calmly reflect. Every person, whether they have traveled or not, if they are acquainted with the history of nations can discover at once the variety there is of religions, customs, laws, and governments, and if you will apply your hearts you can understand the cause of this variety of effects.

Again, there are the nations that have lived before us; what shall we do with them? And what is their situation in the other world? What have we now to say of them? I can tell it in short. We are preaching to them the gospel of salvation—to the dead—through those who have lived in this dispensation, and it is a part and parcel of the great gospel discourse, a little here and a little there, that is necessary for the nation unto whom given. With regard to doctrine, rules, customs, and many sacraments, they are meted out to the inhabitants of the earth severally as they stand in need, according to their situations and what is required of them.

You may ask, what is meted out to us? I answer, the ordinances, the sacraments that the Lord Jesus Christ instituted for the salvation of the Jews, for all the house of Israel, and then for the Gentiles. This is the gospel—the plan of salvation the Lord has given to us. This is the kingdom the Lord has presented to us, the same he presented to the apostles in the days of Jesus. Now, it is for the people to become acquainted with these laws and ordinances of salvation, then apply them to their lives, and that will save as many in the celestial kingdom, in the presence of the Father and Son, as will strictly adhere to them. This we read in the sacred book—we have it before us all the time—that just as many as will believe the gospel of Jesus Christ, live up to its requirements in their lives, and die in faith shall receive a crown of life with the apostles and all the faithful in Christ Jesus.

What next? I will tell you a practice of the Latter Day Saints elders generally. For instance, I get up here and preach the fullness of the gospel, perhaps to individuals who never heard it before in their lives, and I close by saying, you that believe this which I have told you shall be saved, and if you do not you shall be damned. I leave the subject there. But, says one: "Don't the Bible say so?" You ought to explain yourself. "I only said what the Savior taught. He says, 'Go into all the world and preach the gospel to every creature; he that believeth and is baptized shall be saved; and he that believeth not shall be damned.' Don't I say the same?" You leave it there, don't you? "Yes; the apostle left it there, and so do I."

I wish to explain it a little more, according to the plain, simple, English language. The sum of this practice is this: When I preach a gospel sermon, and they don't believe what I say, I straightway seal their damnation. Brethren, do you believe in such a thing as that? I do not; yet there are many of the elders just so absurd.

I recollect in England sending an elder to Bristol to open a door there, and see if anybody would believe. He had a little more than 30 miles to walk. He starts off one morning and arrives at Bristol to preach the gospel to them, and seals them all up to damnation, and was back next morning. He was just as good a man, too, as we had. It was want of knowledge caused him to do so. I go and preach to the people and tell them at the end of every sermon: He that believeth and is baptized shall be saved; and he that believeth not shall be damned. I continue preaching day after day, week after week, and month after month, and yet nobody believes my testimony that I know of, and I don't see any signs of it. What shall I do in this case if I am sent to preach there, you may inquire. You must continue to preach there until those who sent you shall tell you to leave that field of labor, and if the people don't manifest by their works

that they believe, as long as they come to hear me I will continue to plead with them until they bend their disposition to the gospel. Why? Because I must be patient with them, as the Lord is patient with me. As the Lord is merciful to me I will be merciful to others; as He continues to be merciful to me, consequently I must continue in long suffering, to be merciful to others, patiently waiting, with all diligence, until the people will believe and until they are prepared to become heirs to a celestial kingdom or angels to the devil.

When the Book of Mormon was first printed it came to my hands in two or three weeks afterwards. Did I believe on the first intimation of it? The man that brought it to me told me the same things. Says he, "This is the gospel of salvation—a revelation the Lord has brought forth for the redemption of Israel. It is the gospel, and according to Jesus Christ and his apostles you must be baptized for remission of sins or you will be damned." "Hold on," says I. The mantle of traditions was over me to that degree and my prepossessed feelings so interwoven with my nature it was almost impossible for me to see at all; though I had beheld all my life that the traditions of the people was all the religion that they had, I had got a mantle for myself. Says I: "Wait a little while. What is the doctrine of the book and of the revelations the Lord has given? Let me apply my heart to them." And after I had done this I considered it to be right to know for myself as much as any man on earth.

I examined the matter studiously for two years before I made up my mind to receive that book. I knew it was true as well as I knew I could see with my eyes or feel by the touch of my fingers or be sensible of the demonstration of my senses. Had not this been the case I never would have embraced it to this day; it would have all been without form or comeliness to me. I wished time to prove all things for myself.

The gospel of Jesus Christ must be preached to all nations for a witness and testimony, for a sign that the day has come—the set time for the Lord to redeem Zion and gather Israel preparatory to the coming of the Son of Man. When the gospel is preached to the people, some will believe and some will not know whether to believe it or not. This is the situation of the world; go forth among the people, go among your own neighbors, and you may see it, because the Lord has touched your understanding with the spirit of truth; it looks to you as though all the world will believe it if they can only hear your testimony; you go and preach to them, but to your astonishment they seem perfectly disinterested—some go to sleep and others are dreaming of the farms and possessions.

The Methodist will tell you he has had the gospel from his youth and been brought up in the Methodist society, and so will the Quaker and so will the Presbyterian and so will the Shakers, for they say they are the only people who are preparing for the millennium. What is law here is not there, and what is not there is here. I have been used to this method of worship or that, and have heard of the good old tone all the days of my life.

The Methodists come along and say, you must be baptized by pouring or sprinkling or not at all, for there is nothing essential in it. Another man says you may partake of the Lord's Supper if you like, or let it alone, for it is nonessential; if you have only the good old tone you are all right.

Now, I ask a question. Who is there that can know the things of God? Who can discern the truth from the error? Where is the man, where are the people now in the world that can do it? They do not exist. Let the best wisdom of the world be summoned to their aid and they can not know the things of God. Let a man be endowed with the revelations of Jesus Christ, he will say at once, they can not tell—it is impossible. Let the Just Judge sound His trump. What will He say? I can read it to you in this book [laying his hands upon the Bible].

He is compassionate to all the works of His hands. The plan of His redemption and salvation and mercy is stretched out over all, and His plans are to gather up and bring together and save all the inhabitants of the earth, with the exception of those who have received the Holy Ghost and sinned against it. With this exception all the world besides shall be saved. Is not this Universalism? It borders very close upon it.

I have preached portions of the doctrine of salvation to the people when I traveled abroad. When I would take up the subject the Universalists would run after me hundreds of miles saying, "We are Universalists where I live; we are troubled with the Methodists and the various sects; won't you come and use them up for us? We want them whipped out."

It is only parts and portions of the gospel that you hear, a little here and a little there, scattered all over the world. Let the hearts of children of men be enlightened; let them be awakened, to understand the designs of the Lord in the salvation of man and what will their voices echo one to another? I will tell you what would be the feeling of every heart: Salvation, glory, hallelujah to God and the Lamb, for ever and ever. Why? Because of His abundant mercy and compassion, because His wisdom has devised for us that which we could not have devised for ourselves—that is what all creation would do.

I will take up another thread of my discourse by observing that a few men upon the earth have found an item of truth here and there and incorporated it with their own wisdom and taught the world that the Lord designs to save all mankind, no matter what they do. Another portion will catch at the Calvinistic principles. They hold that the Lord has foreordained this, that, and the other, and vigorously contend that the Lord did decree and did foreordain whatsoever comes to pass, and away they run. Another comes along with free salvation to all. He has caught that principle, and away they all go, deprecating everything else only the little particle each one has incorporated to himself.

It is this that makes the variance in the religious world. We see a party here and a party there, crying lo! here and lo! there, and the people are contending bitterly with each other, nation against nation, society against society, and man against man, each seeking to destroy the other or bring them to this little particle of doctrine that each one thinks is just right. It is right as far as it goes.

Man is made an agent to himself before his God. He is organized for the express purpose that he may become like his master. You recollect one of the apostles saying that when we see Him we shall be like Him; and, again, we shall become gods, even the sons of God. Do you read anywhere that we shall possess all things? Jesus is the

elder brother, and all the brethren shall come in for a share with Him—for an equal share—according to their works and calling, and they shall be crowned with Him. Do you read of any such thing as the Savior praying that the saints might be one with Him, as He and the Father are one? The Bible is full of such doctrine, and there is no harm in it as long as it agrees with the New Testament.

I will continue the point I am now at. The Lord created you and me for the purpose of becoming gods like himself, when we have been proved in our present capacity, and been faithful with all things He puts into our possession. We are created, we are born for the express purpose of growing up for low estate of manhood, to become gods like our Father in heaven. That is the truth about it, just as it is. The Lord has organized mankind for the express purpose of increasing that intelligence and truth which is with God, until he is capable of creating worlds on worlds, and becoming gods, even as the sons of God.

How many will become thus privileged? Those who honor the Father and the Son, those who receive the Holy Ghost, and magnify their calling, and are found pure and holy, they shall be found in the presence of the Father and Son. Who else? Not anybody. What becomes of all the rest? Are you going to cast them down, and sink them to the bottom of the bottomless pit, to be angels to the devil? Who are his angels? No man or woman, unless they receive the gospel of salvation, and then deny it, and turn altogether away from it, sacrificing to themselves the Son of God afresh. They are the only ones who will suffer the wrath of God to all eternity.

How much does it take to prepare a man or woman, or any being, to become angels to the devil, to suffer with him to all eternity? Just as much as it does to prepare a man to go into the celestial kingdom, into the presence of the Father and Son, and to be made an heir to his kingdom, and all his glory and be crowned with crowns of glory, immortality, and eternal lives. Now, who will be damned to all eternity? Will any of the rest of mankind? No; not one of them.

The very heathen we were talking about; if they have a law, no matter who made it, and do the best they know how, they will have a glory which is beyond your imagination, by any description I might give; you can not conceive of the least portion of the glory of God, prepared for his beings the workmanship of his hands; for these people who are scattered before me, who are the sons and daughters, legitimately so, of our Father in heaven, they all sprung from him; it hath not entered into the heart of man to conceive what he has prepared for them.

The Lord sent forth His gospel to the people; he said, I will give it to my son, Adam; from whom Methusaleh received it, and Noah received it from Methusaleh, and Melchisedek administered to Abraham. In the days of Noah the people general rejected it. All those who became acquainted with its principles, and thereby became acquainted with, and tasted the power of, salvation, and turned away therefrom, became angels to the devil.

Let us apply it directly to ourselves, who have tasted the good word of God. Let me turn around with you and reject it, and teach our children that it is an untruth, teach the same to our neighbors, and that it is a burlesque to our senses; let us deny the Lord that bought us; what would be the result? Our children would grow up

in unbelief, and the sin would rest upon our heads. Suppose we were faithful and the people will not believe our testimony, we shall receive our reward the same as though they did believe it.

Suppose the inhabitants of the earth were before me—those who have died—what shall we say of them? Have they gone to heaven or hell? There is a saying of a wise man in the Bible like this: “Who knoweth the spirit of a man that goeth upward or the spirit that goeth downward?” All have spirits, I should suppose by this. Again, there is another saying: “The Lord giveth and the Lord taketh away, and blessed be the name of the Lord.” Man dies, and his spirit goes to God who gave it. All these things are within the scope of the gospel sermon; all these principles are embraced in the great gospel discourse.

What shall we say without going to the Scriptures at all? Where do the spirits of this people go to when they lay down their tabernacles? They go into the presence of God and are at the pleasure of the Almighty. Do they go to the Father and the Son, and there be glorified? No; they do not. If a spirit goes to God who gave it, it does not stay there. We are all the time in the presence of the Lord, but our being in the presence of the Lord does not make it follow that He is in our presence; the spirits of men are understood to go into the presence of the Lord when they go into the spirit world.

The prophet lays down his body; he lays down his life, and his spirit goes to the world of spirits; the persecutor of the prophet dies, and he goes to hades; they both go to one place, and they are not to be separated yet. Now, understand that this part of the great sermon the Lord is preaching in his providence, the righteous and the wicked are together in hades. If we go back to our mother country, we there find the righteous and the wicked.

If we go back to our mother country—the States—we find the righteous, and we there find the wicked; if we go to California, we there find the righteous and the wicked all dwelling together; and when we go beyond this vale and leave our bodies, which were taken from the mother earth and which must return, our spirits will pass beyond the vale; we go where both saints and sinners go; they all go to one place. Does the devil have power over the spirits of just men? No. When he gets through with this earth, he is at the end of his chain. He only has permission to have power and dominion on this earth, pertaining to his mortal tabernacle; and when we see through the veil all are in the presence of God. What did one of the ancients say? “Whither shall I go from thy spirit, and whither shall I flee from thy presence; if I ascend up into heaven, thou art there; if I make my bed in hell, behold, thou art there; if I take the wings of the morning and dwell in the uttermost parts of the earth, even there shall thy hand lead me, and thy right hand shall hold me.” Where is the end of his power? He is omnipotent and fills immensity by his agent, by his influence, by his spirit, and by his ministers. We are in the presence of God there, as we are here. Does the enemy have power over the righteous? No. Where are the spirits of the ungodly? They are in prison. Where are the spirits of the righteous, the prophets, and the apostles? They are in prison, brethren; that is where they are.

Now, let us notice a little experience, lest some of you should be startled at this idea. How do you feel, saints, when you are filled

with the power and love of God? You are just as happy as your bodies can bear. What would be your feelings—suppose you should be in prison, and filled with the power and love of God—would you be unhappy? No. I think prisons would palaces prove, if Jesus dwelt there. This is experience. I know it is a startling idea to say that the prophet and the persecutor of the prophet all go to prison together. What is the condition of the righteous? They are in possession of the spirit of Jesus—the power of God, which is their heaven. Jesus will administer to them; angels will administer to them, and they have a privilege of seeing and understanding more than you or I have, in the flesh; but they have not got their bodies yet, consequently they are in prison.

When will they be crowned, and brought into the presence of the Father and the Son? Not until they have got their bodies; this is their glory. What did the holy martyrs die for? Because the promise of receiving bodies—glorified bodies—in the morning of the resurrection. For this they lived, and patiently suffered, and for this they died. In the presence of the Father and Son they can not dwell and be crowned until the work of the redemption of both body and spirit is completed. What is the condition of the wicked? They are in prison. Are they happy? No! They have stepped through the vale to the place where the veil of the covering is taken from their understanding. They fully understand that they have persecuted the Just and Holy One, and they feel the wrath of the Almighty resting upon them, having a terrible foreboding of the final consummation of their just sentence, to become angels to the devil; just as it is in this world, precisely.

Has the devil power to afflict and cast the spirit into torment? No. We have gained the ascendancy over him. It is in this world only he has power to cause affliction and sickness, pain and distress, sorrow, anguish, and disappointment; but when we go there, behold! the enemy of Jesus has come to the end of his chain; he has finished his work of torment; he can not come any farther; we are beyond his reach and the righteous sleep in peace while the spirit is anxiously looking forward to the day when the Lord will say: "Awake, my saints; you have slept long enough." Or the trump of God shall sound and the sleeping dust shall arise and the absent spirits return to be united with their bodies, and they will become personages of tabernacle, like the Father and his son, Jesus Christ—yea, gods in eternity.

They look forward with great anxiety to that day and their happiness will not be complete—their glory will not attain to the final consummation of its fullness until they have entered into the immediate presence of the Father and the Son to be crowned, as Jesus will be, when the work is finished. When it is wound up the text is preached in all its divisions pertaining to the redemption of the world and the final consummation of all things; then the Saviour will present the work to the Father, saying, "Father, I have finished the work thou gavest me to do;" and the Son will give it up to the Father and then be subject to him, and then he will be crowned, and that is the time you and I will be crowned also.

We will notice by this that all the nations of the earth, with the exception of those who have apostatized from the gospel salvation, every son and daughter of Adam except those who have denied the

Holy Ghost, after having received it are placed in prison with the rest of them—with prophets, priests, and saints. Suppose we quote a little Scripture on this point—Jesus died to redeem the world. Did his body lay in the tomb? Did his spirit leave his body? Yes. Where did his spirit go, you may inquire? I do not know that I can tell you any better than what the ancient apostle has told it. He says he went to preach to the spirits in prison. Who are they to whom he went to preach? The people who lived in the antediluvian world. He preached the gospel to them in the spirit that they might be judged according to men in the flesh.

What shall we say of the people who live in the nineteenth century? When any of the latter day elders or apostles die and leave this world, suffice it to say that their spirits go to that prison and preach the gospel to those who have died without hearing it; and every spirit shall be judged precisely as though he lived in the flesh, when the fulness of the gospel was upon the earth. This leads to the subject of the saving and redeeming power possessed by the righteous; but we shall not have time this morning to treat upon it; suffice it to say, that saviors are coming up, in the last days, upon Mount Zion.

This I say of every son and daughter of Adam; prophets, priests, and those that slew the prophets all go prison; the elders of this church go there and there continue their labors, and by and by you will see Zion redeemed and saviors will come up upon Mount Zion. The faithful elders will come and go forward in the ordinances of God, that our ancestors and all who have died previous to the restoration of the gospel in these last days may be redeemed.

Now, vouchers of Israel, when you say that John Wesley went to hell, say that Joseph Smith went there, too. When you tell about Judas Iscariot going to hell, say that Jesus went there, too. The world can not see the whole of a gospel sermon at one glance; they can only pick up a little here and a little there. They do not understand from the beginning to the end, know that it is as straight as a line can be drawn. You can not find a compass on the earth that points so directly as a gospel plan of salvation. It has a place for everything and puts everything in its place. It divides and subdivides and gives to every portion of the human family, as circumstances require.

It is for us to get rid of that tradition in which we are incased and bring up our children in the way they should go, that when they get old they will not depart from it. It is your privilege and mine to enjoy the visions of the spirit of the Lord, everyone in his own order, just as the Lord has ordained it, that every man and woman may know for themselves if they are doing right according to the plan of salvation. I have only touched a little of a great gospel sermon, and time has come that we must close our meeting; so may the Lord God of Israel bless you in the name of Jesus. Amen.

SUNDAY, August 16th, 1852.

President Young, in continuation of his subject the Sabbath previous, delivered the following discourse:

I am confident that I have the prayers of the saints and the faith of those who have faith. It is seldom that I request the saints to

pray for me, for I judge them by myself, with a righteous judgment. I always pray for the saints, and suppose in return they pray for all the faithful, and consequently I have my share of their prayers.

I collect a statement that I made last Saturday with regard to the gospel—what a gospel sermon is—how long it takes to preach it, and what it comprises; that it takes the same time to preach it that it does to accomplish the plan of salvation, pertaining to the children of men. I have never yet seen the time that I had wisdom, rank, and ability enough to preach a gospel discourse; to commence it and finish it, setting before the people the plan of salvation sufficiently full, that thereby they might be saved. But it is only given in portions, a little here and a little there, by feeble man.

The subject that is before us to-day is in the great discourse. To understand the first principles of the gospel, to rightly understand them, a man must have the wisdom that comes from above; he must be enlightened by the Holy Ghost; his mind must be in open vision; he must enjoy the blessings of salvation himself in order to impart it to others.

In our capacity we are privileged in a spiritual point of view, precisely as we are in a temporal point of view. We have the privilege of learning and adding to the knowledge we have already obtained. We have a knowledge, for instance, of the rudiments of the English language; if we continue in our studies, in our exertions to acquire information, we obtain more knowledge, and if we continue still to persevere we add still more to that until we are perfect masters of the language.

Again, with regard to mechanism in a certain sense, the same principle will hold good. We have the privilege of learning the arts and sciences that the learned among the Gentile nations understood; we have the privilege of becoming classical scholars, of commencing at the rudiments of all knowledge, of entering into the academies; we might say of perfection. We might study and add knowledge to knowledge from the time that we are capable of knowing anything until we go down to the grave. If we enjoyed healthy bodies, so as not to wear upon the functions of the mind, there is no end to a man's learning. This compares precisely with our situation pertaining to heavenly things. The capacity of mankind in attaining to geometrical knowledge and the fine arts is great; all nations and people understand more or less of a knowledge pertaining to the arts and sciences.

But when they leave these principles that are comprehended in the studies pursued by the natural man and undertakes to define their own persons, their own being, and to understand the propriety and wisdom of the creation, and bring forth to themselves or to others those principles that pertain to future knowledge, they are in the dark; there is a veil over them. The veil of the covering that is over the nations of the earth has beclouded their understandings so that they are in thick darkness. This our experience teaches us, that when any uninspired person or persons pretend to step beyond organized nature, which is visible to the natural eyes, there is a mystery—the hidden mystery, the deep and unsearchable mystery of creation.

We can see the natural man; we can behold our face in the glass, but can we tell what manner of person we are? Can we define the object of this organization—of this body? Can we circumscribe it?

Can we fathom the depths, the propriety, the necessity, and the object of divine wisdom in our organization? It is a mystery to the wisest there is upon the earth. We see life and action—this we witness daily, ourselves—we act, we see others act. We have sight to see; our ears are organized to hear, our hands to feel, and all the system throughout seems to be perfectly framed to sense and understanding. And the mystery of it is such that the wisest of all the philosophers are ready to acknowledge and exclaim, it is a mystery; it is not to be fathomed or understood by man.

When we advance into the future or recede into the past, either plunges man into a still greater mystery. It is a mystery that the world had sought after by their wisdom; they have studied diligently for the express purpose of becoming acquainted with these mysteries. Thousands and thousands have spent their whole lives in study; have sought after and read the comments and ideas of others with the utmost anxiety and fervency of intention, seeking to find that which others have not found; to learn that which has not been learned.

This book, which is the Old and New Testament, preaches but one sermon from Genesis to Revelations. We commence and go through with this volume; then search all those books which are rejected by the Christian nations as not canonical, and any other writings of prophets and apostles and all good men; all revelations that have been set aside and considered unnecessary; summon all the revelations that have been given since the day of Adam to the present time, and what is the sum of the whole of the teachings of Him who has created the Supreme of the universe—He who has organized and planned and executed and brought into existence all His teachings to His people? Simply this: Some daughter lived before me so that I can come and visit you. Order your lives with that propriety, that I will not be disgraced to come and abide with you for a season; or, when I send my angels, or my minister, the Holy Ghost, to reveal my mind and will to you, or to bless you with abiding comfort, that they may not be disgraced in your society.

I say all the revelations of God teach simply this: Some daughter, you are the workmanship of mine hands; walk and live before me in righteousness; let your conversation be chaste; let your daily deportment be according to my law; let your dealings one with another be in justice and equity; let my character be sacred in your mouth and do not profane my holy name and trample upon my authority; do not despise any of my sayings, for I will not be disgraced. I wish to send one of my servants to visit you. What for? That you may see and know, as others have; that you may see as you are seen; that you may understand these principles pertaining more particularly to the kingdom you are in. You have descended below all things; I have in my wisdom reduced you; I have caused that you should drink of the dregs of a bitter cup.

I have placed you in the depths of ignorance and have surrounded you with weakness to prove you. I have subjected you to all misery that can be endured. I have caused you to come upon this earth, where misery and darkness and every species of unbelief and wickedness reign, to prove you, that you may understand and know the good from evil and be capable of judging between these with a righteous judgment.

I have caused all this to be done, and now, son and daughter, the inhabitants of the whole earth that have lived from the days of Adam until now, the first and the last, the grand aim of all that I the Lord have revealed, is to instruct you to live so that I can come and visit you or send my angels, that they can enter into your habitations, walk and converse with you, and they not be disgraced. By so doing you shall be made partakers of all knowledge and wisdom, power, and glory that the sanctified or glorified beings enjoy. And this is, the first of all, what the Lord wishes of the people.

What does our experience teach us, our eyes witness day by day? True, I may say, with many of you, "I am not under the necessity of hearing the name of God, whom I serve, my Father in heaven, blasphemed daily. I am not associated with those who blaspheme the name of the Father and the Son and the character of the Holy Ghost. I do not associate with those who are liars, or adulterers, or whoremongers, or those who love and make a lie." You can say the same. Yet, when we mingle among the wicked what do we see and hear? What do these my brethren hear that take the pains to go into the canyons to sell a little beer to the traveler? They hear the name of the Lord that bought them blasphemed. It would take all the teams you have in the country to draw gold enough to tempt me into such a situation.

Men are going crazed to attend the ferries in order to amass a few paltry dollars. What do you hear there? You hear the name of the Lord Almighty and his character and his son Jesus Christ and his minister, the Holy Ghost, blasphemed; and every servant of God upon the earth are cursed upon them to the lowest regions. It is not all the gold of Ophir and California that could hire me to hear it for one month. These are my feelings.

Gold and silver will perish, but the name of the Almighty will remain forever; His character will not sink, nor the character of His Son, nor of His ministers, nor any of His faithful servants, who keep His commandments. Riches will perish, but they will endure. I say again there is not gold enough lying east of the Rocky Mountains to bring me to one of these ferries and hear the blasphemies I should have to hear. But can we not hear it here? Yes; to the shame and disgrace of a few that call themselves Latter-Day Saints. Is it so that there is a man whose name is written in the Lamb's book of life that will take the name of Deity in vain? I speak to you who are trifling with the Lord Jesus, and the Holy Spirit of promise, to the shame of a few of the elders of Israel.

The time will come when they will be cut off, though I am sorry to say that. I would rather say that, while I am in this society of the Latter-Day Saints, I might never hear the character of a Deity ridiculed and disgraced and His name used in a light and trifling manner.

It is true I do not hear it. If I were to hear that which other people say they hear, an elder of Israel use the name of the Lord God in vain, I should cut him off from the church; and if I could not get any help to cut him off, I would do it myself. Let me tell you, he must be a very ignorant man who can use the name of the Deity in vain without having to repent forthwith.

While I was talking last Saturday I wished that I could have strength of lungs to speak about one thousand years and live without eating or

resting. I thought in that time we should get pretty well through the gospel sermon.

I will now read a little in this book, called the "Book of Doctrine and Covenants," pertaining to the subject we had before us last Sabbath. I will read a portion of a short revelation in order to exhibit some items of doctrine that are not generally understood, although it is before the people.

All people who are disposed have the privilege of reading this book for themselves, for it has been published to the world for some years. The Saints read it and have a privilege of understanding it if they choose. Still, as I observed, we are in the school and keep learning, and we don't expect to cease learning while we live on the earth, and when we pass through the vale we expect still to continue to learn and to increase our fund of information. That may appear a strange idea to some, but it is for the plain and simple reason that I am not capacitated to receive all knowledge at once. I must, therefore, receive a little here and a little there.

I will read in the book of Doctrine and Covenants, section 44. A commandment of God, and not of man, to Martin Harris, given (Manchester, New York, 1830) by Him who is eternal.

I could give to the people the cause of this revelation, but it is not necessary. I may say a word upon it when I come to it in the revelation which will explain all that is necessary. Those who are acquainted with Martin Harris know his natural turn and disposition; he wanted to learn all things at once; was continually in pursuit of knowledge, and neglected to act upon that which he had already received. That is his true character, so far as I have known him. The revelation reads as follows:

"I am Alpha and Omega, Christ the Lord; yea, even I am He, the beginning and the end, the redeemer of the world; I have accomplished and finished the will of Him, whose I am, even the Father, concerning me; having done this that I might subdue all things unto myself, retaining all power, even to destroying of Satan and his works at the end of the world and the last great day of judgment, which I shall pass upon the inhabitants thereof, judging every man according to his works and the deeds which he hath done."

We read in the Bible, you recollect, that every man shall be judged according to his works, but it is impossible, or, I will say, it is a considerable task and quite a labor, to get a community to understand these words as they read, when, in reality to those that understand them, it is as plain to them as it is for this congregation to count how many fingers I am now holding up before you. If I hold up two fingers, you explain there are two; but somebody will start up and say no, there is but one, while another declares there are four, and not one or two. Every person has privilege of looking for themselves and may know whether I hold up one, two, or four fingers. To a person who understands this saying it is just as easy for them to judge and know that mankind will be judged according to their works which they do in the body, and yet how hard it is to get the people to say it is so, and have them understand it.

"And surely every man must repent or suffer, for I, God, am endless: Wherefore I revoke not the judgments which I shall pass; but woes shall go forth, weeping, wailing, and gnashing of teeth; yea, to

those who are found on my left hand; nevertheless it is not written that there shall be no end to this torment, but it is written endless torment.”

This revelation has been before the people, in this volume, since the year 1834, and yet how few have paid attention to it. Suppose I repeat a part of this last quotation. “Nevertheless it is not written that there shall be no end to this torment; but it is written, endless torment.”

“Again, it is written eternal damnation. Wherefore it is more express than other scriptures, that it might work upon the hearts of the children of men altogether for my name’s glory. Wherefore I will explain unto you this mystery, for it is meet unto you to know even as mine apostle. I speak unto you that our chosen in this thing, even as one, that you may enter into my rest. For behold the mystery of godliness, how great is it? For behold, I am endless, and the punishment which is given from my hand is endless punishment, for endless is my name. Wherefore eternal punishment is God’s punishment. Endless punishment is God’s punishment.

If I recollect right, I think there is no place in the Bible so explicit with regard to this name of the Deity, “for endless is my name.”

“Wherefore, I command you to repent and keep the commandments which you have received by the hand of my servant, Joseph Smith, jr., in my name; and it is my almighty power that you have received them; therefore I command you to repent, repent, lest I smite you by the rod of my mouth, and by my wrath, and by my anger, and your sufferings be sore: how sore you know not! how exquisite you know not! yea, how hard to bear you know not! for behold, I God have suffered these things for all that they might not suffer, if they would repent: but if they would not repent, they must suffer even as I: which suffering caused myself, even God, the greatest of all, to tremble because of pain, and to bleed at every pore, and to suffer, both body and spirit, and would that I might not drink the bitter cup and shrink: nevertheless, glory be to the Father, and I partook and finished my preparations unto the children of men: wherefore, I command you again to repent, lest I humble you with my almighty power: and that you confess your sins, lest you suffer these punishments of which I have spoken, of which in the smallest, yea, even in the least, degree you have tasted at the time I withdrew my Spirit.”

This language needs no particular explanation to those who ever knew Martin Harris.

“And I command you, that you preach naught but repentance: and show not these things unto the world until it is wisdom in me: for they can not bear meat now, but milk they must receive: wherefore, they must not know these things, lest they perish: learn of me, and listen to my words, walk in the meekness of my spirit: I came by the will of the Father, and I do his will.”

I want to connect this part of the revelation given to Martin Harris with a few words in the revelation called a vision.

“Thus saith the Lord, concerning all those who know my power, and have been made partakers thereof, and suffered themselves, through the power of the devil, to be overcome and to deny the truth and defy my power; they are they who are the sons of perdition, of whom I say it had been better for them never to have been born; for they are vessels of wrath, doomed to suffer the wrath of God, with the devil and his angels, in eternity; concerning whom I have said, there is no

forgiveness in this world nor the world to come; having denied the Holy Spirit, after having denied the Only Begotten Son of the Father, having crucified him unto themselves, and put him to an open shame; these are they who shall go away into the lake of fire and brimstone, with the devil and his angels, and the only ones on whom the second death shall have any power; yea, verily the only one who shall not be redeemed in the due time of the Lord, after the suffering of his wrath; for all the rest shall be brought forth by the resurrection of the dead through the triumph and the glory of the Lamb who was slain, who was in the bosom of the Father before the worlds were made."

I wish to connect these two quotations and refer directly to the situation of the world, believing that this can be made profitable like everything else. All the revelations that are given, and every revelation that was given, and every matter of fact or truth that is revealed to the children of men is for their benefit, and if improved upon, in honesty and truth, in righteousness and humility, to the glory of God and to their own honor, it is a lasting benefit; but if they should turn about and make an evil use of it, it always will be to their condemnation, consequently it is for the inhabitants of the earth to know the blessings and the privileges the Lord has for them to enjoy. It was said by the Savior, when in the flesh, to the Scribes and Pharisees and learned doctors of the law—and it will apply to every class and grade, and every individual in every community: "This is the condemnation, light has come into the world, and men choose darkness rather than light."

So it is, it always has been, and it will always be so. When light comes, if the people reject that light it will condemn them and will add to their sorrow and affliction. So it is with the inhabitants of the earth at the present day, as much as it were in the days of the Savior, or in any other period of the world. Light comes into the world, but men choose darkness. When they do it proves that their deeds are evil. This principle may prove beneficial to us and every son and daughter of Adam who hear and have the privilege of hearing and of understanding for themselves.

When we take a view of the inhabitants of the earth, and look at ourselves, and contemplate our own situation and circumstances, we are satisfied that we as a people are favored above any other class upon the face of this globe. Our blessings are multiplied unto us more than any people. We have the privilege of knowing how to escape this world of sorrow and sin; to enter into the straight gate that was spoken of by the Savior, and obtain eternal life.

Is there any other people that know these principles—that have committed to them the keys of the holy priesthood, by which they may save themselves, save their families, save their neighbors, and save all that will hear them? Where is that community? I do not know. So may this congregation exclaim, if the same inquiry was made of them; you can say, We do not know.

We are blessed, greatly blessed; and when we contemplate even upon our afflictions, the fact is they appear to us not worth mentioning; they should never come into remembrance before us. We have the privilege of serving the Lord, of growing in grace, and obtaining that which the Lord designs should be prepared to enter in at the straight gate; for "Straight is the gate and narrow is the way," says Jesus, that leadeth to the endless lives. It is translated in King James's

version of the Old and New Testament, "that leadeth unto eternal life." But in our late revelations it is rendered, "strait is the gate and narrow is the way that leadeth to endless lives, and few there be that find it."

Were I to inquire of the Latter-Day Saints if they are all expecting to enter in the strait gate, spoken of by the Savior; if they are all to inherit eternal life, everyone would answer in the affirmative. I hope they will; it really would rejoice me were it to be so; but I can not believe for a moment that every person who receives this gospel will be prepared to enter in at the strait gate and inherit eternal life. But there is one fact, and that is undeniable—we can not alter it—and that is, every man shall be judged according to his works, and every man will receive according to the extent of his capacity.

Every individual among the Latter-Day Saints and among all professors of religion, and then among all the heathen upon the face of the earth, will be judged according to their works. Is this all? No. Every individual will also receive according to the extent of their capacity. The inquiry might arise, Is every individual who receives the new and everlasting covenant, and by their acts submit to it, are they capable of receiving the glory to be revealed—the crowns of glory, of immortality, and eternal lives? You may answer that question yourselves. Pause a moment.

I will refer your minds to Abraham. He lived many years without children and sought diligently of the Lord to know if his name should be blotted from the book, if it should become extinct. He was a righteous man, a good man, and conversed with the Lord, received revelations from above, and communed with heavenly beings, while his constant cry was, "O Lord, shall my name stop here?" You can read in the Bible how he obtained a promise, and his wife actually bore him a son in her old age. He obtained this promise: "Abraham, my son, you shall have a posterity, and a great nation shall spring forth from your loins; you shall receive the desire of your heart. What can you desire, Abraham?" "I want to know if this will be the end of my posterity, and is my name to stop here?" "No," says the Lord, "to your posterity there shall be no end." You remember what the apostle says concerning this matter. It is this: His seed shall be like the sands upon the seashore and like the stars in the firmament for multitude; they can not be numbered from this time, henceforth and forever; they are endless, and still continue to increase and increase.

Here is the very posterity of Abraham in this house. Nearly the whole of this congregation are composed of them, and they are on the increase, spreading forth on the right and on the left according to the promise of Abraham and the blessings he was earnestly seeking for. I mention this to remind you of one fact, it is a great blessing, and one of the greatest that can be bestowed upon a human being, to receive the sanction of the Almighty, the voice of God to any man, saying that he shall inherit eternal life. The gift, eternal life, is the greatest of all gifts that can be bestowed upon mankind.

When we step forth into other communities or contemplate the past and view our forefathers, what will be their situation, what their doom? I can tell you, and you will allow me to judge the matter, not, however, that I am going to judge them and pronounce sentence upon them, but their situation is plain to those who understand.

My father and grandfather, my ancestors, were some of the most strict religionists that lived upon the earth. You no doubt can say the same about yours. Of my mother, she that bore me, I can say no better woman ever lived in the world than she was. I have the feelings of a son toward her; I should have them; it is right; but I judge the matter pertaining to her from the principles and spirit of the teachings I received from her.

Would she countenance one of her children in the least act that was wrong according to her traditions? No; not in the least degree. I was brought up so strict, so firm in the faith of the Christian religion by my parents that if I had said "devil" I believed I had sworn very wickedly, no matter on what occasion or under what circumstances this might occur. If I used the name of devil I certainly should have been chastised, and that severely. Would my father or mother allow any of their children to say "darn it?" Were they even allowed to say "I vow?" No. If we had said either of these words we should have been whipped for it. I don't say that we did not say such things when out of the sight of father and mother, but if by any means it came to their ears we were sure to be chastised.

Did I ever hear a man swear in my father's house? No; never in my life. I never heard my father or any person about his premises swear as much as to say "darn it," or "curse it," or "the devil." So you see I was brought up pretty strictly. My mother, while she lived, taught her children all the time to honor the name of the Father and the Son, and to reverence the Holy Book. She said, "read it, observe its precepts, and apply them to your lives, as far as you can; do everything that is good; do nothing that is evil; and if you see any person in distress administer to their wants; never suffer anger to arise in your bosoms, for if you do you may be overcome by evil."

I do not know that I ever wronged my neighbor, even to the value of a pin. I was taught, when a child, not to take a pin from the doorway of a neighbor, but to carry it into the house and give it to some of the family. Never did my mother or father countenance any of their children in anything to wrong their neighbor or fellow-being if they were injured by them. If they have injured me, says my father, let me return good for evil, and leave it in the hand of the Lord. He will bless me for doing right and curse them for doing wrong.

I have merely mentioned my own parents and their teachings to their children to bring before our minds the thousands and millions and thousands of millions of the inhabitants of the earth who have lived and passed off this stage of action and the millions that are now living, eating, drinking, and busily engaged in the almost endless pursuits of mortal life, as we are, everyone moving according to their own capacity and according to their own views and notions of things; but they all alike breathe the free air and drink of the free water, and all are before the Lord. I bring up these little items to prepare the way for the question, What are you going to do with all these inhabitants of the earth? The Methodists answer, "You must come to the anxious seat or else be plunged into that lake of fire and brimstone and there live forever, without any end to your torment, among devils employed in pitching you around, adding brimstone to fire and fire to brimstone. You are to stay there for millions and thousands of millions and millions of millions of years and all the rest of it a man can think of in

the shape of numbers. When you have lived there so many years, you are not any nearer the end of this awful torment than you was when it first began."

This has appeared to me from my childhood to this day to be a piece of complete nonsense; to talk about the inhabitants of the earth being thus irretrievably lost; to talk of my mother and yours, or our ancestors, who have lived faithfully according to the best light they have, but because they had not had the everlasting covenant and the holy priesthood in their midst that they should go to hell and roast there to all eternity. It is nonsense to me; it always was, and is yet.

What are you going to do with them? I will tell you. Take the Methodists, and every reformer from the latest back to King James, who seceded from the authority of the Pope, and the hundreds and thousands that are now living upon the earth, and have lived and passed away; who profess no religion, but stand aloof from all parties. Among those who are dead and those who are living there are multitudes who have been, and are, as good as they know how to be.

Now the point is, to know what we are going to do with them. Are we going to send them to an endless hell? This wants a little explanation, for if I were to say that all go to hell I should certainly tell the truth; and I can say as I said last Sabbath, all go there, both saint and sinner, in one sense of the word.

There are reasons for this, and it is for the man to understand what they are; placing everything in its own place, classifying and putting all things where they belong to make the doctrine of salvation complete. Forordination, for instance, and free grace are both true doctrines, but they must be properly coupled together and correctly classified so as to produce harmony between these two apparently opposite doctrines. We must know when the Lord speaks what He is talking about and who He is talking about, all and considerably more of which is necessary to get a proper knowledge of the whole scheme of salvation.

I ask you again, what are we going to do with father and mother? Are you going to send them to perdition and there let them welter in awful misery and endless torment? No; we are not going to do any such thing, but we will put them where they belong.

Now, understand, all spirits came from God, and they came pure from his presence, and were put into earthly tabernacles which were organized for that express purpose, and so the spirit and the body became a living soul. If these souls should live according to the law of heaven God ordained they should become temples prepared to inherit all things. I wish you to understand that all spirits are pure when they are put into these tabernacles, but we have not time to explain or set before you the reason of the variations in appearance in the mortal tabernacles; there are causes for it; our spirits fill the tabernacles organized for them; it is a habitation for the spirit to dwell in, and if the spirit and the body both agree in keeping all the laws and all the commandments that the Lord reveals unto that tabernacle it never shall be destroyed.

How many shall be preserved? All who do not deny and defy the power and character of the Son of God; all who do not sin against the Holy Ghost. Now, to return again. Here are the spirits which have come and taken possession of the tabernacle prepared; they have entered into their house, and you observe that these habitations of the spirits of men are scattered over the face of the earth, and they have

come from the Lord pure in their spirit; these enter their tabernacles, and are shut out from His presence, and of the knowledge of the Lord they are ignorant, filled with unbelief, exposed to the unholy traditions of the fathers which they have to grapple with and all the wickedness that is in the world with which they have to contend.

With your mind's eye look at the millions of them in all nations who are doing according to the best knowledge they possess. What! The Roman Catholic? Yes; and then every one of her daughters, down to the latest Protestant church that has been organized; they are all doing just as well as they can, and living according to the best light they have; a great many of them, though not all. What shall we do with them? They pass from the world; their spirits go into the spiritual world and their bodies go back to their mother earth and there sleep, while their spirits are before the Lord.

Are they happy? Every son and daughter of Adam who live according to the best light and knowledge they have when they go into the spiritual world are happy in proportion to their faithfulness. For instance, take a view of some of our late reformers—take the best specimen of reformer that we have—who are all the time full of glory and happiness and full of praise to the Lord; who meet together oft to sing and pray and preach and shout and give thanks to the Lord Almighty (and in a great many instances and in a great degree they enjoy much of a good spirit, which is the spirit of the Lord or the light of Christ, which lighteth the world).

Now, this may be singular to some. What, they enjoy the spirit of the Lord? Yes; every man and woman, according to their faith and the knowledge they have in their possession. They enjoy the goodness of their Father in heaven. Do they receive the spirit of the Lord? They do, and enjoy the light of it and walk in it and rejoice in it.

What will be their state hereafter? Every faithful Methodist that has lived up to and faithfully fulfilled the requirements of his religion according to the best light he had, doing good to all and evil to none, injuring no person upon the earth, honoring his God as far as he knows, will have as great a heaven as he ever anticipated in the flesh and far greater. Every Presbyterian, and every Quaker, and every Baptist, and every Roman Catholic member, every reformer of whatever class or grade, that lives according to the best light they have, and never have had an opportunity of receiving a greater light than the one in their possession, will have and enjoy all they live for.

I am telling you the truth as it is, and you may write it down if you please and call it revelation if you will; but it has been revealed before I revealed it here to-day. This is the situation of Christendom after death.

You may go among the pagans or among all the heathen nations there are and they have their religion, their sacraments, and ceremonies, which are as sacred to them as ours are to us; they are just as precious and dear to them, though we call them heathen; they are idolatrous worshipers, yet their religion is as sacred to them as ours is to us. If they live according to the best light they have in their religion God is God over all and the Father of us all. We are all the workmanship of his hands, and if they are ignorant, filled with superstition, and the traditions of the Father interwoven like a mantle around and over them, that they can not see any light, so will they be judged:

and if they have lived according to what they did possess, so they will receive hereafter.

And will it be glory, you may inquire. Yes; glory, glory, glory to our Merciful Father in Heaven, for the least glory spoken of in this vision given to Joseph Smith, jr., and Sidney Rigdon can not be described; it is so great and so exquisite that it is altogether beyond mortal perception.

They could not write it, neither describe it in language. The glory of this celestial world no man knows except he partakes of it; and yet in that world they differ in glory, as the stars in the firmament differ one from the other. The terrestrial glory is greater still, and the celestial is the greatest of all; that is the glory of God the Father, where our Lord Jesus Christ reigns. Well, this people are privileged above all other people upon earth. This community, this congregation now before me, are the people whose blessings are far superior to the blessings of all the human family besides.

What manner of persons ought we to be? Should not all of our lives be filled with praise, and glory, and hallelujas to God and the Lamb, with good work and good feelings, being filled with the spirit of God? If so, would there be any room for anger or contention from this time forth? There would not be one man or woman that could find time to talk about their neighbors or contend with their brother, but all hearts would be sanctified before the Lord, and every tongue would be speaking praise, and every hand would be put forth to do good and to seek to build up the kingdom of God, and they would never sin again. If we seek to build up this kingdom hereafter the Lord will build us up. I don't know that I shall get half through with what I have to say to-day. I wish to come back and look at ourselves in the next place.

How many glories and kingdoms will there be in eternity? You will see the same variety in eternity as you see in the world. For instance, you see here one class of men who have lived according to the best light they have; you may go among the heathens or among the Christians, it is no matter—I will call them all Christians or all heathens, if it will accommodate anybody's feelings, for they don't come much short of all being heathens—we will take the best man we can find among them, when they pass through the veil they are in happiness, they are in glory; they go among the disembodied spirits, but they do not go where there are resurrected bodies, for they can not live there. A prophet or an apostle can not live there. They also go into the spiritual world to live with spirits.

Do they commune with the Father and Son? The Father communes with them as he pleases, through the means of angels or otherwise, the Son, the Holy Ghost. This is the situation of the prophet, the apostle, and all saints before they receive their resurrected bodies; but they are looking forward to the time when they shall receive their bodies from the dust, and those that have been faithful probably will now soon get their resurrected bodies. Abraham has had his body long ago, and dwells with the Father and the Son among all the prophets and faithful saints who received their resurrected bodies immediately after the resurrection of the Savior; they were then prepared to enter into the Father's rest and be crowned with glory and eternal lives, but they are not prepared before.

No spirit of saint or sinner of the prophet, or him that kills the prophet, is prepared for their final state. They pass through the vale from this state and go into the world of spirits, and there they dwell, waiting for their final destiny. It no doubt appears a singular idea to you that both saint and sinner go to the same place and dwell together in the same world. You can see the same variety in this world. You see the Latter-Day Saints who have come into these valleys; they are by themselves as a community, yet they are in the same world with other communities. But I do not feel as though I am dwelling where there are six or eight kinds of religion or more, and after all no religion at all. I am not dwelling where there is cursing, and swearing, and horse racing, and gambling, and everything else that is calculated to disturb a peaceful community. Though I am in the same world where all this exists, I am not dwelling where it is, nor am I disturbed by it, but I am peaceable and serving the Lord.

You can see the variety here. The Presbyterians can go away by themselves and build cities and towns, and try to prohibit every other person who is not a Presbyterian from dwelling with them. The Methodists can do the same. The Baptists can do the same. We have the privilege of organizing society in this world as we please, in one sense. This is what Mr. Owen calls socialism. He says mankind are controlled by circumstances, and others say that mankind govern and control circumstances. Both are true. We govern and control circumstances, but when we come into circumstances which the Lord controls we are then controlled by circumstances. I and my brethren can go and settle down in a certain part, and if you choose you can go into merchandising or stock raising, and if you choose you can live without a family like a Shaker. In this way you can control circumstances in a great degree, while there are circumstances over which we have no control. All this exhibits precisely the situation of the people hereafter. They control circumstances to a great degree and sometimes circumstances control them. When they are in the world of spirits, there is the prophet and the patriarch. All righteous men are there and all wicked men also are there.

What is going to be done with them? By and by Zion will be built up; temples are going to be reared; and the holy priesthood is going to take effect and rule, and every law of Christ will be obeyed; and He will govern and reign king of nations, as He now does king of saints; pretty soon you will see temples reared up, and the sons of Jacob will enter into the temples of the Lord. What will they do there? They will do a great many things. When you see Zion redeemed and built up, when you see the people performing the ordinances of salvation for themselves and for others (and they will hereafter), you will see simply this; but I have time this morning to tell you only a little part of it. About the time that the temple of the Lord will be built and Zion is established, pretty nigh this time, you will see—those who are faithful enough—first, you know, there will be strangers in your midst, walking with you, talking with you; they will enter into your houses and eat and drink with you, go to meeting with you, and begin to open your minds, as the Savior did the two disciples who walked out into the country in days of old.

About the time the temples are ready the strangers will be along and will converse with you, and will inquire of you, probably, if you

understand the resurrection of the dead. You might say you have heard and read a great deal about it, but you do not properly understand it, and they will then open your mind and tell you the principles of the resurrection of the dead and how to save your friends. They will point scriptures in the Old and New Testament, in the Book of Mormon, and other revelations of God, saying, "Don't you recollect reading so and so, that saviors should come upon Mount Zion?" etc., and they will expound the scriptures to you. You have got your temples ready; now go forth and be baptized for those good people. There is your father and your mother, your ancestors for many generations back, the people that have lived on the face of the earth since the priesthood was taken away—thousands and millions of them, who have lived according to the best light and knowledge in their possession.

They will expound the scriptures to you and open your minds, and teach you of the resurrection of the just and unjust, of the doctrine of salvation; they will use the keys of the Holy Priesthood and unlock the door of knowledge to let you look into the palace of truth. You will exclaim, That is all plain, why did I not understand it before? and you will begin to feel your hearts burn within you, as they walk and talk with you.

You will enter into the temples of the Lord and begin to offer up ordinances before the Lord for your dead. Says this or that man, "I want to save such a person; I want to save my father," and he straightway goes forth to the ordinance of baptism, and is confirmed and washed and anointed and ordained to the blessings of the holy priesthood for his ancestors. Before this work is finished a great many of the elders of Israel in Mount Zion will become pillars in the temple of God, to go no more out. They will eat and drink and sleep there, and they will often have occasion to say, "Somebody came unto the temple last night—we did not know who he was, but he was no doubt a brother—and told us a great many things we did not before understand."

He gave us the names of a great many of our forefathers that are not on record, and he gave me my true lineage and the names of my forefathers for hundreds of years back. He said to me, "You and I are connected in one family. There are the names of your ancestors. Take them and write them down and be baptized and confirmed, and save such and such ones and receive of the blessings of the eternal priesthood for such and such an individual as you do for yourselves. This is what we are going to do for the inhabitants of the earth." When I look at it, I do not want to rest a great deal, but be industrious all the day long, for when we come to think upon it we have no time to lose, for it is pretty laborious work.

I have a great feeling to just let the lash slide over onto some men a little. Do you think they would want to go to California to get gold, or run to the ferries, where the name of the Almighty is blasphemed, if they properly understand these things, the way of life and salvation? You will enter into the temple of the Lord, when by and by here comes along Brothers Joseph and Hyrum Smith, for instance, for they will be perfectly capable of coming and staying overnight with you and you not know who they are; or suppose David Patten should come along and shake hands with some of the Twelve and want to stay all night with them and expound the scriptures and reveal the hidden things of God; it will not be long before this will be so.

Suppose we are ready for it, and a great temple is built at a central point, in Jackson County—gentlemen, don't be startled, for if we don't go back there our sons and daughters will, and a great temple will be built upon the consecrated spot, and a great many more besides that. The land of Joseph is the land of Zion; and it takes North and South America to make the land of Joseph. Suppose we are ready to go into the temples of God to officiate for our fathers and our grandfathers, for our ancestors back for hundreds of years, who are looking to see what their children are doing on the earth; the Lord says, I have sent the keys of Elijah the prophet; I have embodied that doctrine to turn the hearts of the fathers to the children, and the hearts of the children to the fathers; now all you children, are you looking to the salvation of your fathers; are you seeking diligently to redeem them that have died without the gospel, inasmuch as they sought the Lord Almighty to obtain promises for you? For our fathers did obtain promises that their seed should not be forgotten. O, ye children of the fathers, look at these things; ye are to enter into the temples of the Lord and officiate for your forefathers.

Suppose we are ready to enter into the temple to be baptized and attend to the ordinances for 100 of our best forefathers, and Thomas should say to John, "John take this affair and see to it, I want to go to this ferry and make a little money," or, "Joseph, you know the name of our ancestors better than I do, won't you go and see to their salvation? I have not time myself, I want to build a bridge." "James, are you ready to perform your duties for the dead?" "No; I want to go and keep a grocery." And you know the language that is common to such places, the name of the Lord is blasphemed and his servants are cursed with bitter oaths.

What do you think of it, gentlemen, elders in Israel? What would money have to do with you were you now on the threshold of eternity and eternity open to you? Would you have the spirit of apostasy as you have now? A little money is more to such persons than all the sons and daughters of Adam. I wish I had a voice like ten thousand earthquakes, that all the world might hear and know the loving kindness of the Lord.

I am telling you things that are before me constantly. When men and women are reaching after the perishable things of this world, and will step out of the path of duty, and endanger their salvation, it has been said, that it hurts Brother Brigham's feelings. It is true; and I could even weep over such; and the angels weep over us to see our foolishness; that we are so giddy-headed as to run after the fading things of the world, and set our minds and feelings upon riches, and neglect our duty in preparing ourselves for the coming of the Son of Man; for the coming of the ancient and modern apostles and prophets; for the redemption of Zion, and the redeeming of our dead friends, in every age of the world, when the priesthood was not upon the earth.

Now, the inquiry on our minds is, Are all the world going to share in these blessings? Yes; all the world. Are there none going to be lost? Are there none that are going to suffer the wrath of the Almighty? I can say in the first place, as I have said all my life, where I have been preaching, I never had the spirit to preach hell and damnation to the people; I have tried a great many times; I tried last Sabbath and have tried to-day to come to that point—the suffer-

ings of the wicked. They will suffer, it seems, but I can not get my heart upon anything else, only salvation for the people.

All nations are going to share in these blessings, all are incorporated in the redemption of the Savior. He has tasted death for every man, they are all in His power, and He saves them all, as He says, except the sons of perdition; and the Father has put all the creations upon this earth in his power, the earth itself, and mankind upon it, the brute beasts, the fish of the sea, and fowls of heaven, the insects, and every creeping thing with all things pertaining to this earthly ball. All is in the hands of the Savior and He has redeemed them all. Who is there that is out of His power? I will tell you: In the first place He has made man an agent to himself, before the Lord, with all the rest that he has ordained. He has ordained that men shall act for themselves, think for themselves, deal for themselves; they can choose the good and forsake the evil, cleave to the people and neglect the light and the good, just as they choose.

Life and death are placed before Him and they have the privilege of choosing life or death. If they choose death, evil, and darkness, the time will come when those who are acquainted with the power of God will deny that power, and speak against the Holy Ghost and commit the unpardonable sin, and they then throw themselves out of the power of the Savior and take to themselves power and say, "I will not hearken to the Lord Jesus now, I will serve whom I please, and I defy the power of the Son of God." They yield themselves servants to the devil and become his angels; they are then out of the hands of the Savior and can never dwell in heaven, worlds without end. This will illustrate the idea. You have heard a great deal about your names being written in the Lamb's Book of Life. When we were Christians, according to the common acceptance of the word, we used to preach a great deal about getting our names written in that book.

I will tell you how it is. The names of every son and daughter of Adam are already written in the Lamb's Book of Life. Is there ever a time when they will be taken out of it? Yes; when they become sons of perdition, and not till then. Every person has the privilege of retaining it there forever and ever. If they neglect that privilege, then their names will be erased, and not till then. All the names of the human family are written there, and the Lord will hold them there until they come to the knowledge of the truth, that they can rebel against Him and can sin against the Holy Ghost, then they will be thrust down to hell, and their names be blotted out from the Lamb's Book of Life.

I want to have the brethren look at the work that is before us, contemplate your blessings, and realize them. There is not a people who are blessed as we are. We have the words of eternal life, the holy priesthood of the Son of God; yea, more, to become God's in eternity, and to be crowned with crowns of glory, immortality, and everlasting lives. And woe be to them that neglect these things, that treat them lightly. Woe to them that live among the world and love riches or anything better than they do the author of our salvation.

These are some parts of the gospel of redemption. Is it not a blessing? Is it not a privilege for the inhabitants of the earth to know the truth as it is, to have it sounded in their ears that though they may go to hell and suffer the wrath of Almighty, yet, if they have not had

the privilege of receiving the holy gospel, have not come to the knowledge of the truth, so as to sin against the Holy Ghost, the time will come, by the power and triumph of the Lamb, that He will bring them forth, when they have suffered His wrath according to the deeds done in the body—is it not a great blessing?

I will tell you, brethren, sisters, and friends, when I look at these things I earnestly wish they could be understood by the universal world. I wish they could see and realize them, and behold the goodness and severity, and kindness with that severity, and the love that the Almighty has for them. If they could know it, we should not wait for the rising of the sun again before every knee would bow before the Lord—from the east to the west and from the north to the south—all over this globe, and every tongue confess before God the Father that Jesus is the Christ.

When they do know it, and understand it, that is the time when the veil of the covering is taken from their eyes, and all flesh will see His glory together; then every knee will bow and every tongue confess that Jesus is the Christ, the Redeemer, the Saviour, and rightful heir of the creation, and honor Him as their kind benefactor, and praise Him continually, though they are in the celestial world.

I feel to say, may the Lord bless you. It is with difficulty I talk to you this morning. My voice does not thunder as it once did, and it would be misery for me to talk to a congregation and they not hear me; it is with difficulty I preach. I should like if we could talk here one thousand years and not get tired, if we had the ability and power to do so; we will come to that by and by; may the Lord bless you, and prepare you for the kingdom of rest. Amen.

ARRIVAL FROM ENGLAND BY THE "PERPETUAL EMIGRATING FUND."

Capt. A. O. Smoot's company of thirty-one wagons was escorted into this city by the first presidency of the church, some of the twelve apostles, and many of the citizens on horseback and in carriages.

Captain Pitt's band, in the president's spacious carriage, met the company at the mouth of Emigration Canyon, where the saints of both sexes of near 70 years of age danced and sung for joy, and their hearts were made glad by a distribution of melons and cakes, after which the band came in the escort and cheered the hearts of the weary travelers with their enlivening strains. Next in the procession came a band of pilgrims, sisters and children, walking, sunburnt and weather-beaten, but not forlorn. Their hearts were light and buoyant, which was plainly manifest by their happy and joyful countenances.

Next followed the wagons. The good condition of the cattle and general appearance of the whole train did credit to Bishop Smoot as a wise and skillful manager, who was seen on horse in all the various departments of his company during their egress from the canyon to encampment.

As the escort and train passed the Temple block they were saluted with nine rounds of artillery, which made the everlasting hills to shake their sides with joy, while thousands of men, women, and children gathered from various parts of the city to unite in the glorious and joyful welcome.

After corraling on Union Square the emigrants were called together, and President Young addressed them as follows:

“I have but a few words to say to the brethren and sisters at the present time. First I will say, May the Lord God of Israel bless you and comfort your hearts.” [The company and bystanders responded, “Amen.”] “We have prayed for you continually; thousands of prayers have been offered up for you, day by day, to Him who has commanded us to gather Israel, save the children of men by the preaching of the gospel, and prepare them for the coming of the Messiah. You have had a long, hard, and fatiguing journey across the great waters and the scorched plains, but by the distinguished favors of heaven you are here in safety.

“We understand that the whole company that started under Brother Smoot’s guidance are alive and well, with but a few exceptions. For this we are thankful to our Father in heaven, and our hearts are filled with joy that you have had faith to surmount the difficulties that have lain in your path, that you have overcome sickness and death, and are now with us to enjoy the blessings of the people of God in these peaceful valleys. You are now in a land of plenty where, by a reasonable amount of labor, you may realize a comfortable subsistence.

“You have had trials and sufferings in your journey, but your sufferings have been few compared with thousands of your brethren and sisters in these valleys. We have, a great many of us, been under the harrow for the space of twenty-one years. I trust you have enjoyed a good measure of the spirit of the Lord in the midst of your toils; and now, as you have arrived here, let your feelings be mild, peaceable, and easy, not framing to yourselves any particular course that you will pursue, but be patient until the way opens before you.

“Be very cautious that you do not watch the failings of others, and by this means expose yourselves to be caught in the snares of the devil; for the people here have the failings natural in them, the same as you have; look well to yourselves, that the enemy does not get the advantage over you; see that your own hearts are pure and filled with the spirit of the Lord, and you will be willing to overlook the faults of others and endeavor to correct your own.

“With regard to your circumstances and condition here, I am little acquainted, but this I can say, you are in the midst of plenty. No person here is under the necessity of begging his bread, except the natives; and they beg more than they care for or can use. By your labor you can obtain an abundance; the soil is rich and productive. We have the best of wheat and the finest of flour, as good as was ever produced in any other country in the world. We have beets, carrots, turnips, cabbage, peas, beans, melons, and, I may say, all kinds of garden vegetables of the best quality.

“The prospect is cheering for fruits of different kinds. The grapes that we have raised this season are doubtless as fine as were ever exhibited for sale in the London market. The peach we expect will do well also. We had but few last year; this season we have more. We are under the necessity of waiting a few years before we can have much fruit; but of the staple articles of food we have a great abundance.

“With regard to your obtaining habitations to shelter you in the coming winter, all of you will be able to obtain work, and by your industry you can make yourselves tolerably comfortable in this respect before the winter sets in. All the improvements that you see around

you have been made in the short space of four years. Four years ago this day there was not a rod of fence to be seen nor a house, except the old fort, as we call it, though it was then new. All this that you now see has been accomplished by the industry of the people, and a great deal more that you do not see, for our settlements extend 250 miles south and almost 100 miles north.

“We shall want some of our brethren to repair to some of the other settlements, such as mechanics and farmers; no doubt they can provide themselves with teams, etc., to bear them to their destinations. Those who have acquaintances here will all be able to obtain dwellings until they can make accommodations of their own.

“Again, with regard to labor—don’t imagine unto yourselves that you are going to get rich at once by it. As for the poor, there are none here; and neither are there any who may be called rich; but all obtain the essential comforts of life. Let not your eyes be greedy. When I met you this afternoon I felt to say this is the company that I belong to—a “poor company,” as it is called; and I always expect to belong to it until I am crowned with eternal riches in the celestial kingdom. In this world I possess nothing, only what the Lord has given to me, and it is devoted to the building up of his kingdom.

“Do not any of you suffer the thought to enter your minds that you must go to the gold mines in search of riches. That is no place for the Saints. Some have gone there and returned; they keep coming and going, but their garments are spotted almost universally. It is scarcely possible for a man to go there and come back to this place with his garments pure. Don’t any of you imagine to yourselves that you can go to the gold mine to get anything to help yourselves with; you must live here; this is the gathering place for the Saints. The man who is trying to gain for himself the perishable treasures of this world, and suffers his affections to be stayed upon them, may despair of ever obtaining a crown of glory. The world is only to be used as an apartment in which the children of men may be prepared for their eternal redemption and exaltation in the presence of their Saviour, and we have but a short time allotted to us here to accomplish so great a work.

“I will say to this company, they have had the honor of being escorted into the city by some of the most distinguished individuals of our society, and the band of music, accompanied with a salutation of the cannon. Other companies have not had this mark of respect shown to them; they belong to the rich and are able to help themselves. I rejoice that you are here, and that you will find yourselves in the midst of abundance of the common necessities of life, a liberal supply of which you can easily obtain by your labor. Here is the best quality of food; you are in the best atmosphere that you ever breathed; and we have the best water that you ever drank. Make yourselves happy, and do not let your eyes be like the fool’s eye, wandering after the things of this world, but inquire what you can do that shall be for the best interest of the kingdom of God.

“No man or woman will be hurried away from the wagons, but you may have the pleasure of living in them until you get homes. I hope the brethren who live nearby, or those who live at a distance, will send our brothers and sisters some potatoes and melons or anything else they have, that they may not go hungry; and let them have them free

of charge, that they may be blessed with us, as I exhorted the people last Sabbath.

“I have not anything more to say to you at this time, as my presence is wanted in another place. I pray the Lord God of Israel to bless you, and I bless you in the name of Jesus. Amen.”

Mr. WORTHINGTON. Before we go on may I ask, Mr. Chairman, about that letter that was referred to yesterday?

The CHAIRMAN. I have searched everywhere for it, Mr. Worthington, and I can not find it. I get a great many letters. I have had, perhaps, 500 letters from different persons. Some I paid no attention to, but this particular letter I remember to have submitted to the committee. I do not remember now who wrote it, and I do not know where it is. I have searched all through my papers. I generally throw away letters after I make a minute of the name of the witness and what he can testify to. I will make another search for it.

Mr. WORTHINGTON. I understand Mr. Owen has testified that he wrote the letter.

The CHAIRMAN. I do not know about that. I would not know who wrote it.

Mr. CARLISLE. Mr. Owen says he wrote it.

Mr. WORTHINGTON. Have you a copy of it, Mr. Owen?

Mr. OWEN. I have not. I can give you the gist of it.

Mr. WORTHINGTON. No; I would rather not have your recollection of it.

The CHAIRMAN. I will make another search and see if I can find it. Do you want to examine Mr. Smurthwaite now?

Mr. WORTHINGTON. Yes.

The CHAIRMAN. You may resume the stand, Mr. Smurthwaite.

TESTIMONY OF CHARLES A. SMURTHWAITE—Continued.

Mr. WORTHINGTON. Mr. Smurthwaite, the Richard J. Taylor who was your partner is dead, I believe?

Mr. SMURTHWAITE. Yes, sir.

Mr. WORTHINGTON. When did he die?

Mr. SMURTHWAITE. He died in March, 1905.

Mr. WORTHINGTON. When President Smith, as you have described, said, with wave of his hand, “The Church and a few of us here have a majority of the stock of the Inland Crystal Salt Company,” he did not mention any names, I understand?

Mr. SMURTHWAITE. He did not.

Mr. WORTHINGTON. You understood he was referring to those sitting around the table, or some of them?

Mr. SMURTHWAITE. Yes; by the wave of his hands. He said, “The brethren around here—the church and some of the brethren around here,” waving his hands.

Mr. WORTHINGTON. The only persons present besides President Smith were his two counselors, Lund and Winder, and John Henry Smith?

Mr. SMURTHWAITE. At the table. There were some others in the back room, some distance away.

Mr. WORTHINGTON. Did he extend his waving motion toward them?

Mr. SMURTHWAITE. No; he just waved his hands this way [indicating].

Mr. WORTHINGTON. Do you know whether or not any person who

sat around that table, besides President Smith, had a share of stock in the Inland Crystal Salt Company?

Mr. SMURTHWAITE. I do not.

Mr. WORTHINGTON. Do you know whether the Inland Crystal Salt Company had an office in Salt Lake City at the time you have testified about?

Mr. SMURTHWAITE. They had an office at that time.

Mr. WORTHINGTON. Where was it?

Mr. SMURTHWAITE. It was located in the Deseret News building, I think on the second or third floor.

Mr. WORTHINGTON. And what part of the floor?

Mr. SMURTHWAITE. Why, in the corner of the building—the front.

Mr. WORTHINGTON. You have been there, then?

Mr. SMURTHWAITE. I had not been there up to that time; no, sir. I located it from the outside. It was on the window.

Mr. WORTHINGTON. You went to that office, then, after your interview which you have described with President Smith?

Mr. SMURTHWAITE. I was at that office once afterwards.

Mr. WORTHINGTON. Once?

Mr. SMURTHWAITE. Only once afterwards; yes, sir.

Mr. WORTHINGTON. And how long after your interview with President Smith, that you have detailed here, was this visit to the company's office?

Mr. SMURTHWAITE. I visited President Smith at his office. I think it was in the month of June, and as to the exact month when I was in the office of the Inland Crystal Salt Company, I can't locate it, but it was in the winter time.

Mr. WORTHINGTON. About how many months or weeks, would you say, after your interview with President Smith?

Mr. SMURTHWAITE. Four or five months.

Mr. WORTHINGTON. What was the object of your visit to the office of the Inland Crystal Salt Company?

Mr. SMURTHWAITE. What has been denominated in Utah the outside salt interests had had a meeting, stated to have been called at the instance of an official of the Inland Crystal Salt Company, to consider what proposition we could make jointly to the Inland Crystal Salt Company to sell out all the outside salt interests to the Inland Crystal Salt Company, and I was appointed one of the committee to wait upon this official who was stated to have initiated the movement. I was one of the committee representing our company in connection with Mr. P. C. Kippel, also a director of the Beck Salt Company.

Mr. WORTHINGTON. Who was the official of the Inland Crystal Salt Company to whom you refer?

Mr. SMURTHWAITE. I do not at the moment recall his name. However, he is the chief executive officer, as it were—practically a manager—not Mr. Clayton, the man who is designated officially as general manager, but some gentleman who acted directly under Mr. Clayton. If I heard the name I could recall it for you.

Mr. WORTHINGTON. Did you then, or at any other time, make any proposition to anybody representing the Inland Crystal Salt Company to sell a controlling interest in the Beck Salt Company?

Mr. SMURTHWAITE. No, sir.

Mr. WORTHINGTON. Do you know of any such proposition being made by anybody on behalf of the Beck Company?

Mr. SMURTHWAITE. I do not.

Mr. WORTHINGTON. Had you not yourself made a proposition to the Inland Crystal Salt Company to sell to it the controlling interest in your company, the Beck Company, for \$100,000?

Mr. SMURTHWAITE. I had not.

Mr. WORTHINGTON. And did you not afterwards reduce that offer to \$75,000?

Mr. SMURTHWAITE. No, sir; I did not.

Mr. WORTHINGTON. And afterwards to a still smaller sum?

Mr. SMURTHWAITE. I did not.

Mr. WORTHINGTON. Did Richard J. Taylor inform you that he made any such proposition?

Mr. SMURTHWAITE. He never informed me that he had, and being intimately acquainted with me I can truthfully say that he did not make any such proposition.

Mr. WORTHINGTON. You would be willing merely from your knowledge of the man to swear positively that he did not. Is that what you mean?

Mr. SMURTHWAITE. No; I mean that from my intimate knowledge of the man and my intimate association with him in connection with this business, whereby he made no movements without first consulting me; I am therefore in a position to justify my saying that he did not make any such proposition or propositions to the Inland Crystal Salt Company in behalf of the Beck Salt Company.

Mr. WORTHINGTON. When you went to the office of the Inland Crystal Salt Company did you see anybody representing that company?

Mr. SMURTHWAITE. Yes; this gentleman I have reference to.

Mr. WORTHINGTON. Anybody else?

Mr. SMURTHWAITE. No one else.

Mr. WORTHINGTON. Did you ever, except on the one occasion you have testified to here, have any conversation with Joseph F. Smith, the president of the church, on that subject?

Mr. SMURTHWAITE. None whatever.

Mr. WORTHINGTON. Have you been authorized by the Beck company at any time to sell an interest in that company to anybody?

Mr. SMURTHWAITE. I have not.

Mr. WORTHINGTON. At any time?

Mr. SMURTHWAITE. Not at any time.

Mr. WORTHINGTON. Did you at any time inform anybody that you had this authority?

Mr. SMURTHWAITE. I did not.

Mr. WORTHINGTON. Did you attend a meeting of the opposition companies, if I may use that term—I mean companies who were engaged in manufacturing salt from the lake there—

Mr. SMURTHWAITE. Outside interests, we call them.

Mr. WORTHINGTON. Yes; outside interests. Did you attend a meeting of representatives of those companies at any time when there was any reference made to this interview you had with President Smith?

Mr. SMURTHWAITE. No; none whatever.

Mr. WORTHINGTON. You never referred to that meeting in any of the meetings that you had with these representatives of these outside interests?

Mr. SMURTHWAITE. None whatever.

Mr. WORTHINGTON. Did you at such meeting, or immediately afterwards, remark that you had a bombshell against President Smith or anything of that kind?

Mr. SMURTHWAITE. Never. I never used the word in my life in that connection.

Mr. WORTHINGTON. Or did you say you had anything up your sleeve or anything of that kind?

Mr. SMURTHWAITE. Never, either in expression or in implication.

Mr. WORTHINGTON. In reference to your testimony that you found you had no remedy against President Smith for the grievance which you thought you had against him, did you know that it was in your power, or that of any member of the church, to prefer charges against him to the bishop of his ward and have the charges heard before the bishop's council of his ward?

Mr. SMURTHWAITE. I was not aware that such a proceeding could be had, or would be of any practical effect if had.

Mr. WORTHINGTON. You did not know that you had such a remedy?

Mr. SMURTHWAITE. No; I did not know then and I do not know yet.

Mr. WORTHINGTON. You know that that is the ordinary course of procedure in the church, do you not—that where a charge is preferred by one member of the church against another it is heard in the first instance by the bishop's council in the ward where the supposed offender lives?

Mr. SMURTHWAITE. I am aware that the ordinary course of procedure with respect to ordinary people in the church is that a complaint shall be laid with the teachers of the ward, who visit him, and that those teachers shall refer it to the bishop and then the bishop will instruct his teachers to try and get the matter fixed up as between the parties. Then, if they can not get it fixed up as between the parties, he will call for a formal hearing. That is the ordinary procedure in ordinary cases in connection with ordinary members of the church.

Mr. WORTHINGTON. Had you been led to suppose that that ordinary procedure would not apply to Joseph F. Smith, as a member of the church, in the ward in which he resided?

Mr. SMURTHWAITE. I had; yes, sir.

Mr. WORTHINGTON. Where did you get that impression?

Mr. SMURTHWAITE. From the history of the church and by the reading of it as it is recorded in the written history of the church and the history of the church as it comes to us by word of mouth from people.

Mr. WORTHINGTON. You did not get any such impression as that from anything that was said to you by anybody in authority in the church, then?

Mr. SMURTHWAITE. Not at all. That is a conception I had formed and still believe to be true.

Mr. WORTHINGTON. And, having that impression, you did not undertake to prefer any charge against him in the ward where he lived?

Mr. SMURTHWAITE. No; but I formally and officially, as a member of the fourth ecclesiastical ward of Ogden, notified my bishop of the interview and of my feelings respecting it, and on a subsequent occasion Mr. Woolley, my bishop, submitted it to the first presidency of the church.

Mr. WORTHINGTON. Yes; I understand. You lived in Ogden, however, and your bishop was in Ogden?

Mr. SMURTHWAITE. Yes, sir.

Mr. WORTHINGTON. Joseph F. Smith lived in one of the ecclesiastical wards of Salt Lake City?

Mr. SMURTHWAITE. Yes, sir; but remember that the Mormon Church is a fraternity. I was under no fraternal necessity to go to Mr. Smith's jurisdiction. I went to my own bishop and reported to him.

Mr. WORTHINGTON. You referred yesterday to something Joseph F. Smith said when he was a witness before this committee, which, from what you said, you considered to reflect upon the purity of the Mormon women. Are you able to point out the passage which you had in mind?

Mr. SMURTHWAITE. No, sir; I can quote it almost verbatim.

Mr. WORTHINGTON. Please quote it, then.

Mr. SMURTHWAITE. I think one of the Senators asked Mr. Smith why it was necessary to continue having issue with the wives in order to support them. He replied: "Because my wives are like any other men's wives." The Senator said: "Is that all?" Mr. Smith replied: "That is all." I have not read it for a year or so, but I think that is correct.

Mr. WORTHINGTON. I will read what the record shows and ask if this is the passage you have in mind, reading from the top of page 131, Volume I, of the printed record in this case:

"Mr. TAYLER. Now, since that was a violation of the law, why have you done it?

"Mr. SMITH. For the reason I have stated. I preferred to face the penalties of the law to abandoning my family.

"Mr. TAYLER. Do you consider it an abandonment of your family to maintain relations with your wives except that of occupying their beds?

"Mr. SMITH. I do not wish to be impertinent, but I should like the gentleman to ask a woman who is a wife that question."

That is what you referred to, is it?

Mr. SMURTHWAITE. No; it is a little different, you see. That may be part of it, but that is not the part I quoted.

Mr. WORTHINGTON. That is not what you had in mind?

Mr. SMURTHWAITE. No, sir.

Mr. WORTHINGTON. You think there is something in the record of his testimony that is more like what your recollection is than that is?

Mr. SMURTHWAITE. I think there is; yes.

Mr. WORTHINGTON. I would like, before you leave here, to have you take the record and find it and call the attention of the committee to it.

Mr. SMURTHWAITE. It can be found.

Mr. WORTHINGTON. I think that is all, Mr. Chairman.

Mr. CARLISLE. You have said, Mr. Smurthwaite, that you made a statement or complaint to your ward bishop.

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. With regard to what had taken place between you and the president?

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. And that he visited the president on the subject?

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. How do you know he did.

Mr. SMURTHWAITE. He told me so.

Mr. CARLISLE. What was the result of his visit?

Mr. SMURTHWAITE. The way I found out he had been to the president was this: I met my fellow-laborer in the church one morning; I said to him, "Hyrum, I wish somebody would go down to Salt Lake City and tell President Smith exactly what I have said concerning that interview and my conception of it. Of course I believe that if that was done the matter could be fixed up all right, and I think it would make the matter right in some way." He said, "The bishop has already been."

Mr. CARLISLE. Who said that?

Mr. SMURTHWAITE. Mr. Hyrum H. Goddard, a fellow-laborer. I then went to my bishop's office, and he was not there. Having some business over on the opposite corner, at the bank, I walked over to the bank to discharge my business, and while I was sitting there the bishop came through the doors. I excused myself and immediately went to the bishop and said, "I understand you have seen President Smith in relation to my interview with him." He said, "Yes." I said, "Would you have any objections to telling me what was done and said?" He said, "None whatever; but I don't care to speak here. If you will come over to my office, I will tell you." I went over to his office. He said he visited the president's office and that Joseph F. Smith was very busy and could only give him two or three moments' time; not more than a minute; sufficient for him to say what he had called for and for Joseph F. Smith to say it was untrue and that the trouble with me was that I was on the back track and he could not go into it any further, because he had some important business deal on hand, and a gentleman at that moment was waiting for him to talk about this business transaction.

That was all the bishop had to say to Joseph F. Smith. He went to Anthon H. Lund, who seemed not to be engaged, and he said: "Now, Brother Lund, Brother Smurthwaite is one of my best men in the ward." I hope you will pardon this seeming egotism. He said: "I want to get this matter fixed up. What shall I do?" President Lund said: "All I can say to you, Bishop, is for you to be a father to your people."

Mr. CARLISLE. How did you get that information—from Lund?

Mr. SMURTHWAITE. No; I got that information from Bishop E. G. Woolley, of the Fourth Ward of Ogden.

Mr. CARLISLE. He told you of his interview with Lund?

Mr. SMURTHWAITE. With Lund.

Mr. CARLISLE. Now, I want to read some questions and answers on page 334 of volume 1 of the testimony, Mr. Joseph F. Smith being on the stand:

"The CHAIRMAN."

That is, the chairman of the committee.

"I wish to ask you a question right here. You speak of your unwillingness to abandon your children.

"Mr. SMITH. Yes, sir.

"The CHAIRMAN. Why is it necessary, in order to support your children, educate, and clothe them, that you should continue to have children by a multiplicity of wives?

"Mr. SMITH. Because my wives are like everybody else's wife.

"The CHAIRMAN. I am not speaking of them.

"Mr. SMITH. I understand.

"The CHAIRMAN. I am speaking of the children now in existence, born to you.

"Mr. SMITH. Yes.

"The CHAIRMAN. Why is it necessary to continue to have issue by five wives in order to support and educate the children already in existence? Why is it necessary?

"Mr. SMITH. It is only for the peace and harmony and good will of myself and wives; that is all."

Will you state to the committee whether that is the passage of the testimony to which you refer.

Mr. SMURTHWAITE. That is the passage. I had not read it since it was published, but that is the passage I had in mind.

Senator KNOX. I want to know something about this salt enterprise. Your company was the Beck Salt Company, was it?

Mr. SMURTHWAITE. Yes, sir.

Senator KNOX. Was it a corporation?

Mr. SMURTHWAITE. Yes, sir.

Senator KNOX. Organized under the laws of what State?

Mr. SMURTHWAITE. Utah.

Senator KNOX. What was its capital stock?

Mr. SMURTHWAITE. Its capital stock, I think, was originally \$25,000.

Senator KNOX. And at the time you had this interview with the first presidency how much had been paid in on the stock and invested in the plant?

Mr. SMURTHWAITE. About \$9,000.

Senator KNOX. What did the first presidency ever do in the line of following up his suggestion that they could ruin you; anything?

Mr. SMURTHWAITE. Nothing that I know of.

Senator KNOX. You were not ruined?

Mr. SMURTHWAITE. No. You must understand, Senator, that we were just building our plant, and, unfortunately, at the end of the building season when the flume was all built it blew down with a very strong canyon wind. It had not been grounded sufficiently strong. It blew down and we had to reconstruct it, and we did reconstruct it at an extra expense of four or five thousand dollars, so that we did not produce any salt that season. In the meantime The Great Western Salt and Soda Company, the only other operating concern on the lake, had made a lot of salt and put it upon the market, and the Inland Crystal Salt Company there and then reduced the price of crude salt from \$8 per ton to \$2 per ton, and while we made salt last season, we have it piled up, and are not putting it on the market because \$2 per ton is practically the cost of production.

Senator KNOX. Then the only serious harm that was done to you commercially was by the reduction by your competitor of the price of salt?

Mr. SMURTHWAITE. The commercial harm was done in this respect: First, that the conversation had with President Smith was spoken of more or less upon the street and between our associates, and affected our financial stability in the beginning.

Senator KNOX. Did you go on and complete your works?

Mr. SMURTHWAITE. We went on and completed our works for the production of crude salt.

Senator KNOX. Are you now producing salt?

Mr. SMURTHWAITE. We produced salt last year.

Senator KNOX. It is a going business now?

Mr. SMURTHWAITE. No, sir; because the price of salt has been reduced by the Inland Crystal Salt Company from \$8 per ton, the price that the crude article stood at when we started our works, to \$2, which is the cost of production.

Senator KNOX. Then you closed down because you could not make a profit. Is that the idea?

Mr. SMURTHWAITE. Yes, sir.

Senator KNOX. That is all I want.

Senator HOPKINS. You speak about your financial standing being affected. In what manner? Could you not get credit at the banks after this talk with Mr. Smith as well as you could before?

Mr. SMURTHWAITE. We could not; no, sir.

Senator HOPKINS. You know that to be a fact, do you?

Mr. SMURTHWAITE. I know that to be a fact, and we could not sell our stock either, and we needed to sell stock in order to complete our works.

Senator HOPKINS. Did the banks refuse you credit on the ground that you were acting in hostility to the commands of the church?

Mr. SMURTHWAITE. No, sir; they refused us credit upon the ground that inasmuch as the Inland Crystal Salt Company was a rich corporation, backed by the church, we would not be able to compete with them.

Senator KNOX. Suppose you were starting an enterprise in any part of this country or in any other country in competition with a rich and powerful rival, that same condition could and probably would be brought about if they wanted to get rid of your competition, would it not?

Mr. SMURTHWAITE. I think probably it would; but it would not have the prestige of the church nor of a prophet and revelator being at the head of it, and the product would not be sold in a community that believes that thing to be true. That is the great difference.

Senator KNOX. Your market is a local market, is it not?

Mr. SMURTHWAITE. Our market is a local market; yes, sir.

Mr. WORTHINGTON. Who was it who made known to the public what President Smith is alleged to have said to you at that interview?

Mr. SMURTHWAITE. We did not make it public. We simply spoke of it to our friends, and naturally it got circulated in that manner.

Senator HOPKINS. Then you developed that fact yourself, did you?

Mr. SMURTHWAITE. I naturally told my personal intimate friends about the interview.

Senator HOPKINS. Your friends told their friends and their friends told the public?

Mr. SMURTHWAITE. It got known around. It did not get into the newspapers, or any publicity of that kind. However, on the Sunday following this interview, at about 10.30 o'clock at night, the Salt Lake Herald telephoned me from Salt Lake, giving, in substance and effect, this interview and asking me if it was true. I said "Yes." Up to that time I had no conversation with anybody upon the subject, and how they got it was a perfect mystery. I immediately telephoned to my associate, Mr. Taylor. I was going to give him the substance of what they had said, but he was not at home. He was visiting with some

friends and I waited until he arrived home, about a quarter to 12. Then I went over to his residence and told him about it, and he said, "For God's sake, get that suppressed, because that will interfere with our financial arrangements."

I immediately took up the telephone on the long distance and got the man back and told him not to publish that at all; that Mr. Taylor, the president of the company, desired especially that it be suppressed for financial reasons, and after putting me on the pledge that if it should become public I would give him the first opportunity to publish it, he agreed to suppress it, and did; and there was no publication.

Senator KNOX. May I ask you another question? You answered me a few moments ago that after this interview with the first presidency you went on and completed your works.

Mr. SMURTHWAITE. Yes, sir.

Senator KNOX. And began the production of salt?

Mr. SMURTHWAITE. Yes, sir.

Senator KNOX. And that the only reason why you shut down was your competitors had reduced the price?

Mr. SMURTHWAITE. Yes, sir.

Senator KNOX. If that is so, how were you damaged by any interference with your financial standing? You evidently had some financial standing to go on and complete your plant and bring out a product, which product, as I understand it, you were unable to dispose of simply because of the reduction in price. How were you financially hurt, except by that one fact?

Mr. SMURTHWAITE. I have not alleged at any time that we have been financially hurt.

Senator KNOX. You said that it had interfered with your financial standing.

Mr. SMURTHWAITE. It interfered, naturally. It affected the value of our stock for instance. I own 20,000 shares of stock. It depreciated that stock at once. I can't sell that stock.

Senator KNOX. You do not find a ready market for the capital stock of any corporation that is not making a profit, I presume?

Mr. SMURTHWAITE. Why, certainly not.

Senator KNOX. And the price at which you sell your product is the thing which determines whether or not you make a profit?

Mr. SMURTHWAITE. Yes, sir; and which at the time we commenced our works was \$8 per ton for the crude article instead of \$2.

Senator KNOX. Your real grievance is, so far as this commercial enterprise is concerned, that the price of salt was put down from \$8 per ton to \$2 per ton?

Mr. SMURTHWAITE. No, sir.

Senator KNOX. What else is it? What is your commercial grievance outside of that fact?

Mr. SMURTHWAITE. Why, the grievance, in the first place, is sentimental.

Senator KNOX. That is not commercial. At least—

Mr. SMURTHWAITE. That is all right. We will get to the commercial part afterwards. In the next place, the grievance became commercial because of the fact that that interview depreciated the value of the stock which each stockholder held in the company, by which it was construed that the company could never be a success. That

grievance and that loss ensued before there were any works erected whatever—while the works were in course of construction.

The CHAIRMAN. Why was it concluded that the company could not be successful?

Mr. SMURTHWAITE. Because, first, the Inland Crystal Salt Company is a rich corporation and, second, because it was understood to be a church institution.

The CHAIRMAN. Who took the initiative in reducing the price from \$8 to \$2?

Mr. SMURTHWAITE. The Inland Crystal Salt Company.

The CHAIRMAN. Is that the company with which Mr. Smith is connected?

Mr. SMURTHWAITE. Yes, sir.

The CHAIRMAN. You say that after this interview and this declaration by the head of the church your financial standing in the banks was affected?

Mr. SMURTHWAITE. Yes, sir.

The CHAIRMAN. Is the head of the church or are any of the high officials of the church interested in the banks?

Mr. SMURTHWAITE. No, sir.

The CHAIRMAN. None of them?

Mr. SMURTHWAITE. None of them that I know of.

Senator HOPKINS. You speak of the depreciation in the value of your stock?

Mr. SMURTHWAITE. Yes, sir.

Senator HOPKINS. If salt had remained at \$8 per ton, would your stock have remained at par?

Mr. SMURTHWAITE. Oh, it would have gone far beyond par; because at \$8 per ton we could make \$6 per ton, and we could put out 5,000 tons per year, conservatively; because they put out 30,000 tons, and 5,000 tons at \$6 is \$30,000.

Senator HOPKINS. Then your financial misfortunes come from the commercial side of it, which is the depreciation in the value of the product you are to manufacture?

Mr. SMURTHWAITE. Yes, sir; in the ultimate.

Senator KNOX. You figured on making \$30,000 a year, did you, on a basis of \$8 per ton for salt?

Mr. SMURTHWAITE. A gross profit of \$30,000.

Senator KNOX. What do you mean by a gross profit?

Mr. SMURTHWAITE. That is, the income over the cost of production would have been \$30,000. Then we would have had our office and other expenses of selling the product, etc., to come out of that.

Senator KNOX. It would not be a gross profit; it would be gross sales, if you only produced 5,000 tons and sold it at \$8 per ton.

Mr. SMURTHWAITE. That would be \$40,000.

Senator KNOX. Yes, \$10,000 to cover the cost of production.

Mr. SMURTHWAITE. Yes, sir; simply the cost of production. Then we would have had another added cost, Senator, to put it upon the market, and that would have to come out of the \$30,000.

Senator KNOX. The cost of maintaining the organization, the depreciation in property, and all that sort of thing would come out of the \$30,000?

Mr. SMURTHWAITE. Out of the profit of \$30,000.

Senator KNOX. What did you figure the net profit would be on the basis of \$8 per ton?

Mr. SMURTHWAITE. We figured that our cost of putting it upon the market would probably be \$5,000 to \$10,000 a year.

Senator KNOX. That would make the net profit \$25,000 per year?

Mr. SMURTHWAITE. Well, say \$20,000 per year.

Senator KNOX. Having now against the sales the expenses of operation—I mean by that the production of salt, the marketing of salt, the maintenance of your organization, and charging off a sufficient amount to cover depreciation in the plant—you still figured on making a net profit of \$20,000 a year?

Mr. SMURTHWAITE. Yes; that was estimated.

Senator KNOX. On a capital of \$25,000?

Mr. SMURTHWAITE. Yes, sir.

Senator HOPKINS. With \$9,000 paid in? Of the \$25,000, as I understand you, you had had \$9,000 paid in?

Mr. SMURTHWAITE. Yes; but we were going to pay more in.

Senator HOPKINS. Oh.

Mr. SMURTHWAITE. We contemplated paying in the entire amount.

Mr. WORTHINGTON. Mr. Smurthwaite, what is the market for salt from the Salt Lake? I mean what is the geographical extent of it?

Mr. SMURTHWAITE. We can sell salt in the States of Colorado, Wyoming, Utah, certain parts of Nevada, Idaho, and Montana. I think that is stating it conservatively.

Mr. WORTHINGTON. Is there not some of that salt that is sold in California?

Mr. SMURTHWAITE. I do not think there is any of that salt sold in California, because they produce salt there.

Mr. WORTHINGTON. It is sold very largely in regions where there are no Mormons, or very few of them?

Mr. SMURTHWAITE. It is sold in regions where there are no Mormons, as well as where there are Mormons.

Mr. WORTHINGTON. I understood you to refer to the fact that your market was among members of the church.

Mr. SMURTHWAITE. It would be because the center of our market would be at home and the markets abroad would be more difficult to reach and more expensive to reach by reason of the cost of transportation, which would come out of the price.

Mr. WORTHINGTON. When was it you first stated your grievance about your interview with President Smith to Bishop Woolley?

Mr. SMURTHWAITE. The next day.

Mr. WORTHINGTON. And how long after that was it you were called up by the correspondent of a newspaper?

Mr. SMURTHWAITE. It was the following Sunday evening.

Mr. WORTHINGTON. Was that correspondent located in Ogden?

Mr. SMURTHWAITE. In Salt Lake City.

Mr. WORTHINGTON. It was a call from the office of the—

Mr. SMURTHWAITE. Salt Lake Herald.

Mr. WORTHINGTON. In the meantime had you mentioned this interview to anybody except to Bishop Woolley?

Mr. SMURTHWAITE. To nobody except my immediate friends.

Mr. WORTHINGTON. How many of your immediate friends had you told about it?

Mr. SMURTHWAITE. I couldn't say; probably about two or three.

Mr. WORTHINGTON. Business friends?

Mr. SMURTHWAITE. Business friends; yes, sir.

Mr. WORTHINGTON. How long after this was it that you made formal charges against the president in reference to it and it was published in the newspapers?

Mr. SMURTHWAITE. My formal statement to Bishop Woolley was given in the following March.

Mr. WORTHINGTON. And your interview with President Smith was in June?

Mr. SMURTHWAITE. In June; yes, sir.

Mr. WORTHINGTON. Then, you did not undertake to have President Smith brought to task about this matter for nine months after the interview with him?

Mr. SMURTHWAITE. I did not take any steps to have President Smith brought to task about the matter then or at any time, before or since.

Mr. WORTHINGTON. You never undertook, then, to have anything done to him about it?

Mr. SMURTHWAITE. No, sir; I simply made a complaint to my bishop, who was the spiritual father of his ward under our fraternity.

Mr. WORTHINGTON. Had you made complaint to anybody, then, for nine months after the conversation?

Mr. SMURTHWAITE. I made a complaint to my bishop the next morning.

Mr. WORTHINGTON. That was private, but did you ever make any formal complaint?

Mr. SMURTHWAITE. I never made any formal complaint at any time.

Mr. WORTHINGTON. Does your company retain all its plant that it had at the time of your conversation with President Smith?

Mr. SMURTHWAITE. It retains the plant. It has sold the real estate.

Mr. WORTHINGTON. How much real estate did you have?

Mr. SMURTHWAITE. Three hundred and twelve acres.

Mr. WORTHINGTON. How much did you sell it for?

Mr. SMURTHWAITE. We sold the real estate for \$34,500, retaining the improvements.

Mr. WORTHINGTON. To whom did you sell it?

Mr. SMURTHWAITE. I think it was to the American Smelting and Mining Company.

Senator KNOX. You say you have gone out of the salt business?

Mr. SMURTHWAITE. No, sir; we have not gone out of the salt business. We have a thirty years' lease at \$600 per annum.

Senator KNOX. I did not hear your answer, is the reason I asked.

Mr. SMURTHWAITE. We sold the land—

Senator KNOX. If you have already stated it, it is not necessary to repeat it.

Mr. SMURTHWAITE. I wanted you to hear it.

Senator KNOX. Go ahead.

Mr. SMURTHWAITE. For \$34,500, retaining the improvements, with a lease on the land for a period of thirty years at \$600 per annum for the purposes only of making salt.

Senator KNOX. You did pretty well in the end, did you not?

Mr. SMURTHWAITE. Yes, sir; we did all right in the end, fortunately. If it had not been for that we would have been in bad shape now.

Mr. WORTHINGTON. Did you make this formal presentation of the case to the bishop before or after you had sold this land?

Mr. SMURTHWAITE. We did not sell this land, sir, until about four months ago, and I made the formal presentation to the bishop the morning after the interview.

Mr. WORTHINGTON. I was speaking of the presentation of complaint you made in March following.

Mr. SMURTHWAITE. I never made any presentation of complaint at all at any time.

Mr. WORTHINGTON. You never made any complaint of President Smith, then?

Mr. SMURTHWAITE. No; except to my bishop, as a brother. A fraternal complaint is what I made; not a legal, technical complaint, but a fraternity complaint.

Mr. WORTHINGTON. With regard to the banks, did you make application to the banks for credit and have it refused after your interview with President Smith?

Mr. SMURTHWAITE. No; we had already a credit with the bank.

Mr. WORTHINGTON. But I understood you to say your credit was impaired by the publication of this interview?

Mr. SMURTHWAITE. It was impaired; yes.

Mr. WORTHINGTON. I want to know if you yourself, in person, made any application to banks after that for credit?

Mr. SMURTHWAITE. No formal application in behalf of the company, but we spoke to several bankers as to the probability of getting money should we need it.

Mr. WORTHINGTON. You simply discussed it as a thing you might ask for and did not ask for?

Mr. SMURTHWAITE. As a tentative proposition.

Mr. WORTHINGTON. Was not Richard Taylor a man who could get money in Salt Lake City on his own application at any time?

Mr. SMURTHWAITE. Richard J. Taylor?

Mr. WORTHINGTON. Yes.

Mr. SMURTHWAITE. I think he was. I think I could myself.

Mr. CARLISLE. That is, for yourself?

Mr. SMURTHWAITE. For myself. I could for myself, but not for this corporation.

Mr. WORTHINGTON. Mr. Eccles was also a man of large means, was he not; and he was one of the stockholders?

Mr. SMURTHWAITE. Yes; he was worth several million dollars.

Mr. CARLISLE. Mr. Chairman, I believe we are through, except that I desire, with the permission of the committee, to reserve the right to file with the committee the decision of the court in the so-called naturalization cases. Some testimony has been read here, and perhaps some of it is in the record before this present hearing, on that subject; so I desire to put in the decision of the court in the cases. I desire to reserve the right to do that because I have not the decision here. It started for here some weeks ago, as I understand, but it has not arrived, and this decision was not reported in any authoritative form.

Mr. WORTHINGTON. I can not object to that, but it will be opening up a very wide field for rebuttal.

Senator KNOX. Would he not have the right to refer to any decision of any court in the way of argument for any purpose he saw fit, just as you would have? You can refer to the decisions on all these questions relating to Mormonism.

Mr. WORTHINGTON. But he is not offering a decision of the court as settling the question of law, but the actual judgment of the court as excluding the man from naturalization.

Senator KNOX. He did not state his purpose.

Mr. WORTHINGTON. In this case the man whose case was heard was an applicant for naturalization, and was objected to on the ground that he was not competent.

Mr. CARLISLE. I reserve the right to offer it.

Mr. WORTHINGTON. The judgment of the court in that particular case that the man was not a competent citizen.

The CHAIRMAN. The offer is not made now. He simply reserves the right to offer it.

Mr. WORTHINGTON. Let whatever is done in that regard be done before we go on, because that might open a very wide door for investigation.

Mr. CARLISLE. We hope to procure the decision, and we will offer it.

Mr. WORTHINGTON. If they can offer a judgment of one court that one particular Mormon was excluded from being naturalized, we might want to offer the judgment in several thousand cases showing that Mormons were accepted.

The CHAIRMAN. That objection may be raised when the offer is made. I want to ask a question of this witness. Do you know anything about the direction or order of the church in relation to tithing?

Mr. SMURTHWAITE. Yes, sir; I am familiar with it.

The CHAIRMAN. What is the church regulation in relation to that?

Mr. SMURTHWAITE. The written law of the church is that when a person comes to Zion, or Utah, the convert shall deliver to the bishop, under the written law, all his surplus property, and from that on 10 per cent of his interest; but the practice, so far as the first part of the law is concerned, is void, and as to the second part of the law it is income instead of interest.

The CHAIRMAN. It is income?

Mr. SMURTHWAITE. Instead of interest; yes, sir.

The CHAIRMAN. Do you say when a convert joins the church he is obliged to surrender his property?

Mr. SMURTHWAITE. I do not say he is obliged to surrender his property. I say the written law on tithing, as found in the Book of Doctrine and Covenants, is that the convert shall consecrate to the church all his surplus property, and from thenceforth he shall pay to the church 10 per cent annually of his interest; but the practice of the church, so far as the first part of it is concerned, the consecration of all surplus property, is void, so far as my observation goes.

Mr. WORTHINGTON. You mean it is obsolete?

Mr. SMURTHWAITE. It is obsolete; but that the practice with reference to tithing is not 10 per cent of interest, but 10 per cent of income.

The CHAIRMAN. What steps are taken, if any, by the authorities to ascertain what the income is, or is that left entirely to the communicant?

Mr. SMURTHWAITE. That is left entirely to the person to state. He states whether the money he tenders to his bishop is a full tithing, or part tithing, or something of that kind.

The CHAIRMAN. To whom does he make that statement?

Mr. SMURTHWAITE. To the bishop of his ward.

The CHAIRMAN. Under oath?

Mr. SMURTHWAITE. No, sir.

The CHAIRMAN. What is the practice after the person makes the statement? Is there any practice in reference to ascertaining whether the statement is correct or not?

Mr. SMURTHWAITE. I do not know of any practice. Usually the bishop might remonstrate and say, "Brother So-and-so, this is hardly a full tithing," or something of that kind. The brother will say, "It is not quite a full tithing; it is a half tithing," or something of that kind. That is about the only procedure I know of.

The CHAIRMAN. There is no inquiry instituted to ascertain whether the statement is correct?

Mr. SMURTHWAITE. Oh, no, sir.

The CHAIRMAN. What is the effect if the communicant does not pay his tithing?

Mr. SMURTHWAITE. He is not considered to be a member in good standing in the church if he does not pay his tithing.

Mr. WORTHINGTON. If a member of the church does not like the tithing provision, he has the privilege of retiring from the church voluntarily whenever he pleases, does he not?

Mr. SMURTHWAITE. Oh, undoubtedly.

Mr. WORTHINGTON. Did you ever know anybody to be cut off from the church for not paying his tithing?

Mr. SMURTHWAITE. Oh, not directly; no. I can't say so.

Senator OVERMAN. Is this tithing invested in corporations?

Mr. SMURTHWAITE. I am fearful that it is, sir.

Senator OVERMAN. Banks, and so on?

Mr. SMURTHWAITE. Yes, sir.

Mr. CARLISLE. You have no accounting for that expenditure, have you?

Mr. SMURTHWAITE. No; I am the plaintiff in a suit brought against the trustee in trust and leading officials of the church to get an accounting of the tithing.

Mr. CARLISLE. Are they resisting it?

Mr. SMURTHWAITE. Yes, sir.

The CHAIRMAN. Have you any knowledge as to the amount of tithing collected annually?

Mr. SMURTHWAITE. Only by repute.

The CHAIRMAN. What is that?

Mr. SMURTHWAITE. It is variously estimated from a million and a half to two millions per annum, according to public report.

Senator KNOX. Is there any public account rendered as to the use made of this gross sum that is paid into the church?

Mr. SMURTHWAITE. There is not, and has not been, to my knowledge, for twenty-four years. I have lived there that long.

Senator KNOX. Does the rule of the church require it?

Mr. SMURTHWAITE. One of the rules of the church would require it. One of the rules of the church is that everything in this church shall be done by common consent. Hence that would imply an accounting of everything, and the consent of the church for its expenditure. That is my view of it.

Senator KNOX. But they seem to have commonly consented not to call for an account. Is not that correct?

Mr. SMURTHWAITE. No; they have not commonly consented nor to call for an account, because the rule of common consent in the church in Utah is void. The rule is absolute consent.

Senator KNOX. Have they called for an account? Has anyone ever called for an account?

Mr. SMURTHWAITE. No. There has been, during my residence in Utah, a great deal of private complaint from members of the church, one to another, that there has been no accounting, but there has never been any public demand for an accounting.

Mr. CARLISLE. You have made one, have you not?

Mr. SMURTHWAITE. I have made one; yes, sir.

Senator KNOX. Then the members of the church have acquiesced in this arbitrary authority in the heads of the church in handling this fund, as far as any public demonstration or protest is concerned?

Mr. SMURTHWAITE. They have been made to acquiesce, by reason of the fact that they knew if they demanded an accounting their fellowship would be gone.

The CHAIRMAN. Did I understand you to say you had taken some steps to ascertain about tithing?

Mr. SMURTHWAITE. I have taken legal steps. The day I was excommunicated—that is, not excommunicated, but the day the complaint in my case was filed, at 11 o'clock—I telephoned to Salt Lake City to an attorney to draw up a complaint making me plaintiff, asking for an accounting of the tithes.

The CHAIRMAN. Is that proceeding now pending in the courts?

Mr. SMURTHWAITE. The first part of the proceeding is pending. The first part of the proceeding has been had. The church answered by demurrer and the court sustained the demurrer. We have now filed an amended complaint, which has not yet been heard.

Mr. WORTHINGTON. Was that suit begun before or after your excommunication, Mr. Smurthwaite?

Mr. SMURTHWAITE. I wouldn't say positively whether it was begun in the courts before or afterwards; but I took the preliminary proceedings on the day on which the complaint was filed, because I had made up my mind that if they should attempt to disfellowship me from my church, and thereby bring upon me the stigma and odium of apostasy, which was a vile and infamous falsehood, I would then and there commence proceedings before my membership was taken away. As to the exact date when the suit was filed, I am not prepared to say.

Mr. WORTHINGTON. You can not say whether you filed the suit after you had ceased to be a member there or not?

Mr. SMURTHWAITE. No; I don't exactly remember that.

Mr. CARLISLE. That might make quite a difference, might it not, in your right to prosecute the inquiry?

Mr. SMURTHWAITE. I don't know that it would. I simply conceived that it might myself. The attorneys do not seem to think it makes any difference.

Mr. WORTHINGTON. That is a question for the lawyers to fight over and for the court to decide.

Mr. CARLISLE. Yes.

The CHAIRMAN. I understand you to say that there is no accounting made of this tithing?

Mr. SMURTHWAITE. There is no accounting made of the tithing.

The CHAIRMAN. And has not been for twenty-five years?

Mr. SMURTHWAITE. I have lived there twenty-four years and there has been no accounting during that entire period.

The CHAIRMAN. And it is not known how much is collected, and it is not known what disposition is made of it?

Mr. SMURTHWAITE. No, sir.

Mr. WORTHINGTON. I understood you have just been telling us what the gross receipts from that source are supposed to be.

Mr. SMURTHWAITE. I said from public report. I stated that.

The CHAIRMAN. Have the protestants any further testimony to offer?

Mr. CARLISLE. No, sir.

Mr. CHAIRMAN. Is the respondent prepared to go on?

Mr. WORTHINGTON. Not at all; not now. We can have a conference at once, and I can inform the chairman during the week what we propose to do.

The CHAIRMAN. Some time during the week?

Mr. WORTHINGTON. Yes. I can say now we will desire to take testimony, and it will take some time. There are numerous inquiries to be made in view of the testimony introduced here, and it is impossible for us to say within what time we can proceed until we have made some inquiries.

The CHAIRMAN. Mr. Worthington, as soon as you ascertain you will advise me?

Mr. WORTHINGTON. I can assure the chairman there will not be an unnecessary delay of a day in the matter. Senator Smoot is just as anxious to get this matter finally disposed of as the chairman can be.

The CHAIRMAN. Thank you. Then I will say to Mr. Worthington that whenever you submit to me the names of the witnesses you want subpoenas will be issued at once.

Mr. WORTHINGTON. There is one thing I would like to have the committee consider, Mr. Chairman. As to some matters here, it seems to me we might perhaps be allowed to submit evidence by way of affidavit. There are numerous cases here, for instance, where we might have to bring a dozen witnesses about some point about which there can not be any doubt. We would have to have the witnesses subpoenaed, and it might take a great deal of expense and time to bring them all here, when it is a very simple matter. Here, for example, is a list of names of persons who have held offices in the State since the State was admitted to the Union, and a witness has undertaken to designate some as Mormon and some as anti-Mormon.

In order to prove the facts in that regard it might require us to bring a hundred or two hundred witnesses here, when the whole matter could be covered by an affidavit. And so about another matter. I give this as an illustration. A witness has undertaken to go over the names of fifteen or twenty persons whom he says are living in polygamy in or near Provo. It might be necessary, as to each one of these individuals, to bring three or four witnesses to show that as to a great many of them it is not so; and we might do it by affidavits.

Mr. CARLISLE. Can you not get the parties themselves?

Mr. WORTHINGTON. In some cases it might be possible, and in some it might not; and besides, the testimony of the party may not be the best testimony in some cases. As to some of these persons who are said to be living in polygamy in Provo, I am informed they are not even in Provo, and have not been for years. I am only making that

suggestion in the interest of economy of time and expense. If the committee prefers to have the witness in every case, that is another matter. I would like to have them consider it and let us know their conclusion. That might be left, I should think, in the discretion of the chairman. We might, in particular instances, on submission to him, get leave to file affidavits instead of having the witnesses brought here.

Mr. CARLISLE. I have no doubt, Mr. Chairman, if it is discovered there are any actual mistakes or misstatements made by any of our witnesses in regard to any of these matters about which Mr. Worthington has spoken we can agree about it. We do not want to subject the gentlemen to the trouble and labor or the Government to the expense of bringing witnesses here to prove things which we have reason to believe are true.

The CHAIRMAN. I think that can probably be adjusted between counsel. I only want to say that the committee is anxious to close this matter as soon as they can, giving ample opportunity to the Senator to make such suggestions as he desires to make.

With that understanding, the case is closed, so far as the protestants are concerned, except that Mr. Carlisle reserves the right to offer certain things which are not here now. The committee will adjourn and when you are ready to proceed, Mr. Worthington, I will call the committee together to proceed.

The committee, at 11.20 o'clock a. m., adjourned subject to the call of the chairman.

WASHINGTON, D. C., *March 26, 1906.*

The committee met at 10.20 o'clock a. m.

Present: Senators Burrows (chairman), Dubois, and Frazier; also Senator Smoot; also John G. Carlisle, counsel for the protestants, and A. S. Worthington, counsel for the respondent.

The CHAIRMAN. Some of the members of the committee have sent word that they are to be noted as present, to make a quorum. If there is no objection by counsel on either side, we might as well proceed with the taking of testimony.

TESTIMONY OF ROBERT J. SHIELDS.

ROBERT J. SHIELDS, being duly sworn, was examined, and testified as follows:

Mr. WORTHINGTON. Your full name, Mr. Shields.

Mr. SHIELDS. Robert J. Shields.

Mr. WORTHINGTON. Your age, residence, and occupation.

Mr. SHIELDS. I am 38 years old; I live in Salt Lake City; I am general sales agent of the Inland Crystal Salt Company.

Mr. WORTHINGTON. How long have you been the general sales agent of the Inland Crystal Salt Company?

Mr. SHIELDS. Something over four years.

Mr. WORTHINGTON. Let me ask you whether you are a member of the so-called Mormon Church.

Mr. SHIELDS. I am not.

Mr. WORTHINGTON. Have you ever been?

Mr. SHIELDS. No, sir.

Mr. WORTHINGTON. Are you acquainted with Mr. Smurthwaite, who was a witness here a few weeks ago?

Mr. SHIELDS. I have met him.

Mr. WORTHINGTON. What is the Inland Crystal Salt Company? What does it do?

Mr. SHIELDS. It is a concern for the manufacture and selling of salt.

Mr. WORTHINGTON. Where is its plant, or where are its plants?

Mr. SHIELDS. In Utah.

Mr. WORTHINGTON. About the Great Salt Lake?

Mr. SHIELDS. Yes, sir.

Mr. WORTHINGTON. Where is the office of the company?

Mr. SHIELDS. In Salt Lake City.

Mr. WORTHINGTON. During the time you have been the general manager, who, as a matter of fact, has had charge of the operations of the company in a large and general way?

Mr. SHIELDS. I am not general manager.

Mr. WORTHINGTON. Your position is what?

Mr. SHIELDS. General sales agent.

Mr. WORTHINGTON. Since you have been general sales agent, then, who has had the general charge of the operations of the company, deciding as to its policies, etc.?

Mr. SHIELDS. Colonel Clayton is general manager.

Mr. WORTHINGTON. That does not quite answer my question. As general manager, has he been the person who decided on the policies of the company generally?

Mr. SHIELDS. Yes, sir; when present.

Mr. WORTHINGTON. In his absence who would act for him?

Mr. SHIELDS. Well, I would, after consultation with the secretary of the company.

Mr. WORTHINGTON. I believe Joseph F. Smith is the president of the company?

Mr. SHIELDS. Yes, sir.

Mr. WORTHINGTON. During the four years in question, what, if any, has been his participation in directing the policies of the company?

Mr. SHIELDS. None whatever.

Mr. WORTHINGTON. There has been some testimony here in reference to a company called the Beck Salt Company, and something is said to have occurred between it and the company of which you are the general sales agent. Have you any personal knowledge of those matters?

Mr. SHIELDS. We were visited by stockholders of the company a number of times with a view of their selling to us.

Mr. WORTHINGTON. Were you present at those visits or interviews?

Mr. SHIELDS. Yes, sir.

Mr. WORTHINGTON. I wish you would give an account of them in the order in which they occurred, stating the substance of what took place, as nearly as you can remember.

Mr. SHIELDS. In the summer of 1904 we were first visited by a Mr. Hughes, who said he was a stockholder and that he was secretary and treasurer of the Smurthwaite Produce Company, and I understood he represented Mr. Smurthwaite in the interview. He offered to sell us a majority of the stock of the Beck Salt Company at \$80 a share.

Later on we were visited by Mr. H. H. Goddard, who, I understood, represented Mr. Smurthwaite, who offered to sell out at \$60 a share.

Mr. WORTHINGTON. Sell out what?

Mr. SHIELDS. Sell a majority of the stock of the Beck Salt Company; and also by Mr. Smurthwaite and Mr. Kettle, who offered to sell to us. I think they visited us twice, and they offered to sell at \$70 a share one time and \$60 a share another time, a majority of the stock of the Beck Salt Company.

Mr. WORTHINGTON. Who was the Mr. Hughes who visited you? What was his full name?

Mr. SHIELDS. Charles E., I believe. I am not sure as to that. [After examining a paper.] It was William B.

Mr. WORTHINGTON. Where did the interview take place in the summer of 1904 when Mr. Hughes called?

Mr. SHIELDS. In my office, in the Inland Crystal Salt Company.

Mr. WORTHINGTON. And were you present?

Mr. SHIELDS. I think just Mr. Hughes and myself.

Mr. WORTHINGTON. Did Mr. Hughes inform you what was his authority or whether he had any power to comply with the offer which he made if it were accepted?

Mr. SHIELDS. I think he assured me he could deliver control of the company. I don't recall anything beyond that.

Mr. WORTHINGTON. That is, of the Beck Salt Company?

Mr. SHIELDS. Of the Beck Salt Company; yes.

Mr. WORTHINGTON. Did you give the full name of Mr. Goddard, who called subsequently?

Mr. SHIELDS. H. H. Goddard.

Mr. WORTHINGTON. Where did he live?

Mr. SHIELDS. Ogden.

Mr. WORTHINGTON. Where did the interview take place when he called?

Mr. SHIELDS. In my office.

Mr. WORTHINGTON. Who were present?

Mr. SHIELDS. Just Mr. Goddard and myself.

Mr. WORTHINGTON. In the interview you had with Goddard, was anything said about the prior visit of Mr. Hughes?

Mr. SHIELDS. I don't recall that there was.

Mr. WORTHINGTON. You do not recall whether you or he referred to the fact that you had had a previous suggestion in the same direction?

Mr. SHIELDS. They probably did. There is no question but that he knew of it, because they both came from the same party, I believe.

Mr. WORTHINGTON. Whom did Mr. Goddard represent, and what was his connection?

Mr. SHIELDS. I understood he represented Mr. Smurthwaite.

Mr. WORTHINGTON. Did he come from the same town?

Mr. SHIELDS. Yes, sir.

Mr. WORTHINGTON. Was he connected in business at all with Mr. Smurthwaite?

Mr. SHIELDS. I don't know that he was.

Mr. WORTHINGTON. Was he at all connected with the Beck Salt Company?

Mr. SHIELDS. No; he said he came in the capacity of broker.

Mr. WORTHINGTON. Did Mr. Shields, when he called, advance any reasons why your company should buy out a majority of the stock of the Beck Salt Company?

Mr. SHIELDS. At one of the interviews one of them intimated that by buying the majority of the stock, or the stock that he offered, it would not be necessary to buy any more in order to control the company; that that was practically all that we would have to pay out; in other words, by holding a majority of the stock we could control the company and close it down.

Mr. WORTHINGTON. When you state "one of them," what persons do you refer to?

Mr. SHIELDS. I can not recall who it was that made that statement now.

Mr. WORTHINGTON. Do you mean it was either Hughes or Goddard, or Hughes, Goddard, or Smurthwaite?

Mr. SHIELDS. It may have been either of the three.

Mr. WORTHINGTON. How long after Mr. Hughes's visit was it that Mr. Goddard came?

Mr. SHIELDS. Mr. Goddard came, I think, about January of 1905.

Mr. WORTHINGTON. That is, several months afterwards?

Mr. SHIELDS. Yes.

Mr. WORTHINGTON. What reply did you make to Mr. Hughes?

Mr. SHIELDS. I told Mr. Hughes that we would not buy their company, or any part of it; that it would not benefit us any, because there were so many other competitors in the field that we would not be any better off. In fact, it would put us in a worse position, in that it would be an incentive to others to try and sell their properties.

Mr. WORTHINGTON. What reply did you make to Mr. Goddard?

Mr. SHIELDS. Practically the same thing.

Mr. WORTHINGTON. How long after Mr. Goddard's visit was it that Mr. Smurthwaite came?

Mr. SHIELDS. I should judge two months, perhaps.

Mr. WORTHINGTON. There is no mistake, is there? That was the Mr. C. A. Smurthwaite who testified here—

Mr. SHIELDS. Yes.

Mr. WORTHINGTON. That he had never made any such proposition?

Mr. SHIELDS. There is no doubt of it.

Mr. WORTHINGTON. How long did you say it was after Mr. Goddard's visit that Mr. Smurthwaite came?

Mr. SHIELDS. I should say two months, as near as I can recall.

Mr. WORTHINGTON. Who were present when Mr. Smurthwaite called?

Mr. SHIELDS. Mr. Smurthwaite, Mr. Kettle, and myself.

Mr. WORTHINGTON. Mr. Kettle is an officer of your company?

Mr. CARLISLE. General manager.

Mr. WORTHINGTON. Oh, no; that is Clayton.

Mr. SHIELDS. No; Mr. Kettle was then a stockholder in the Beck Salt Company. I understood he and Mr. Smurthwaite were a committee appointed by the directors of the Beck Salt Company to treat with us with a view to selling out a majority of their stock.

Mr. WORTHINGTON. That is what they told you?

Mr. SHIELDS. Yes, sir.

Mr. WORTHINGTON. I wish you would go as fully as you can into what occurred at that interview. Tell us the substance of it.

Mr. SHIELDS. They came and presented their proposition in the usual way.

Mr. WORTHINGTON. What do you mean by "the usual way?"

Mr. SHIELDS. That is, to sell a majority of the stock. My recollection is that they came twice; that once they offered to sell it at \$70 a share—a majority of the stock—and the next time at \$60 a share, and they were very anxious at one of the interviews in particular that I recall to have the matter presented to the board of directors and to have action taken quickly, as they were to have a meeting shortly with a view of consolidating with some other outside interests and they wanted, if possible, to make a deal with us prior to that meeting.

I told them that we could not consider a proposition to buy their stock at any figure—a majority or any part of it—that it would not benefit us any; that there were so many other companies in much better shape to compete with us than they were, and I suggested that they go ahead and try to consolidate with the other interests—outside interests, as we call them—and after having such a consolidation we would then be glad to treat with them, but in the meantime we could not entertain or give them any encouragement on any proposition they might make; that I could not have their proposition submitted to a board of directors. I told them, however, the basis on which they were offering the property was absurd, because at that time, according to our information, they had not expended to exceed \$10,000, and they were offering it on a basis of sixty or seventy thousand dollars. I could not get it before the directors as a board, but I submitted it to a majority of the directors as individuals, and they, of course, refused to entertain it, and I so notified Mr. Kettle.

Mr. WORTHINGTON. Do you remember whether Joseph F. Smith was one of those you consulted?

Mr. SHIELDS. No; he was not.

Mr. WORTHINGTON. At the time of these interviews, did you know anything as to what this company had done in the way of manufacturing or trying to manufacture salt?

Mr. SHIELDS. Yes. Perhaps I had better explain the process of making.

Mr. WORTHINGTON. Yes.

Mr. SHIELDS. We make salt out there by solar evaporation. We make ponds and pump water from the lake into the ponds, the water evaporates, and we gather the salt. This firm had made ponds, a small area, and built flumes, and began pumping water in 1904. They did not succeed in making any salt, and we were led to believe that they would not be able to make any because of the nature of the soil on which they had their ponds made. When these interviews took place in 1905—that is, the last one—we had no idea they could make salt, and did not consider them a serious factor in the salt business.

Mr. WORTHINGTON. You saw in the newspapers out there, I suppose, when Mr. Smurthwaite published his charges, or when the charges he made against Joseph F. Smith in relation to this matter were published.

Mr. SHIELDS. Yes, sir.

Mr. WORTHINGTON. Were these interviews you speak of before or after these publications in the newspapers?

Mr. SHIELDS. After.

Mr. WORTHINGTON. You say the interviews were after the publication?

Mr. SHIELDS. No; the publication was after the interviews.

Mr. WORTHINGTON. How long after you had your last interview with Mr. Smurthwaite was it that these charges against Joseph F. Smith came out in the newspapers?

Mr. SHIELDS. I should say sixty days, as near as I could recall offhand.

Mr. WORTHINGTON. Had your company had experience in the matter of trying to buy out companies before that?

Mr. SHIELDS. Yes.

Mr. WORTHINGTON. Or competitors?

Mr. SHIELDS. Yes. Perhaps I had better give a little back history.

Mr. WORTHINGTON. Yes; I think, in view of the fact that Mr. Smurthwaite has testified about that, it might be interesting to know all about it.

Mr. SHIELDS. Prior to 1898 there were a number of companies in the salt business in Utah. There was a company with the name of our present company, the Inland Crystal Salt Company, and another, the Inter-Mountain Salt Company, and other smaller ones. The books show that for the three years prior to 1898, when the Inland Crystal Salt Company consolidated with the Inter-Mountain Salt Company and took in other companies, giving them the situation, the Inland Crystal Salt Company had lost \$72,000 in three years in doing business, as the result of competition; and experience went to show that there was not enough business to be done in that section tributary to Salt Lake to warrant more than one established company.

Mr. WORTHINGTON. Do you know Richard J. Taylor, of Ogden?

Mr. SHIELDS. The gentleman is dead now, I believe.

Mr. WORTHINGTON. I mean did you know him?

Mr. SHIELDS. I never met him. I knew him by reputation.

Mr. WORTHINGTON. Richard J. Taylor is the man who is dead, but I refer to one of his sons. Did you have any talks with him about this matter?

Mr. SHIELDS. Yes.

Mr. WORTHINGTON. What was the son's name? It is no matter if you do not know it. He is the son of Richard J. Taylor?

Mr. SHIELDS. Yes.

Mr. WORTHINGTON. Was he connected at any time with either of these salt companies?

Mr. SHIELDS. Yes; I believe he was a stockholder.

Mr. WORTHINGTON. In which company?

Mr. SHIELDS. In the Beck Salt Company.

Mr. WORTHINGTON. Did you have any conversation with him in reference to this visit Mr. Smurthwaite had made as representing all those stockholders?

Mr. SHIELDS. In the summer of 1905 a son of Mr. Taylor called on me and asked me on what basis Mr. Smurthwaite had offered a majority of the stock, and I told him.

Mr. WORTHINGTON. You told him what you have told us here, did you?

Mr. SHIELDS. Yes. He said: "That just confirms the impression that I got, which was to the effect that Mr. Smurthwaite was trying to make a scalp on the price that he was offering to you over the price that we authorized him to sell at. The board of directors of the Beck Salt Company authorized us to offer the majority of the stock at \$50 per share." And he offered it to us at \$60 at one time and, I think, \$70 at another time.

Mr. WORTHINGTON. Mr. Smurthwaite was asked about the reduction in the price of salt by your company from \$8 per ton to \$2 per ton, carrying the impression, as I understood, that that was done to ruin the Beck Company. Do you know anything about that, of your own personal knowledge?

Mr. SHIELDS. Yes.

Mr. WORTHINGTON. Tell us all about it, then.

Mr. SHIELDS. I was responsible myself for the reduction in the price of salt. At the time the price was made the Beck Salt Company had not a pound of salt made, and we had reason to believe, from our experience, that they would not be able to make any. There were, however, 40,000 tons of salt on hand, made up ready for sale, belonging to other companies, and it was because if this other salt and with no thought in mind whatever of the Beck Salt Company that we made the reduction.

Mr. WORTHINGTON. What, if anything, did Joseph F. Smith have to do with that reduction?

Mr. SHIELDS. Absolutely nothing.

Mr. WORTHINGTON. What did he know about it until after it was done?

Mr. SHIELDS. We never consulted with him; never told him. I don't know to-day that he knows about it.

Mr. WORTHINGTON. Did you consult with anybody as representing any of the officials of your company before you made that reduction?

Mr. SHIELDS. Just with the secretary of the company.

Mr. WORTHINGTON. Who is he?

Mr. SHIELDS. Mr. Isaac A. Clayton.

Mr. WORTHINGTON. He was not the general manager?

Mr. SHIELDS. No.

Mr. WORTHINGTON. Why did you not consult with the general manager?

Mr. SHIELDS. He was away and sick.

Mr. WORTHINGTON. And was the secretary acting in his place, or were you?

Mr. SHIELDS. I was acting in his place.

Mr. WORTHINGTON. Was this action you took in reducing the price of salt of your company from \$8 to \$2 per ton something that had come up in your mind about that time, or something you had in mind before?

Mr. SHIELDS. I had advocated reducing the price before that, and had Mr. Clayton, the secretary, acquiesced in my views, we would have reduced the price earlier.

Mr. WORTHINGTON. You may cross-examine, Mr. Carlisle.

Mr. CARLISLE. Mr. Joseph F. Smith is the president of the Inland Crystal Salt Company, is he not?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. As president, does he receive a salary?

Mr. SHIELDS. I presume so; I don't know.

Mr. CARLISLE. You presume so?

Mr. SHIELDS. I do not know.

Mr. CARLISLE. You do not know whether he receives a salary or not?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. What are his duties as president?

Mr. SHIELDS. I don't know that.

Mr. CARLISLE. You manage the affairs of that company pretty extensively, do you not?

Mr. SHIELDS. In the manager's absence I act with the secretary.

Mr. CARLISLE. On three or four occasions gentlemen came there to sell stock in other companies, and you acted for this company and declined to buy the stock. Is not that a fact?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. Where did you get your authority as a mere sales agent of salt to accept or decline propositions to sell to that company stock in other companies?

Mr. SHIELDS. It was the policy of the general manager, agreed on in talks with him while he was there.

Mr. CARLISLE. So that you considered that as a mere agent to sell salt for that company you had authority to negotiate about the purchase of stock in other companies? That is your position, is it?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. And you had authority to put down the price of salt from \$8 per ton to \$2 per ton without any action of the board of directors or direction of the president or the general manager?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. And yet you do not know whether Mr. Smith, the president of your company, receives a salary or not?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. You do not know what his duties are as president?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. Do you know whether the Mormon Church holds any stock in that company or not?

Mr. SHIELDS. I understand that it does. I don't know that it does.

Mr. CARLISLE. How much?

Mr. SHIELDS. I don't know.

Mr. CARLISLE. How do you know Mr. Smith is president of the company?

Mr. SHIELDS. It is on our stationery.

Mr. CARLISLE. And, so far as you know, he performs no duties as president whatever?

Mr. SHIELDS. I know he presides at the meetings of the board of directors. I understand he does.

Mr. CARLISLE. You say you "understand." Have you never been present at a meeting?

Mr. SHIELDS. No, sir.

The CHAIRMAN. Do I understand he presides at the meetings of the board of directors?

Mr. SHIELDS. I understand that he does. I don't know that he does.

Mr. CARLISLE. So you seem to have pretty broad authority there. You can negotiate; you can sell the salt made by the company; you can fix the price without any consultation with anybody?

Mr. SHIELDS. No.

Mr. CARLISLE. With whom did you consult?

Mr. SHIELDS. The secretary of the company.

Mr. CARLISLE. He has authority, does he, to fix prices for the company?

Mr. SHIELDS. He was simply carrying out the established policy or the instructions by the general manager.

Mr. CARLISLE. When had he given you those general instructions? You have not spoken of that.

Mr. SHIELDS. At various times, in consultation.

Mr. CARLISLE. He instructed you, then, to put the price of salt down from \$8 per ton to \$2 per ton, did he?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. What did he instruct you?

Mr. SHIELDS. He did not instruct me at all regarding that.

Mr. CARLISLE. That is what I say.

Mr. SHIELDS. Not at that particular time.

Mr. CARLISLE. You and the secretary did that on your own authority?

Mr. SHIELDS. Yes.

Mr. CARLISLE. You have never seen the books of the company to see who draws salary and what amount of salary they receive, have you?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. You do not know anything about that?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. Will you tell the committee as nearly as you can what time it was when Mr. Hughes made the first visit to your office with regard to the sale or proposed sale of the stock in the Beck Salt Company?

Mr. SHIELDS. It was in the summer of 1904.

Mr. CARLISLE. In the summer.

Mr. SHIELDS. Yes.

Mr. CARLISLE. What time in the summer, as nearly as you can tell?

Mr. SHIELDS. I should say July or August.

Mr. CARLISLE. Then, Mr. Smurthwaite came afterwards?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. Mr. Smurthwaite says in his testimony, on page 241—I understood you to say Mr. Smurthwaite, according to your understanding of it at the time, was one of a committee who came there?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. Mr. Smurthwaite spoke of a visit to your office. Then Mr. Worthington asked him this question:

“Mr. WORTHINGTON. About how many months or weeks, would you say, after your interview with President Smith?

“Mr. SMURTHWAITE. Four or five months.

“Mr. WORTHINGTON. What was the object of your visit to the office of the Inland Crystal Salt Company?

“Mr. SMURTHWAITE. What has been denominated in Utah the outside salt interests had had a meeting, stated to have been called at

the instance of an official of the Inland Crystal Salt Company, to consider what proposition we could make jointly to the Inland Crystal Salt Company to sell out all the outside salt interests to the Inland Salt Company, and I was appointed one of the committee to wait upon this official, who was stated to have initiated the movement. I was one of the committee representing our company in connection with Mr. P. C. Kippel, also a director of the Beck Salt Company."

That is a correct statement, is it not? Did he not come there with Mr. Kettle?

Mr. SHIELDS. Yes, sir.

Mr. CARLISLE. And did they not represent themselves as a committee?

Mr. SHIELDS. Yes.

Mr. CARLISLE. This first visit, then, of Mr. Hughes with a proposition to sell was made in July or August, you think, and subsequently Mr. Smurthwaite, as he testifies, went there as a member of a committee to try to sell some stock.

Mr. SHIELDS. Yes.

Mr. CARLISLE. Is the bookkeeper of your concern here?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. There is nobody here from the company but yourself?

Mr. SHIELDS. No, sir.

Mr. CARLISLE. There is no one here who can state what salary Mr. Smith receives or what his duties are?

Mr. SHIELDS. No, sir.

Senator DUBOIS. Where do you live, Mr. Shields?

Mr. SHIELDS. Salt Lake.

Senator DUBOIS. How long have you lived there?

Mr. SHIELDS. Since 1890; nearly sixteen years.

Senator DUBOIS. Has that been your residence all the time?

Mr. SHIELDS. Yes.

Senator DUBOIS. I had the impression that you lived up in Pocatello, or in that neighborhood.

Mr. SHIELDS. No; I made that my headquarters in traveling, Senator, but I always lived in Salt Lake. I traveled for a Salt Lake house. I made Pocatello my headquarters for a number of years.

Senator DUBOIS. Are you a member of the American party?

Mr. SHIELDS. No, sir.

Senator DUBOIS. Whom is the American party composed of, Mormons or Gentiles?

Mr. SHIELDS. Gentiles, I presume, very largely. There may be some Mormons. I don't know.

Senator DUBOIS. Generally speaking, are they organized to combat the power of the Mormon Church in just such matters as this—in the political and commercial control of affairs?

Mr. SHIELDS. Yes; I think that is the general impression of the reason for their being.

Senator DUBOIS. Have you seen any signs justifying the organization of such a party as that, in the political domination of the Mormons in politics and commercial pursuits?

Mr. SHIELDS. No; I don't think so.

Senator DUBOIS. You think all of these Americans, then, who have

left their party and joined the American party are proceeding under a misapprehension of the facts?

Mr. SHIELDS. Well, I do think the formation and continuance of that party tends to keep up the strife that is going on there.

Senator DUBOIS. They carried the last city election, did they not?

Mr. SHIELDS. Yes.

Mr. CARLISLE. Your opinion, then, is, as you have expressed it to the Senator, that if nobody opposed the Mormon Church down there there would be peace; there would be no strife there at all. That is your opinion, as I understand it.

Mr. SHIELDS. There would be less, certainly, than there is.

Mr. CARLISLE. If there was nobody to oppose anything the hierarchy or officials of the church did there would be no strife down there, or at least very little?

Mr. SHIELDS. Yes.

The CHAIRMAN. What is your answer to that—that there would not be any?

Mr. SHIELDS. There would be very much less, surely.

Mr. WORTHINGTON. If I understand, there is no reason, so far as you know, for organizing a party to fight the Mormon Church on account of its interference in business or politics?

Mr. SHIELDS. As I stated to Senator Dubois, I think the formation of the American party and its action in politics certainly keeps up the strife and aggravates it.

TESTIMONY OF JAMES H. LINFORD.

JAMES H. LINFORD, being duly sworn, was examined and testified as follows:

Mr. WORTHINGTON. Mr. Linford, give your full name.

Mr. LINFORD. James H. Linford.

Mr. WORTHINGTON. Your age.

Mr. LINFORD. I am 42.

Mr. WORTHINGTON. Your residence.

Mr. LINFORD. Logan, Utah.

Mr. WORTHINGTON. What is your business or profession?

Mr. LINFORD. I am now president of the Brigham Young College.

Mr. WORTHINGTON. You are, then, I take it, a member of the Mormon Church, so called?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. And have been how long?

Mr. LINFORD. I was born in the church. My parents were members of the church.

Mr. WORTHINGTON. Will you pardon me if, under the circumstances here, I ask you if you are a polygamist?

Mr. LINFORD. I am not.

Mr. WORTHINGTON. Or ever have been?

Mr. LINFORD. Never.

Mr. WORTHINGTON. Do you know Mr. Wolfe, who held a position in the college?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. And who is here present, I believe?

Mr. LINFORD. Yes, sir; the gentleman is here.

Mr. WORTHINGTON. When did he first become connected with the institution of which you are president?

Mr. LINFORD. Mr. Wolfe was engaged in the early summer of 1904 at the college by cable to England, and took up active duties in September of the same year.

Mr. WORTHINGTON. September, 1904?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Have you given the name of the institution?

Mr. LINFORD. Brigham Young College.

Mr. WORTHINGTON. You are president of it?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. That is situated at Logan?

Mr. LINFORD. At Logan.

Mr. WORTHINGTON. Which is about how many miles from Provo?

Mr. LINFORD. From Provo?

Mr. WORTHINGTON. Yes.

Mr. LINFORD. About 150 or 160 miles. I don't know the exact distance.

Mr. WORTHINGTON. Mr. Wolfe has given testimony here tending to show that he lost his position by reason of the fact that he did not pay his tithing as a member of the church. Have you any personal knowledge of the circumstances which led up to his separation from the position which he held there?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. I wish you would begin at the beginning and tell us, in the first place, in your own way about that.

Mr. LINFORD. The cause for his resignation?

Mr. WORTHINGTON. Yes.

Mr. LINFORD. Mr. Wolfe acted with us as an able professor in charge of the department of geology and mineralogy from the time he engaged with us until the 15th.

Mr. WORTHINGTON. Until when?

Mr. LINFORD. Until the 15th of January of the present year.

Senator DUBOIS. Mr. Worthington, pardon me a moment. Did he state what ecclesiastical position he holds in the church?

Mr. WORTHINGTON. No; he has not stated that. I am going into that later in connection with another matter I want to ask him about.

Senator DUBOIS. Very well.

Mr. LINFORD. I say during the first year Mr. Wolfe rendered us good service as a teacher. Reports came to me, and I was convinced that during that year he drank some. We are fighting very strongly the invasion of the use of liquor among our young people. That is our aim, and it is a matter of constant vigilance on our part. Reports came to me that Professor Wolfe drank some during that year, the school year of 1904-5, beginning September 19, of 1904, and ending in early June of 1905. However, he was not approached directly as to that. The matter had not become serious. During the summer of 1905 Professor Wolfe drank more frequently than during the previous year, and it became evident to the patrons of our school that he was drinking, and it was called to my attention. I referred the matter to him in a delicate way.

Mr. WORTHINGTON. Tell us the substance of what took place between you and him, please.

Mr. LINFORD. During this summer?

Mr. WORTHINGTON. You said you referred the matter to him in a delicate way. I want to know just what you said.

Mr. LINFORD. In this way: I do not remember the exact wording of it, but we were talking over his work, and said I: "Professor, I am afraid that you have been tampering a little with liquor; doing too much with it." I simply made the suggestion. Said he, in words something to this effect—I don't remember the exact wording—"Well, I have been a little, because of troubles." I can't give you the date, but it was some time during the summer.

Mr. WORTHINGTON. The summer of 1905?

Mr. LINFORD. Of 1905. Our school opened early in September—the 17th or 18th of September. I don't remember the exact date, but it was about that time, and he entered on his work as heretofore, but in my associations with him I found that he had been drinking.

Mr. WORTHINGTON. How did you observe it? You state you found he had been drinking. I would like to know how you found it.

Mr. LINFORD. From the odor that arose from his breath when coming into connection with him. I don't use it myself, and I can tell very definitely. Reports came to me from the outside calling my attention to his actions. I knew in the meantime that certain of his friends had spoken to him about it; but at various times during the fall that matter continued. In the early part of our school year I addressed the school, as is usual, against the use of intoxicants.

Mr. WORTHINGTON. The school year begins in September, I believe.

Mr. LINFORD. In September; yes. I made it very pointed that we could not tolerate the use of liquor, that it was directly opposed to our policy, and especially pointed out the evil effects of the use of that—the dangers that it led up to. I think the professor was present on occasions when that was made very pointed. On one occasion I remember, immediately after our annual reception that we give to the students, Prof. J. C. Jensen, a member of the faculty, and Professor Wolfe and I were standing in the door of my office when attention was called to a certain student who had been drinking the day before, or two days before. I don't recall the exact time of this, but it was within a day or two after the reception, which was held on the 24th or thereabouts.

I there, addressing these two members of the faculty, stated that the matter would have to be looked into; that we could not tolerate the use of liquor in the college among our students—in the college, I put it. Professor Wolfe was present on the occasion, and said, "No, it will not do," or words to that effect. It indicated to me that he knew my policy definitely, and also was in sympathy with that thought. Matters went on about this way until the holiday times. Professor Wolfe was a member of the faculty. I had respect for him. He had been a teacher for a number of years, and apparently was attending to his duties as a member of the faculty, and I was earnestly hoping that that reference would be sufficient, rather than coming right out as I would to a young man—a student—and telling him that he must quit.

That was not my method. The former method was the method I pursued in the matter. During the holiday recess, which occurred just before Christmas until the 8th of January or thereabouts, Professor Wolfe used liquor to such an extent that parties spoke to me

about it. I was familiar with that more or less, and I had decided before the opening of school on the 8th of January—that was Monday, as I remember—to call Professor Wolfe in and talk to him about it and point out that it would be absolutely necessary for him to discontinue the use; that we could not allow it on the part of a faculty member because it would give greater license to the young men of the institution. A condition that made it imperative that I should have that understanding was this, that our students had organized as a student organization to look after the students, to look after their use of liquor and tobacco, and to discipline members who used these things—that is, under the control of the faculty.

It would have been very humiliating had the student organization come to me with the report that one of our professors was using whisky or liquors, thereby—well, the point is this: He would bring us rather into disrepute. So I decided upon that method of meeting the professor. On the 4th, as I recall, Bishop Cardon, of the First Ward of Logan, called me by telephone and told me he wanted to speak with me. I repaired the same day to his office, to his business house—really, it is a business house—and he there referred to the habits of Professor Wolfe, his habits of drinking, and he referred to some other habits, but especially the habit of drinking, and called my attention to the fact that we could hardly allow a thing of that kind to continue. Before I left he stated that Professor Wolfe was not a tithe payer this year, and related to me the fact that he had been called up.

On the 5th of January, Friday, I called up Professor Wolfe and made an appointment with him at my home, and on that occasion I called his attention to the matter of drinking in something like these words: "Professor Wolfe, I shall have to approach you on a matter that, so far as I am personally concerned, may be none of my business, but so far as my position as president of the institution is concerned, it is decidedly my business." Professor Wolfe said, "Yes; I appreciate that," and anticipated what I was going to refer to. That was the question of drinking. I told the professor that that was the point, and that the conditions that existed were unfortunate; that it would be necessary for him, if he retained his position in the college, to discontinue the use of liquor, and that he must quit associating with those who were using tobacco, because it would not do for him to come repeatedly before his classes, as he had done in the past, with clothes reeking with tobacco fumes and his breath revealing the use of intoxicant liquors.

The members of his class had noticed it and referred the matter to me. Said he: "Well, I know it, and, President Linford, I shall discontinue the use of liquor while I am in the Brigham Young College. I want you to understand that you will not have occasion to refer this matter to me again while I am in the employ of the college." Further he stated that he was willing to ask for forgiveness of the school for what he had done in this respect. I told him that just now I should not make that requirement of him. I did not think it wise. In fact, I should reserve a decision in that matter until later.

After that had occurred, after we had reached an understanding regarding the liquor question, Professor Wolfe said, "Have you seen Bishop Cardon?" Said I, "Yes." Said he, "Then you know my

attitude; you know my position," or words to that effect. Said I, "Yes. I am sorry, but," said I, "Professor, I want you to understand that that was not the reason for my calling you in the office on this occasion. I hadn't any-idea of calling you up for those matters."

The CHAIRMAN. You mean for refusal to pay tithes?

Mr. LINFORD. Yes, sir. That is what I referred to, and also a statement that he had no longer faith in the Mormon Church. After we had spoken of that just a few minutes together, said I, "I should like to know, Professor, the reasons for your change;" and we entered into a friendly discussion of the question, of the belief in revealed religion. I told him the reason I discussed it with him was not to affect his position, but simply as a matter of personal desire to know the reasons for the change that had occurred. We discussed the matter pro and con in a friendly way, and he said that if there was a revealed religion, said he, "I believe the Latter-Day Saints have that. However, I have no belief in a revealed religion." That was the substance of it. Well, he left my home. School opened on Monday. During the week I watched carefully, and to the best of my knowledge, toward the latter part of the week Professor Wolfe was beginning again to indulge in liquors—not to the excess that he did before, but from evidence that I could gain.

Mr. WORTHINGTON. What was the evidence?

Mr. LINFORD. The condition of the breath, and at times the general appearance that gives an indication of that. On Sunday morning at 10 o'clock we assembled for a college Sunday school. Professor Wolfe did not appear at his Sunday-school class that morning. I wondered why he was not present. It led me to inquire, and through inquiry I learned that Professor Wolfe was drinking. The report came to me that he was drunk. I did not see him myself, but that was the report. I kept close note of him. On Monday morning he came to the class with his breath heavily loaded with liquor. His actions were rather unsteady, and I knew, as positively as I know anything, that he had been drinking—as positively as I would know without having seen him drink.

I called him out of the class and had a conversation with him. I called his attention to the matter somewhat in these words: "Professor, matters seem to be getting very serious." Professor Wolfe said: "Yes, sir; they are serious." Said I: "Faculty members, patrons, are criticising us very severely for allowing you to continue. Now," said I, "you have broken your promise to me, promises that you made on January 5. You were drinking yesterday." "Yes, sir." "You are now more or less under the influence of liquor." "Yes, sir." Said I: "I can't see why, now, you should not offer your resignation." I don't remember the exact words, but I gave him to understand that in view of these broken pledges it would be wise for him to offer his resignation; that we should be glad to settle up with him in full and take his resignation at once. "All right," said Professor Wolfe, "I will offer it and we will settle up." Said I: "Now, Professor, I want you to understand that I have tried to treat you with consideration in all my work here, all my relations with you." He said: "Yes; I appreciate that." Said he, "I want to tell you, Brother Linford, that if I were placed in a similar condition and in similar circumstances I should now be called upon to act in the same way."

Mr. WORTHINGTON. He said that?

Mr. LINFORD. He said that; yes, sir. There were present Professor Bullen, who is secretary and treasurer of the board of trustees and also a member of the faculty, and Professor Vernon, the senior member of the faculty. He was not the senior member then, but he was the senior acting member, the senior member being ill. A settlement was had with Professor Wolfe, and he did not come back to the institution.

Mr. WORTHINGTON. Perhaps that covers it, but I will ask you the general question: What was the reason he was requested to resign?

Mr. LINFORD. The use of intoxicating liquors.

Mr. WORTHINGTON. Was there any other cause that contributed to it in any degree?

Mr. LINFORD. No, sir.

Mr. WORTHINGTON. In a conversation with him you say you both assumed that something had taken place between him and Bishop Cardon in reference to tithing, and, if I understood you, also in reference to his loss of faith. Just what did you know before that conversation about what had taken place between him and Bishop Cardon in reference to those matters?

Mr. LINFORD. The first thing that I knew of any conversation that had taken place between Bishop Cardon and Professor Wolfe was the report of the matter from the Bishop to me directly when I called on him at his place of business.

Mr. WORTHINGTON. I wish you would tell us a little more particularly what it was the Bishop told you had taken place between him and Mr. Wolfe, which Mr. Wolfe referred to when he said he supposed you knew about it.

Mr. LINFORD. As nearly as I can tell, the Bishop referred to it in this way: Said he: "On the 1st," I believe he said the 1st, "I called up Professor Wolfe and stated he had not settled his tithing, and wished he would call." I want to say that is the general policy. All tithing payers—that is, all who have been tithe payers in the past—who have not settled their tithing by that time are called up. That is, it was nothing unusual in Professor Wolfe's case.

The CHAIRMAN. I did not understand who you said called him up?

Mr. LINFORD. Bishop Cardon called me up, Senator.

The CHAIRMAN. Called you up?

Mr. LINFORD. Called me up on the telephone.

The CHAIRMAN. And made the inquiry of you?

Mr. LINFORD. Pardon me. Probably you have reference to the calling of Professor Wolfe, the first time?

The CHAIRMAN. There was something about the tithing, and I did not get the first part of it.

Mr. LINFORD. The point was this, Senator, that Bishop Cardon called up Professor Wolfe upon the 1st, as I remember the date, and stated to him that he had not yet settled his tithing, and asked him to call on him.

The CHAIRMAN. Were you present when he called up Mr. Wolfe?

Mr. LINFORD. No, sir. This is the report that has been made to me by Bishop Cardon.

The CHAIRMAN. When was that?

Mr. LINFORD. That was on the 1st, that the telephone message passed, and, as I remember, it was on the 2d that Professor Wolfe

called on the Bishop and stated there to the Bishop—that is, as the report comes to me from the bishop—

The CHAIRMAN. You were not present?

Mr. LINFORD. I was not present at the time. The bishop asked him if he was going to settle his tithing. Then Professor Wolfe announced to him that he no longer believed in the principles, that he would not pay tithing, and the Bishop said, "Well, that is all right. It is a matter for you, Professor Wolfe," and then called his attention to the results that would follow if he did not pay tithing. "You can not hope to continue your fellowship in the church and to continue your services at the college," etc., and went into a friendly conversation with him about the subject. The professor told him, according to the report to me, that he had paid his tithing in the past merely to hold his job. That was the report that came to me from the bishop.

The CHAIRMAN. Pardon me, Mr. Worthington; I want to understand the dates.

Mr. WORTHINGTON. Certainly, Senator.

The CHAIRMAN. This was on the 2d of January?

Mr. LINFORD. Yes; this conversation between Professor Wolfe and Bishop Cardon, so far as I know. That is the best of my recollection.

The CHAIRMAN. And how long after that was it you called on him to resign?

Mr. LINFORD. The time that I called for his resignation was on the 15th.

The CHAIRMAN. I wanted to get the dates. That is all.

Mr. LINFORD. Yes, sir; on the 15th.

Mr. WORTHINGTON. Did the bishop tell you that in the interview he had had with Mr. Wolfe anything had been said about Mr. Wolfe losing faith in the principles of the church? You said something about that.

Mr. LINFORD. Yes.

Mr. WORTHINGTON. Aside from tithing?

Mr. LINFORD. As I remember, the bishop referred to the fact that he did not have any faith in the church; that he would be likely called on to testify at Washington, and would be compelled to say things that would make him not feel comfortable, or something to that effect, to return to Utah.

Mr. WORTHINGTON. Did he speak then about the probability of his coming before this committee?

Mr. LINFORD. To the bishop; yes, sir.

Mr. WORTHINGTON. Had he said anything to you on that subject before?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. When?

Mr. LINFORD. I am not sure of the date; some time in the latter part of November or the first of December. I could not recall the date, but it was somewhere along there.

Mr. WORTHINGTON. What had Professor Wolfe said to you then about the probability of his coming here?

Mr. LINFORD. That he had been wanted at the investigation before, and that he would more than likely be called upon this time to come

to Washington, and he said to me on that occasion that he had already packed up.

Mr. WORTHINGTON. Already packed up?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Did he explain what he meant by packing up?

Mr. LINFORD. I judged his baggage.

Mr. WORTHINGTON. To come here, or had packed up to leave for good?

Mr. LINFORD. His books, I supposed. I judged it to be that—generally a preparation to move, I took it.

Mr. WORTHINGTON. About this matter of tithe paying. Is it in reference to people employed there in the college of which you are president; that people who do not pay tithes can not stay there—that is, members of the church?

Mr. LINFORD. We have never yet dismissed a person for nontithe paying.

Mr. WORTHINGTON. Do you have any who do not pay tithes?

Mr. LINFORD. We have one, to my knowledge, who is not a tithe payer, and we have two at work in the faculty who are not Mormons.

Mr. WORTHINGTON. Of course they do not pay tithes. In reference to the suggestion that Senator Dubois made, do you now hold any position of any kind in the church as a church officer?

Mr. LINFORD. I am superintendent of the Sunday school that convenes each Sunday morning in the college assembly hall.

Mr. WORTHINGTON. How long have you been the superintendent of that Sunday school?

Mr. LINFORD. For five years, at least. We organized the Sunday school, as I remember, the first or second year I was there. It is a little over five years.

Mr. WORTHINGTON. Do you hold any other position in the church? Are you an elder, a bishop, a counsellor, or anything of that sort?

Mr. LINFORD. I am a seventy. I hold a priesthood of the seventy.

Mr. WORTHINGTON. How long have you held that position?

Mr. LINFORD. Since 1887 or 1888, somewhere along there. I don't remember the exact date.

Mr. WORTHINGTON. Do you hold, or have you held, any other position in the church or in affiliated church organizations?

Mr. LINFORD. I acted for a number of years as first assistant superintendent of the Sunday schools of the Cache stake, which is a part of Cache County, in northern Utah.

Mr. WORTHINGTON. Have you become acquainted with what goes on in the Sunday schools generally throughout the State?

Mr. LINFORD. Thoroughly. I have been a Sunday school goer ever since I was able to read. I have attended Sunday school and acted as teacher in Sunday schools and secretary of a Sunday school.

Mr. WORTHINGTON. Do you have there a primary class or classes in the Sunday schools?

Mr. LINFORD. We have a number of divisions. We have the kindergarten, primary, first intermediate, second intermediate, and theological divisions in our Sunday school.

Mr. WORTHINGTON. Will you look at this hymn book, which is entitled "The Primary Song Book," and tell me if you recognize that as a book in use in the Sunday schools?

Mr. LINFORD. No; this is not a book in use in the Sunday schools.

It is in use in another organization in the church, called the primary associations.

Mr. WORTHINGTON. What is the primary association?

Mr. LINFORD. It is an organization that meets weekly, having especially in mind the religious training of young children.

Mr. WORTHINGTON. How young? What are the ages of those who attend?

Mr. LINFORD. There is no exact limit, but from about 4 years up to 10, 12, 13, or 14. It depends upon the inclinations of the young people. There is no compulsion as to attendance.

Mr. WORTHINGTON. I see this book bears the date on the title page of Salt Lake City, Utah, 1905. Is this something new, or has this been in use before?

Mr. LINFORD. I don't know whether that is the first edition or not. I know I have seen it at my home, from the fact that my wife is in charge of a primary association, and she uses the book practicing children who come there, and I know it to be used frequently from my association there.

Mr. WORTHINGTON. Do you know whether this is a new edition, gotten up recently, or whether the contents of it are the same that have been used before?

Mr. LINFORD. Many of those songs are familiar songs to me. I have heard them time and time again.

Mr. WORTHINGTON. I find in this book, for instance, a hymn that is known as "America," more or less familiar to some of us, which begins "My country, 'tis of thee, sweet land of liberty." Do you know whether that has been in the book before the edition of 1905?

Mr. CARLISLE. He has said, as I understand, that he does not know whether that is the first edition or not.

Mr. WORTHINGTON. Oh, no.

Mr. LINFORD. Permit me just a statement. That hymn "America" is found in the Sunday school hymn book. I think you have a Sunday school hymn book there. That hymn is published there and is used all the way through. If this should not be an old edition, it is used frequently in the church.

Mr. WORTHINGTON. As a matter of fact, do you know whether that hymn "America" has been used in these primary classes and in the Sunday schools during the time of your connection with that?

Mr. LINFORD. I know absolutely that it is a very-frequently-sung hymn in our Sunday schools. It is one of the most familiar songs we sing.

Mr. WORTHINGTON. And has been how many years?

Mr. LINFORD. Ever since I used to go to school as a boy myself. We used to sing it in the public schools, and we have been singing it in the Sunday schools a long, long time. It has been used in our Sunday schools and very frequently in our ward meetings. I don't know a hymn that is sung more frequently than that.

Mr. WORTHINGTON. How long has it been sung as often as any other hymn?

Mr. LINFORD. My remembrance goes back to my district school period, which was in 1884. I think that was when I last attended public schools. I know it to have been sung then.

Mr. WORTHINGTON. The next song in the hymn book, I find, is one called "Hail Columbia," which begins "Hail Columbia, happy land," etc.

Mr. LINFORD. That is frequently used in our Sunday schools; not so frequently as the other, however.

Mr. WORTHINGTON. It has been for years frequently used in your Sunday schools?

Mr. LINFORD. Yes, sir; it has frequently been used in our Sunday schools, especially at Fourth of July times.

Mr. WORTHINGTON. The next one, I find, is "Red, White, and Blue"—"Oh, Columbia, the gem of the ocean," etc. What do you say about that?

Mr. LINFORD. That is sung, but how frequently I couldn't say. I have heard it time and again in our public assemblies and also in Sunday school.

Mr. WORTHINGTON. The next one in this book is entitled "The Star-Spangled Banner"—"Oh, say, can you see by the dawn's early light," etc. What do you say about that as a song sung by your people?

Mr. LINFORD. I would say regarding that the same as I said about the last one.

Mr. WORTHINGTON. How long have you been singing that song in that Sunday school?

Mr. LINFORD. I can't say. I don't remember the time. I am too busy to keep track of those.

Mr. WORTHINGTON. You can not remember the time when they did not sing it?

Mr. LINFORD. No; I can't keep track of those items.

Mr. WORTHINGTON. There is one here called "Yankee Doodle." This edition begins, "Father and I went down to camp, along with Cap'n Goodwin, and there we saw the men and boys as thick as hasty pudding."

Mr. LINFORD. I never heard that sung in the Sunday school.

Mr. WORTHINGTON. It is in the book, though.

Mr. CARLISLE. Put in what you want, Mr. Worthington.

Mr. WORTHINGTON. I would like to have those put in, so that we will know what they are.

Mr. CARLISLE. That is a new version of Yankee Doodle, and I think we ought to have it in.

The hymns referred to are as follows:

AMERICA.

- (1) My country 'tis of thee,
Sweet land of liberty,
Of thee I sing;
Land where my fathers died,
Land of the pilgrim's pride,
From ev'ry mountain side
Let freedom ring.
- (2) My native country thee,
Land of the noble free,
Thy name I love;
I love thy rocks and rills,
Thy woods and templed hills;
My heart with rapture thrills
Like that above.

- (3) Let music swell the breeze,
 And ring from all the trees
 Sweet freedom's song;
 Let mortal tongues awake,
 Let all that breathe partake,
 Let rocks their silence break,
 The sound prolong.
- (4) Our father's God, to thee,
 Author of liberty,
 To thee we sing;
 Long may our land be bright
 With freedom's holy light;
 Protect us by thy might,
 Great God, our King.

HAIL COLUMBIA.

- (1) Hail Columbia, happy land!
 Hail, ye heroes, heav'n-born band!
 Who fought and bled in freedom's cause,
 Who fought and bled in freedom's cause,
 And when the storm of war had gone
 Enjoyed the peace your valor won.
 Let independence be our boast,
 Ever mindful what it cost;
 Ever grateful for the prize,
 Let its altar reach the skies.

Chorus:

- Firm, united, let us be,
 Rallying 'round our liberty,
 As a band of brothers joined,
 Peace and safety we shall find.
- (2) Immortal patriots, rise once more,
 Defend your rights, defend your shore!
 Let no rude foe, with impious hand,
 Let no rude foe, with impious hand,
 Invade the shrine where sacred lies
 Of toil and blood, the well-earn'd prize.
 While off'ring peace, sincere and just,
 In heav'n we place a manly trust,
 That truth and justice will prevail,
 And ev'ry scheme of bondage fail.
- (3) Behold the chief who now commands,
 Once more to serve his country stands
 The rock on which the storm will beat,
 The rock on which the storm will beat,
 But armed with virtue, firm and true,
 His hopes are fixed on heav'n and you.
 When hope was sinking in dismay,
 When gloom obscur'd Columbia's day,
 His steady mind, from changes free,
 Resolv'd on death or liberty.

RED, WHITE, AND BLUE.

- (1) Oh, Columbia, the gem of the ocean,
 The home of the brave and the free,
 The shrine of each patriot's devotion,
 A world offers homage to thee;
 Thy mandates make heroes assemble,
 When liberty's form stands in view;
 Thy banners make tyranny tremble,
 When borne by the red, white, and blue,
 When borne by the red, white, and blue,
 When borne by the red, white, and blue,
 Thy banners make tyranny tremble,
 When borne by the red, white, and blue.
- (2) When war wing'd its wide desolation,
 And threaten'd the land to deform,
 The ark then of freedom's foundation,
 Columbia rode safe thro' the storm:
 With the garlands of victory around her,
 When so proudly she bore her brave crew,
 With her flag proudly floating before her,
 The boast of the red, white, and blue,
 The boast of the red, white, and blue,
 The boast of the red, white, and blue,
 With her flag floating proudly before her,
 The boast of the red, white, and blue.
- (3) The Star-Spangled Banner bring hither,
 O'er Columbia's true sons let it wave;
 May the wreaths they have won never wither,
 Nor its stars cease to shine on the brave;
 May the service united ne'er sever,
 But hold to their colors so true;
 The Army and Navy forever,
 Three cheers for the red, white, and blue,
 Three cheers for the red, white, and blue,
 Three cheers for the red, white, and blue,
 The Army and Navy forever,
 Three cheers for the red, white, and blue.

THE STAR-SPANGLED BANNER.

- (1) Oh, say, can you see, by the dawn's early light,
 What so proudly we hailed at the twilight's last gleaming,
 Whose stripes and bright stars, thro' the perilous fight,
 O'er the ramparts we watch'd, were so gallantly streaming?
 And the rocket's red glare, the bombs bursting in air,
 And gave proof thro' the night that our flag was still there.

Chorus:

Oh, say, does that Star-Spangled Banner yet wave?
 'Tis the Star-Spangled Banner; oh long may it wave,
 And the Star-Spangled Banner in triumph shall wave,
 O'er the land of the free and the home of the brave.

- (2) On the shore 'dimly seen thro' the mists of the deep,
 Where the foe's haughty host in dread silence reposes,
 What is that which the breeze, o'er the towering steep,
 As it fitfully blows, half conceals, half discloses?
 Now it catches the gleam of the morning's first beam,
 In full glory reflected, now shines on the stream.
- (3) And where is that band who so vauntingly swore,
 That the havoc of war and the battle's confusion,
 A home and a country should leave us no more?
 Their blood has washed out their foul footsteps' pollution.
 No refuge could save the hireling and slave
 From the terror of flight or the gloom of the grave.
- (4) Oh, thus be it ever when freemen shall stand
 Between their loved home and wild war's desolation;
 Blest with vict'ry and peace may the Heav'n rescued land
 Praise the pow'r that hath made and preserv'd us a nation.
 Then conquer we must, when our cause it is just,
 And this be our motto: "In God is our trust!"

YANKEE DOODLE.

- (1) Father and I went down to camp,
 Along with Cap'n Goodwin,
 And there we saw the men and boys
 As thick as hasty pudding.

Chorus:

Yankee Doodle, keep it up,
 Yankee Doodle dandy,
 Mind the music and the step,
 And with the girls be handy.

- (2) And there we saw a thousand men,
 As rich as 'Squire David;
 And what they wasted ev'ry day,
 I wish it could be saved.
- (3) And there was Gen'ral Washington,
 Upon a snow-white charger,
 He looked as big as all out doors;
 Some tho't he was much larger.
- (4) And there they had a copper gun
 Big as a log of maple;
 They tied it to a wooden cart,
 A load for father's cattle.
- (5) And every time they shoot it off
 It takes a horn of powder,
 And makes a noise like father's gun,
 Only a nation louder.

- (6) And there I saw a little keg,
All bound round with leather,
They beat it with two little sticks,
To call the men together.
- (7) But I can't tell you half I saw,
They kept up such a smother;
I took my hat off, made a bow,
And scampered home to mother.

Mr. WORTHINGTON. Then there is one here called "For Decoration Day." Do you remember whether that has been in prior editions?

Mr. LINFORD. I don't remember having heard that song.

Mr. WORTHINGTON. It is published here in this edition.

Mr. LINFORD. It is in that edition. I know they use that. I am not connected with the special organization that uses that particular song book. I know of the others.

Mr. WORTHINGTON. You know this is at present one of the established books used by your primary associations?

Mr. LINFORD. Yes, sir; I know that to be the case.

Mr. WORTHINGTON. This one reads:

FOR DECORATION DAY.

Let little hands bring blossoms sweet
To brave men lying low;
Let little hearts to soldiers brave
Their love and honor show:
We'll love the flag they lov'd so well,
The dear old banner bright;
We'll love the land for which they fell,
With soul and strength and might.

You referred a moment ago to a hymn book which you say is in use in the Sunday schools.

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Is this the book? [Handing witness a book.]

Mr. LINFORD. Yes; this is what they call the hymn book. They have a book that accompanies this, set to music. Those are the words.

Mr. WORTHINGTON. This, I see, is published in 1903. Is this simply a new edition of an old book or is it a new book?

Mr. LINFORD. It is a new edition of an old book.

Mr. WORTHINGTON. How long has it been in use in substantially this form?

Mr. LINFORD. I remember that book for eight or ten years at least; possibly before that time. As I remember, it was frequently used before my coming to Logan, in Sunday schools there. I couldn't say the date of the first edition, but at least ten years.

Mr. WORTHINGTON. I find in this book, on page 191, hymn No. 153, entitled "America," and it refers to "Song Book, page 184." What does that mean?

Mr. LINFORD. That refers to the book accompanying that; the more expensive book, that has the music in it.

Mr. WORTHINGTON. This is also the hymn known as "My Country, 'tis of Thee."

Mr. LINFORD. The reason that is published, Mr. Worthington, is that the other is the more expensive book, and this book is put in the hands of each member of the Sunday school as far as possible; sold for a small amount.

Mr. WORTHINGTON. I have here another hymn book, entitled on the title page "Sacred Hymns and Spiritual Songs of the Church of Jesus Christ of Latter Day Saints, twenty-fourth edition. Salt Lake City, Utah: The Deseret News Company, printers and publishers, 1905." Is that a hymn book that is in use? If so, where?

Mr. LINFORD. In any church that I ever visited.

Mr. WORTHINGTON. Is that a new book or is it simply a new edition of an old book?

Mr. LINFORD. A new edition of an old book.

Mr. WORTHINGTON. With the same contents?

Mr. LINFORD. And I remember the book as long as I remember going to meeting.

Mr. WORTHINGTON. Let us see what that has in the way of disloyal productions.

Mr. CARLISLE. If you want to, Mr. Worthington, you can examine it hereafter and put in anything you want.

Mr. WORTHINGTON. I have it now. On page 455 of this book, which, you say, has been in use in the Sunday schools as far back as you remember—

Mr. LINFORD. In the general congregation.

Mr. WORTHINGTON. The general church congregation?

Mr. LINFORD. Yes; the church meetings.

Mr. WORTHINGTON. On page 455 is hymn No. 382, America. On page 456 is hymn No. 383, the Star Spangled Banner. I think you have told us what is done in the Sunday schools. Is this hymn frequently sung by the congregations?

Mr. LINFORD. I have heard it in congregations; yes, sir.

Mr. WORTHINGTON. And the Star Spangled Banner?

Mr. LINFORD. I don't remember a specific case where I heard that.

Mr. WORTHINGTON. By the way, there was one hymn in there that was offered in evidence from one of those books that I want to ask you about. I want to call your attention particularly to the hymn which is on page 64 of volume 4 of the testimony in this case. You have seen it, I think.

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. I think I showed it to you yesterday.

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. The one beginning, "Up awake, ye defenders of Zion."

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. How often have you heard that sung in the schools, the church, or the Sunday schools?

Mr. LINFORD. I have not heard that sung for a number of years. I can't give the exact date when I did hear it last; but ten or twelve years ago it must have been since I heard that song.

Mr. WORTHINGTON. Now, another subject I want to ask you about a moment. How many pupils have you in the college of which you are president?

The CHAIRMAN. Let me ask you a question right there, so I may understand it. Is that hymn still retained in the compilation?

Mr. LINFORD. Yes, sir; it is in the book. What is your question again, Mr. Worthington?

Mr. WORTHINGTON. How many pupils have you in the college of which you are president?

Mr. LINFORD. Last year we had 825. We have that many more this year, I suppose, in all departments.

Mr. WORTHINGTON. You have been the president for how long did you say?

Mr. LINFORD. Since 1900.

Mr. WORTHINGTON. And during that time has the number of pupils averaged about what you have at present?

Mr. LINFORD. No; the school has been growing. It would average during the whole time, I should say, 600 or more.

Mr. WORTHINGTON. What is the proportion of girls and boys?

Mr. LINFORD. Usually the boys slightly predominate over the girls.

Mr. WORTHINGTON. Nearly half of them have been girls?

Mr. LINFORD. Nearly half of them have been girls; yes, sir.

Mr. WORTHINGTON. Running between what ages?

Mr. LINFORD. From 14 up to 21, 22, and 23. We have a young lady now, who must be 28 or 30, from Arizona.

Senator DUBOIS. One moment. I understood him to say there were 800 last year and twice that many this year. Did I misunderstand?

Mr. WORTHINGTON. He says there are now about 825, and during the time he has been president they have run from 600 up to that; that they have been gradually increasing, and nearly half of them are girls; not quite half. During these six years you have been at the head of the institution, having all of these girls under your charge, how many have you known or heard any rumor that any one of them had ever become a plural wife?

Mr. LINFORD. I have not heard of it; no, sir.

Mr. WORTHINGTON. You knew, of course, Apostle Merrill, who has been referred to in these proceedings?

Mr. LINFORD. I was personally acquainted with him.

Mr. WORTHINGTON. I want to put on the record by somebody the fact that he is dead.

Mr. LINFORD. Yes, sir. I attended his funeral.

Mr. WORTHINGTON. How long ago did he die?

Mr. LINFORD. A month, probably, or a little over.

Mr. WORTHINGTON. Did you know George Q. Cannon?

Mr. LINFORD. Yes, sir; not personally. I knew him by reputation.

Mr. WORTHINGTON. You know he is dead, I presume?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. He died several years ago?

Mr. LINFORD. Yes, sir. I attended his funeral.

Mr. WORTHINGTON. There is one hymn I omitted to refer to in the primary song book. That is the Battle Hymn of the Republic, No. 49—"Mine eyes have seen the glory of the coming of the Lord," etc. Have you heard that song or hymn sung?

Mr. LINFORD. I don't recall hearing it.

The hymn referred to is as follows:

BATTLE HYMN OF THE REPUBLIC.

- (1) Mine eyes have seen the glory of the coming of the Lord;
He is trampling out the vintage where the grapes of wrath are
stored;
He hath loosed the fateful lightning of His terrible, swift sword;
His truth is marching on.

Chorus:

Glory, glory, hallelujah,
Glory, glory, hallelujah,
Glory, glory, hallelujah,
His truth is marching on.

- (2) I have read a fiery gospel writ in burnished rows of steel:
"As ye deal with my contemners, so with you my grace shall
deal;"
Let the hero born of woman crush the serpent with his heel,
Since God is marching on.
- (3) He has sounded forth the trumpet that shall never call retreat;
He is sifting out the hearts of men before His judgment seat;
Oh, be swift, my soul, to answer Him; be jubilant, my feet;
Our God is marching on.
- (4) In the beauties of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me;
As He died to make men holy, let us die to make men free,
While God is marching on.

Mr. WORTHINGTON. Do you know whether that hymn has been in the book prior to this edition?

Mr. LINFORD. So long as I have known the book—I don't know whether it is that edition or a previous edition—I have seen the hymn there. We have the book at home.

Mr. WORTHINGTON. You may cross-examine.

Mr. CARLISLE. I have here in my hands the "Sacred Hymns and Spiritual Songs of the Church of Jesus Christ of Latter Day Saints. Twenty-fourth edition." Published in 1905.

Mr. WORTHINGTON. Is that the book I produced?

Mr. CARLISLE. Yes; the same book you produced. I understood you to say you have heard these hymns sung ever since you can remember?

Mr. LINFORD. Yes; numbers of them. There are songs there I never heard, and others I am familiar with.

Mr. CARLISLE. Do you know whether this is simply a reprint of an old edition, or whether it contains additions and alterations?

Mr. LINFORD. I believe with new editions it is the custom to add.

Mr. CARLISLE. I will read you some of the additions. This is from the preface:

"These are all choice poems and compositions, among them being several favorite funeral hymns, such as 'I Need Thee Every Hour,' 'Shall We Meet Beyond the River,' etc., and two standard patriotic songs, 'America' and 'The Star-Spangled Banner.' That these additions may prove acceptable to the public, and that the book may continue its cheering and consoling mission indefinitely, is the desire of the publishers."

So this is the first time that these two patriotic songs have appeared in your hymns; that is, in 1895, since this investigation began?

Mr. LINFORD. But, Mr. Secretary——

Mr. CARLISLE. Is not that a fact?

Mr. LINFORD. I would say so from that. May I add just one thing?

Mr. CARLISLE. Certainly; make any explanation you think proper.

Mr. LINFORD. Usually the thing which designates which songs shall go in is the custom of singing them first. That song had been sung in congregation, and that frequently leads us. We sing numbers of songs that are not in the hymn book, and that is one of them.

Mr. CARLISLE. How do they procure them? Do they know them by heart, as the saying is, or do they have to have them published in some way?

Mr. LINFORD. We have had it in our primary, one or the other at least. "America" has been in our Sunday-school book.

Mr. CARLISLE. That primary book is dated in 1905, and you say you do not know whether that is the first edition or some old edition republished?

Mr. LINFORD. But pardon me just a statement there. It is also found in the Sunday-school book—that one [indicating].

Mr. CARLISLE. This Sunday-school book is printed in 1903, and in the preface it is stated:

"This edition of 30,000 copies, added to the 75,000 copies already published, makes a total of 105,000 copies issued in less than seven years. This issue is marked by the addition to the preceding one of three new pieces."

Without designating what pieces they are. Do you know what pieces there are added to this book?

Mr. LINFORD. I don't know; but I do know that America was in the old edition of the book.

Mr. CARLISLE. Can you not produce an old edition of the book and not rely upon memory alone?

Mr. LINFORD. I have not one with me.

Mr. CARLISLE. Why not bring one? You have said also that these songs were sung in the public schools in Utah since you can remember. Is it not a fact there were no public schools in Utah until 1890?

Mr. LINFORD. I attended a public school in the light of a free school. Probably there were no free schools until that time.

Mr. CARLISLE. That is what we mean by public schools—free schools. Other schools are not public schools; they are subscription schools, are they not, where people pay for the tuition of their children?

Mr. LINFORD. That was under a board of trustees elected by the people, however.

Mr. CARLISLE. By what people?

Mr. LINFORD. By the members of a district called a school district.

Mr. CARLISLE. Everybody, or only the members of the Mormon Church?

Mr. LINFORD. Everybody.

Mr. CARLISLE. Prior to 1890?

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. Under what law; do you know?

Mr. LINFORD. I don't recall the law; but in 1889, as I remember, I was elected as a member of a board of trustees.

Mr. CARLISLE. Was not that the beginning of it? Were you not elected to take office in 1890?

Mr. LINFORD. This law was in force before that.

Mr. CARLISLE. But you had to elect trustees before. That is not so very material anyway. You have stated, in answer to the general question put by Mr. Worthington, that you are not a polygamist.

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. What do you mean by that?

Mr. LINFORD. My general meaning is, I suppose, having more wives than one.

Mr. CARLISLE. You use that word, then, according to its general meaning?

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. That is to say, you have never taken a plural wife?

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. You do not mean to say you do not believe in the practice of polygamy or plural wives, do you?

Mr. LINFORD. I have not made that statement, as I recall.

Mr. CARLISLE. Do you or do you not believe in the principle of plural marriage—that is to say, I do not ask you now to state whether you believe in it as lawful or not under the present circumstances; but do you or do you not believe it is right in and of itself?

Mr. LINFORD. Is it necessary that I should answer the question?

The CHAIRMAN. Yes.

Mr. CARLISLE. Yes. You said you are not a polygamist.

Mr. WORTHINGTON. I understand the committee has ruled that is competent. We have objected to it over and over again on the ground that you have no right to inquire into the operations of a man's mind as to what his beliefs are, but only what he does.

The CHAIRMAN. I presume the witness has no objection to answering the question.

Mr. WORTHINGTON. He does object, as I understand.

The CHAIRMAN. The witness may answer.

Mr. WORTHINGTON. I would like to state the objection again and put it on the record. I object that it is not competent for the committee to inquire of any man as to merely what his beliefs are unless it is intended to be followed by showing that he has in some way undertaken to carry what he believes into effect.

Mr. CARLISLE. If the question were open to argument, the answer to that in this particular case would be that the witness has answered the question in response to counsel for the sitting member of the Senate that he is not a polygamist, and I want to know what he means by that.

Mr. WORTHINGTON. He said he meant by that that he had never taken a plural wife.

The CHAIRMAN. One of the charges by the Protestants is that this church teaches, believes in, and practices polygamy.

Mr. WORTHINGTON. I do not object to anybody believing it. I object to practicing it.

The CHAIRMAN. This witness is the head of the Brigham Young College. He is asked what his belief is on that question. I think the question is a proper one. Repeat the question, Mr. Reporter.

The reporter read as follows:

"Q. Do you or do you not believe in the principle of plural marriage? That is to say, I do not ask you now to state whether you believe in it as lawful or not under the present circumstances; but do you or do you not believe it is right in and of itself?"

Mr. LINFORD. My belief in the principle does not extend to the carrying of the principle into practice under present conditions.

The CHAIRMAN. That is not an answer.

Mr. CARLISLE. That is not an answer to my question.

Mr. LINFORD. But so far as the principle, from a sociological point of view or religious point of view is concerned, I believe it would solve many of the difficulties of the present.

Mr. CARLISLE. That is not an answer to my question yet. My question is, Do you believe that principle is right in and of itself, without regard to any law or any questions it would solve?

Mr. LINFORD. Yes, sir; I do. I believe it is a correct principle.

Mr. CARLISLE. Now, Mr. Linford, you have said that you received a telephone message from Bishop Cardon on a certain day.

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. Stating that he wanted to see you or have a talk with you, whereupon on the next day you went.

Mr. LINFORD. I went to see him on the day——

Mr. CARLISLE. On the same day?

Mr. LINFORD. On the same day of the call; yes, sir.

Mr. CARLISLE. And you stated what occurred between you, in substance at least.

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. Was not Bishop Cardon's place of business the tithing office of the Mormon Church in that stake?

Mr. LINFORD. No, sir; his place of business was an office in a knitting factory. He used, in common with others, the so-called "tithing office" that you refer to.

Mr. CARLISLE. Where did you see him?

Mr. LINFORD. I saw him in his knitting factory.

Mr. CARLISLE. And on that day he told you that Mr. Wolfe had refused to pay tithes?

Mr. LINFORD. Yes, sir; among other things.

Mr. CARLISLE. And he had never called you up or approached you in any way with regard to the case of Mr. Wolfe before that time, according to your testimony here, had he?

Mr. LINFORD. That is the only thing I have testified to. We had discussed the matter before.

Mr. CARLISLE. Had he ever called you up and made a special appointment with you to talk about the case of Professor Wolfe except that day after Professor Wolfe had refused to pay tithes?

Mr. LINFORD. No, sir.

Mr. CARLISLE. That is the first time? Then you had the conversation, which we will not go over, because it is not necessary to consume time. You then called upon Professor Wolfe?

Mr. LINFORD. I called on the professor.

Mr. CARLISLE. And had a very serious talk with him?

Mr. LINFORD. I had.

Mr. CARLISLE. And you said to him when you began that you considered it your duty to approach him on a certain subject? That is what your testimony is?

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. And he said he knew what it was?

Mr. LINFORD. Yes, sir—well, pardon me. Professor Wolfe said he knew what it was, yes; in reference to the question of liquor.

Mr. CARLISLE. Yes; I was not going over that question. He seemed to know what you wanted to talk to him about?

Mr. LINFORD. Yes.

Mr. CARLISLE. You say the habits of Professor Wolfe had been frequently talked about before?

Mr. LINFORD. They had been spoken of; yes, sir.

Mr. CARLISLE. But he had never been told before this, had he, that he must cease this habit or he must quit that college?

Mr. LINFORD. Not in those words, but as I indicated in my testimony, I had approached him on the question in a way that would be satisfactory to most men who would hold a position as a professor in a college.

Mr. CARLISLE. If you considered it satisfactory, why did you approach him again on that same subject after you had learned he had not paid his tithes?

Mr. LINFORD. Because that method did not seem to bring the desired results.

Mr. CARLISLE. The second one did not bring the desired results either.

Mr. LINFORD. But it left him without any excuse. That was my object, Mr. Secretary. It left him without any excuse.

Mr. CARLISLE. Would you have gone to see Professor Wolfe and had this talk with him if you had not had this talk with Bishop Cardon on the day before?

Mr. LINFORD. As I stated, I made up my mind before ever talking with Bishop Cardon to interview Professor Wolfe.

Mr. CARLISLE. You had made up your mind to interview him and tell him he should quit drinking or leave the college?

Mr. LINFORD. I had given him to understand that.

Mr. CARLISLE. That is all in your testimony here?

Mr. LINFORD. Yes, sir; that is in the testimony.

Mr. CARLISLE. You say you were fighting the liquor business?

Mr. LINFORD. That is our motto; yes, sir.

Mr. CARLISLE. I will ask you now whether the Zion Cooperative Mercantile Institution is not engaged in the sale of liquor in Logan by wholesale and retail?

Mr. LINFORD. We have not such an institution.

Mr. CARLISLE. In Salt Lake, I mean. I said Logan.

Mr. LINFORD. They have a drug store. I never bought any liquor at the store. I know only through hearsay that they do.

Mr. CARLISLE. Is it not a fact that the Smoot drug store, at Provo, in Utah, is engaged in the business of selling liquor at wholesale and retail?

Mr. LINFORD. I have heard of the drug store, but, as I say, I never purchased any liquor, and I don't know, only by hearsay, that that is the case.

Mr. CARLISLE. Only by hearsay?

Mr. LINFORD. That is usually said of drug stores.

Mr. CARLISLE. Is it not a fact that there are only eight saloons in Logan, so far as you know?

Mr. LINFORD. It is a subject with which I am not very familiar. As I remember, there are five saloons. I wouldn't give that as authoritative—five saloons and a number of drug stores that sell liquor.

Mr. CARLISLE. Is it not a fact that every one of them is owned and conducted by Mormons?

Mr. LINFORD. Not so far as I know. That has not been my business, to enter into it. At least, I do know that the manager of the Riter Brothers Drug Company—two of them, including the manager—are not Mormons. Whether there are others, I am not prepared to say.

Mr. CARLISLE. How do you know that one is not a Mormon, when you do not know about any of the others?

Mr. LINFORD. In one case the gentleman has told me so himself, and in the other case—

Mr. CARLISLE. Are not Riter brothers Mormons?

Mr. LINFORD. The two of them are not.

Mr. CARLISLE. How many of them are there engaged in that business?

Mr. LINFORD. I know of three. I don't know whether Mr. W. W. Riter is engaged in that business or not. I have no means of knowing from their books, but I do know that Mr. Samuel Riter and Mr. Ben Riter are connected with it. Mr. Ben Riter is the manager.

Mr. CARLISLE. Did you hear president and apostle F. H. Lyman preach a sermon very recently at Logan on this question of the liquor business?

Mr. LINFORD. I heard him preach one sermon. He preached two, and I was not in attendance at one of them.

Mr. CARLISLE. Did you hear him preach a sermon in which he said that all of the eight saloons in that town of Logan were supported by Mormons and not by the Gentiles?

Mr. LINFORD. I am not sure of those words.

Mr. CARLISLE. In substance?

Mr. LINFORD. In substance I heard him speak of that. He made the statement, however—whether in connection with this sentence or in some other connection—that all of these saloons probably could not run on the support of the one party.

Mr. WORTHINGTON. What do you mean by one party?

Mr. LINFORD. One group of people.

Mr. CARLISLE. You have spoken about the teachers and others connected with your educational institution, and said that one of them at least did not pay tithes and was still retained as a teacher.

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. Do you know Zina Y. Card?

Mr. LINFORD. Yes, sir.

Mr. CARLISLE. Is she a teacher in your institution?

Mr. LINFORD. She is a librarian, and teaches one class.

Mr. CARLISLE. I will ask you if she is not the plural wife of C. O. Card?

Mr. LINFORD. It is so reputed.

Mr. CARLISLE. How long has she been a teacher there?

Mr. LINFORD. This is her second year, as I remember.

Mr. CARLISLE. How long have you known she was a plural wife of Mr. Card?

Mr. LINFORD. It was hearsay when I first came to Brigham Young College.

Mr. CARLISLE. You have taken no steps to have her deprived of her position as teacher, have you?

Mr. LINFORD. She resigns at the close of the present school year.

Mr. CARLISLE. That is not answering my question. Did you take any steps to have her put out of the college as a teacher?

Mr. LINFORD. No, sir.

Mr. CARLISLE. That is all.

Senator DUBOIS. How many teachers are there in this academy?

Mr. LINFORD. Of those who are doing regular work and special work and those who are spending full time—some spend only part of their time—we have about 45 or 46.

Mr. CARLISLE. Just let me ask this question on that same point, Senator: Do you know Bertha Wilkin?

Mr. LINFORD. Yes; I am acquainted with her.

Mr. CARLISLE. She was a teacher in your school, was she not?

Mr. LINFORD. No, sir.

Mr. CARLISLE. She has been?

Mr. LINFORD. Not in my administration.

Mr. CARLISLE. Not during your administration?

Mr. LINFORD. No, sir. She was a teacher there in 1890, as I remember.

Mr. CARLISLE. Do you know whether or not she was a plural wife?

Mr. LINFORD. I don't know.

Senator DUBOIS. How many of these 45 or 46 teachers did you say are Gentiles? Two?

Mr. LINFORD. Yes, sir; two that don't claim any special membership in the church.

Senator DUBOIS. And there is one who does not pay tithing?

Mr. LINFORD. Yes, sir.

Senator DUBOIS. Are you that one?

Mr. LINFORD. No, sir.

Senator DUBOIS. Why does not this teacher pay tithing?

Mr. LINFORD. I am not familiar with his needs. It may be a question of means. The principle is not obligatory on one. It is a free-will offering.

Senator DUBOIS. There is 1 out of 43?

Mr. LINFORD. There may be others, but I am not posted, Senator.

Senator DUBOIS. What religious denomination do these two Gentiles belong to?

Mr. LINFORD. I don't know that they belong to any. I never questioned it.

Senator DUBOIS. You do not question anybody's religion out there except the Mormons—to know if he is a Mormon? A Presbyterian or a Baptist does not enter into the equation at all?

Mr. LINFORD. So far as our school is concerned we are a denominational school, and our aim is to place there good Mormons or Latter Day Saints.

Senator DUBOIS. As a matter of fact, it does not enter into any of the business relations of life what church a man belongs to except the Mormon, does it?

Mr. LINFORD. I would not answer the question in that way, if you will pardon me, Senator.

Senator DUBOIS. You have stated they sing some of these patriotic songs on the Fourth of July. Do you have much of a Fourth of July celebration at Logan?

Mr. LINFORD. They are among the best days. I remember them as a boy.

Senator DUBOIS. How does it compare with the 24th of July?

Mr. LINFORD. Very frequently we have no 24th and we have a Fourth. They alternate, and we are as much interested in the Fourth—in fact, it is a gala day for the boys and the older people.

Senator DUBOIS. Is not that an exception at Logan? Do they celebrate the Fourth of July with as much pomp and ceremony and enthusiasm all over Utah as they do the 24th of July?

Mr. LINFORD. Putting them into comparison, I hardly know. The Fourth of July is celebrated, I know, with a great deal of enjoyment and sincerity, and also the 24th, as the opening day of our State. I should say it compares very favorably with such celebrations elsewhere, to my knowledge. That would be my judgment in the matter.

Senator DUBOIS. How many wives did Apostle Merrill leave when he died?

Mr. LINFORD. That I don't know. It was reputed to be five. All I know is hearsay in the matter.

Senator DUBOIS. Was it reputed that he took one of them since the manifesto?

Mr. LINFORD. I never heard of it. It is hearsay. I have no personal knowledge of that.

Mr. WORTHINGTON. About this matter of tithing—is there any custom at any particular time of the year of reminding those who have paid tithing or are to pay it that it is due?

Mr. LINFORD. They close their books with the end of the year.

Mr. WORTHINGTON. The calendar year?

Mr. LINFORD. The calendar year; yes, sir. The so-called settlement of tithing is simply this: A man pays his tithing at different intervals during the year. He may pay it in January or in February or in March, but before the close of the year it is asked that every person shall come in and see whether he has been given credit for all the tithing he has paid. That is the question.

Mr. WORTHINGTON. In these remarks of Apostle Lyman about the selling of liquor at Logan, in what connection did he speak of it? Was he encouraging it or discouraging it, or what?

Mr. LINFORD. Discouraging it, certainly. He took a very strong stand against the use of liquor.

Mr. WORTHINGTON. Since we are going into the saloons at Logan, one of them is kept by a man named De Witt, is it not?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Is he not a non-Mormon?

Mr. LINFORD. Yes, sir; I am quite sure of that.

Mr. WORTHINGTON. He has two saloons, has he not?

Mr. LINFORD. I think so, now; yes. As I remember, the papers reported that he had.

Mr. WORTHINGTON. And another one kept by a man named J. Edwards?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Do you know whether he is a Mormon or not?

Mr. LINFORD. He is not a Mormon.

Mr. WORTHINGTON. Do you know another, kept by a man named Glazier?

Mr. LINFORD. He is not a Mormon.

Mr. WORTHINGTON. Then there is one which is known as the "Bishop City drug store." Is not that a corporation?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Mr. Bishop is the manager?

Mr. LINFORD. Yes, sir.

Mr. WORTHINGTON. Is he a Mormon or a non-Mormon?

Mr. LINFORD. Non-Mormon. I know that, because he stated it to me himself. He has done it on more than one occasion.

Mr. WORTHINGTON. Then there is one called "Riter Brothers' drug store." That is a corporation, is it not?

Mr. LINFORD. That is a corporation; yes, sir.

Mr. WORTHINGTON. Who is the manager of that?

Mr. LINFORD. Ben Riter.

Mr. WORTHINGTON. Is he a Mormon or non-Mormon?

Mr. LINFORD. Non-Mormon.

Mr. WORTHINGTON. Then there is one kept by Mr. Napper. Do you know him?

Mr. LINFORD. Yes, sir; I am acquainted with him.

Mr. WORTHINGTON. Do you know whether he is a Mormon or not?

Mr. LINFORD. He makes no pretensions to that, that I know of.

Mr. WORTHINGTON. We have gone over seven, and we have not found a Mormon who is running one of them.

Mr. LINFORD. That is the condition.

The CHAIRMAN. Naturally, the Brigham Young College being a sectarian school, you say you employ good Mormons?

Mr. LINFORD. We try to employ good teachers, well-equipped men, and at the same time good Latter-Day Saints.

The CHAIRMAN. With an adherence to that faith?

Mr. LINFORD. Yes, sir; that is our aim.

The CHAIRMAN. Naturally.

Mr. LINFORD. Yes, sir.

The CHAIRMAN. And, as you say, you employ good Mormons. Does this woman of whom you speak, who is a plural wife, come in that class?

Mr. LINFORD. A good Mormon?

The CHAIRMAN. Yes.

Mr. LINFORD. She is reputed to be a Latter-Day Saint. She attends her meetings, so far as I know.

The CHAIRMAN. Do you class her as a good Mormon?

Mr. LINFORD. Yes, sir; she was one of the old-time polygamists.

The CHAIRMAN. The question is whether you class her as a good Mormon.

Mr. LINFORD. She is one of the good Latter-Day Saints, I should suppose.

Mr. WORTHINGTON. About how long has she been married to Card?

Mr. LINFORD. That I couldn't say. Her youngest boy is at least 13 or 14 years of age.

Mr. WORTHINGTON. Do you know whether she was married before or after the manifesto?

Mr. LINFORD. Oh, before the manifesto.

The CHAIRMAN. Has she had children since the manifesto?

Mr. LINFORD. None that I know of.

The CHAIRMAN. The manifesto was in 1890, and this is 1906.

Mr. LINFORD. I could not tell you this boy's age.

The CHAIRMAN. You do not say his age is 14?

Mr. LINFORD. I can't tell you. It is along there somewhere. He is a good, mature boy.

The CHAIRMAN. He is not a man grown?

Mr. LINFORD. Not a man grown.

The CHAIRMAN. He was evidently born in recent years.

Mr. LINFORD. Yes; he is not an ancient.

Mr. CARLISLE. I do not think we have quite enough music in here yet. I want to put in another hymn.

Mr. WORTHINGTON. Suppose you sing that one?

Mr. CARLISLE. No. I want to call attention to the one entitled "Brigham Young; Ode to his Memory." No. 42 of this collection. It begins: "Shout forth his name till the hills and the mountains catch and reecho it joyful and loud."

The hymn referred to is as follows:

BRIGHAM YOUNG.

- (1) Shout forth his name till the hills and the mountains
 Catch and reecho it joyful and loud,
 Passing it on by the pine-circled fountains,
 O'er snow-clad summits above to the clouds;
 Breathe it with love to the vales in their splendor,
 Say how from deserts he made them appear,
 Brigham, the founder, the leader, the prophet,
 Praise to his memory we hold ever dear.

Refrain:

Brigham, the founder, the leader, the prophet,
 Praise to his mem'ry we hold ever dear.

- (2) Fields ever verdant and orchards fruit laden,
 Smiling o'er erstwhile a desolate land,
 Speak of his wisdom, the thrift of his people,
 Guided and led by his fond parent hand.
 Monuments built to his mem'ry may perish,
 E'en tho' protected by love for his fame,
 But thro' all ages his race will still cherish
 Among their heroes his ever-great name.

- (3) Sing it, ye people; this day let it nestle
 Lovingly, glowingly, on ev'ry tongue;
 Music and art join together extolling
 One name revered--our beloved Brigham Young.
 Spread o'er his sacred dust flowers of beauty,
 That in his footprints have bounteously sprung;
 Glory to God for his son and his servant,
 Leader and prophet, our own Brigham Young.

The CHAIRMAN. If it will be agreeable to counsel at this point, the committee will take a recess until 2 o'clock this afternoon.

The committee, at 12.20 o'clock p. m., took a recess until 2 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The CHAIRMAN. You may proceed, Mr. Worthington. Who is your next witness?

Mr. WORTHINGTON. Mr. Chairman, you remember we had an arrangement about some affidavits. There were three affidavits which I submitted to the chairman and which I believe have been shown to Mr. Carlisle.

The CHAIRMAN. I remember.

Mr. WORTHINGTON. I want to offer those in evidence now.

The CHAIRMAN. Have you any objection, Mr. Carlisle?

Mr. CARLISLE. No, sir. I looked at them. I suppose they are just what the witnesses would testify to.

The CHAIRMAN. Do you care to read them?

Mr. WORTHINGTON. No; I think not. They are the affidavits of Charles E. Napper, Joseph Newbold, and Rose Homer. They are all simply to the point that some of Mr. Wolfe's debts had been paid by the Rev. N. E. Clemenson, in Salt Lake City, after he had decided to come here.

The CHAIRMAN. They may go in.

The affidavits referred to are as follows:

STATE OF UTAH, *County of Cache, ss:*

On this the 23d day of February, 1906, personally appeared before me Charles E. Napper, who, after being first duly sworn, deposes and says upon his oath that he was in the store of his father, Cy. E. Napper, at the time Rev. N. E. Clemenson came in and paid the account that Prof. W. M. Wolfe was owing to the said Cy. E. Napper, and that he heard the said Rev. N. E. Clemenson say that he had received letter from the said Prof. W. M. Wolfe in which he had instructed him to go and settle all his indebtedness to the different firms in Logan City.

CHAS. E. NAPPER.

Subscribed and sworn to before me this the 23d day of February, 1906.

[SEAL.]

H. A. PEDERSEN, *Notary Public.*

My commission expires November 2, 1909.

STATE OF UTAH, *County of Cache, ss:*

On this the 23d day of February, 1906, personally appeared before me Joseph Newbold, who, after first being duly sworn, deposes and says, upon his oath, that when Rev. N. E. Clemenson came to his store and paid the account that Prof. W. M. Woolf was owing him he stated that he had received a letter from the said W. M. Woolf in which he had instructed him to go and settle the bills that he was owing to the different firms in Logan City.

JOS. NEWBOLD.

Subscribed and sworn to before me this 23d day of February, 1906.

[SEAL.]

H. A. PEDERSEN,
Notary Public.

My commission expires November 2, 1909.

STATE OF UTAH, *County of Cache, ss:*

Rose Homer, being first duly sworn, on her oath deposes and says that she is of lawful age, a resident of Logan, Utah, and that she is, and has been for the past three years, head of the department of domestic science of the Brigham Young College, Logan, Utah. Affiant also says that Walter M. Wolfe was, at the time of his leaving Logan, in January, 1906, indebted to the said department in the sum of \$1.75 for three regular dinners during the month of December, 1905, at 25 cents each, and one Christmas dinner, at \$1, served on the 20th day of December, 1905. Affiant further says that the said Wolfe left Logan without paying the said department the said amount. And affiant further says that on the 25th day of January, 1906, the Rev. N. E. Clemenson, pastor of the Presbyterian Church, Logan, Utah, called at the said department of the said college and paid the said Wolfe's account, in return for which affiant says she gave the said Clemenson department receipt No. 1197 for \$1 for one Christmas dinner, and department receipt No. 1234 for 75 cents for three regular dinners.

ROSE HOMER.

Subscribed and sworn to before me this 23d day of February, A. D. 1906.

[SEAL.]

HERSCHEL BULLEN, Jr.,
Notary Public.

My commission expires April 28, 1909.

STATE OF UTAH,
County of Cache, ss:

Joseph Newbold, being first duly sworn, on his oath deposes and says that he is of lawful age, a resident of Logan, Utah, and engaged in the clothing business. Affiant also says that Walter M. Wolfe was, at the time of his leaving Logan in January, 1906, indebted to him (Newbold) in the sum of \$15.50 for gents' furnishings. Affiant further says that the said Wolfe left Logan about the 17th day of January, 1906, without paying the said amount. Affiant further says that on about the 22d day of January, 1906, the Rev. N. E. Clemen-

son, pastor of the Presbyterian Church of Logan, Utah, came to his place of business and inquired as to whether or not the said Wolfe owed him anything, to which affiant replied, "Yes." "How much?" asked Mr. Clemenson, in reply to which affiant answered, "\$15.50; more than I can afford to lose." And affiant further says that on the 25th day of January, 1906, the said Clemenson called again and said he wanted to pay the said Wolfe's account. Affiant further says the Rev. N. E. Clemenson then and there paid the said Wolfe's account in full, in return for which affiant gave him receipt as follows: "January 25, 1906. Received of Mr. N. E. Clemenson, for Walter M. Wolfe, \$15.50, book account in full. Joseph Newbold."

JOS. NEWBOLD.

Subscribed and sworn to before me this 23d day of February, A. D. 1906.

[SEAL.]

LOUIS S. CARDON,
Notary Public.

Mr. WORTHINGTON. I also had some correspondence with you, Mr. Chairman, in respect to the affidavits of one or two other persons. The question is whether we shall offer these or whether we shall bring the witnesses here. One is the affidavit of Edward H. Holt, who is the stenographer who took down verbatim the testimony of Mr. Wolfe before that committee of inquiry about which Mr. Wolfe has testified. You will remember that when Mr. Wolfe was upon the stand I exhibited to him this paper, which was then marked "Exhibit, Wolfe Cross-Examination, No. 1," and asked him if that was an accurate and full account of his testimony. He looked it over and said he thought something was omitted from it that he had said about Mr. Cluff and Florence Reynolds. I now have the affidavit of the stenographer saying that this is a full and accurate copy of the testimony as transcribed by him from his stenographic notes, and that it correctly states all the testimony that was given by the said Walter M. Wolfe before the said subcommittee.

The CHAIRMAN. That is the affidavit attached to the paper?

Mr. WORTHINGTON. The affidavit is attached to the paper. It was exhibited to Mr. Wolfe and marked here by the stenographer of the committee.

Mr. CARLISLE. I have never seen it before.

Mr. WORTHINGTON. I communicated with the chairman about that and one or two other affidavits some time ago, and I understood the chairman was going to send them to Mr. Carlisle.

The CHAIRMAN. I communicated with Mr. Carlisle, but not in that case.

Mr. CARLISLE. This was not sent to me.

Mr. WORTHINGTON. I sent a copy of the originals.

Mr. CARLISLE. To me?

Mr. WORTHINGTON. No; to the chairman. I think that was in my letter.

The CHAIRMAN. The three were the only ones I remember to have had.

Mr. WORTHINGTON. I sent the others in a letter to the chairman, and I understood the chairman would send them to Mr. Carlisle.

Mr. CARLISLE. What I received were the affidavits you have just

offered. That was some time ago, just after I left here the last time.

Mr. WORTHINGTON. Will you not find me that letter, Mr. Chairman?

The CHAIRMAN. I have no recollection of it.

Mr. CARLISLE. I have no objection to that, so far as I can see.

Mr. WORTHINGTON. I sent them up here a week ago, in plenty of time to have them submitted to you, so that we could have had the witnesses subpoenaed in case you objected to them.

Mr. CARLISLE. I have no doubt if the witness were here he would testify to that.

Mr. WORTHINGTON. I understood the chairman was going to send them to you by mail.

The CHAIRMAN. I did send to Mr. Carlisle what you have just offered, but I do not recall having received any others.

Mr. WORTHINGTON. That is curious. I certainly sent them over a week ago.

The CHAIRMAN. I do not remember it.

Mr. CARLISLE. Mr. Chairman, I suppose it will be unnecessary to require the attendance of that witness here and delay the hearing, because I presume, of course, he would testify to the accuracy of the report, and that is all the affidavit states.

The CHAIRMAN. Then it can go in.

The paper referred to is as follows:

W. M. WOLFE, one of the complainants, testified in his own behalf as follows:

Some clauses Brother Cluff and I have talked over, and there are some that I think he justly finds fault with. That use of the word "priestly," and several things that we have amended or stricken out; that is, that I withdrew so far as I am concerned.

"We feel that in the conduct of the expedition, etc." I wish to say that there is no doubt in my mind that President Cluff considered this a mission, and there is no doubt in my mind that he had reason to, and I want to give an instance: President Joseph F. Smith, at Nogales, made a statement that it was "no longer a mission," and at Nogales Brother Fairbanks was set apart as Brother Cluff's second counselor. He was set apart by President Joseph F. Smith, and in setting him apart President Smith said, "I set you apart in this mission, or to this mission." I would like to make that statement.

I still claim that President Cluff used unwarranted ecclesiastical authority. In other words, he took from those of the party who were under him their free agency, and I think he was absolutely arbitrary in his commands. He did not appeal to the reason of the boys or to their confidence, but things came out as a direct command from him.

I spoke to President Joseph F. Smith about this at Nogales. I asked him if it was not customary for the head of any organization in the church to consult with his counselors and, in a case of this kind, consult with the entire party.

The rules he laid down were absolutely arbitrary, and he wanted to make the boys to feel his authority all the time.

I look upon the Sunday travel not as a necessity, but a something that was done simply to show the authority of the president. Whether he had the right to do it or not I am not to say. He said that we trav-

eled to keep to the programme. That being the case, the programme was laid down with an intentional violation of the Sabbath day. The programme could have been made so that we could have rested on Sunday. Of course there were times when it was absolutely necessary to travel on Sunday. I call to mind another instance in Mexico. We had made a hard drive on Saturday, and came to a little creek and a little settlement on Saturday night. The feed was very poor and the water bad. It seemed almost essential that we should travel on Sunday. Well, we started out before breakfast. We climbed a mountain, and then at about 11 o'clock we stopped and had sacrament meeting. We had no water, and could not eat. It was 7.30 that night before we got any food. I regard a case of that kind as an arbitrary use and abuse of authority.

I consider that in one or two instances his conduct toward me was un-Christianlike. I remember just after I was taken sick, there was one night when I was unable to rest. I came along slowly and about 10 o'clock I got off the road, but through calling finally located myself. I had a very hard night of it. The next morning I told him I was unable to travel. He says, "Brother Wolfe, we must go on; you can remain here just as long as you want to." Now, President Cluff would stop if one of the mules was lost, but not when a man was sick. That seemed to me a very hard proposition.

Now, in regard to claiming the authority of an apostle. Some of the brethren say that he made mention of this in public meeting. I don't remember that. I remember one evening Brother Cluff was telling some of the things that Apostle Lyman had said to him. I said, "That gives you the right or authority of an apostle, with the exception of opening up a mission, dedicating a land." He claimed the right to receive revelations, and he said that he was divinely guided in the conduct of the expedition.

At Thatcher when he sent the boys out two by two to preach, that was done with the consent of the stake residency, as I understood it. President Kimball was not there at the time; the matter was left with his counselors and Brother Maeser of the academy. After Brother Cluff had left Thatcher Brother Kimball came back and Apostle Grant was with him. Apostle Grant rather took offense at the fact that the boys were out preaching, and President Kimball certainly did. He said that he did not understand that there were going to be any such actions in the stake; that President Cluff had not represented matters correctly to him, and furthermore President Kimball said that our boys were a burden upon his people. He said this in the tabernacle. There was nothing for us to do there. President Cluff had gone on to Mexico to make arrangements for our going through the custom-house and we had to wait there.

About the 1st of July I received a telegram from President Cluff asking us to go on to Nogales and meet him there on the 14th of July. We went on and met him there. He was there about as soon as we were.

On the 15th of July it was Sunday and we had a memorable meeting. It was during that meeting that President Cluff had the members of the expedition hold up their right hands and swear without mental reservation to obey implicitly whatever he wanted to be done. That to my mind was not necessary or right. The idea of holding up

our hands and swearing to sustain persons in authority. There had been a great deal of murmuring at the delay and now it approached almost an actual rebellion.

Rightly or wrongly Brother Cluff argued here that Brother Beckstead had something to do with this feeling of dissatisfaction. I have many a time seen Brother Cluff, instead of letting Brother Beckstead attend to his own line of work take it right out of his hands before the boys in a way that Brother Beckstead felt humiliated.

On this particular day, the 15th of July, Brother Cluff called me in the morning to talk over the matter of removing Brother Beckstead and putting Brother Tolton in his place. I asked him to consult Brother Beckstead, and I supposed that he had done it. At the afternoon meeting Brother Cluff announced that Brother Beckstead had been removed from the office of chief captain and that Brother Tolton had been put in his place. This hurt Brother Beckstead, and it did tend to belittle him in the eyes of the boys. Brother Beckstead told Brother Cluff at the time, "You can give me my release and send me home if you want to." I know Brother Beckstead spent a great part of the night in tears. He felt very much hurt, and the boys rather sided with him, rightly or wrongly.

Regarding the horses, Brother Cluff appointed a committee, consisting of Beckstead, Neilsen, and Shepherd, to examine the horses at Beaver, and after the decision was made by these three men, who understood the animals, Brother Cluff went around and overruled what they did and rejected horses that he wanted rejected. The boys thought it a strange thing that the work of the committee should be overruled, but not to a great extent. This horse of Brother Pack's was not an accepted horse.

The mule lost by Brother Shepherd was in one sense made good and in another it was not. Through the influence of President Cluff, Brother Flake, a particular friend of Brother Shepherd, let Brother Shepherd have another horse, which he would not have got without this intercession by President Cluff. Technically the mule was not made good by the expedition, yet Shepherd did not lose anything.

Regarding the buckboard purchase, that was made with company funds; the mules were not. I know this, because Brother Kienke told me so. I do not know how Brother Kienke happened to have the handling of the money. Brother Cluff never did counsel with me regarding the matter.

Buckboards of any kind are worth a good sum down there, and there is no reason why Brother Cluff could not reimburse the company, but, as a matter of fact, it was sold at a loss of \$40.

By Mr. HOLBROOK:

Q. You say that Brother Beckstead was humiliated by his treatment?—A. Yes, sir.

Q. Did you feel that he was humiliated?—A. Yes, sir.

Q. At the time that committee was appointed at Beaver did I understand that they were appointed by Brother Cluff?—A. Yes, sir.

Q. Did you have a hand in that?—A. No, sir.

Q. Did Brother Beckstead as a counselor?—A. Not that I know of.

Q. They went through and examined the horses?—A. Yes, sir.

Q. Afterwards President Cluff inspected and threw some of them out that were accepted?—A. Yes, sir.

By Mr. CLUFF:

Q. Which were thrown out, Brother Wolfe?—A. That horse that cost me \$45.

Q. I don't believe that that horse was ever accepted.—A. Yes, sir; that horse was accepted.

By President CLUFF:

Q. In regard to this: "That both in the method of obtaining money and its expenditure he was guilty of dishonesty." Do you withdraw that?—A. Yes, sir; so far as I am concerned.

Q. "In the carrying out of his purposes, neither the wishes nor even the lives of his brethren were considered, his motto being 'The end justifies the means.'" Do you withdraw that?—A. I will withdraw "or even the lives."

Q. "Claiming the authority of the priesthood." Do you withdraw that?—A. Yes; I do.

Mr. WOLFE. There is one thing that is agreed to be thrown out by Brother Beckstead and myself: "The only times we ever met was when Brother Cluff desired to reprimand some members of the party, and we do not know of an instance where a reprimand was justly administered."

Q. "On April 18 the expedition lunched at Santaquin. When the animals were being fed hay Brother D. T. Higgs, jr., threw his pitchfork, etc." Do you throw that out or not?—A. He perhaps deserved it.

Q. The object here is to show that he did not deserve it.—A. I didn't mean to show that.

Q. "But he claimed priestly authority for his action."—A. We have taken out the word "priestly" wherever it occurs, so that it should read: "He claimed authority for his action."

Q. In regard to Brother Pack's horse, do you withdraw that?—A. No; I do not withdraw, but I will testify that the horse was not accepted and that the expedition was under no obligation to replace it. Brother Pack told me when these charges were made out that he thought Brother Cluff ought to have replaced it. I learned from the testimony of the other boys that they did not regard the horse as an accepted horse.

Q. "At Snowflake, Ariz., he sold one wagon, one typewriter, one set of harness, etc., company property, and we do not know what became of the money received by this transaction." Don't you know what became of part of it at least?—A. I think Brother Flake gave you some notes for part of it.

Q. You know that I got notes?—A. Yes; I know that you got some notes for part of it.

Q. Don't you know that the notes were sent to Brother Keeler?—A. I do not; only from your saying so.

Q. You know that I got some supplies there also?—A. Yes, I do.

Q. You testified that in ordering Sunday travel I used arbitrary authority and in laying out the programme it required Sunday travel?—A. Yes, sir.

Q. How many Sundays did you travel before we got to Kanab?—A. Why, we were out only one Sunday, and one Sunday you were not with us.

Q. Wasn't it programmed that we should rest at Panguitch the second Sunday?—A. Yes.

Q. Did not the company rest over that Sunday?—A. Yes.

Q. How many Sundays did we travel not programmed?—A. We were out two Sundays and traveled one.

Q. How far did we travel?—A. About 9 miles.

Q. From Richfield to Elsinore is 6 miles; did you travel that 6 miles?—A. Yes. I admit we traveled 6 miles from Richfield to Elsinore in order to hold meeting at Elsinore.

Q. In our fast meetings did you not bear testimony several times that the expedition was inspired?—A. I have testified and will testify that you were inspired a great many times.

Q. Did you not on one occasion tell the boys that, so far as the expedition was concerned, Brother Cluff has the authority of an apostle?—A. I do not think I ever used the word "apostle," but I have told them that you had all the authority of a president of a mission, and have borne my testimony to that.

Q. Were you not the first one to suggest that I had the authority of an apostle?—A. No; I think you were.

Q. Did you and I not consult relative to sending out these boys as missionaries prior to writing that letter to President Kimball?—A. I don't know.

Q. Didn't we hold a meeting concerning it?—A. Not as a council. Do you mean the whole council of us—the eight?

Q. Yes.—A. At Black River I think we did. At Black River the matter was laid before the entire company and discussed.

Q. In regard to the Sunday fasting, wasn't that laid before the entire party and discussed by the party and voted upon by the party?—A. It was.

Q. It was not established until it received the sanction of the party by vote?—A. No, sir.

Q. Did we not at the removal of Beckstead remove all of the authorities; that is, all of the company authorities, not the ecclesiastical authorities, but all of the captains?—A. I can't tell you without my diary. It has been done.

Q. Do you not remember that along the road every so often we did change, and several times?—A. That is true.

Q. Do you not remember that at Nogales we made the same change?—A. It would not be at all strange if it had been done.

Q. The point has been made that I was arbitrary and had not consulted my counselors. In appointing a committee to look after the horses was not Brother Beckstead appointed chairman of the committee?—A. Yes.

Q. Was he not my counselor?—A. He was.

Q. You brought out the fact that in choosing the boys you were not consulted?—A. No; I did not know anything about it.

Q. Is it not a fact that they were chosen before you were put in counselor?—A. Yes.

Q. Then why bring this point that I did not consult you?—A. Because when we met at Nogales you tried to make me responsible for the money that was paid back.

Q. You and I and the party were made responsible for returning that money?—A. You said Brother Wolfe and I, as though I was responsible for what happened here in Provo.

In regard to the charge that there was no evidence to show that President Cluff had paid a cent into the expedition, Professor Keeler, treasurer, was called as a witness, and submitted the following:

KEELER. I don't know that President Cluff gave me any money, but he wrote and told me that it was from him for the expedition. I received some money from him that was given to him by others, and from him to me. For instance, as on this report (financial statement) Professor Cluff as per list. I think it was the day before he left that he gave me a paper with a list of the names of the persons contributing the amount.

After President Cluff had gone I had sundry amounts sent me by Sister Hattie Cluff, and I believe from Mary Cluff twice. All moneys sent the expedition through me was by draft and went through the regular funds. Whether it was used for the general expenses of the expedition or not, I do not know.

CLUFF. Have you given me credit for \$125 on tithing order sent?—
A. No; I considered that a private matter.

Q. Have you Brother Wolfe credited with \$75?—A. No; I think not.

Q. Where did that order come from?—A. From Brother Dusenberry.

DUSENBERRY. From a letter that Brother Keeler received from President Cluff I drew an order for produce on the bishop's storehouse here and handed it to Brother Keeler. I charged that to Brother Cluff's salary. Brother Bean obtained from Bishop Preston some kind of a transfer order on Mexico or Arizona, I don't know which.

KEELER. As I understand it, I do not know that Brother Wolfe is connected with that transaction.

DUSENBERRY. In charging that to Brother Cluff's salary account, when I learned that Brother Wolfe had an interest in it, I refunded to Sister Cluff \$75, and since Brother Wolfe's return he has refunded that to me as treasurer of the academy.

KEELER. I did not give a receipt for that. That amount was charged up to your account by Brother Dusenberry as treasurer.

HOLBROOK. Were you in the habit of sending the contributions of Sister Cluff to President Cluff as his personal property, or as expedition funds?—A. I simply sent it as treasurer of the expedition. Would deposit the money and then get a draft. I always stated to him where the money came from.

Q. Would that first item be sent to him personally or go to the expedition?—A. That went into the treasury. After he left, these items that I got from Sister Cluff I considered personal matters, and always told Brother Cluff and sent them in separate draft.

WOLFE. There is one time I call to mind particularly at the city of Guatemala. We were out of funds and did not know what to do. We were expecting from the treasury. Brother Cluff received a draft. After that he said to me, "Brother Wolfe, I have nothing but some personal money of my own." From the expedition he had received nothing. I see, however, that you have no account of any money sent to Guatemala. It seems to me that all of these \$15, \$20, and \$30 items are personal and not company.

CLUFF. You were not to receive any money from me at Guatemala. Our agreement was that you should receive \$12 a month direct?—A. Yes.

Q. That ends that whole matter?—A. No; it does not.

HOLBROOK. Do you know whether this money that was handed to you by his family was to go into the general fund, or was it handed to you to be sent to Brother Cluff?

KEELER. It was handed to me to send to Brother Cluff.

Q. His personal property?—A. As personal property. I explained to him always where it came from.

This concludes the evidence of the complainants on the joint charges.

STATE OF UTAH,
County of Utah, ss:

Edward H. Holt, being first duly sworn, deposes and says that he is a resident of Provo, in the county and State of Utah; that he is, and was in the year 1902, a stenographer, and that he reported stenographically all the testimony which was given by Walter M. Wolfe in the case of Walter M. Wolfe and Gordon S. Beckstead against Benjamin Cluff, jr., before Lafayette Holbrook, Wilson H. Dusenberry, and Josiah E. Hickman, a subcommittee. Wilson H. Dusenberry and Lafayette Holbrook were members of the board of directors and Josiah E. Hickman was a member of the faculty of the Brigham Young Academy.

Affiant further says that the foregoing is a full, true, and correct report of said testimony, which was transcribed by this affiant from his stenographic notes, and that it correctly states all the testimony that was given by the said Walter M. Wolfe before said subcommittee.

EDWARD H. HOLT.

Subscribed and sworn to before me this 23d day of February, 1906.

[SEAL.]

JOSEPH T. FARRER,
Notary Public.

Mr. WORTHINGTON. Another of the affidavits, of which I sent you a copy at the same time, Mr. Chairman, was one of B. F. Grant. It is simply on the point of the alleged conversation that Mr. Wolfe testified to, or the remark Mr. Wolfe testified he had heard John Henry Smith use about the manifesto.

The CHAIRMAN. B. F. Grant is one of the witnesses subpoenaed, is he not?

Mr. WORTHINGTON. No; he was not subpoenaed, because I understood it was a question whether we could not use his affidavit simply on that one point—that he was not present and never heard any such conversation.

The CHAIRMAN. I could not take the responsibility with Mr. Grant, because he is a witness we would like to have here.

Mr. WORTHINGTON. It is not Heber J. Grant, Mr. Chairman.

The CHAIRMAN. No; but I believe he was subpoenaed.

Mr. WORTHINGTON. Let me explain about that. We made out our list of witnesses and had Mr. Grant on the list. I had a conversation here, you will remember, with you, when Senator Smoot was with me, about the desirability of reducing the number of witnesses to be brought here as low as possible.

The CHAIRMAN. Yes.

Mr. WORTHINGTON. After that I wrote you a letter and inclosed copies of either three or four affidavits, one of them being this one of Holt, which I have just read, another of Grant—

The CHAIRMAN. Did you send me the three affidavits which have just been introduced?

Mr. WORTHINGTON. Yes; I handed them to you here, but the affidavits I speak of were copies and were sent to you by mail.

The CHAIRMAN. I have never received them that I recall.

Mr. WORTHINGTON. That is extraordinary. They were mailed.

The CHAIRMAN. I sent Secretary Carlisle all the affidavits I received.

Mr. WORTHINGTON. Those were the three that I have introduced.

The CHAIRMAN. I have no recollection of receiving any others.

Mr. WORTHINGTON. I offer this affidavit of Mr. Grant, and if it is objected to and the objection is sustained, we would like to have him subpoenaed still. We can have him subpoenaed by telegraph.

The CHAIRMAN. Yes; he can be subpoenaed by wire.

Mr. CARLISLE. Suppose you offer it and let me take it and look at it, and then to-morrow morning, or later on, I will give you an answer about it. I have never seen it.

Mr. WORTHINGTON. The other one is the affidavit of George S. Taylor in reference to a certain remark he is said to have made to Mr. Wolfe about the Lord being for Mr. Smoot in his candidacy for the Senate. He denies that.

Mr. CARLISLE. I will take them both and look at them.

The CHAIRMAN. They are offered pro forma, and Secretary Carlisle will examine them and let you know in the morning. If we have to have the witnesses, they can be subpoenaed by wire and can get here in two or three days.

Mr. WORTHINGTON. Then here is another matter in the same line that has not been brought to your attention, because some of these things have just come recently. In the list which was put in through the testimony of Mr. Owen at the last session there was given what purported to be a list of the State officers and some other officers of Utah, and they were marked Mormon or non-Mormon, and some of them were marked polygamists. I have received affidavits and letters from quite a number of people who are mentioned there as polygamists saying they are not. They are all affidavits, but among them are the affidavits of two women. One of them is Maud May Babcock, marked here as somebody's plural wife. I have her affidavit and that of her father that that is not true. Also Rebecca E. Little was marked as somebody's plural wife, and we have her affidavit that she is not so. As to all of these except Maud May Babcock, I would like to have their affidavits introduced. As to her I would like to have her brought here that we may see what foundation there was for that charge.

I may say to the chairman that while it is a comparatively unimportant matter in this connection, it is an exceedingly important matter for a lady to have her name printed all over the country and all over Utah, where she is known, as being a plural wife, when as a matter of fact she has not stood in any such relation to anybody. She feels it very deeply and very keenly.

The CHAIRMAN. Let me suggest that you and the attorney on the

other side can agree about that and have the record amended to correspond with the facts agreed to.

Mr. WORTHINGTON. I would much rather have the affidavits introduced, as, if the record were amended, it would not show, what the fact is, that Mr. Owen had charged people with being polygamists who are not such.

The CHAIRMAN. Mr. Carlisle, will you examine those affidavits?

Mr. CARLISLE. Yes, sir; I will; and as was said before the adjournment at the last hearing, if Mr. Owen has made any mistake in this list we are perfectly willing, when it is shown to him, to correct the list. He has discovered one mistake, because he confounded two gentlemen by the name of Hayes. He got the two gentlemen confounded. One of them is a Mormon and one is not. He seems to have got the name of one who is not a Mormon, and there may be others. We will look over these statements, and if any mistake has been made it will be corrected.

The CHAIRMAN. I have here a letter from Mr. Hayes.

Mr. WORTHINGTON. Is he the Internal-Revenue Solicitor here?

Mr. CARLISLE. Yes, sir. Mr. Owen got the two names mixed.

Mr. WORTHINGTON. He is very hazy.

The CHAIRMAN. I will pass that letter over to Mr. Carlisle. You can look those matters up and probably come to an understanding as to what corrections should be made which will be satisfactory.

Mr. WORTHINGTON. Mr. Marks is here, and we would like to have him called.

TESTIMONY OF CHARLES E. MARKS.

CHARLES E. MARKS, being duly sworn, was examined and testified as follows:

Mr. WORTHINGTON. Mr. Marks, will you give the committee your full name?

Mr. MARKS. Charles E. Marks.

Mr. WORTHINGTON. Your age?

Mr. MARKS. Thirty-four.

Mr. WORTHINGTON. Your residence?

Mr. MARKS. Salt Lake City, Utah.

Mr. WORTHINGTON. What is your avocation?

Mr. MARKS. I am an attorney by profession.

Mr. WORTHINGTON. How long have you been living in Salt Lake City?

Mr. MARKS. Since 1893.

Mr. WORTHINGTON. How long have you been an attorney?

Mr. MARKS. About four years.

Mr. WORTHINGTON. Are you a member of the Mormon Church or have you been at any time?

Mr. MARKS. No, sir.

Mr. WORTHINGTON. Are you affiliated or connected with any church?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. What?

Mr. MARKS. The Christian Church.

Mr. WORTHINGTON. Have you held any particular position or had any special duty in reference to your church?

Mr. MARKS. In my own church nothing more than assistant superintendent of the Sunday school.

Mr. WORTHINGTON. You say in your own church. Have you had anything to do with church duties or church positions in any way?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. What?

Mr. MARKS. For some time I have taken quite an active part in the Christian Endeavor work, and at present I am the president of the Utah State Christian Endeavor Union.

Mr. WORTHINGTON. Are you pretty well acquainted in Salt Lake City and County?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. What is the extent of your general acquaintance throughout the State—I do not mean necessarily to know personally, but by reputation, prominent people?

Mr. MARKS. I have quite an extensive acquaintance throughout the State.

Mr. WORTHINGTON. Have you seen the list which was introduced at the last session of this committee, containing what purports to be a list of certain officers of Utah, State and legislature, and so on?

Mr. MARKS. That bears date commencing February 2 of this year?

Mr. WORTHINGTON. Yes; commencing on page 136 of volume 4.

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. Have you given any time to an investigation of that list, using such knowledge as you had and such information as you could obtain, to see whether there were any errors in it?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. By marking people as Mormons who were not Mormons?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. If you have discovered any errors of that kind, I wish you would call attention to them, beginning at the beginning of the list on page 136.

Mr. MARKS. Under the heading "Members of the constitutional convention," I find the following, who are listed as Mormons, to be reputed Gentiles.

The CHAIRMAN. I can not hear what you say.

Mr. MARKS. The following-named persons, who are listed in this list as Mormons, are reputed as Gentiles.

The CHAIRMAN. Reputed as Gentiles?

Mr. MARKS. Yes; general repute.

Mr. WORTHINGTON. I understand that is what Mr. Owen gives—general reputation.

Mr. MARKS. William Buys, J. Alonzo Hyde, Peter Lowe, Aquila Nebeker, and H. T. Shurtliff.

Mr. WORTHINGTON. Before you leave that list—are you personally acquainted with any of those five men?

Mr. MARKS. I am personally acquainted with Mr. Nebeker and Mr. Shurtliff.

Mr. WORTHINGTON. Do you know of your own knowledge whether they are Mormons or non-Mormons, as far as one can know of another man?

Mr. MARKS. Particularly so of Mr. Shurtliff. I am not so well acquainted with Mr. Nebeker.

Mr. WORTHINGTON. Take up next the United States Senators.

Mr. MARKS. United States Senators—Joseph L. Rawlins, who is a Gentile and listed as a Mormon.

Mr. WORTHINGTON. Mr. Chairman, I am informed Mr. Rawlins has sent a telegram to the chairman of the committee stating that was a mistake.

The CHAIRMAN. Yes; that was some time ago. There was some testimony about it, and he sent a telegram. I do not know whether I gave it to the committee or not, but he did send such a dispatch. I think it is conceded he is not a Mormon.

Mr. WORTHINGTON. He is down on this list as a Mormon, all the same.

Mr. MARKS. In the list of State officers, on page 138—

The CHAIRMAN. How about the Congressmen?

Mr. MARKS. I have no corrections in that.

Mr. WORTHINGTON. I notice that one of them, Mr. Roberts, is put down there as a Congressman. He never was a Congressman.

The CHAIRMAN. Well, he tried to be.

Mr. WORTHINGTON. He did not get there.

The CHAIRMAN. Now the State officers.

Mr. MARKS. On page 138, under the heading "State officers," I have no change in the list, so far as it is given, but the name of Emma J. McVicker, who was superintendent of public construction for a time, is omitted. She is a Gentile.

Senator DUBOIS. Would that be the fourth name?

Mr. MARKS. It should follow the name of John R. Park.

Mr. WORTHINGTON. How long was she the superintendent?

Mr. MARKS. I don't know the exact time. She served from the time of her appointment, shortly after his death, until the next superintendent was elected and qualified.

Mr. CARLISLE. We concede she is a Gentile.

The CHAIRMAN. There is no change in the list under "governor," "secretary of state," "auditor," "treasurer," and "attorney-general?"

Mr. MARKS. No, sir.

Mr. WORTHINGTON. What about James Chipman?

Mr. MARKS. James Chipman is reputed to be a Gentile.

Mr. WORTHINGTON. James Chipman is first on the list of "treasurers."

Mr. MARKS. That is all the State officers. Of the district judges, there is but one listed as a Mormon who is a Gentile. That is J. A. Howell.

The CHAIRMAN. He is marked here as a Mormon, and he is a Gentile?

Mr. MARKS. Yes, sir. Of the district attorneys, on page 139—

Mr. WORTHINGTON. There is Mr. Hayes there. It is conceded he is a Gentile.

Mr. MARKS. Mr. Hayes, A. C. Hatch, D. D. Houtz, F. E. Wood, and Mr. Wood's name occurs again in the same list. They are listed as Mormons in this list and are reputed to be Gentiles. In connection with that, I will add that the name of Benner X. Smith, who is a Gentile, has been omitted from the list.

Mr. WORTHINGTON. The list of district attorneys?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. When did he serve?

Mr. MARKS. He served after the death of D. C. Eichnor.

Mr. WORTHINGTON. In 1904.

Mr. CARLISLE. We admit he is a Gentile.

Mr. MARKS. Under the list of "Representatives first legislature, 1906"——

The CHAIRMAN. How about the senators?

Mr. MARKS. I have no change to suggest.

Mr. WORTHINGTON. They are about evenly divided as they stand.

Mr. MARKS. The following, who are listed as Mormons, are reputed to be Gentiles:

Aquila Nebeker, A. V. Taylor, John H. Shafer, and Thomas Sevy.

In the list of senators for the second legislature, 1897, are the following, listed as Mormons, who are reputed to be Gentiles:

William G. Nebeker and Aquila Nebeker.

In the list of representatives in the second legislature, those who are listed as Mormons and are reputed to be Gentiles are George Romney, jr.——

Mr. WORTHINGTON. Of the eighth district?

Mr. MARKS. Yes; Claude V. Wheeler——

Mr. WORTHINGTON. The thirteenth.

Mr. MARKS. O. G. Kimball.

Mr. WORTHINGTON. The fifteenth.

Mr. MARKS. William A. Ray.

Mr. WORTHINGTON. The nineteenth.

Mr. MARKS. V. P. Martin.

Of the list of senators of the second legislature, 1899, the following are reputed to be Gentiles:

William G. Nebeker, Aquila Nebeker, Ferdinand Alder.

Of the representatives for the third legislature, Joseph Lapish——

Mr. WORTHINGTON. The twelfth district.

Mr. MARKS. Claude V. Wheeler——

Mr. WORTHINGTON. Can you name the districts?

Mr. MARKS. The twelfth district, Joseph Lapish; Claude V. Wheeler, the thirteenth district; Lester Taylor, the seventeenth district. That is all of that legislature.

Of the fourth legislature, 1901, of the senators who are listed as Mormons and are reputed to be Gentiles, George C. Whitmore, eighth district; Ferdinand Alder, ninth district.

Of the representatives, fourth legislature, Archibald Stuart, eighth district; Mosiah Evans, eleventh district; J. R. Sharp, fifteenth district, and Albert Stevens, twenty-second district.

Of the fifth legislature, the senators are George C. Whitmore, of the eighth.

Of the representatives, George H. Adams, of the thirteenth, and Alma Molyneaux, of the seventeenth.

Of the sixth legislature, 1905, no change in the list of senators.

Of the representatives, my own name, Charles E. Marks.

The CHAIRMAN. What district?

Mr. MARKS. The eighth district.

Mr. WORTHINGTON. That is yours, is it not?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. You know whether you are a Mormon or not, without reputation.

Mr. MARKS. I think so. George A. Hone, of the eleventh; Grant Simons, of the eleventh, and John E. Pace, of the seventh. That completes the list of members of the legislature.

On page 145, under the heading "Trustees of the agricultural college," the following are listed as Mormons who are reputed Gentiles:

Sarah G. Goodwin and George C. Whitmore. Whitmore is next to the last name on the page.

On page 146—

The CHAIRMAN. You have no suggestions about the board of regents?

Mr. MARKS. No, sir.

Mr. CARLISLE. As I understand, where he makes no change, it stands as it is.

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. The list, so far as he knows, is correct. He does not mean to say the others are Mormons. He is only mentioning those whom he knows are reputed not to be Mormons.

Mr. CARLISLE. I understand.

Mr. WORTHINGTON. There may be plenty of other mistakes.

Mr. CARLISLE. We do not think a good many of these are mistakes.

Mr. MARKS. Under the heading "Trustees State School for the Deaf, Dumb, and Blind," the name of Eva F. Corey, whose name occurs three times in the list.

On page 147, under the heading "State board of dental examiners," George E. Ellerbeck, whose name occurs three times.

On the same page, under the heading "Directors Deseret Agricultural and Manufacturing Society," E. J. Conrad, whose name occurs twice.

On page 148, under the heading "State board of medical examiners," the name of W. R. Pike.

On page 149, under the heading "Board of pharmacy," the name of B. F. Riter, whose name occurs twice.

I might add here, however, in connection with this, that one heading has been omitted, that of the "Commissioner of bureau of statistics." There have been but two persons in that office. They are Charles Demoisy and Fred W. Price, both of whom are Gentiles.

Mr. WORTHINGTON. Has that been a State office since 1896, or a recent creation?

Mr. MARKS. A recent creation.

Mr. CARLISLE. Will you state when it was created?

Mr. MARKS. I don't remember the exact date. I think it was four years ago.

On page 150, under the heading of "Semicentennial commission," the name of Emily Katz.

On page 151, under the heading "State board of health," the name of W. R. Pike, which occurs twice in that list.

Under the heading "Utah Art Institute," on the same page, the names of H. L. A. Culmer and George F. Taggart. They are reputed to be Gentiles.

On the same page, under the heading "State board of examiners of barbers," C. M. Benedict and J. D. Harris.

Mr. WORTHINGTON. Harris is put there with an interrogation mark, as if it were doubtful.

Mr. MARKS. And Benedict's name occurs again.

On page 152—

Mr. WORTHINGTON. What did you say about Benedict's name occurring again?

Mr. MARKS. His name followed that of James D. Harris.

On page 152, under the heading "National Guard," Henry J. Newman and Henry W. Wallace.

Mr. CARLISLE. Newman is not marked as a Mormon.

Mr. WORTHINGTON. There is no mark opposite his name, as if there was a question.

Mr. MARKS. W. G. Nebeker and Miles R. Taylor.

Under the heading "State coal-mine inspector," on the same page, the name of Gomer Thomas, which occurs four times.

On page 153, under the heading "Reporter supreme court," the name J. W. Thompson occurs twice. It is not marked at all, but he is a reputed Gentile; and the name A. B. Edler, who is a Gentile, is omitted.

Mr. WORTHINGTON. Is he the present supreme court reporter?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. How long has he had his position?

Mr. MARKS. I do not remember the exact date.

Mr. WORTHINGTON. It was before this list was presented to the committee, was it?

Mr. MARKS. It was either in December or early in January.

Under the next heading, that of "District judges," A. C. Hatch is reputed to be a Gentile.

That is all I have.

Mr. WORTHINGTON. Mr. Marks, are these all salaried officers? Are these State officers, whose names you have been going over, all salaried officers, or are some of them salaried and some not salaried?

Mr. MARKS. Do you mean elective or appointive?

Mr. WORTHINGTON. Take the appointed officials first.

Mr. MARKS. Of the appointive officers, some are salaried, but most of them not. The elective officers are all salaried.

Mr. WORTHINGTON. As to the State officers who receive salaries, have you made any computation here to show us how the spoils, if I may use that expression, are divided between Gentiles and Mormons?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. What is the result, taking them at the present time?

Mr. MARKS. I find that at the present time the Gentiles receive \$17,000 a year and the Mormons \$12,500 a year.

Mr. CARLISLE. A year or a month?

Mr. MARKS. A year.

Mr. WORTHINGTON. They get along very cheaply in your State government.

Mr. MARKS. I wish to add, in connection with that, however, that I omitted, in making out the list, the State superintendent of public instruction. As my memory serves me, his salary is \$2,000 a year, and this statement is based on that.

Mr. WORTHINGTON. Have you made any computations to show how that would stand, going back to the time the State was admitted and

running it down, or could you tell us whether there would be any substantial difference?

Mr. MARKS. I have not computed it. I do not believe there would be any substantial difference.

Mr. WORTHINGTON. I think we have already had it, but I will ask you the question in order that it may appear in the record in this connection. What is about the proportion of Mormons and non-Mormons in the State?

Mr. MARKS. I believe about two-thirds of the population are Mormon and one-third non-Mormon.

Mr. WORTHINGTON. I think you may cross-examine.

Mr. CARLISLE. Mr. Marks, in what way did you procure the information you are now giving to the committee in regard to the officers whose names you have just stated here?

Mr. MARKS. Many of them—in fact, most of them—I know of my personal knowledge and from association with them—intimate acquaintance. The others I learned of by inquiring of persons whom I believe in possession of that knowledge—a number of persons I believe from their position well acquainted with those people in the community where they live and with their religious belief.

Mr. CARLISLE. Then, how many people did you inquire of concerning any one of these persons whose names you have given?

Mr. MARKS. I don't know of a single person about whom I did not inquire of at least five or six persons.

Mr. CARLISLE. Five or six?

Mr. MARKS. Yes.

Mr. CARLISLE. Were they Mormons or Gentiles of whom you inquired?

Mr. MARKS. Part of them were Mormons. I believe most of them were Mormons.

Mr. CARLISLE. Were they particular friends or relatives of these gentlemen whose names you have given?

Mr. MARKS. In one instance it was a relative. I asked him in regard to a relative.

Mr. CARLISLE. There was only one instance in which you inquired of a relative?

Mr. MARKS. If there were any others that were relatives I did not know of it. I don't think any of the others were related in any way.

Mr. CARLISLE. Did you make any inquiry of the officials of the church or of the stake in which these persons resided?

Mr. MARKS. No, sir.

Mr. CARLISLE. Do you not think that would have been the way to ascertain whether a man was a member of that church or not?

Mr. MARKS. I don't know whether that would be the way you would determine it or not.

Mr. CARLISLE. Would it not be much less difficult for you to make one inquiry of the president of the stake than it would be to inquire of four or five different people who were not connected with it?

Mr. MARKS. I will agree with you there, but, as I understood, what was wanted of me was the general repute and not what the authorities of any church might say.

Mr. CARLISLE. Do you say that what three or four or five persons say about a person makes a general repute of that person?

Mr. MARKS. Not always; but if you select the proper persons you can get the general repute.

Mr. CARLISLE. But I am trying to ascertain whether you did get the proper persons or not. What is the extent of your personal acquaintance with all the gentlemen and all the ladies who have held office at any time, elective or appointive, in the State of Utah during the period covered by this list?

Mr. MARKS. In what way do you mean?

Mr. CARLISLE. Your personal acquaintance with them. Do you mean to say that you are personally acquainted with 5 per cent or 10 per cent of the persons whose names are on this list?

Mr. WORTHINGTON. Do you mean those on the list or those with whom he has spoken?

Mr. CARLISLE. Those on the list.

Mr. MARKS. I have made no estimate of that. I would say this, without any hesitation, that I certainly know 5 per cent and more than 5 per cent, but I have made no calculation whatever.

Mr. CARLISLE. How can you say who are Mormons and who are not Mormons unless you know personally or have ascertained by general repute as to all these people on this list?

Mr. WORTHINGTON. He has not undertaken to say that any of them are Mormons. He has only undertaken to say those are not Mormons who are not Mormons.

Mr. CARLISLE. Do you know how many people you have named here who are not Mormons? I have not kept account of them.

Mr. MARKS. Who are not Mormons?

Mr. CARLISLE. Yes; who are not Mormons, people you say are reputed as Gentiles.

Mr. WORTHINGTON. Those he has named?

Mr. CARLISLE. Those you have named. How many of them have you named?

Mr. WORTHINGTON. About 50 of them.

Mr. MARKS. I don't remember.

Mr. CARLISLE. What proportion of those 50 people are you personally acquainted with?

Mr. MARKS. I am personally acquainted with about two-thirds of them.

Mr. CARLISLE. With what proportion of the other people whose names are on this list are you personally acquainted?

Mr. MARKS. I have made no calculation, but I believe I am safe in saying that I am acquainted with nearly that proportion.

Mr. CARLISLE. About 50 per cent?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. That is your statement of all the men and women who have held office in the State of Utah since its admission into the Union?

Mr. MARKS. Yes, sir; I wouldn't say that positively, because I have made no calculation.

Mr. CARLISLE. I do not want to go into a detailed examination as to all these people, but there may be one or two of them I want to ask you about. Take Aquila Nebeker. You say you know him personally?

Mr. MARKS. I know him personally, but I am not well acquainted with him.

Mr. CARLISLE. Do you not know that he was born of a plural marriage and reared a Mormon?

Mr. MARKS. I don't know what his early life was.

Mr. CARLISLE. You do not know that he was baptized into the church?

Mr. MARKS. No; I don't know anything about that.

Mr. CARLISLE. And that recently, perhaps, or prior to this time, he has withdrawn from the church or severed his connection with it in some way?

Mr. MARKS. That is what I am testifying to at present.

Mr. WORTHINGTON. The question is what he was when he held the office.

Mr. CARLISLE. Yes; he has only made his inquiries recently. I do not understand you to say you inquired at all as to what position these gentlemen occupied at the time they held their offices. You are speaking of information you got recently, since this list was introduced before the committee?

Mr. MARKS. My testimony is directed to the time this was introduced.

Mr. CARLISLE. Yes; the time this was introduced here. Do you know he was not a Mormon at the time he held the office? He held office several times.

Mr. MARKS. I know he was not reputed to be a Mormon.

Mr. CARLISLE. When did you make your inquiry to ascertain what the repute of these people was? Has it not been made recently?

Mr. MARKS. My present inquiry was recently; certainly.

Mr. CARLISLE. Did your inquiry go back to ascertain whether they had ever been Mormons in their lives or not?

Mr. MARKS. Yes, sir; and I found in a number of instances these persons about whom I am testifying were in earlier life Mormons.

Mr. CARLISLE. But your information now is that they are reputed to have not been Mormons at the time they held office?

Mr. MARKS. Yes, sir; and not Mormons now. There were some that were not Mormons at the time they held office who are, perhaps, Mormons now.

Mr. CARLISLE. Who have become members of the church since?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. You think there are some?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. Can you name any one of those people?

Mr. MARKS. I understand there is one by the name of Rideout. I will state in connection with his name that when I learned that he was probably identified with the church at the present time I did not make any further investigation.

Mr. CARLISLE. Not to take time by going over these names seriatim, your general statement, as I understand it, is that you made inquiries of from three to five people about the standing of these men and these women and that you have given here the result of those inquiries?

Mr. MARKS. Those that I was not personally acquainted with; yes, sir.

Mr. CARLISLE. And that is about half of them, you say?

Mr. MARKS. No.

Mr. CARLISLE. I thought you said you were acquainted with about 50 per cent of them?

Mr. MARKS. You are speaking of all the list.

Mr. CARLISLE. I misunderstood you. I thought you said you were acquainted with about 50 per cent of these whose names you have given.

Mr. MARKS. No; of the list.

Mr. CARLISLE. Of those you have given?

Mr. MARKS. No; I know two-thirds of those.

Mr. CARLISLE. And that is the basis of your statement, that they were reputed not to be Mormons?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. Here is James Chipman, one of the State officers, and Alonzo Hyde. Do you know when those men ceased to be members of the Mormon Church?

Mr. MARKS. No, sir; I do not.

Mr. CARLISLE. Do you know they were ever members of the Mormon Church?

Mr. MARKS. I do not know whether they were or not.

Mr. CARLISLE. You are not personally acquainted with them?

Mr. MARKS. No, sir.

Mr. CARLISLE. They are two you are not personally acquainted with?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. Take your own case, Mr. Marks. You have stated you are not a Mormon.

Mr. MARKS. Yes, sir.

Mr. CARLISLE. Do you or do you not know that for a good while you were considered to be a Mormon by common repute—that you were considered as a Mormon?

Mr. MARKS. Not that I know of.

Mr. CARLISLE. Did you not remove to a Mormon settlement and live there for a while with the Mormons?

Mr. MARKS. I moved to Salt Lake County and lived there.

Mr. CARLISLE. South of the city?

Mr. MARKS. It is true I lived south of the city. I lived on Fourteenth south. It is outside the city limits.

Mr. CARLISLE. What is the place called, Mill Creek?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. Do you know that while you were there and afterwards you were considered by a great many people to be a Mormon, a member of the Mormon Church?

Mr. MARKS. I didn't know anything about it.

Mr. CARLISLE. You ran for an office while you were down there?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. And were elected?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. By the Mormon vote or the Gentile vote?

Mr. MARKS. I don't know. I don't know how the people voted.

Mr. CARLISLE. What was your politics?

Mr. MARKS. Republican.

Mr. CARLISLE. So you do not know that you had at one time yourself the repute of being a Mormon?

Mr. MARKS. I never heard of it.

Mr. CARLISLE. You have a brother who is in the Mormon Church?

Mr. MARKS. Yes, sir.

Mr. CARLISLE. We can not go through all these names. That is all.

Mr. WORTHINGTON. If there was any such reputation, was there ever any foundation for it?

Mr. MARKS. No, sir; none whatever.

Mr. WORTHINGTON. You said you were not elected by the Mormon vote. Were you elected by the Republican vote?

Mr. MARKS. Yes, sir.

Mr. WORTHINGTON. That is all.

The CHAIRMAN. Who is the next witness?

Mr. WORTHINGTON. Mr. Love.

TESTIMONY OF STEPHEN H. LOVE.

STEPHEN H. LOVE, being duly sworn, was examined and testified as follows:

Mr. WORTHINGTON. What is your full name, Mr. Love?

Mr. LOVE. Stephen H. Love.

Mr. WORTHINGTON. Your age?

Mr. LOVE. Forty-one years.

Mr. WORTHINGTON. Your residence?

Mr. LOVE. I live at Forest Dale, Salt Lake County.

Mr. WORTHINGTON. Your occupation?

Mr. LOVE. I am a business man, in the mercantile business.

Mr. WORTHINGTON. How long have you lived in the place where you now reside?

Mr. LOVE. In Forest Dale?

Mr. WORTHINGTON. Yes.

Mr. LOVE. I moved there in 1890. I was born, however, in Salt Lake City.

Mr. WORTHINGTON. You have lived in Utah, then, all your life?

Mr. LOVE. All my life; yes, sir.

Mr. WORTHINGTON. Have you had any opportunities for getting acquainted with the people of the State?

Mr. LOVE. I think so.

Mr. WORTHINGTON. What have been those opportunities?

Mr. LOVE. I have been a member of the legislature for the last six years. I have been president of the State senate.

Mr. WORTHINGTON. For six years?

Mr. LOVE. No; I was elected president of the senate at the last term.

Mr. WORTHINGTON. But you have been a member of the senate for six years?

Mr. LOVE. Yes, sir.

Mr. WORTHINGTON. Have you been up and down the State at all?

Mr. LOVE. Yes, sir; I have been all over the State, to almost every hamlet in the State.

Mr. WORTHINGTON. What is your business? You said you have been a business man.

Mr. LOVE. I am traffic manager of the Zion Cooperative Mercantile Institution.

Mr. WORTHINGTON. Does that take you from the State at all, the business of that concern?

Mr. LOVE. Not a great deal; no, sir. Not in that capacity, although I was for a number of years a traveling salesman.

Mr. WORTHINGTON. I take it from your connection with that institution that you are, then, a member of the Mormon Church?

Mr. LOVE. Yes, sir.

Mr. WORTHINGTON. And have been all your life?

Mr. LOVE. Yes, sir.

Mr. WORTHINGTON. Do you hold any position, or have you held any, in the church except that of a member?

Mr. LOVE. Well, no important position; no, sir.

Mr. WORTHINGTON. Any position?

Mr. LOVE. I have been connected with Sunday school work to some extent simply as a teacher in the Sunday school—some minor offices of that sort.

Mr. WORTHINGTON. Have you gone over the list which is published and begins at page 136 of the report, volume 4, of this inquiry?

Mr. LOVE. Yes, sir.

Mr. WORTHINGTON. I would like to know what is the result of the inquiry you have made so far as it tends to show, if it shows at all, that some of the names which appear there and which are marked Mormons, in fact pertain to Gentiles?

Mr. LOVE. I found quite a number. There are at least twenty of the men who have held and who are holding State offices who are, according to the testimony, reputed to be Mormons, but who are Gentiles—gentlemen whom I know personally.

Mr. WORTHINGTON. Have you made a memorandum from the book, or will you look at the book?

Mr. LOVE. I have made a memorandum simply. I did not go into it in detail, but I have a list of names here that I can call—men whom I am personally acquainted with who are Gentiles.

Mr. WORTHINGTON. And marked Mormons on this list?

Mr. LOVE. Yes, sir.

Mr. WORTHINGTON. Have you the list in such shape that you can refer to it as you call the names?

Mr. LOVE. No; I have no reference to it.

Mr. CARLISLE. He can give all the names, and we can compare it.

Mr. LOVE. I can give a list of the names. I have only taken the gentlemen whom I am personally acquainted with. There are a lot who are reported to be Gentiles.

Mr. WORTHINGTON. Does your list show to what office they are accredited?

Mr. LOVE. No; but I know pretty well what their offices are.

Mr. WORTHINGTON. Give your list in your own way.

Mr. LOVE. There is Alonzo J. Hyde. He was a member of the constitutional convention, I think. Mr. Hyde I am personally acquainted with. He is a Mormon. There is Aquila Nebeker. Mr. Aquila Nebeker was president of the State senate, also a member of the constitutional convention, I believe.

Mr. WORTHINGTON. Was he a Mormon at the time he held those offices?

Mr. LOVE. I don't think so. I would not think for a moment he was.

H. T. Shurtliff—Mr. Shurtliff was a neighbor of mine, and I know him very well personally. I am intimately acquainted with him.

Mr. WORTHINGTON. Was he ever reputed to be a Mormon?

Mr. LOVE. Yes, sir; Mr. Shurtliff was a Mormon—maybe thirty years ago. I don't think he has been a Mormon for at least twenty-seven or twenty-eight years.

Joseph L. Rawlins, who was State senator, was not a Mormon.

Mr. WORTHINGTON. He was United States Senator.

Mr. LOVE. Yes; he was United States Senator.

Judge Howell, of Ogden, who was on the bench up there in Ogden, never was a Mormon.

James Chipman, who was State treasurer. He is a man I am personally acquainted with—intimately acquainted with. So far as I know—and I remember James Chipman for twenty-two or twenty-three years—I never had the slightest idea that he was a Mormon or ever heard that he was reputed to be a Mormon.

A. B. Hayes—I was personally acquainted with him.

Mr. WORTHINGTON. It is admitted that is a mistake.

Mr. CARLISLE. Yes.

Mr. LOVE. John F. Shafer I knew as a boy, and I never heard it intimated that he was ever a Mormon.

Thomas Sevy—he was a member of the legislature and around the legislative halls there a good deal during the last six or eight years, and from personal talks with him I gathered from his conversation that he was not a Mormon.

W. G. Nebeker was a boyhood friend of mine, a chum. I know positively he was not a Mormon.

George Romney, jr., worked in the institution where I was employed. He was a Mormon, but he is not a Mormon now.

Mr. WORTHINGTON. Was he when he was a representative in 1897?

Mr. LOVE. I am rather inclined to think he was at that time.

W. A. Ray—I am very well acquainted with his two sons and with him. He is in business in Salt Lake. I never understood him to be a Mormon, so far as I know. I never heard him charged with being a Mormon.

Ferninand Alder was a member of the State senate with me, and I have heard him declare that he was not a Mormon.

A. V. Taylor was a member of the legislature. Mr. Taylor's parents were Mormons, but Mr. Taylor is, in fact, a rank anti-Mormon. You could not find one that is any ranker.

George C. Whitmore was a member of the State senate. He served with me in the State senate. He is not a Mormon and does not claim to be a Mormon. In fact, I have heard him say he was not.

Archibald Stuart was another member of the legislature—a man I am very well acquainted with. I know positively he is not a Mormon—that is, if his word is worth anything.

Mosiah Evans was a member of the legislature. I am not so positive about Mr. Evans, but from conversations I have had with him—and I know his family very well—I would say that Mr. Evans was not a Mormon, although I am not so absolutely positive about him.

J. R. Sharp—his parents are Mormons, but Mr. Sharp has stated in my presence that he was not a Mormon; and the same applies to Alfred Stevens.

Mr. CARLISLE. His parents were Mormons?

Mr. LOVE. No; not Stevens's parents; the parents of J. R. Sharp.

Mr. CARLISLE. But I understood you to say "the same as Stevens."

Mr. LOVE. No; I don't know anything about Mr. Stevens's parents, but Mr. Stevens served in the house, and when we were electing a United States Senator, I got very well acquainted with him and had a number of conversations with him.

Alma Molyneaux is another man I am not so positive about.

Mr. WORTHINGTON. I do not understand you have said positively about Stevens.

Mr. LOVE. Yes, sir; I am positive about Stevens—that is, I have heard him say he was no Mormon.

Mr. WORTHINGTON. Was he ever reputed to be a Mormon?

Mr. LOVE. Not to my knowledge; no, sir.

C. E. Marks—I know he is not a Mormon; and by the way, he was elected from the same district that I was, and at the time Mr. Marks was elected to the legislature it was understood that he was a non-Mormon.

Grant Simons—He is another man who served in the legislature with me. I can not recall whether or not Mr. Simons ever made a statement in my presence regarding whether or not he was a Mormon, but it was commonly and generally understood among the members of the legislature that he was not.

George E. Ellerbeck is a man I am personally acquainted with, and intimately acquainted with. Mr. Ellerbeck is an anti-Mormon.

Miles R. Taylor, I worked with. He worked in the same institution I did. He is an anti-Mormon—a very bitter anti-Mormon.

Mr. WORTHINGTON. What office did he hold?

Mr. LOVE. He is now connected with the National Guard on the governor's staff, I believe.

H. J. Newman—He is a man I am personally acquainted with. He is a representative of the New York Life Insurance Company at Salt Lake. Mr. Newman was a business friend of mine. I knew he was not a Mormon.

H. L. A. Culmer is another man who has been a Mormon, but who has made statements publicly that he was not a Mormon.

B. F. Riter is another man of the same kind.

Gomer Thomas is a man I know personally. I know that he has come to me and asked me to help him sometimes when he has been after some political office or other—asked me to go and see the governor in his behalf, and told me at that time he was not a Mormon.

Mr. WORTHINGTON. He knew you were one, of course?

Mr. LOVE. He knew I was one; yes, sir.

There are a number of these other people that from general repute and from my knowledge of them are not Mormons, but I am not so positive about them as I am about these other people whom I happen to be personally and intimately acquainted with.

Mr. WORTHINGTON. Who are those who, by general repute, are not Mormons, who are not known to you personally?

Mr. LOVE. J. W. Thompson—I have a speaking acquaintance with all these gentlemen, but I am not intimately acquainted, so I could say of my own knowledge.

Mr. WORTHINGTON. You do not know whether you know them as well as Mr. Owen does or not?

Mr. LOVE. J. W. Thompson is the supreme court reporter in Salt Lake. There are C. M. Benedict, Emma Katz, W. R. Pike, Eva F. Corey, John E. Pace, George A. Hone, Alma Molyneaux, Thomas

Sevy, William Buys, Peter Lowe, A. C. Hatch, C. V. Wheeler, O. G. Kimball, V. P. Martin, Joseph Lapish, George H. Adams, and Sarah G. Goodwin; and, from my knowledge of these people, I would say they are not Mormons.

Mr. WORTHINGTON. They are not reputed to be, you say?

Mr. LOVE. So far as I know, Mr. Worthington. I never heard them charged with being Mormons.

Mr. WORTHINGTON. You may cross-examine, Mr. Carlisle.

Mr. CARLISLE. Here are A. J. Hyde, Aquila Nebeker, H. T. Shurtliff, and J. L. Rawlins. I will ask you if you do not know that they were born in the Mormon Church and reared as Mormons?

Mr. LOVE. No; I don't know anything as to that, but I believe they were raised as Mormons. I don't think there is any question about that.

Mr. CARLISLE. And Howell, of Ogden?

Mr. LOVE. No; I should say not. I think as to Mr. Howell, his parents had left the Mormon Church before he was born.

Mr. CARLISLE. What do you say about Chipman?

Mr. LOVE. I have never known Mr. Chipman to be a Mormon. I always understood he was a Gentile all his life, so far as I know.

Mr. CARLISLE. Was he born of Mormon parentage?

Mr. LOVE. I couldn't say as to that. I don't know; but I have known Mr. Chipman all my life.

Mr. CARLISLE. The two Nebekers—you have mentioned one, but there is another. They were born in the Mormon Church, were they not?

Mr. LOVE. Both the Nebekers; yes, sir.

Mr. CARLISLE. George Romney. Do you not know he has been a Mormon until recently?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. And excommunicated for immoral conduct?

Mr. LOVE. Yes, sir; that is a fact.

Mr. WORTHINGTON. You say until recently. How long ago?

Mr. LOVE. I testified I didn't know whether he was a Mormon at the time he held this office.

Mr. CARLISLE. Do you not know that his excommunication has been quite recent? I do not mean within the last month.

Mr. LOVE. About four or five years ago, I think.

Mr. CARLISLE. George C. Whitmore. Is he not really a Mormon, but what you would call a liberal Mormon in his views?

Mr. LOVE. I know George C. Whitmore. As I say, I was associated with him in the senate, and questions came up from time to time when the Mormon question would enter into some little thing or other, and we always understood—in fact, I have heard him assert himself most positively and definitely on the proposition.

Mr. CARLISLE. You are traffic manager of the Zion Cooperative Mercantile Institution, I believe?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. And you were at one time traveling salesman for it?

Mr. LOVE. Yes; I traveled a while for the institution.

Mr. CARLISLE. Will you tell the committee what you were selling?

Mr. LOVE. What I was selling?

Mr. CARLISLE. Yes.

Mr. LOVE. I was selling groceries when I traveled.

Mr. CARLISLE. Anything else?

Mr. LOVE. No; only groceries.

Mr. CARLISLE. What business is that institution engaged in now?

Mr. LOVE. General merchandise business, wholesale and retail.

Mr. CARLISLE. Is it confined to groceries and dry goods or wet goods?

Mr. LOVE. No, sir; it carries a general line.

Mr. CARLISLE. Does it not deal in liquors?

Mr. LOVE. It does.

Mr. CARLISLE. The manufacture and sale?

Mr. LOVE. No, sir; it doesn't manufacture. It sells liquor in its drug department.

Mr. CARLISLE. Who is the president of that concern?

Mr. LOVE. Joseph F. Smith.

Mr. CARLISLE. Does the church have an interest in it?

Mr. LOVE. I don't know; I couldn't say.

Mr. CARLISLE. How long have you been connected with it?

Mr. LOVE. Twenty years.

Mr. CARLISLE. Twenty years?

Mr. LOVE. Well, seventeen years.

Mr. CARLISLE. You do not know whether the church has an interest in the business or not?

Mr. LOVE. No, sir. It is generally understood it has some stock in the institution, but I don't know of my own knowledge.

Mr. WORTHINGTON. I think Mr. Smith told all about that when he was here.

Mr. CARLISLE. I did not hear it. Does Mr. Smith draw a salary in that institution?

Mr. LOVE. I don't think he does.

Mr. CARLISLE. What are his duties?

Mr. LOVE. He is president of the institution, but he is not actively engaged in it.

Mr. CARLISLE. Do you sell liquors, retail or wholesale, in that institution?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. In what place do you sell it at retail?

Mr. LOVE. In our drug department.

Mr. CARLISLE. At what city or town?

Mr. LOVE. Salt Lake.

The CHAIRMAN. We can not hear anything you say here.

Mr. LOVE. I will repeat the answer to any question.

The CHAIRMAN. Did you say that you are engaged in selling for this house, among other things, liquors?

Mr. LOVE. No, sir; I say at one time I was traveling salesman for this institution, but I did not carry that line.

The CHAIRMAN. What did you say about their selling it?

Mr. LOVE. I said they had a department of the institution that carried liquors.

Mr. WORTHINGTON. The drug department, he says.

Mr. LOVE. The drug department carries liquors.

Mr. CARLISLE. He says they sell it wholesale and retail.

Mr. LOVE. Yes, sir.

Mr. CARLISLE. And that the president of the church—what relation does he sustain to this institution?

Mr. LOVE. He is the president of that institution.

Mr. CARLISLE. The president of the church is the president of this institution also?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. Do you know Mr. J. M. Tanner?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. Do you know where he lives?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. And where his family lives?

Mr. LOVE. Yes, sir.

Mr. CARLISLE. What is his position in the church?

Mr. LOVE. I understand he is superintendent of church schools.

Mr. CARLISLE. You say you know where he lives and where his family lives. Do you know where all his family lives?

Mr. LOVE. I couldn't say as to that. I know where one of his families lives.

Mr. CARLISLE. You have been giving the repute of people. What is his repute as to being a polygamist and living in polygamy?

Mr. LOVE. He is reputed to be a polygamist; yes, sir.

Mr. CARLISLE. Has he not more than one wife now?

Mr. LOVE. Yes; I think so.

Mr. CARLISLE. What is his position in the church?

Mr. LOVE. He is the superintendent of the church schools.

The CHAIRMAN. You say you know where one of his families is. How many families has he?

Mr. LOVE. I couldn't say as to that.

The CHAIRMAN. Scattered around in different places?

Mr. LOVE. I couldn't say. One of his families lives within a block of my home. That is the only family I know, but it is generally reputed he has others.

The CHAIRMAN. You do not know how many by general repute?

Mr. LOVE. I have heard it said that he has two.

The CHAIRMAN. And he is general superintendent of what?

Mr. LOVE. He is superintendent of the church schools.

The CHAIRMAN. Sabbath schools?

Mr. LOVE. No; they have a system of education, with schools in different parts of the State.

The CHAIRMAN. And he is head of that system of education?

Mr. LOVE. Yes, sir.

Mr. WORTHINGTON. I want to ask about the matter of selling liquors. You say it is sold at wholesale and retail. Is that a place where they sell liquor to drink on the premises?

Mr. LOVE. No, sir.

Mr. WORTHINGTON. They sell it on prescriptions?

Mr. LOVE. On prescriptions; the same as any other drug store.

Mr. CARLISLE. If a man gets a prescription at the beginning of the year, he can use it all the year, can he not?

Mr. LOVE. If he takes the same bottle back; yes, sir.

Mr. CARLISLE. He can come in whenever he wants to and get it renewed?

Mr. LOVE. Yes, sir.

TESTIMONY OF JAMES CLOVE.

JAMES CLOVE, being duly sworn, was examined and testified as follows:

Mr. WORTHINGTON. Your full name, please.

Mr. CLOVE. James Clove.

Mr. WORTHINGTON. Your age?

Mr. CLOVE. Forty.

Mr. WORTHINGTON. Your residence?

Mr. CLOVE. Provo City, Utah.

Mr. WORTHINGTON. Your occupation?

Mr. CLOVE. Postmaster.

Mr. WORTHINGTON. How long have you been postmaster at Provo?

Mr. CLOVE. For five years.

Mr. WORTHINGTON. How long have you lived in Provo?

Mr. CLOVE. Since 1890.

Mr. WORTHINGTON. Where did you live before that?

Mr. CLOVE. I lived in Salt Lake City.

Mr. WORTHINGTON. Are you a member of the Mormon Church?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. And have been all your life?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. Do you hold any particular position in the church, or have you?

Mr. CLOVE. No, sir; not at the present time. I was a Sunday-school worker at one time.

Mr. WORTHINGTON. Are you pretty well acquainted in Provo?

Mr. CLOVE. Very well acquainted.

Mr. WORTHINGTON. It is a town of six or seven thousand people, I believe?

Mr. CLOVE. I little over 8,000.

Mr. WORTHINGTON. And being postmaster, it naturally throws you into contact with the people a good deal?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. Has your attention been called to a list of persons who are said to be living in polygamy at or near Provo?

Mr. CLOVE. It has.

Mr. WORTHINGTON. Which is on page 58 of volume 4 of the printed record in this case?

Mr. CLOVE. I have not the record before me.

Mr. WORTHINGTON. That is where it appears. I will ask you about the names here. A man named David John is the first on the list. What can you tell us about him, so far as his alleged polygamous relations are concerned?

Mr. CLOVE. He is a man 73 years of age and very feeble. Since I have been at Provo he has never resided with more than one wife. He was reputed to be a polygamist. He had two wives and resided with his first legal wife. He divided his property just after the manifesto and tried to live the law as nearly as it was possible for him to do so, providing for children that were born to his plural wife.

Mr. WORTHINGTON. That is, since 1890?

Mr. CLOVE. Since 1890. I had no acquaintanceship before that time.

Mr. WORTHINGTON. He was reputed to have how many wives?

Mr. CLOVE. Two.

Mr. WORTHINGTON. And you know he has been living with the one who is reputed to be his legal wife?

Mr. CLOVE. Yes, sir; I know that personally.

Mr. WORTHINGTON. Has he been living with the plural wife, so far as you know, or so far as repute goes?

Mr. CLOVE. No, sir; he has not been living with her.

Mr. WORTHINGTON. He has provided for her?

Mr. CLOVE. He has provided for her and provided for children born in that issue, but they are all grown now.

Mr. WORTHINGTON. How old is his youngest child by the plural wife?

Mr. CLOVE. About 21 years of age.

Mr. WORTHINGTON. Is it reputed at all, is there any talk out there, that he really lived with the second wife as a wife?

Mr. CLOVE. It has not been. It has been the general repute that he has lived with only one wife.

Mr. WORTHINGTON. He has kept the law by living with his first wife?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. And he has done his duty by taking care of and providing for the second wife with her children?

Mr. CLOVE. The first wife died last spring, in January, and after that he married the second wife legally. He took out a marriage license on January 31, and she is caring for him now. He is in very feeble health.

Mr. WORTHINGTON. That is polygamist No. 1. The next one on the list is Josiah Hickman. He has been a witness here, and we all know about him. The next is S. S. Jones. What can you tell us about him?

Mr. CLOVE. S. S. Jones followed the example of President John, and in 1891, I think it was, divided his property and elected to live with one of his wives, I think the first wife, and has lived exclusively with her. His family by the plural wife are all grown, over 20. He has with the legal wife a child about 14 years of age.

Mr. WORTHINGTON. Does the plural wife live in or near Provo?

Mr. CLOVE. They both reside at Provo—both wives.

Mr. WORTHINGTON. But so far as you know and so far as reputation goes, he does not live, as I understand you, with the second wife?

Mr. CLOVE. He only lives with the first wife.

Mr. WORTHINGTON. The next one is William C. Bean.

Mr. CLOVE. He has two wives, and lives with both of them. They have separate homes.

Mr. WORTHINGTON. How many wives has he, did you say, two?

Mr. CLOVE. Two.

Mr. WORTHINGTON. Do you know whether he took those wives or either of them since the manifesto, in 1890?

Mr. CLOVE. He personally told me the last wife was married in 1877.

Mr. WORTHINGTON. Is that the general understanding there?

Mr. CLOVE. That is the general understanding there, but he personally told me that. I inquired.

Mr. WORTHINGTON. But he is living with both his wives?

Mr. CLOVE. He is living with both his wives.

Mr. WORTHINGTON. How about Robert Kirkwood? He is the next one.

Mr. CLOVE. He is an old man, probably 70 years of age. He has three wives. One of them died this spring. His family are all grown. The youngest child is over 20.

Mr. WORTHINGTON. Do you know whether or not he is living with either of his wives?

Mr. CLOVE. He is living with the first wife, and I believe he lived exclusively with his first wife since 1890. I have never seen him at any other place or found him at any other home. I am personally well acquainted with him.

Mr. WORTHINGTON. Have you heard any rumor or talk that he is living with any wife except the first wife?

Mr. CLOVE. I have not.

Mr. WORTHINGTON. The next one down here is Nick Muhlsteen. What could you tell us about him?

Mr. CLOVE. Mr. Muhlsteen lives out of Provo about 2 miles, and I am not personally well acquainted with him. I know the man by sight, and when he comes to the office to do business, but he was never known to me while at Provo as a polygamist. He only had one wife. I made inquiries since his name came up in this investigation, and found that fourteen years ago his first wife died and he married the second wife legally—took out a marriage license and lived with her and has resided with her since.

Mr. WORTHINGTON. He has since been living with the woman who had in that way became his legal wife?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. Does she live with him down at the place out of Provo you speak of?

Mr. CLOVE. Yes, sir.

The CHAIRMAN. Do I understand the witness to say he had two wives?

Mr. WORTHINGTON. Yes; he said he had had two wives until—how many years ago did you say?

Mr. CLOVE. Fourteen years ago.

Mr. WORTHINGTON. Until fourteen years ago, when one of them died, and then he married his plural wife, the survivor, and has since continued to live with her.

I do not know whether we want to ask you anything about George Gee. The answer of Mr. Wolfe was that he did not know anything about him. Do you?

Mr. CLOVE. I never knew him as a polygamist. If he is a polygamist, he has but one family in Provo.

Mr. WORTHINGTON. You never heard him mentioned as a polygamist?

Mr. CLOVE. Not before this investigation.

Mr. WORTHINGTON. Not before it was mentioned here?

Mr. CLOVE. No.

Mr. WORTHINGTON. The next one is Alfred Jones. Is that right—Alfred?

Mr. CLOVE. There is an Albert Jones—not Alfred.

Mr. WORTHINGTON. It should be Albert. What could you tell us about his alleged polygamous relations?

Mr. CLOVE. He is an old man, 67 or 68 years of age, and he has two wives, but children with only one wife—I think, the second wife. They live in separate homes, and it is my belief that he visits both places.

Mr. WORTHINGTON. The next one mentioned here is Ben Cluff. I believe we have had enough evidence in regard to him. He does not live in Provo any more?

Mr. CLOVE. He is not in Provo now. He has not lived there for some years.

Mr. WORTHINGTON. The next one is Thomas Chamberlain. Is he living there?

Mr. CLOVE. There is a Chamberlain living north of Provo. He came there recently from the south, but I have not much acquaintance with him. I know him personally, and that is about all. I know him by sight.

Mr. WORTHINGTON. Do you know whether his name is Thomas?

Mr. CLOVE. It is Chamberlain. I couldn't say as to his first name or initials.

Mr. WORTHINGTON. Is there any Chamberlain around there who is reputed to be a polygamist?

Mr. CLOVE. There is. This is the Chamberlain, living north of Provo about 5 or 6 miles.

Mr. WORTHINGTON. Does he have more than one family there—more than one wife?

Mr. CLOVE. I couldn't answer that. I have never been at the farm where he does business. He has a large fruit farm there. He is reputed to have more than one family, but whether they live there or not I don't know. He has large interests in the southern part of the State.

Mr. WORTHINGTON. He is reputed to have how many families? You say more than one?

Mr. CLOVE. Four or five. I don't know, except by newspaper comment on his case.

Mr. WORTHINGTON. Is he reputed to have taken any wife since the manifesto?

Mr. CLOVE. That has been mentioned also in newspaper reports. I never heard it discussed otherwise.

Mr. WORTHINGTON. But you do not know of any such woman living around there?

Mr. CLOVE. No, sir; I do not.

Mr. WORTHINGTON. The next one is George Brimhall, who has been a witness here, and we know about him.

Then comes George Peay. What about him?

Mr. CLOVE. George Peay is an old farmer, 69 years of age. He lives on a farm west of Provo, about 2 miles, with one of his wives. He is reputed to have two. There is another Peay woman living in Provo, receiving her mail there. Both families are old, and the children are grown.

Mr. WORTHINGTON. What do you mean by grown?

Mr. CLOVE. They are over 20, and I believe all married.

Mr. WORTHINGTON. Do you know whether he in fact lives with the wife who lives in Provo or visits her?

Mr. CLOVE. He lives on the farm most of the time, but what wife he lives with I am not prepared to say, whether the first or the second.

The CHAIRMAN. Who are you speaking of now?

Mr. CLOVE. George Peay.

Mr. WORTHINGTON. Is there any repute that he lives with both of them?

Mr. CLOVE. The general repute is that he lives on the farm with one.

Mr. WORTHINGTON. Then the next on the list is John Fogelsberg. Mr. Wolfe said he did not know him. Do you?

Mr. CLOVE. There was a Fogelsberg there some years ago, but he left Provo seven or eight years since.

Mr. WORTHINGTON. Then comes Arthur Simmons.

Mr. CLOVE. Arthur Simmons does not reside at Provo, but there is a lady reputed to be a plural wife by the name of Simmons residing in Provo.

Mr. WORTHINGTON. Does she live in the town?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. Do you know whether he lives with her there or visits her?

Mr. CLOVE. Personally I know nothing about it. The general repute is that he does visit her, but I don't know anything about that.

Mr. WORTHINGTON. And she is reputed to be a plural wife?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. Have you made any inquiry and preparations in the town of Provo to inform this committee as to what proportion of the business people there are members of the Mormon Church and what not?

Mr. CLOVE. Yes, sir; I have.

Mr. WORTHINGTON. What proportion of the people there, in the first place, are Mormons?

Mr. CLOVE. About 85 per cent of the town are Mormons.

Mr. WORTHINGTON. Have you made a list of the men who are in business there—the firms?

Mr. CLOVE. I have, sir.

Mr. WORTHINGTON. And indicated whether they belonged to the church or not?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. Let us have the list, please.

(The witness produces a paper.)

Can you speak of its being correct from your own personal knowledge?

Mr. CLOVE. I can.

Mr. WORTHINGTON. I do not care to take up time in having the witness read that unless you desire it, Mr. Carlisle.

Mr. CARLISLE. Oh, no; put it in.

The paper referred to is as follows:

ABSTRACTORS.

Name.	Address.	Mormon or non-Mormon.
George Havercamp & Co	Bank building	N. M.
Hyrum F. Thomas	Knight block	M.

REED SMOOT.

BARBERS.

Name.	Address.	Mormon or non-Mormon.
Albert Manwaring	Academy avenue	M.
E. C. Clark	do.	M.
C. A. Cluff	West Center	M.
E. Cox	do.	N. M.
Thomas H. Jones	do.	N. M.
William A. Wilson	Academy avenue	N. M.
T. F. Cochran	West Center	N. M.
Ivie & Hampshire	Academy avenue	N. M.

PHYSICIANS AND SURGEONS.

Dr. J. W. Aird	106 East Center	N. M.
Dr. George E. Robison	257 East Center	M.
Dr. F. W. Taylor	147 South Academy avenue	M.
Dr. J. H. Slater	84 North First, east	N. M.
Dr. David Westwood	130 North First, east	N. M.
Dr. J. E. Hosmer	Bank building	N. M.

ATTORNEYS AT LAW.

M. M. Kellogg	Snow Building	N. M.
A. L. Booth	do.	M.
Harvey Cluff	do.	M.
E. E. Corfman	Knight block	N. M.
S. A. King	do.	M.
A. B. Morgan	do.	M.
W. E. Rydaleh	do.	M.
S. R. Thurman	do.	M.
Jacob Evans	do.	N. M.
Robert Anderson	do.	M.
D. H. Thomas	do.	M.
J. W. N. Whitecotton	Bank building	N. M.
F. A. McGraw	do.	N. M.
Thomas John	610 West Center	M.

HARNESS SHOPS.

F. F. Bee	317 West Center	N. M.
Stephen Bee	352 West Center	N. M.
A. J. Durrant	161 West Center	M.

BAKERIES.

Provo City	230 West Center	N. M.
Royal Bakery	160 West Center	N. M.

CIGAR FACTORY.

H. W. Gease	North Academy avenue	N. M.
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JEWELERS.

J. Beck	23 North Academy avenue	N. M.
Julius Jensen	Bank building	M.
Taylor Bros.	250 West Center	M.

ELECTRICIANS.

B. Bachman	46 South Fourth, east	N. M.
Electric Co	91 North Academy avenue	N. M.

DENTISTS.

Name.	Address.	Mormon or non-Mormon.
Dr. C. E. Bottomly	Oyer Palace Drug Store.....	N. M.
Dr. C. W. Love	561 East Second, north.....	N. M.
Dr. J. N. Christensen	Post-office building	N. M.
Dr. N. H. Nelson	320 West Center.....	N. M.

IMPLEMENT COMPANIES.

Brubaker Campbell Co.....	36 West Center.....	N. M.
Consolidated W. & M. Co	North Academy avenue	M.
Newel Knight.....	16 North Second, west	N. M.

MEAT MARKETS.

Central.....	222 West Center.....	M.
Palace.....	116 West Center.....	M.
P. Spechart.....	144 West Center	N. M.
Hines Kimball Co.....	West Center.....	Mixed.
Success.....	46 North Academy avenue.....	Mixed.

WHOLESALE HOUSES.

Z. C. M. I.....	South Academy avenue	M.
John Scowcroft & Sons.....	South Fourth, west.....	M.

RETAIL GROCERIES.

A. S. Jones	309 South Academy avenue.....	M.
A. J. Southwick	24 North Academy avenue.....	M.
John Saxey	65 North Academy avenue.....	N. M.
Provo Meat and Packing Co	45-55 North Academy avenue.....	M.
Caleb H. Davis	498 North Academy avenue.....	M.
H. H. Cluff	511 North Academy avenue.....	M.
George E. Howe.....	58 West Center	M.
Ralph Poulton & Co.....	72 West Center	M.
Christ Petersen.....	86 West Center	N. M.
John T. Taylor	140 West Center	M.
Wilford Perry	208 West Center	M.
Bulley Bros.....	266 West Center.....	M.
Hines Kimball Co.....	432 West Center.....	Mixed.

NOTIONS.

E. Bott	114 West Center.....	N. M.
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GENTS' FURNISHINGS.

Sam Schwab	Academy avenue	N. M.
Wood Clifton Co.....	West Center	N. M.
New York Clothing Co	North Academy avenue	M.
Singleton Clothing Co.....	West Center	M.
George Passey & Co	do	M.
Fletcher & Thomas.....	do	M.

DRY GOODS.

J. H. Frisby & Co.....	West Center.....	M.
Farrer Bros. Co.....	North Academy avenue	Mixed.
R. R. Irvine	do	M.
R. A. Barney.....	West Center.....	N. M.

REED SMOOT.

HARDWARE.

Name.	Address.	Mormon or non-Mormon.
Brubaker Campbell Co.....	West Center.....	N. M.
W. H. Freshwater.....	do.....	M.
Taylor Bros. Co.....	do.....	M.

BANKS.

Provo Commercial and Saving.....	Academy avenue.....	Mixed.
Provo State Bank.....	do.....	N. M.

EXPRESS COMPANIES.

Wells Fargo Co.....	Academy avenue.....	N. M.
Pacific.....	do.....	M.

STONE CONTRACTOR.

Sidney Belmont.....	186 West First, south.....	N. M.
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FACTORIES.

Provo Woolen Mills.....	North First, west.....	M.
Startup Candy Co.....	South First, west.....	M.

LUMBER COMPANY AND MACHINE SHOPS.

Smoot Lumber Co.....	South Academy avenue.....	M.
Ward & Sons.....	West Third, south.....	Mixed.
Beebe Co.....	South Academy avenue.....	N. M.
J. N. Petersen, cabinetmaker.....	do.....	N. M.

COAL COMPANIES.

Provo Coal Co.....	South Academy avenue.....	Mixed.
Smoot & Spafford.....	do.....	M.
Dixon Bros.....	North Second, west.....	M.

FURNITURE.

Taylor Bros. Co.....	West Center.....	M.
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BOOK STORES.

Provo Book & Stationery.....	North Academy avenue.....	M.
W. H. Gray & Co.....	do.....	M.

DRUG STORES.

Provo Drug Co.....	North Academy avenue.....	N. M.
Smoot Drug Co.....	West Center.....	M.
Moore Drug Co.....	do.....	Mixed.
Palace Drug Co.....	do.....	N. M.
A. D. Sutton.....	do.....	N. M.

UNDERTAKERS.

Graham & Jones.....	162-164 West Center.....	N. M.
O. H. Berg & Son.....	43 East Center.....	M.

HOTELS AND RESTAURANTS.

Name.	Address.	Mormon or non-Mormon.
Hotel Roberts	South Academy avenue.....	M.
John Grier	North First, west.....	M.
Hyde House	West Center.....	M.
Vienna Cafe.....	North First, west.....	N. M.
Excelsior Flour Mills.....	North Second, west.....	M.

PLUMBERS.

H. G. Blumenthal & Co	476 West Center.....	N. M.
T. F. Pierpont & Co	Corner Fifth, west and center.....	N. M.
W. A. Williams & Co	20 East First, north.....	M.

PRINTERS.

Enquirer Co.....	North First, west.....	M.
Skelton & Co.....	North Academy avenue.....	M.
Dangerfield Co.....	do.....	M.
Century Job Co.....	East Center.....	N. M.
Democrat Publishing Co.....	do.....	N. M.

TINSMITH.

August Fisher.....	372 West Center.....	N. M.
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BRICKYARDS.

Provo Pressed Brick Co	186 West First, south.....	N. M.
N. W. Tiffany.....	388 East Second, south.....	M.
J. F. Wilson.....	State road.....	N. M.

LIVERY STABLES.

Sharp & Ward.....	105 West Center.....	N. M.
Sutherland Bros.....	67 North First, west.....	N. M.

TRANSFERS AND HACKS.

J. B. McCauslin	North Second, west.....	N. M.
W. J. Woodhead	South Academy avenue.....	N. M.
Sutherland Bros.....	67 North First, west.....	N. M.
Sharp & Ward.....	105 West Center.....	N. M.
H. Osterloh.....	North First, west.....	N. M.
Allen Cox.....	91 South Sixth, east.....	M.
Jesse Thompson.....	South Second, west.....	N. M.

CIVIL ENGINEERS.

W. B. Searle	239 East First, north.....	N. M.
A. J. Stewart & Sons.....	Knight Block.....	M.

SCHOOLS.

The Brigham Young University, Prof. G. H. Brimhall, president.	356 North First, west.....	M.
Proctor Academy, Prof. S. H. Goodwin, principal.	Corner First and First, south.....	N. M.

RAILROADS.

Name.	Address.	Mormon or non-Mormon.
Denver and Rio Grande	South Academy avenue.....	N. M.
San Pedro, Los Angeles and Salt Lake.....do.....	N. M.

MARBLE WORKS.

Beesley Bros.....	West Center.....	N. M.
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SALOONS.

Bailey & Vincent.....	Center street.....	N. M.
J. W. Lamb.....do.....	N. M.
Felix Bachmando.....	N. M.
Homer & Wilkinsdo.....	N. M.

Mormons	61
Non-Mormons	74

Mr. WORTHINGTON. How does it come out? What proportion of the business people there are Mormons?

Mr. CLOVE. I have totaled the investigation of business firms, and I find 74 non-Mormon business institutions and 61 Mormon. Then I have them also in detail, giving the line of business followed and their places of business.

Mr. WORTHINGTON. And on that list you have marked those who are Mormons and those who are not Mormons?

Mr. CLOVE. Yes, sir.

Mr. WORTHINGTON. What part, if at all, in the business of that town, in the dealing of business men, does the fact that some are Mormons and some non-Mormons play?

Mr. CLOVE. There is absolutely no difference. People trade where they get the best prices.

Mr. WORTHINGTON. Do you mean Mormons deal with non-Mormons and non-Mormons deal with Mormons indiscriminately?

Mr. CLOVE. Yes; the question never enters into trade.

Mr. WORTHINGTON. What is there to indicate that the church has, directly or indirectly, any influence there in matters of that kind?

Mr. CLOVE. Nothing whatever.

Mr. WORTHINGTON. I believe the Congregational Church has a school at Provo?

Mr. CLOVE. Yes, sir; it has.

Mr. WORTHINGTON. Is that for boys and girls?

Mr. CLOVE. For boys and girls.

Mr. WORTHINGTON. How large an institution is that? About how many pupils are there?

Mr. CLOVE. Possibly six or seven hundred; maybe not so large.

Mr. WORTHINGTON. Are the pupils confined to members of that faith, or what is the rule?

Mr. CLOVE. The citizens generally patronize it who would rather send their children to a private school than to the public schools. Mormons and Gentiles alike patronize it.

Mr. WORTHINGTON. Can you give us an idea of the proportion of Mormon children who go to that Congregational school?

Mr. CLOVE. No, sir; I could not.

Mr. WORTHINGTON. Can you tell us whether they are few or many?

Mr. CLOVE. I think, probably, 20 per cent would be Mormons—of Mormon parentage.

Mr. WORTHINGTON. You may cross-examine.

Mr. CARLISLE. You have spoken of Mr. Thomas Chamberlain and have stated, I believe, that it was reputed that he had four or five wives?

Mr. CLOVE. Yes, sir.

Mr. CARLISLE. Do you know any of them at all?

Mr. CLOVE. The only Chamberlain I know is Mr. Chamberlain himself, and I only know him in a casual way. I know him by sight. He has been pointed out to me.

Mr. CARLISLE. How is it reputed there as to whether or not he has young children by various wives?

Mr. CLOVE. It has been published that he has young children, but otherwise I couldn't say. He is a newcomer in the community, Mr. Secretary. He has not been long at Provo.

Mr. CARLISLE. It is not reputed there that he has 5 wives and 51 children?

Mr. CLOVE. It is reported he has several wives, but how many I can't say.

Mr. CARLISLE. Nor how many children?

Mr. CLOVE. Nor how many children, except I have seen the statement published as you mentioned it.

Mr. CARLISLE. Has he ever denied it, so far as you know?

Mr. CLOVE. I have not heard any denial of it.

Mr. CARLISLE. Nor any admission, I suppose?

Mr. CLOVE. Nor any admission.

The CHAIRMAN. I want to inquire for information, is that the Chamberlain whom the committee subpoenaed or tried to subpoena?

Mr. CARLISLE. I understand so, sir. I have not seen his subpoena. Then Mr. John Fogelsberg.

Mr. CLOVE. Yes, sir; I knew Mr. Fogelsberg.

Mr. CARLISLE. I understand you to say he left there about six or seven years ago?

Mr. CLOVE. He did, sir.

Mr. CARLISLE. What is the repute as to where he went and what he did?

Mr. CLOVE. He went from Provo into one of the southern counties, I believe Sanpete County, and last year while at Logan I met him there on the streets of Logan. He is residing there now.

Mr. CARLISLE. What is the repute there as to whether he went to Logan or some place in that part of the State and took another wife?

Mr. CLOVE. I have not heard any repute of him taking another wife. He married a plural wife at Provo, but I have not heard of any other marriage.

Mr. CARLISLE. When did he marry in Provo?

Mr. CLOVE. In 1889, I think, just a year or so before I came to Provo.

Mr. CARLISLE. It is not reputed there that he took another wife?

Mr. CLOVE. He married a widow at Provo.

Mr. CARLISLE. As to Arthur Simmons, you say you know one of the Mrs. Simmons?

Mr. CLOVE. I know Mrs. Simmons in Provo, reputed to be a plural wife.

Mr. CARLISLE. Has she some small children?

Mr. CLOVE. She has some small children; yes, sir.

Mr. CARLISLE. Young children?

Mr. CLOVE. Yes, sir; she has a family of young children.

Mr. CARLISLE. Do you know anything about any other members of his family?

Mr. CLOVE. I do not. She is the only Mrs. Simmons residing within the little town or city.

Mr. CARLISLE. We do not object to your business list, because everything is there. I wanted to see whether it included all the various kinds of business. I want to ask you about these drug stores. Are you acquainted with them and the kind of business they do?

Mr. CLOVE. I am, sir.

Mr. CARLISLE. I will ask you whether they sell spirituous and vinous liquors.

Mr. CLOVE. They do.

Mr. CARLISLE. At retail?

Mr. CLOVE. At retail. I think there are no wholesale houses there. They may sell by wholesale.

Mr. CARLISLE. You have here four saloons, all carried on by non-Mormons?

Mr. CLOVE. Yes, sir.

Mr. CARLISLE. Then you have five drug stores, three of them carried on by non-Mormons, one by a Mormon, and one is mixed. Are those all the drug stores there are in the town?

Mr. CLOVE. Yes, sir.

Mr. CARLISLE. I think I have no other questions to ask the witness.

The CHAIRMAN. Who is your next witness, Mr. Worthington?

Mr. WORTHINGTON. The next is Mr. Henry.

TESTIMONY OF WILLIAM K. HENRY.

WILLIAM K. HENRY, being duly sworn, was examined, and testified as follows:

Mr. WORTHINGTON. Your full name, Mr. Henry?

Mr. HENRY. William K. Henry.

Mr. WORTHINGTON. Your age?

Mr. HENRY. Fifty-four.

Mr. WORTHINGTON. Your residence?

Mr. HENRY. Provo City, Utah.

Mr. WORTHINGTON. Your occupation?

Mr. HENRY. I am city marshal of the town.

Mr. WORTHINGTON. Is that an elective office?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. How long have you held that office?

Mr. HENRY. I was elected the second time last fall, a two-years' term.

Mr. WORTHINGTON. How long have you lived in Provo?

Mr. HENRY. Well, continuously since 1893.

Mr. WORTHINGTON. And before that?

Mr. HENRY. I lived in the county. Provo was my post-office.

Mr. WORTHINGTON. For how long before 1893 did you live in the county?

Mr. HENRY. I came to the county in 1883.

Mr. WORTHINGTON. Are you a member of the Mormon Church?

Mr. HENRY. No, sir.

Mr. WORTHINGTON. Have you ever been?

Mr. HENRY. No, sir.

Mr. WORTHINGTON. Are you a polygamist?

Mr. HENRY. No, sir.

Mr. WORTHINGTON. Were you born in the county in which Provo is situated?

Mr. HENRY. No, sir; I was born in Pittsylvania County, Va.

Mr. WORTHINGTON. There was a man named Patrick Henry who lived in Virginia once. Are you related to him?

Mr. HENRY. I am said to be, sir.

Mr. WORTHINGTON. Are you pretty well acquainted in Provo?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. You know the people there generally pretty well, I suppose?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Have you held any position prior to the one you hold now?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. What was that?

Mr. HENRY. I was deputy sheriff six years and deputy United States marshal three years and a half.

Mr. WORTHINGTON. During what period were you deputy United States marshal?

Mr. HENRY. From 1893 to 1897.

Mr. WORTHINGTON. Were you deputy sheriff before that?

Mr. HENRY. After that. Six years following that.

Mr. WORTHINGTON. You belong to which party, Mr. Henry?

Mr. HENRY. I am a Democrat.

Mr. WORTHINGTON. Have you been all the time?

Mr. HENRY. All the time.

Mr. WORTHINGTON. How did you come to be elected to these offices in a Republican stronghold?

Mr. HENRY. I don't know. They must have thought I was the best man.

Mr. WORTHINGTON. I want to ask you about these alleged polygamists. David John, for instance.

Mr. HENRY. Yes; I have known him ever since I have been in the county there—for twenty years at least.

Mr. WORTHINGTON. Has he been living in polygamy during that time?

Mr. HENRY. No, sir; he has not, to my knowledge, since 1893. My association has been pretty close.

Mr. WORTHINGTON. You can not speak of how it was from 1890 to 1893?

Mr. HENRY. No, sir; I can not.

Mr. WORTHINGTON. But from 1893 down how has been living—according to the law?

Mr. HENRY. He has been living with his legal wife.

Mr. WORTHINGTON. He has another wife, I believe?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Where does she live and how does he treat her?

Mr. HENRY. She is living with him now. He has married her legally.

Mr. WORTHINGTON. His first wife dead?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Then he married her legally?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. How old are her youngest children? Do you know?

Mr. HENRY. About 20 years old.

Mr. WORTHINGTON. Then, passing Josiah Hickman, who has been on the stand here, what can you tell us about S. S. Jones?

Mr. HENRY. Mr. Jones has not been living with his plural wife since I have known him. That would date back to about 1893.

Mr. WORTHINGTON. What about Robert Kirkwood?

Mr. HENRY. Well, he is living with his legal wife, as I understand it.

Mr. WORTHINGTON. Have you known about him since 1893?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. During that time has he been living with more than one wife?

Mr. HENRY. Just the one, as I understand it.

Mr. WORTHINGTON. That is his legal wife?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. How about Mr. Muhlsteen?

Mr. HENRY. I didn't know much about Mr. Muhlsteen until recently. I made inquiries and found his first wife died about fourteen years ago, and he married the plural wife legally afterwards, and is living with her now.

Mr. WORTHINGTON. Is he the man living on the farm outside of Provo?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. The second wife whom he married after his first wife died is living there with him, is she?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Has he any other wife you ever heard of?

Mr. HENRY. No; I never heard of any.

Mr. WORTHINGTON. Do you know George Gee?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. What about him?

Mr. HENRY. I never knew of his being in polygamy until the matter came out down here.

Mr. WORTHINGTON. We do not know it now. He is simply on this list. I think Mr. Wolfe said he did not know him.

Mr. HENRY. I do not know a thing about it.

Mr. WORTHINGTON. I do not know how he got in. Do you know any Alfred Jones in or about Provo?

Mr. HENRY. No, sir; I know Albert Jones.

Mr. WORTHINGTON. What about him, so far as his having more than one wife is concerned?

Mr. HENRY. He has two wives, or it is reputed so, and living with them.

Mr. WORTHINGTON. What about their children?

Mr. HENRY. They are all grown, I think.

Mr. WORTHINGTON. How old a man is he?

Mr. HENRY. He is between 65 and 70.

Mr. WORTHINGTON. And his wives?

Mr. HENRY. They are getting along in years, too. I don't know their ages.

Mr. WORTHINGTON. Mr. Cluff, I believe we all know, does not live at Provo any more.

Mr. HENRY. No, sir.

Mr. WORTHINGTON. Do you know where he does live?

Mr. HENRY. I have heard he lives in Mexico.

Mr. WORTHINGTON. What about Thomas Chamberlin?

Mr. HENRY. I have known him by sight, but he hasn't been around Provo for some little time. He owns property there, and I understand there is one woman there who claims to be his plural wife, in town, and one or two on the farm.

Mr. WORTHINGTON. Where is that farm?

Mr. HENRY. Seven or 8 miles north of Provo.

Mr. WORTHINGTON. Do you mean to say he has not been around there lately?

Mr. HENRY. No, sir; he has not.

Mr. WORTHINGTON. For how long? How long since he did?

Mr. HENRY. About the first of the year is my recollection.

Mr. WORTHINGTON. You mean about the first of this year—1906?

Mr. HENRY. Yes, sir; because he has never been there but very little.

Mr. WORTHINGTON. Never since when?

Mr. HENRY. Well, he only bought there about a year ago.

Mr. WORTHINGTON. To go back to Albert Jones. You say he does have two wives and lives with them. What is your knowledge, or what is the reputation, as to when he married those wives?

Mr. HENRY. Well, long before the manifesto. I think his children are all grown.

Mr. WORTHINGTON. George Brimhall I pass, because he has been a witness here. Then we come to George Peay. What do you know about him?

Mr. HENRY. He has two wives, and I understand he lives with the second wife down on the farm. His first wife lives up in town. They have no young children.

Mr. WORTHINGTON. Which is the legal wife, the one who lives in the town?

Mr. HENRY. The one who lives in town, I understand.

Mr. WORTHINGTON. And he lives with the plural wife?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Do you know whether that plural wife became his wife before or since the manifesto?

Mr. HENRY. Before, I understand it.

Mr. WORTHINGTON. Have they any children?

Mr. HENRY. Yes, sir; they have got children, but I think they are all grown.

Mr. WORTHINGTON. When you say grown, what do you mean?

Mr. HENRY. Well, from 18 to 21 years old.

Mr. WORTHINGTON. Have you any knowledge as to his relations with the legal wife who lives in the town?

Mr. HENRY. No, sir; I hardly ever see him in town. He stays very close on the farm.

Mr. WORTHINGTON. Has the legal wife, who lives in the town, any young children?

Mr. HENRY. No, sir.

Mr. WORTHINGTON. How old are her youngest?

Mr. HENRY. Her youngest must be 25 years old.

Mr. WORTHINGTON. Now about John Fogelsberg.

Mr. HENRY. I don't know much about him.

Mr. WORTHINGTON. Mr. Wolfe did not know him. Do you?

Mr. HENRY. I knew of such a man seven or eight years ago there.

Mr. WORTHINGTON. He has disappeared, has he?

Mr. HENRY. Yes.

Mr. WORTHINGTON. Do you know anything about where he lives?

Mr. HENRY. I understand he is there in the State. I heard he was in Cache County. Then I heard he was in the southern part of the State.

Mr. WORTHINGTON. Is there any reputation that he has become a polygamist since the manifesto?

Mr. HENRY. I never heard of it.

Mr. WORTHINGTON. Is there any reputation that he was before the manifesto?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Now, about Arthur Simmons.

Mr. HENRY. Well, he has a plural wife living in Provo, raising a young family.

Mr. WORTHINGTON. Where is the legal wife, do you know?

Mr. HENRY. I understand they live at Spanish Fork. That is about 12 miles south of Provo.

Mr. WORTHINGTON. What is the reputation as to whether Arthur Simmons acquired his wives before or since the manifesto?

Mr. HENRY. Well, from the number of children they must have been before; I think there are 7 or 8 children.

Mr. WORTHINGTON. How old is the oldest of them?

Mr. HENRY. He must be 16 or 17 years old.

Mr. WORTHINGTON. And how old is the youngest?

Mr. HENRY. Two or three.

Mr. WORTHINGTON. I want to ask you generally as to either of these people, if you have any knowledge as to the fact or as to the reputation being that they have taken wives since the manifesto?

Mr. HENRY. No; I have not.

Mr. WORTHINGTON. Are you pretty well acquainted with the business firms and persons and concerns in Provo?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. Have you seen the list which Mr. Clove prepared?

Mr. HENRY. I helped Mr. Clove prepare that list.

Mr. WORTHINGTON. Can you speak for its accuracy, then, as well as he?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. What do you say as to whether the fact that some of the concerns or people who are in business there are Mormons

and some non-Mormons in a community where 75 or 80 per cent of the people are Mormons, has anything to do with the business relations of buyers and sellers?

Mr. HENRY. I have never known it to have anything to do with it at all. People buy where they want to buy.

Mr. WORTHINGTON. What, according to your observation, if any, has been the interference by the church there?

Mr. HENRY. I have never known any.

Mr. WORTHINGTON. In matters of that kind?

Mr. HENRY. I have never known any interference.

Mr. WORTHINGTON. Have you ever known of or heard any complaint of it?

Mr. HENRY. No, sir.

Mr. WORTHINGTON. You heard Mr. Clove's testimony about the Congregational Church school?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. And about the Mormon children who go there—children of Mormon parents?

Mr. HENRY. Yes, sir.

Mr. WORTHINGTON. What do you say on that subject?

Mr. HENRY. I patronize that school, and I took a little interest in looking it up. There are a little over 300 pupils, and about 50 per cent of them are Mormon children.

Mr. CARLISLE. Mr. Henry, I want to ask you, I think, about only one of these persons, Mr. Albert Jones. You say you are acquainted with him?

Mr. HENRY. Yes, sir.

Mr. CARLISLE. Are you acquainted personally with his family?

Mr. HENRY. No; I am not acquainted personally with his family.

Mr. CARLISLE. Have you ever seen his children?

Mr. HENRY. Some of the older ones.

Mr. CARLISLE. Is it not a fact that his plural wife has quite a number of small children there—comparatively young children?

Mr. HENRY. I don't think so.

Mr. CARLISLE. When I say "comparatively young," I mean from 9 to 12 or 13 years old.

Mr. HENRY. There may be. I wouldn't be positive about it.

Mr. CARLISLE. You have never seen the younger children, and you do not know?

Mr. HENRY. Yes; I pass his place occasionally, but it is a good way from the court-house block. It is off in the southwest part of town, and I know the children when I pass the places, but I don't know them when I see them out from their homes.

Mr. CARLISLE. These older ones that you speak of—are they sons or daughters?

Mr. HENRY. Both.

Mr. CARLISLE. Both sons and daughters?

Mr. HENRY. Yes, sir.

Mr. CARLISLE. You do not know whether he has any younger children than that or not?

Mr. HENRY. No, sir.

Mr. CARLISLE. I want to ask you about Mr. Hickman. I believe he

has testified, but I want to ask your knowledge on the subject. Do you know Josiah Hickman?

Mr. HENRY. Yes, sir; I know him.

Mr. CARLISLE. How long have you known him?

Mr. HENRY. I guess I have known him ten years.

Mr. CARLISLE. Do you know whether he had a plural wife or not?

Mr. HENRY. Yes, sir.

Mr. CARLISLE. Do you know what her name was?

Mr. HENRY. No; I do not.

Mr. CARLISLE. Miss Lausch. His first wife died, did she not?

Mr. HENRY. Yes, sir.

Mr. CARLISLE. Do you remember when she died?

Mr. HENRY. She died several years ago.

Mr. CARLISLE. That is rather indefinite, you know.

Mr. HENRY. I would say three or four years ago.

Mr. CARLISLE. Do you not know he took another legal wife after that?

Mr. HENRY. I know that by repute.

Mr. CARLISLE. And still has the plural wife?

Mr. HENRY. I don't know what has become of the plural wife.

Mr. CARLISLE. Does she not live there at his old home?

Mr. HENRY. I don't know that.

Mr. CARLISLE. Do you know anything about her being a teacher in the school at Fillmore?

Mr. HENRY. No, sir.

Mr. CARLISLE. You do not know these facts?

Mr. HENRY. No, sir.

Mr. CARLISLE. There is no common repute about it, is there?

Mr. HENRY. I heard he had married a woman legally, but I didn't know what had become of the plural wife.

Mr. CARLISLE. That is what I say. You do not know even by reputation what has become of the plural wife?

Mr. HENRY. No, sir.

Mr. CARLISLE. Whether he still lives with her since the second marriage or not?

Mr. HENRY. No; I couldn't answer that.

Senator DUBOIS. Did you know anything about B. F. Cluff, jr., entering into new polygamy about the time he entered into it?

Mr. HENRY. I heard it talked. It was reputed there that he had entered into polygamy, about the time he went to Mexico or just before.

Senator DUBOIS. He came back there after he went into this new relation? You heard some talk about it?

Mr. HENRY. Yes, sir.

Senator DUBOIS. Nobody complained much about it, did they?

Mr. HENRY. After they came back there was quite a stir about it. He didn't stay very long. He went off.

Senator DUBOIS. Did you complain about it?

Mr. HENRY. No, sir.

Senator DUBOIS. Do you think you would have been elected if you had complained about it?

Mr. HENRY. If I had?

Senator DUBOIS. Yes.

Mr. HENRY. I don't know.

Senator DUBOIS. Suppose you had complained about the president of the Brigham Young Academy going into polygamy at that time? If you had complained about it to the authorities do you think you would have been elected marshal?

Mr. HENRY. I don't know.

Senator DUBOIS. What do you think about it?

Mr. HENRY. There have been some radical men in the olden time elected to the office—as radical as could be found in the town.

Mr. WORTHINGTON. What do you mean by radical men?

Mr. HENRY. Anti-Mormons

Senator DUBOIS. Is there any general complaint about any of these people entering into these polygamous relations who are raising children now in the polygamous relation?

Mr. HENRY. I can't say I know but one or two that it is reputed they are raising children, and there is not a great deal said about it.

Senator DUBOIS. Would you be elected marshal if you should undertake to lodge a complaint against them in the courts, do you think?

Mr. HENRY. I don't know. I worked under a sheriff that lodged a complaint and prosecuted Bishop Harmer in Springville, and he was reelected sheriff of the county.

Senator DUBOIS. Who did he prosecute?

Mr. HENRY. Harmer.

Senator DUBOIS. That was for adultery. That was not for polygamy. That is a very different proposition.

Mr. HENRY. I don't know. You say adultery. I don't remember what the charge was.

Senator DUBOIS. I do. Can you name any other instance?

Mr. HENRY. No; that is the only man that I have known that has been prosecuted there for a long time.

Senator DUBOIS. Do you think you would be elected if you should undertake to lodge a complaint?

Mr. HENRY. I can only answer that by saying that I was United States deputy marshal there for three years and a half, and that was a part of my business, and that was never held against me that I know of.

Mr. CARLISLE. But you were not elected.

Mr. HENRY. I was appointed, but I have been elected twice since.

Mr. WORTHINGTON. What was part of your business?

Mr. HENRY. To prosecute polygamous cohabitation.

Senator DUBOIS. When was that?

Mr. HENRY. That was from 1893 to 1897.

Senator DUBOIS. How many convictions were there for unlawful cohabitation around Provo from 1893 to 1897?

Mr. HENRY. I couldn't answer that.

Senator DUBOIS. Were there any?

Mr. HENRY. Oh, yes.

Senator DUBOIS. For unlawful cohabitation?

Mr. HENRY. Yes, sir.

Senator DUBOIS. I would like to have you name one?

Mr. HENRY. I do not know that I could name any particular individual. The record will show for itself.

Senator DUBOIS. Was not that the time of the era of good feeling, from 1893 to 1897?

Mr. HENRY. I don't know. It was the last administration of Grover Cleveland. There wasn't very good feeling out West.

Senator DUBOIS. Let us confine ourselves to this investigation. That was the time immediately preceding statehood?

Mr. HENRY. Yes, sir.

Senator DUBOIS. When there was an era of good feeling?

Mr. HENRY. In 1893 and 1894 there were a good many prosecutions.

Senator DUBOIS. If you can think up some specific ones, I wish you would name them and put them in the record. I will give you time. That is all.

Mr. WORTHINGTON. I want to offer in evidence an article in the Deseret Evening News of Saturday, December 19, 1903, entitled "The Church and Kingdom of God," signed by Joseph F. Smith, John R. Winder, and Anthon H. Lund, the first presidency of the church.

Mr. CARLISLE. Is not that already in?

Mr. WORTHINGTON. No; it is not in. It has been mentioned by somebody, but it is not in the record. It is their enunciation of their understanding of certain things which have been very much talked about and gone over in this hearing.

We are through for to-day, Mr. Chairman, and Mr. Carlisle can take that with him if he pleases and look at it along with the affidavits.

Mr. CARLISLE. I will look at it.

Mr. WORTHINGTON. I will ask you to adjourn, Mr. Chairman, and we will finish up in the morning, without any doubt.

The CHAIRMAN. You think you can close in the morning?

Mr. WORTHINGTON. I think we can, without doubt.

The CHAIRMAN. Do you want any of the witnesses already examined retained?

Mr. WORTHINGTON. Mr. Shields is very anxious to be allowed to go. We would like to have him discharged. The others we would like to keep here until to-morrow.

The CHAIRMAN. Mr. Shields, then, can be discharged and the others can remain.

Mr. CARLISLE. At the close of the last hearing I reserved the right to offer in evidence the opinion of the court in the so-called "naturalization cases," but I did not want to offer anything except the opinion. I want to make the offer now, so that Mr. Worthington can take it and examine it if he desires. I only want to offer the opinion of the court in the case, which is at the end of the record.

The CHAIRMAN. That may go in.

The opinion referred to is as follows:

OPINION AND DECISION OF THE COURT.

Opinion of Judge Anderson, rendered in the third judicial court at Salt Lake City, Utah, November 30, 1889, in which naturalization was denied to John Moore and others because of their being members of the Mormon Church.

In the district court for the third judicial district of the Territory of Utah. In the matter of the application of John Moore, Fred W.

Miller, Henry J. Owen, John Berg, Walter J. Edgar, Charles E. Clissold, Nels Anderson, Carl P. Larsen, Thomas M. Mumford, John Garbet, and Arthur Townsend to become citizens of the United States.

OPINION.

ANDERSON, J.: In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar upon the ground that they were members of the Mormon Church, and also because they had gone through the Endowment House of that church and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted. The admission of the other applicants was objected to solely on the ground that by their own statements they were members of the Mormon Church, although they had not gone through the endowment house and had not taken the oath usually administered there, nor, in fact, any oath incompatible with citizenship.

The claim is made by those who object to the admission to citizenship of these persons that the Mormon Church is and always has been a treasonable organization in its teachings and in its practices, hostile to the Government of the United States, disobedient to its laws, and seeking its overthrow, and that the oath administered to its members in the endowment house binds them, under the penalty of death, to implicit obedience in all things, temporal as well as spiritual, to the priesthood, and to avenge the death of the prophets Joseph and Hyrum Smith upon the Government and people of the United States. The taking of further testimony at this time is for the purpose of determining whether or not these allegations are true.

The third subdivision of section 2165 of the Revised Statutes of the United States provides that in order to entitle an alien to be admitted as a citizen of the United States—

“It shall be made to appear to the satisfaction of the court admitting such alien that he has resided in the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same.”

Those objecting to the right of these applicants to be admitted to citizenship introduced eleven witnesses, who had been members of the Church of Jesus Christ of Latter-Day Saints, commonly called the Mormon Church. Several of these witnesses had held the position of bishop in the church and all had gone through the endowment house and participated in its ceremonies. The testimony of these witnesses is to the effect that every member of the church is expected to go through the endowment house and that nearly all do so; that marriages are usually solemnized there, and that those who are married elsewhere go through the endowment ceremonies at as early a date thereafter as practicable in order that the marital relations shall continue throughout eternity. That these ceremonies occupy the greater part of a day, and include the taking of an oath, obligation, or covenant by all who receive their endowments that they will avenge

the blood of the prophets, Joseph and Hyrum Smith, upon the Government of the United States and will enjoin this obligation upon their children unto the third and fourth generations; that they will obey the priesthood in all things, and will never reveal the secrets of the endowment house under the penalty of having their throats cut from ear to ear, their bowels torn out, and their hearts cut out of their bodies.

The right arm is anointed that it may be strong to avenge the blood of the prophets. An under-garment, a sort of combination of shirt and drawers, called the "endowment robe," is then put on, and is to be worn ever after. On this robe near the throat and over the heart and in the region of the abdomen are certain marks or designs intended to remind the wearer of the penalties that will be inflicted in case of a violation of the oath, obligation, or covenant he or she has taken or made.

On behalf of the applicants 14 witnesses testified concerning the endowment ceremonies, but all of them declined to state what oaths are taken or what obligations or covenants are there entered into, or what penalties are attached to their violation; and these witnesses, when asked for their reason for declination to answer, stated that they did so "on a point of honor," while several stated they had forgotten what was said avenging the blood of the prophets. John H. Smith, one of the twelve apostles of the church, testified that all that is said in the endowment ceremonies about avenging the blood of the prophets is said in a lecture, in which the ninth and tenth verses of the sixth chapter of Revelations are recited, as follows:

"And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God and for the testimony which they held. And they cried with a loud voice, saying, 'How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth.'"

Other witnesses for the applicants testified that this is the only place in the ceremonies where avenging the blood of the prophets is mentioned.

John Clark, a witness for the applicants, testified that he took some obligations, made some promises, entered into some covenants in the Endowment House, and wore his endowment robes, but did not know the significance of the slit over the heart. E. L. T. Harrison, another of applicant's witnesses, testified that he had a clear recollection that his right arm was washed, and something said about it being made strong to avenge the death of the prophets, and that the names of Joseph and Hyrum Smith were not mentioned, but were understood to be among the number whose blood was to be avenged; and E. G. Wooley, a witness for the applicants, testified they were to pray for the Lord to avenge the blood of the prophets. Every other witness for the applicants who was asked the question stated that Joseph and Hyrum Smith were understood to be included among the prophets whose blood was to be avenged.

The witnesses for the applicants, while refusing to disclose the oaths, promises, and covenants of the endowment ceremonies and the penalties attached thereto, testified generally that there was nothing in the ceremonies inconsistent with loyalty to the Government of the United States, and that the Government was not mentioned. One of the objects of this investigation is to ascertain whether the oaths

and obligations of the endowment house are incompatible with good citizenship, and it is not for applicants' witnesses to determine this question. The refusal of applicants' witnesses to state specifically what oath, obligations, or covenants are taken or entered into in the ceremonies, renders their testimony of but little value, and tends to confirm rather than contradict the evidence on this point offered by the objectors. The evidence established beyond any reasonable doubt that the endowment ceremonies are inconsistent with the oath an applicant for citizenship is required to take, and that the oaths, obligations, or covenants there made or entered into are incompatible with the obligations and duties of citizens of the United States. The applications of John Moore and Walter J. Edgar, both of whom were shown on the former examination to be members of the Mormon Church, and to have gone through the endowment house, are therefore denied.

THE GENERAL OBJECTION.

As to the objection made to the admission of the other applicants upon the ground solely of their being members of the Mormon Church, a large amount of evidence, mostly documentary, has been introduced, only a small portion of which can be noticed in this opinion without extending it to too great a length. The evidence consists mostly of the sermons and writings of the Mormon rulers and leaders published under the direction of the church. On the subject of the right of the priesthood and rulers to dictate to the members in temporal matters, portions of section 124, page 436, of the Doctrine of Covenants are offered by the objectors, containing the prophecies of Joseph Smith, as follows:

"And now I say unto you, as pertaining to my boarding house which I have commanded you to build for the boarding of strangers, that it be built unto my name, and let my name be named upon it; and let my servant Joseph and his house have place therein, from generation to generation. For this anointing have I put upon his head, that his blessing shall also be put upon the head of his posterity after him. And as I said unto Abraham concerning the kindreds of the earth, even so I say unto my servant Joseph, in thee and in thy seed shall the kindred of the earth be blessed. Therefore, let my servant Joseph and his seed after him have place in that house from generation to generation, forever and ever, saith the Lord. And let the name of the house be called Nauvoo House, and let it be a delightful habitation for man, and a resting place for the weary traveler, that he may contemplate the glory of Zion, and the glory of this the cornerstone thereof. That he may receive also the counsel from those whom I have set to be as plants of renown and as watchmen upon her walls.

"Behold, verily I say unto you let my servant George Miller, and my servant Lyman Wight, and my servant John Snider, and my servant Peter Haws organize themselves and appoint one of them to be a president over their quorum, for the purpose of building that house. And they shall form a constitution whereby they shall receive stock for the building of that house. And they shall not receive less than \$50 for a share of stock in that house; and they shall be permitted to receive \$15,000 from any one man for stock in that house; but they shall not be permitted to receive over \$15,000 stock from

any one man, and they shall not be permitted to receive any man as stockholder in this house except the same shall pay his stock into their hands at the time he receives stock."

Also from page 241 of the same book, as follows:

"And now verily I say that it is expedient in me that my servant Sidney Gilbert, after a few weeks, should return upon his business and to his agency to the land of Zion; and that which he hath seen and heard may be made and known unto my disciples, that they perish not. And for this cause I have spoken these things. And again I say unto you, that my servant, Isaac Morley, may not be tempted above that which he is able to bear, and counsel wrongfully to your heart, I gave commandment that his farm should be sold."

From page 242 of the same book, as follows:

"And it is not meet that my servants Newell K. Whitney and Sidney Gilbert should sell their store and their possessions here, for this is not wisdom, until the residue of the church, which remaineth in this place shall go up unto the land of Zion."

Also an extract from a discourse by President Brigham Young, delivered in the Tabernacle in this city, June 16, 1867, in which he used the following language:

"You may say it is hard that I should dictate to you in your temporal affairs. Is it not my privilege to dictate to you? Is it not my privilege to give this people counsel, to direct them so that their labors shall build up the kingdom of God instead of the kingdom of the devil? I will quote you a little scripture, if you wish, the words of an apostle of the Lord Jesus Christ to me. You may think that I saw him in a vision, and it was a vision given right in broad daylight. Said he, 'Never spend another day to build up a Gentile city, but spend your days, dollars, and dimes for the upbuilding of the Zion of God upon the earth, to promote peace and righteousness, and to prepare for the coming of the Son and Man, and he that does not abide this law will suffer loss.' That is a saying of one of the Apostles of the Lord Jesus Christ. He said it to me. Do you want to know his name?

"It is not recorded in the New Testament among the Apostles, but it was an apostle whom the Lord called and ordained in this, my day, and in the day of a good portion of this congregation, and his name was Joseph Smith, jr. These words were delivered to me in July, 1833, in the town of Kirtland, Geauga County, in the State of Ohio. The word to the elders who were there was: 'Never from this time henceforth do you spend one hour to sustain the kingdoms of this world, or the kingdoms of the devil, but sustain the kingdom of God to your uttermost.' Now, if I were to ask the elders of Israel to abide this, what would be the reply of some amongst us? The language in the hearts of some of you would be: 'It's none of your business where I trade.' I will promise those who feel thus that they will never enter the celestial kingdom of our Father and God. That is my business. It is my business to preach the truth to the people, and it will be my business bye and bye to testify for the just and to bear witness against the ungodly. It is your privilege to do as you please. Just please yourselves, but when you do so will you please bear the results and not whine over them?" (Journal of Discourses, vol. 12, p. 59.)

In another discourse made in the tabernacle in this city March 9, 1862, the same distinguished leader used the following language:

"There is not a man upon the earth who could magnify even an earthly office without the power and wisdom of God to aid him. When Mr. Fillmore appointed me governor of Utah I proclaimed openly that my priesthood should govern and control that office. I am of the same mind to-day. We have not yet received our election returns, but should I be elected governor of the State of Deseret, that office shall be sustained and controlled by the power of the eternal priesthood of the Son of God, or I will walk the office under my feet. Hear it, both saint and sinner, and send it to the uttermost parts of the earth, that whatever office I hold for any government on this earth shall honor the government of heaven, or I will not hold it." (Journal of Discourses, vol. 10, p. 42.)

Elder George Q. Cannon, in an address in this city on the 1st day of January, 1865, used the following language:

"When the counsel of God comes through His servants to us we should bow to that no matter how much it may come in contact with our preconceived ideas; submit to it as though God spoke it, and feel such reverence toward it as though we believed the servant of God had the inspiration of the Almighty resting upon him." (Journal of Discourses, vol. 11, p. 71.)

In a discourse delivered in this city on the 30th day of August, 1857, Elder John Taylor, afterwards one of the presidents of the church, used the following language:

"God has established His kingdom. He has rolled back that cloud that has overspread the moral horizon of the world. He has opened the heavens, revealed the fullness of the everlasting gospel, organized this His kingdom according to the pattern that exists in the heavens, and he has placed certain keys, powers, and oracles in our midst, and we are the people of God, we are His government. The priesthood upon the earth is the legitimate government of God, whether in the heavens or on the earth." (Journal of Discourses, vol. 5, p. 187.)

In a discourse by President Heber C. Kimball, delivered in this city Sunday morning, August 30, 1857, he used the following language:

"I want to tell some of my feelings here to-day in a few words relative to Brother Brigham. I call him brother because he says if I call him president he shall call me president, and just as sure as he does I am as flat as a pancake. I shall only call him president before the saints in his calling. I was going to say, before our enemies, but damn them, they shall never come here. Excuse me; I never use rough words only when I come in contact with rough things, and I use smooth words when I talk upon smooth subjects, and so on, according to the nature of the case that comes before me.

"You all acknowledge Brother Brigham Young as president of the Church of Jesus Christ of Latter-Day Saints. Then you acknowledge him as your leader, prophet, seer, and revelator, and then you acknowledge him in every capacity that pertains to his calling, both in church and state, do you not? [Voices, "Yes."] Well, he is our governor. What is a governor? One who presides or governs. Well, now we have declared in a legislative capacity that we will

not have poor, rotten-hearted cusses to rule over us, such as some they have been accustomed to send.

"We drafted a memorial, and the council and house of representatives signed it, and we sent to them the names of men of our own choice—as many as from five to eight men to each office, men from our own midst—out of whom to appoint officers for this Territory. We sent that number for the President of the United States to make a selection from, and asked him to give us men of our own choice, in accordance with the rights constitutionally guaranteed to all American citizens. We just told them right up and down that if they sent any more of such miserable curses as some they had sent here we should send them home; and that is one reason why an army, or rather a mob, is on the way here, as reported. You did not know the reason before, did you? I want you to go and get your butcher knives, your bowie knives, and jackknives, and sharpen them. There is nothing to fight, and there will not be this year. We shall have a year of peace. They may try to come here; and then they will not come here. If they do not undertake to come here, then there will not be any trouble; but they will never force a governor on us again; no, never; and their poor, rotten-hearted judges and marshals, etc., if you will do right." (Journal of Discourses, vol. 5, p. 100.)

Elder Wilford Woodruff, now president of the church, on the 8th day of April, 1862, delivered an address in this city, in which he used the following language:

"This kingdom has got to rise up and take its stand in majesty, in strength, and power among the nations, and all that the Lord has promised will be realized. Our president has frequently told us that we shall not separate the temporal from the spiritual, but they must go hand in hand together. And so it is, and so must we act in reference to building up the church and kingdom of God." (Journal of Discourses, vol. 6, p. 345.)

On the 22d day of October, 1865, President Woodruff delivered an address in the Tabernacle in this city, in which he used the following language:

"The Lord has said that in the last days his kingdom should not be taken from the earth nor given to another people, but that the kingdoms of this world should become the kingdoms of our God and his Christ. We have the Bible, the Book of Mormon, the Book of Doctrine and Covenants, and other revelations of God to this effect. Either this is the kingdom of God or it is not the kingdom of God. If it is not the kingdom of God, then are we like the rest of mankind: Our faith is vain, our works are vain, and we are in the same condition of ignorance with regard to the gospel and the purposes of God as the rest of the world.

"There are tens of thousands throughout these valleys who know that this is the kingdom of God. They know this by the revelations of Jesus Christ. It is not the testimony of another man that gives me the knowledge for myself. If I had not the testimony of truth for myself, I would not be qualified to build up this kingdom. There is no man nor woman qualified to build up the kingdom of God if they have not the testimony of truth for themselves. I will say to this congregation, Jew and Gentile, believer and unbeliever, that this is the great kingdom spoken of by Daniel, the common cement of the Zion of our God, which every prophet has spoken of who has

referred to the Zion in the last days. The Lord has sworn by himself, because he could swear by no greater, that he will establish it in the latter days." (Journal of Discourses, Vol II, p. 245.)

BISHOPS' COURT.

Evidence was also introduced showing that the bishops' courts of the church exercised judicial functions to the extent of rendering judgments and annulling and modifying judgments rendered by the civil court. It is contended, however, that they have no power of enforcing their judgments except by excommunication or other like means. This is perhaps true, but with a people so completely under the control of their leaders as the members of this church are this method is in many if not in most cases as effectual as an execution or other process of the civil courts. The following are samples of the procedure in the bishops' court:

SALT LAKE CITY, UTAH, *November 20, 1889.*

BROTHER OTTO VAN OSTRUM: You are hereby notified to attend a bishops' court to be held in the Sixteenth Ward schoolhouse, Salt Lake City, on Friday evening, November 22, 1889, at 7 o'clock, to answer the following charge, which has been preferred against you:

SALT LAKE CITY, *October 30, 1889.*

To Bishop F. KESSLER.

DEAR BROTHER: I hereby prefer a charge against Otto Van Ostrum, a member of the Sixteenth Ward, for un-Christianlike conduct in enforcing a contract to exchange property between us through the United States commissioner's court before my wife had agreed to the transaction and before I fully understood the nature of the contract through my limited knowledge of the English language. And also for being about to sell a portion of my property by marshal's sale to satisfy damages which he has never sustained, as neither him nor I were in the least injured by the failure of the exchange. The time of the sale having been advertised for November 16, I would respectfully ask that a hearing may be had before you in this case as early as possible.

G. L. JENSEN.

Do not fail to appear with your testimony prepared for investigation of the above charge.

By order of Bishop F. Kessler and council.

GEO. R. EMERY, *Ward Clerk.*

N. B.—If you do not appear or send a justifiable excuse for your absence, this case will be heard and acted upon whether you are present or not.

G. R. E.

SALT LAKE CITY, *January 24, 1887.*

We, the bishop and council of the Fourth Ward, after due deliberation render the following judgment in the case of Joseph Snowden v. Chas. Williams: The interest now due, amounting to \$178, is to be

paid on the 15th day of April, 1887; \$400 of the principal and \$42.50 to be paid on the 24th day of July, 1887; the remaining \$450 principal and \$22.50 (interest on \$450 for six months, at 10 per cent per annum) to be paid on the 24th day of January, 1888.

HARRISON SPERRY, *Bishop*.
 THOMAS CORLESS,
 CHARLES KNIGHT,
Counselors.
 W. F. SMITH, *Clerk*.

I think there can be no question but that the church claims and exercises the right to control its members in temporal as well as spiritual affairs.

BLOOD ATONEMENT.

The evidence also shows that blood atonement is one of the doctrines of the church under which, for certain offenses the offender shall suffer death as the only means of atoning for his transgression, and that any member of the church has the right to shed his blood.

In a discourse delivered September 21, 1856, Brigham Young said: "There are sins which men commit for which they can not receive forgiveness in this world or in that which is to come; and if they had their eyes open to their true condition they would be perfectly willing to have their blood spilt upon the ground, that the smoke thereof might ascend to heaven as an offering for their sins; whereas, if such is not the case, they will stick to them and remain upon them in the spirit world. I know when you hear my brethren telling about cutting people off from the earth that you consider it is strong doctrine, but it is to save them. It is true that the blood of the Son of God was shed for sins through the fall and those committed by men, yet man can commit sins which it never can remit. As it was in ancient days so it is in our days, and though the principles are taught publicly from this stand, still the people do not understand them. Yet the law is precisely the same. There are sins that can be atoned for by an offering upon an altar, as in ancient days, and there are sins that the blood of a lamb or of a calf or of turtle doves can not remit; but they must be atoned for by the blood of a man. That is the reason why men talk to you as they do from this stand. They understand the doctrine and throw out a few words about it. You have been taught that doctrine, but you do not understand."

And, again, on the 8th day of February, 1857, in a discourse in the Tabernacle, President Young used the following language (see *Deseret News*, vol. 6, p. 397):

"But now I say, in the name of the Lord, that if this people will sin no more, but faithfully live their religion, their sins will be forgiven them without taking of life. You are aware that when Brother Cummings came to the point of loving our neighbors, he could say yes or no, as the case might be. That is true; but I want to connect it with the doctrine you have heard in the Bible. When will we love our neighbors as ourselves? In the first place, Jesus said that no man hateth his own flesh. It is admitted by all, every person loves himself.

"Now, if we do rightly love ourselves, we want to be saved and continue to exist; we want to go into the kingdom where we can enjoy

eternity and see no more sorrow and death. This is the desire of every person who believes in God. Now, take a person in this congregation who has knowledge with being saved in the kingdom of our God and our Father, and being an exalted one who knows and understands the principles of eternal life, and sees the beauty and excellency of the eternities when compared with the vain and foolish things of the world, and suppose he is overtaken in a gross fault, and he has committed a sin which he knows will deprive him of that exaltation which he desires and that he can not attain to it without the shedding of his blood, and also knows that by having his blood shed he will atone for that sin and be saved and exalted with the gods. Is there a man or woman in this house but what would say: 'Shed my blood that I may be saved and exalted with the gods?'

"All mankind love themselves, and let these principles be known by an individual and he would be glad to have his blood shed. That would be loving themselves unto an eternal exaltation. Will you love your brothers and sisters likewise when they have committed a sin that can not be atoned for without the shedding of their blood? Will you love that man or woman well enough to shed their blood? That is what Jesus meant. He never told a man or woman to love their enemies in their wickedness. He never intended such things. I could refer you to plenty of instances where men have been righteously slain in order to atone for their sins. I have seen scores and hundreds of people for whom there would have been a chance in the last resurrection if their lives had been taken and their blood spilt upon the ground as a smoking incense to the Almighty, but who are now angels to the devil until our elder brother, Jesus Christ, raises them up; conquers death, hell, and the grave.

"I have known a great many men who have left the church for whom there is no chance whatever for exaltation, but if their blood had been spilled it would have been better for them. The wickedness and ignorance of the nation forbid this principle being in full force. But the time will come when the law of God will be in full force. This is loving our neighbors as ourselves. If he needs help, help him, and if he needs salvation and it is necessary to spill his blood upon the ground in order that he may be saved, spill it. Any of you who understand the principles of eternity, if you have sinned a sin requiring the shedding of blood, accept the sin unto death, would not be satisfied nor rest until your blood should be spilled that you might gain that salvation you desire. That is the way to love mankind."

President Jedediah M. Grant delivered a discourse March 12, 1854, on the subject that he calls "Covenant breakers"—that is, those who leave the Mormon Church—in which he used the following language:

"Then, what ought this meek people, who keep the commandments of God, to do unto them? 'Nay,' says one, 'they ought to pray to the Lord to kill them.' I want to know if you would wish the Lord to come down and do all your dirty work? Many of the Latter-Day Saints will pray and petition and supplicate the Lord to do a thousand things they themselves would be ashamed to do. When a man prays for a thing, he ought to be willing to perform it himself; but if the Latter-Day Saints should put to death the covenant breakers, it would try the faith of the very meek, just, and pious ones among

them. It would cause a great deal of whining in Israel. Then there was another old commandment. The Lord commanded them not to pity the person whom they killed, but to execute the law of God upon persons worthy of death. This should be done by the entire congregation, showing no pity.

"I have thought there would have to be quite a revolution among the Mormons before such a commandment could be obeyed completely by them. The Mormons have a great deal of sympathy. For instance, if they can get a man before a tribunal administering the law of the land, and succeed in getting a rope around his neck and having him done up like a dead dog, it is all right; but if the church and kingdom of God should step forth and execute the law of God, oh, what a burst of Mormon sympathy it would cause. I wish we were in a situation favorable to our doing that which is justifiable before God without any contaminating influence of Gentile amalgamation, laws, and traditions; that the people of God might lay the ax to the root of the tree, and every tree that bringeth not forth good fruit might be hewn down. What! Do you think people would do right and keep the law of God by actually putting to death the transgressors? Putting to death the covenant breakers would exhibit the law of God, no matter by whom it was done. That is my opinion.

"You talk of the doings of the different governments, the United States, if you please. What do they do with traitors? What mode do they adopt to punish them? Do traitors to that Government forfeit their lives? Examine, also, the doings of other earthly governments on this point and you will find the same practice universal. I am not aware that there are any exceptions, but people will look in the books of theology and argue that the people of God have a right to try people for fellowship, but they have no right to try them on property or life. That makes the devil laugh, saying, 'I have got them on a hook now. They can cut them off and I will put eight or ten spirits worse than they are into their tabernacles and send them back to mob them.'" (Deseret News, July 27, 1854.)

Referring to the right of the church to shed the blood of those who apostatized, Brigham Young, in an address delivered in the Tabernacle March 27, 1853, found in volume 1, Journal of Discourses, page 81, used the following language:

"I will tell you a dream that I had last night. I dreamed that I was in the midst of a people who were dressed in rags and tatters. They had turbans upon their heads, and they were also hanging in tatters. The rags were of many colors, and when the people moved they were all in motion. Their object appeared to be to attract attention. Said they to me, 'We are Mormons, Brother Young.' 'No; you are not,' I replied. 'But we have been,' said they; and they began to jump and caper about and dance, and their rags of many colors were all in motion to attract the attention of the people. I said 'You are no saints; you are a disgrace to them.' Said they, 'We have been Mormons.' By and by along came some acrobats and they greeted them with 'How do you do, sir? I am very sorry to see you.'

"They kept on that way for an hour. I felt ashamed of them for they were in my eyes a disgrace to Mormonism. Then I saw two ruffians, whom I knew to be robbers and murderers, and they crept into a bed where one of my wives and children were. I said, 'You

that call yourselves brethren, tell me, is this the fashion among you?' They said, 'But they are good. They are gentlemen.' With that I took my large bowie knife that I used to wear at a bosom pin at Nauvoo and cut one of their throats from ear to ear, saying, 'Go to hell across lots.' The other one said, 'You dare not serve me so.' I instantly sprang at him, seized him by the hair of the head, bringing him down; I cut his throat and sent him after his comrade. Then told them both if they would behave themselves they should yet live, but if they did not I would unjoint their necks. At this I awoke. I say rather than apostates should flourish here, I will unsheath my bowie knife and conquer or die [great commotion in the congregation and a simultaneous burst of feeling assenting to the declaration]. Now you nasty apostates, clear out or judgment will be put to the line and righteousness to the plummet. [Voices generally, 'Go it, go it!'] If you say it is right, raise your hands. [All hands up.] Let us call upon the Lord to assist us in this and every good work."

An effort was made to show that blood atonement, as preached by Brigham Young and Jedediah Grant is not now the doctrine of the church, and a pamphlet containing an address on this subject by Elder Charles W. Penrose, in October, 1884, was offered in evidence, but in this pamphlet Mr. Penrose sustains the doctrine of blood atonement as preached by Brigham Young and President Grant.

On page 18 of the pamphlet, containing the address of Mr. Penrose, referring to the blood atonement, he uses the following language:

"Now, according to the doctrine of President Brigham Young, the blood of Jesus Christ, as I have shown you, atoned for the original sin, and for sins that men commit, and yet there are sins which men commit for which they can not receive any benefit through the shedding of Christ's blood. Is that a true doctrine? It is true, if the Bible is true. That is Bible doctrine."

Again, on page 36, he says:

"Now, Brother Jedediah M. Grant and Brigham Young, because of the transgression of the people, spoke as I have quoted. This was the time of the reformation and the fears of evil doers was worked upon to induce reform, and hence the strong language used at that time. Do we need the same language now? I hope not; but if there was any need of it it would be just as applicable now as then."

And again, on page 43, he uses the following language:

"These are some of the ideas entertained by the Latter-Day Saints on the subject of blood atonement. After baptized persons have made sacred covenants with God and then committed deadly sins, the only atonement they can make is the shedding of their blood. At the same time, because of the laws of the land and the prejudice of the nation and the ignorance of the world, this law can not be carried out; but when the time comes that the law of God should be in full force upon the earth, then this penalty will be inflicted for those crimes committed by persons under covenant not to commit them."

FEELING TOWARD THE GOVERNMENT.

As to the feeling of the members of the Mormon Church toward the Government of the United States, the evidence discloses a condition of things greatly to be deplored. Brigham Young was the first governor of the Territory, and for years resisted all attempts of

the authorities to install the proper officers for carrying on the Territorial government unless men of his own selection should be appointed. He claimed the right to say who the officers should be, and the President of the United States finally found it necessary to send an army to Utah. Referring to the sending of troops here, Brigham Young, in a speech in this city on Sunday, April 13, 1857, said:

"I do not often get angry, but when I do I am righteously angry, and the bosom of the Almighty burns with anger toward those scoundrels, and they shall be consumed in the name of Israel's God. We have borne enough of their oppression and hellish abuse, and we will not bear any more of it, for there is no just law requiring further forbearance on our part, and I am not going to have troops here to protect the priests and the hellish rabble in efforts to drive us from the land we possess, for the Lord does not want us to be driven, and has said: 'If you will assert your rights and keep my commandments, you shall never again be brought into bondage by your enemies. * * * If you do your duty in this respect, you need not be afraid of mobs nor of forces sent out in violation of the very genius of our free institutions holding you until mobs kill you.'

"Mobs? Yes; for where is there the least particle of authority either in our Constitution or laws for sending troops here or even for appointing civil officers contrary to the voluntary consent of the governed? We came here without any help from our enemies, and we intend to stay here as long as we please. They say that their army is legal, and I say that such a statement is as false as hell, and that they are as rotten as a pumpkin that has been frozen seven times and then melted in a harvest sun. Come on with your thousands of illegally appointed troops, and I will promise you, in the name of Israel's God, that you shall melt away like the snow before a July sun. * * * We are not to be persecuted as we have been. We can say, 'Come as a mob, and we will sweeten you up right suddenly.' They never did anything against Joseph until they had ostensibly legalized a mob, and I shall treat their army and every armed company that attempts to come here as a mob. [The congregation responded, 'Amen.'] You might as well tell me that you can make hell into a powder house as to tell me that you could get an army in here and have peace. I intend to tell them and show them this if they don't keep away. By taking this course you will find that every man and woman feels happy, and they say, 'All right; all is well.' And I say that our enemies shall not slip the bow on the Old Bright's neck again."

Referring to the same subject, President Heber C. Kimball, in August, 1857, delivered a discourse in this city, found in volume 5, page 138, of the Journal of Discourses, in which he used the following language:

"Will the President in the chair of state be tipped from his seat? Yes; he will die an untimely death, and God Almighty will curse him, and he will also curse his successor if he takes the same stand, and he will curse all that are his coadjutors and all who sustain him. What for? For coming here to destroy the kingdom of God and the prophets and apostles and inspired men and women, and God Almighty will curse them, and I curse them in the name of the Lord Jesus Christ according to my calling; and if there is any virtue in

my calling, they shall be cursed, every man that lifts his heel against us from this time forth."

Elder Orson Hyde, in a discourse delivered in this city and found in the Deseret News, volume 7, page 275, used the following language:

"The last eastern mail, I think, brought me a pamphlet or tract written by Elder Orson Pratt at Liverpool, England. Subject, 'Fathering of the saints and building up of the kingdom of God.' The whole matter is handled in a masterly way, free from blind obscurity, unchecked and unrestrained by fear, and untrammelled by the religious or political dogmas of the age. It is the product of a clear head, of a strong heart, and of an unflinching hand. In short, it is heaven's eternal truth. I do exceedingly regret having mislaid it, for I would like to send it to Senator Douglas with a request that he read it faithfully before he applies the knife to cut out the 'loathsome ulcer.' Having read it, then if he shall be disposed and able, to cut out, cut away, and carve up to suit his own peculiar appetite and that also of his friends.

"Will some person having said tract or pamphlet be kind enough to mail it to Hon. Stephen A. Douglas, Washington, D. C.? But let all men, however, know that if what the honorable gentleman calls the 'loathsome ulcer' be cut out, according to his views and suggestions, the United States will be cut off from being a nation and her star of empire set, and set in blood."

In September, 1857, Brigham Young, in an address delivered in this city and found in volume 5, Journal of Discourses, used the following language:

"There can not be a more damnable, dastardly order than was issued by the Administration of this people while they were in an Indian country in 1846. Before we left Nauvoo, no less than two United States Senators came to receive a pledge from us that we would leave the United States, and then while we were doing our best to leave their borders, the poor, low, degraded curses sent a requisition for 500 of our men to go and fight their battles. That was President Polk, and he is now weltering in hell with old Zachariah Taylor, where the present administrators will soon be if they do not repent. * * * Liars have reported that this people have committed treason, and upon their lies the President has ordered troops to aid in officering this Territory, and if those officers are like many who have previously been sent here, and we have reason to believe that they are, or they would not come when they know that they are not wanted; they are poor, miserable blacklegs, broken-down political hacks, robbers, and whoremongers, men that are not for civilized society, so they dragoon them upon us for officers.

"I feel that I won't bear such cussed treatment and that is enough to say, for we are just as free as the mountain air. * * * There is high treason in Washington, and if the law was carried out, it would hang up many of them, and the very act of James K. Polk, in having 500 of our men, while we were making our way out of the country, under an agreement forced upon us, would have hung him between the heavens and the earth if the laws had been faithfully carried out. And now, if they can send a force against this people, we have every constitutional and legal right to send them to hell, and we calculate to send them there. * * * Our enemies had better

count the cost, for if they continue the job they will want to let it out to subcontractors before they get half through with it. If they persist in sending troops here, I want the people of the West and the East to understand that it will not be safe for them to cross the plains."

Whether such language as the above instigated the Mountain Meadows massacre, or whether that horrible butchery was done by direct command of Brigham Young, will probably never be known, but it is a part of the history of this Territory that about that time a party of peaceful immigrants, who were passing through Utah, on their way to California, consisting of about 130 men, women and children, were mercilessly butchered by men under the command of John D. Lee and Captain Dame, both Mormons in high standing.

JUDGE CRADLEBAUGH'S ORDER.

On the 4th day of April, 1859, Judge Cradlebaugh caused the following order to be entered on the records of his court, to wit:

"This court has sought diligently and faithfully to do its duty, to administer the laws of the United States and of this Territory. It could have no other object. But at every turn it has had to encounter difficulties and embarrassments. Men high in authority in the Mormon Church, as well as men holding civil authority under the Territorial government, seem to have conspired to obstruct the course of public justice and to cripple the earnest efforts of the court. The whole community presents a united and organized opposition to the proper administration of justice. Every art and every expedient have been employed to cover up and conceal crimes committed by Mormons. Witnesses have been prevented by threats of violence from obeying the summons of this court; others that have testified have been driven to seek safety in the protection of the United States troops stationed near here—who, it is proper to say, are here on the requisition of the court, and for whose presence the court is responsible.

"The absolute necessity of having those troops here has been fully demonstrated by all that has transpired during the session of the court. To crown all, the grand jury, sworn to perform a high public duty, has lent itself as a willing instrument to this organized opposition to the laws of the country and refused to meet its obligations. A most willing inclination has been manifested to prosecute Indians and other persons not Mormons for their offenses, while Mormon murderers and thieves are allowed to go unpunished. This court has determined, as its action manifests, that it will not be used for this community for its protection alone, but that it will do justice to all. Not being able to do this the court now adjourns without day.

"JNO. CRADLEBAUGH,
"Judge Second Judicial District."

WOODRUFF'S PRAYER.

Counsel for applicants, however, contend that the feelings of the people of the Mormon Church toward the Government have undergone a change, and that in later years the former feeling of hostility

has disappeared or become greatly modified. The evidence, however, does not sustain this claim. In January, 1877, at the dedication of the St. George Temple, Wilford Woodruff, who is now president of the church, prayed for the destruction of the Government in the following language, to wit:

“Therefore, O Lord our God, we pray that thou wilt give thy people faith that we may claim this blessing of thee, the Lord of Hosts; thou wilt lay thy hand upon thy servant Brigham unto the renewal of his body, and the healing of all his infirmities, and the lengthening out of his days and years. Yea, O Lord, may he live to behold the inhabitants of Zion united and enter into the holy order of God, and keep the celestial law, that they may be justified before thee. May he live to behold Zion redeemed and successfully fight thy devils, visible and invisible, that make war upon thy saints. May he live to behold other temples built and dedicated unto thy name and accepted of thee, O Lord, our God.

“And we pray thee, our Father in Heaven, in the name of Jesus Christ, if it can be consistent with thy will that thy servant Brigham may stand in the flesh to behold the nation which now occupies the land upon which thou, Lord, has said the Zion of God should stand in the latter days; that nation which shed the blood of prophets and saints, which cry unto God day and night for vengeance; that nation which is making war against God and his Christ; that nation whose sins and wickedness and abominations are ascending up before God and the heavenly hosts, which causeth all eternity to be pained and the heavens to weep like the falling rain. Yea, O Lord, that he may live to see that nation, if it will not repent, broken in pieces like a potter’s vessel and swept from off the face of the earth, as with the besom of destruction, as were the Jeredites and Nephites; that the land of Zion may cease to groan under the wickedness and abominations of men.”

THE WELLS DEMONSTRATION.

In May, 1879, one Miles was on trial in this court for polygamy. Daniel H. Wells, one of the presidents of the church, was duly called as a witness, and on refusing to answer a question propounded to him concerning the records of marriages in the endowment house, was committed to prison for contempt of court. On being released, a procession, variously estimated by the witnesses at from 2,000 to 10,000 Mormon people, headed by the city council and fire department, escorted him from the prison through the streets of the city to the Tabernacle, where a meeting of 8,000 or 10,000 people was held, and speeches were made indorsing his conduct. As the procession moved up Main street the American flag was dragged in the dust, and a large banner was carried by little girls on which were inscribed the words, “We will uphold polygamy.” As the procession passed the building where the district court was being held the people gave vent to their feelings by hooting and jeering and hissing. At the meeting in the Tabernacle banners were numerous on which was inscribed such sentiments as the following:

“The nineteenth century is too late for religious pains and penalties to be imposed in the name of the Lord.” “Prisons are made for thieves, vagabonds, and lawbreakers, and not for honorable men.

When used for such purposes we honor the prisoner more than the prosecutor." "Honor to the man who prefers fealty to his friends, his religion, his country, and his God to obedience to the unjust fiat of a jaundiced judiciary." "When Freemasons, Odd Fellows, and others are compelled to make their secrets public, it will be time enough to practice on Mormons. Try the other first." "There is nothing more sacred than a religious obligation." "Better the penitentiary for faithfulness in this world than the prison house for perjury in the next." "It would accord more with the dignity of the judiciary in fining an honorable gentleman for contempt to find a more powerful reason than the cut and color of an apron for its action." "The women of Utah uphold polygamy."

THE FLAGS AT HALF-MAST.

On the 4th of July, 1885, the flags were displayed at half-mast by the Mormons in this city at the city hall and county court-house, at the office of the Deseret News, at the Gardo House, at the Mormon cooperative store building, and other places. Counsel for applicants claim that this demonstration was not intended as an insult to the Government nor its flag, but as a sign of mourning, because of the unjust laws against polygamy and the acts of the officers of the Government in enforcing them. But the evidence fails to show that crape or any other emblem of sorrow was displayed in any manner, and there can be no question but that the half-masting of the flag was intended to be, as it was understood by those who witnessed it, an insult to the national authority.

OPPOSING THE LAWS.

The evidence shows that the church has, in the most determined manner and with all means at its command, opposed the enforcement of the laws of the United States against polygamy and unlawful cohabitation, while polygamy has been constantly preached as a cardinal doctrine of the church. A fund has been raised in this Territory to aid in the defense of all who may be prosecuted for violation of these laws, not only in Utah, but in Arizona and Idaho Territories. In May, 1885, John Taylor and George Q. Cannon, of the first presidency of the church, both of whom were then under indictment for unlawful cohabitation, and were hiding from the officers to avoid arrest, issued a circular to be read in all the churches, calling for contributions to this fund. When men have been convicted for violating these laws and the court has offered to suspend sentence or inflict a light penalty if the offenders would promise to obey the laws in the future, they have almost invariably refused to make any promise whatever.

It has been the custom among the Mormon people, ever since the enforcement of these laws began, when one of their number has been convicted and sentenced to imprisonment for violating the law, to give him a reception on his return home and honor him in every way possible, while those who have promised obedience to the law have been ostracised and held up to the public execration and scorn. To suffer fine and imprisonment for violating the law, or for "living his religion," as they usually term it, is deemed by them as worthy of

all praise and will, as their leaders teach, result in the exaltation in the life to come of him who thus proves the sincerity of his faith. As showing the manner in which violators of the law are honored, I quote from the Deseret News, of the date of January 16, 1889, which was introduced in evidence, as follows:

“ A CORDIAL RECEPTION.

“ William Chatwin writes as follows from Santaquin, January 14, 1889: ‘ Will you please insert in the News an account of the following that was transacted at a Santaquin depot on Monday morning last, the 13th instant. The residents of Santaquin had been informed that their bishop, George Halliday, would return home from the penitentiary, as one who had endured imprisonment for conscience sake, by the morning’s Utah Central train. The Sunday-school children and teachers were prompted by a feeling of love and respect to go down to the depot in procession to welcome him home, singing songs of welcome, and bearing a banner with the following inscription: “ Bishop George Halliday, we truly welcome you home.” But the weather being too unfavorable for such a project, the teachers and larger scholars could only go, though the smaller ones with great difficulty were restrained from following after, notwithstanding the snowy condition of the morning. In arriving at the depot all were moved with tears of joy. Since his arrival home the members of the ward have decided to give him a reception party, but to accommodate all it was found necessary to divide the town and take one-half at a time. May all honorable convicts for the truth’s sake be so worthily treated.’ ”

As illustrating the pressure brought to bear by the Mormon leaders to prevent their members when convicted of violating the law from promising obedience I quote two editorials, offered in evidence, from the Deseret News, the church organ, of date September 29, 1885, one in regard to a member who had promised to obey the law and one in regard to a member who had refused to make such promise:

“ IMPRISONMENT AND HONOR.

“ The position taken by Bishop H. B. Clawson this morning will be indorsed by every true Latter Day Saint. He could assume no other and be true to his religion, his family, and his own manhood. The dilemma in which he was placed was tersely defined by himself. He was left to elect between imprisonment and honor and liberty and dishonor. To his honor be it said in time and eternity that he chose the former. No man under similar circumstances can consistently take any other course. The reasons for adopting the stand he took were clearly though briefly given by the accused. They might, however, be elaborated indefinitely.

“ There is one principle involved that makes the attitude, from the standpoint of the Latter Day Saints, infallible. Celestial marriage, including plurality of wives, has been accepted by them as a divine revelation. Those who enter into the covenant it involves take that step with this understanding, and that God is recognized in the formation of the contract. This being the status of the member, to presume that any persons who have entered into the relation-

ship can consistently take part in a divorce contract with any other and necessarily lower power to render it nugatory for any portion of time is absurd. The agreement is for time and eternity, and it is therefore continuously in force unless broken by one or the other of the parties. Yet such is the position in which the courts place the Latter Day Saints in the present prosecutions. They demand that a covenant of renunciation be entered into with them.

"This is, speaking from the standpoint of the saints, opposed to an infallible principle, recognized of jurisprudence, that no agreement entered into under direct supervision of a high tribunal can be disturbed or nullified by one of the lower order. If this be the case in ordinary legal affairs, how much more force is given to it when applied to matters to which God himself has instituted for the benefit of those of his children who seek to obey His laws? One point advanced by Bishop Clawson was evidently cruelly taken advantage of by the court, who dwelt upon it as if animated by a desire to make it appear the main basis of his position. The religious and conscientious principles involved were what influenced the conduct of the defendant. The sentiment of the community being against him, had he recanted, would not have influenced him one way or the other.

"Recantation, was opposed to his principles and convictions, and would have blasted his hopes for eternal salvation. Those considerations founded the basis of his attitude in accepting imprisonment and honor, in place of liberty and dishonor. Yet the sentiment of the community in which a man lives is entitled to respect when it is correct. The court, however, caught at this straw in order to accuse Mr. Clawson of cowardice when that gentleman was exhibiting an act of the truest heroism. Perhaps we may here suggest that when a judge or any other person, official, or otherwise, takes advantage of his position to inflict an insult upon a person in his power, he can not be classed among those who possess courage of the highest order, which is inseparably connected with magnanimity. But the gratuitous insults of dishonor were not confined to his immediate victim. They were distributed among and poured upon the heads of innocent children.

"Before the learned judge can consistently talk of cowardice let him take some lessons in courage and temperance under ordeals from some of the Mormons who are brought into his court. This morning he was confronted by a courageous man who dared, in the face of threatened fine and imprisonment, decline to recant his religious principles and discard his family, while he snatched at the opportunity to inflict upon them a gross, unwarrantable insult. Bishop Clawson has gone to prison, but he has been rendered a prisoner merely by prohibition, the offense for which he was punished being in no sense *malum in se*. He goes with the best wishes of a host of friends, including the whole of his coreligionists.

"It is with sadness that one turns from the noble and manly picture presented by the conduct of Brother Clawson to its reverse, as exhibited in the craven course of T. O. Angell, jr. It is a transformation from sunshine to gloom, from the heroic to the contemptible. Had the gentleman climbed to any height in the walks of religion and other departments of life, he might have been designated a fallen

angel. As it is, he probably carries out the highest ideas he has of greatness, and may not be open to censure as severe as would be the just due of minds of greater advancement. It does not appear that Mr. Angell can possess anything like a correct conception of the grandeur of being consistent. Let him pass."

LIBERTY AND DISHONOR.

"This afternoon Mr. Septimus W. Sears, as will be seen by a statement elsewhere, went before the court, as did Bishop Clawson. He chose liberty and dishonor. There is but little need to comment on the case; let the reader peruse what we have said in relation to Mr. Clawson and he has but to imagine its opposite in order to understand our estimate of the position." (Deseret News, September 29, 1885.)

LOOK AT THE LEADERS.

As further showing how the Mormon Church honors those who violate the laws of the United States, it is only necessary to look at the cases of some of its leaders. John Taylor, lately one of the presidents of the church, was indicted for unlawful cohabitation and died while in hiding to avoid arrest, still retaining his position as president.

George Q. Cannon, who is one of the presidents of the church, was indicted for the same offense, and was convicted and served a term in the penitentiary. Apostle John Henry Smith, a witness in this case, testified that he is a polygamist, and that he married his plural wife since the law of 1862 was passed prohibiting polygamy. Charles W. Penrose, who was a witness in this case and who was indicted for unlawful cohabitation and was pardoned by the President of the United States, is to-day the editor of the newspaper organ of the church. Joseph F. Smith, who is also one of the presidents of the church, is and has been for several years under indictment for unlawful cohabitation, and has been hiding from the officers in order to avoid arrest.

THE CONSTITUTION AND LAWS.

It is claimed by counsel for applicants and some evidence was introduced to show that in the Doctrine and Covenants and other church publications obedience to the law of the land is taught, and also that the Constitution of the United States is an inspired instrument; but the evidence discloses that the reason the Constitution of the United States is considered an inspired instrument is that it is construed by the Mormons to prohibit the passing of any laws against polygamy, and all such laws are considered by them as in violation of the Constitution. As to their teaching obedience to the laws of the land, it is only taught in general terms.

During the ten days this investigation lasted not a word of evidence was introduced or offered showing that any preacher or teacher of the church ever in a single instance advised obedience to the laws against polygamy. On the contrary, the evidence in this case and the whole history of the Mormon Church in Utah shows that it has persistently refused obedience to at least a portion of the laws of the

Government, has insulted and driven United States officers from the Territory, has denied the authority of the United States to pass laws prohibiting polygamy as an unwarrantable interference with their religion, and generally has antagonized and denounced the Government in almost every possible way. Undoubtedly there are many members of this church who feel friendly to the Government and would gladly break the shackles that bind them to the Mormon priesthood if they felt that they dared to do so, but with an organization, the most thorough that can be imagined, which can be wielded against them they remain in the church rather than take the risk of financial ruin and social ostracism.

THE MORMON CHURCH TEACHES :

First. That it is the actual and veritable kingdom of God on earth, not in its fullness, because Christ has not yet come to rule in person, but for the present He rules through the priesthood of the church, who are his vice-regents on earth.

Second. That this kingdom is both a temporal and spiritual kingdom, and should rightfully control, and is entitled to the highest allegiance of men in all their affairs.

Third. That this kingdom will overthrow the United States and all other governments, after which Christ will reign in person.

Fourth. That the doctrine of "blood atonement" is of God and that under it certain sins, which the blood of Christ can not atone for, may be remitted by shedding the blood of the transgressor.

Fifth. That polygamy is a command of God, which, if a member obeys, he will be exalted in the future life above those who do not.

Sixth. That the Congress of the United States has no right under the Constitution to pass any law in any manner interfering with the practices of the Mormon religion, and that the acts of Congress against polygamy, and disfranchising those who practice it, are unwarrantable interferences with their religion.

NOT FIT CITIZENS.

Can men be made true and loyal citizens by such teachings, or are they likely to remain so surrounded by such influences? Will men become attached to the principles of the Constitution of the United States when they hear the Government constantly denounced as tyrannical and oppressive? It would be as unreasonable to expect such a result as it would be to expect to gather grapes from thorns or figs from thistles.

It has always been and still is the policy of this Government to encourage aliens who, in good faith, come to reside in this country, to become citizens, but when a man of foreign birth comes here and joins an organization, although professedly religious, which requires of him an allegiance paramount to his allegiance to the Government; an organization that impiously and blasphemously claims to be the kingdom of God, to control its members under His immediate direction, and yet preaches and practices a system of morals shocking to Christian people everywhere, and under which the marriage of a man to two or more sisters or to a mother and daughter is sanctioned; an organization that sanctions blood atonement as a means

of grace, and murder as a penalty for revealing the secrets of its ceremonies, and which for nearly half a century has refused to acknowledge the supremacy of the United States or render obedience to its laws—it is time for the courts to pause and inquire whether such an applicant should be admitted to citizenship.

The evidence in this case establishes unquestionably that the teachings, practices, and aims of the Mormon Church are antagonistic to the Government of the United States, utterly subversive of good morals and the well-being of society, and that its members are animated by a feeling of hostility toward the Government and its laws, and therefore an alien who is a member of said church is not a fit person to be a citizen of the United States.

The applications of Fred W. Miller, Henry J. Owen, John Bird, Charles E. Clissold, Nils Anderson, Carl P. Larsen, Thomas M. Mumford, John Garbett, and Arthur Townsend to become citizens are therefore denied.

THOMAS J. ANDERSON,
*Associate Justice Supreme Court and Acting
Judge Third Judicial District.*

I, Thomas J. Anderson, hereby certify that the foregoing evidence, as certified to by F. E. McGurrian, official stenographer of the district court of the third judicial district of the Territory of Utah, in the months of November and December, 1889, in the matter of the application of John Moore and others to become citizens of the United States, is a true and complete transcript of all the evidence offered or introduced at the hearing had on said application. I further certify that the foregoing opinion is a true and complete copy of the one delivered by me at said hearing November 30, 1889.

Dated this 2d day of February, A. D. 1903.

THOMAS J. ANDERSON,
*Formerly Associate Justice of the Supreme
Court of the Territory of Utah.*

Mr. WORTHINGTON. Mr. Love is very anxious to be excused, and I want to ask him a question now and let him go. There is something in his testimony that might be misunderstood.

ADDITIONAL TESTIMONY OF STEPHEN H. LOVE.

STEPHEN H. LOVE, having been previously sworn, was examined and testified as follows:

Mr. WORTHINGTON. Mr. Love, there was some correction you wished to make in your testimony, and I have called you back for that purpose.

Mr. LOVE. I think the question would infer I was a traveling salesman for Zion's Cooperative Mercantile Institution. That was not true. I was a traveling salesman before I went to work for that institution.

Mr. CARLISLE. I misunderstood you. I thought you said you were traveling for that institution.

Mr. LOVE. No, sir; for another institution.

Mr. WORTHINGTON. Since this opinion of Judge Anderson is to go in evidence, I have here a certificate from the clerk of the court in which Judge Anderson presided, showing the admission of eleven

different persons to naturalization by him in that court subsequent to the time of the judgment in the case in which the opinion is offered, and the affidavits of nearly all those persons that they are Mormons.

Mr. CARLISLE. Let them go in, Mr. Chairman, along with the opinion of the court.

The CHAIRMAN. Does it appear from the affidavit that they had taken the endowments?

Mr. WORTHINGTON. No; there is nothing in the affidavits on that subject.

The CHAIRMAN. Those will go in.

The papers referred to are as follows:

STATE OF UTAH,

County of Salt Lake, ss:

I, J. U. Eldredge, jr., clerk of the third judicial district court of the State of Utah, in and for Salt Lake County, do hereby certify that the Hon. T. J. Anderson, judge of the district court in and for the third judicial district, Utah Territory and county of Salt Lake, admitted the following persons to citizenship upon the dates set opposite their respective names, as appears of record in this office:

Stephen Jensen, December 14, 1889; Ephraim Bjorklund, December 24, 1889; Ole J. Sitterud, April 4, 1892; Andrew P. Anderson, December 14, 1889; Oliver Pearson, December 14, 1889; Andrew C. Sorensen, December 16, 1889; George E. Smith, December 14, 1889; Charles A. Haacke, March 29, 1892; Julius Halverson, December 28, 1889; Anton T. Christensen, October 9, 1889.

Witness my hand and the seal of said court, at Salt Lake City, Utah, this 13th day of March, A. D. 1906.

[SEAL.]

J. U. ELDREDGE, Jr., *Clerk.*

STATE OF UTAH,

County of Salt Lake, ss:

Ephraim Bjorklund, being first duly sworn, deposes and says that he is a resident of Salt Lake City, in the county of Salt Lake and State of Utah; that he is a native of Sweden, and on the 24th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district of the Territory of Utah, county of Salt Lake.

Affiant further says that at the time of his said naturalization he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter Day Saints.

EPHRAIM BJORKLUND.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILCKEN,
Notary Public.

STATE OF UTAH,

County of Salt Lake, ss:

Andrew P. Anderson, being first duly sworn, deposes and says that he is a resident of Salt Lake City, in the county of Salt Lake and

State of Utah; that he is a native of Sweden, and on the 14th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district of the Territory of Utah, county of Salt Lake.

Affiant further says that at the time of his said naturalization he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter Day Saints.

ANDREW P. ANDERSON.

Subscribed and sworn to before me this 10th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILCKEN,
Notary Public.

STATE OF UTAH,
County of Salt Lake, ss:

Oliver Pearson, being first duly sworn, deposes and says that he is a resident of Salt Lake City, in the county of Salt Lake and State of Utah; that he is a native of Great Britain, and on the 14th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district of the Territory of Utah, county of Salt Lake.

Affiant further says that at the time of his said naturalization he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter Day Saints.

OLIVER PEARSON.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILCKEN,
Notary Public.

STATE OF UTAH,
County of Salt Lake, ss:

Andrew C. Sorensen, being first duly sworn, deposes and says that he is a resident of Salt Lake City, in the county of Salt Lake, and State of Utah; that he is a native of Denmark, and on the 16th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district of the Territory of Utah, county of Salt Lake.

Affiant further says that at the time of his said naturalization he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter Day Saints.

ANDREW C. SORENSEN.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILCKEN, *Notary Public.*

STATE OF UTAH,
County of Salt Lake, ss:

Anton T. Christensen, being first duly sworn, deposes and says that he is a resident of the county of Salt Lake, and State of Utah; that he was personally acquainted with Stephen Jensen, who was a native of Denmark, and who on the 14th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district in the Territory of Utah, county of Salt Lake, and that he was a witness for the said Stephen Jensen at the time of his naturalization.

Affiant further says that at the time of the naturalization of the said Stephen Jensen he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter Day Saints.

ANTON T. CHRISTENSEN.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILCKEN, *Notary Public.*

STATE OF UTAH,
County of Salt Lake, ss:

Charles A. Haacke, being first duly sworn, deposes and says that he is a resident of Salt Lake City, in the county of Salt Lake and State of Utah; that he is a native of Russia, and on the 29th day of March, 1892, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district of the Territory of Utah, county of Salt Lake.

Affiant further says that at the time of his said naturalization he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter-Day Saints.

CHARLES A. HAACKE.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILCKEN,
Notary Public.

STATE OF UTAH,
County of Salt Lake, ss:

Mekkael A. Taldmo, being first duly sworn, deposes and says that he is a resident of the county of Salt Lake and State of Utah; that he was personally acquainted with Julius Halverson, who was a native of Norway, and who, on the 28th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district in the Territory of Utah, county of Salt Lake, and that he was a witness for the said Julius Halverson at the time of his naturalization.

Affiant further says that at the time of the naturalization of the said Julius Halverson he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter-Day Saints.

MEKKAL A. TALDMO.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILKEN,
Notary Public.

STATE OF UTAH,
County of Salt Lake, ss:

J. C. Sandberg, being first duly sworn, deposes and says that he is a resident of the county of Salt Lake and State of Utah; that he was personally acquainted with George E. Smith, who was a native of Great Britain, and who, on the 14th day of December, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district in the Territory of Utah, county of Salt Lake, and that he was a witness for the said George E. Smith at the time of his naturalization.

Affiant further says that at the time of the naturalization of the said George E. Smith he was and for a long time prior thereto had been a member of the Church of Jesus Christ of Latter-Day Saints.

J. C. SANDBERG.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILKEN, *Notary Public.*

STATE OF UTAH,
County of Salt Lake, ss:

Anton T. Christensen, being first duly sworn, deposes and says that he is a resident of Salt Lake City, in the county of Salt Lake and State of Utah; that he is a native of Denmark, and on the 9th day of October, 1889, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district of the Territory of Utah, county of Salt Lake.

Affiant further says that at the time of his said naturalization he was and for a long time prior thereto had been a member of the Church of Jesus Christ of Latter-Day Saints.

ANTON T. CHRISTENSEN.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

CHAS. H. WILKEN, *Notary Public.*

STATE OF UTAH,
County of Salt Lake, ss:

C. M. Nielsen, being first duly sworn, deposes and says that he is a resident of the county of Salt Lake and State of Utah; that he was personally acquainted with Ole J. Sitternd, who was a native of Norway, and who, on the 4th day of April, 1892, was duly naturalized as a citizen of the United States before Hon. Thomas J. Anderson, judge, presiding in the district court of the third judicial district, in the Territory of Utah, county of Salt Lake, and that he was a witness for the said Sitternd at the time of his naturalization.

Affiant further says that at the time of the naturalization of the said Ole J. Sitternd he was, and for a long time prior thereto had been, a member of the Church of Jesus Christ of Latter-Day Saints.

C. M. NIELSEN.

Subscribed and sworn to before me this 10th day of March, A. D. 1906.

CHAS. H. WILCKEN, *Notary Public.*

The CHAIRMAN. Have you anything else to-day?

Mr. WORTHINGTON. I think there is nothing else we can do to-day, Mr. Chairman.

The CHAIRMAN. And you can not conclude this evening?

Mr. WORTHINGTON. No; we can certainly finish in the morning, though, if we get started at 10 o'clock.

The CHAIRMAN. The committee will adjourn until 10 o'clock tomorrow morning.

The committee (at 4.02 p. m.) adjourned until Tuesday, March 27, 1906, at 10 o'clock a. m.

WASHINGTON, D. C., *March 27, 1906.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman) and Dubois.

The CHAIRMAN. Proceed, Mr. Worthington.

Mr. WORTHINGTON. I want to put in evidence some letters and affidavits, those which were submitted to Mr. Carlisle, and he is satisfied with them. The first one is a letter from R. K. Thomas, addressed to Senator Smoot. It calls attention to the fact that in this list which is in the record he is said to have taken a plural wife since the manifesto. He says it is not true.

The letter referred to is as follows:

SALT LAKE CITY, UTAH, *February 23, 1906.*

HON. REED SMOOT, *Washington, D. C.*

DEAR SENATOR: I see by this morning's Salt Lake Herald I am one of the persons Mr. Charles Mostyn Owen accuses of having taken a plural wife since the manifesto. For your information, if it will do you any good, I will say I have never married more than one woman, my present wife, which marriage occurred as long ago as 1865.

Yours, very truly,

R. K. THOMAS.

P. S.—Situating as I am here in a retail business, you can imagine the material injury a false statement of this nature is likely to do me.

R. K. T.

Mr. WORTHINGTON. The next is a letter addressed to the chairman by Mr. Hayes. You know what that is, Mr. Chairman.

The CHAIRMAN. Yes. Have you any objection, Mr. Carlisle?

Mr. CARLISLE. No. I examined them, and they may go in for whatever they are worth. I suppose the writers would testify to those facts if they were here.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF SOLICITOR OF INTERNAL REVENUE,
Washington, D. C., March 16, 1906.

MY DEAR SENATOR BURROWS: A few days ago I saw you at the Copitol and called your attention to the fact that in the printed report of the hearings in the Smoot case of February 8, 1906, on page 139 of the testimony, I was classed as a Mormon State official in the year 1901.

At that time you asked me to call your attention to the matter by letter and you would see that a correction was made to correspond with the facts.

Of course, as you know, and as my friends know, I am not a Mormon and do not desire any record of such high character as that of the proceedings in the United States Senate to show that concerning me which is not true.

If you will kindly see that this correction is made you will place me under many obligations.

Very respectfully,

A. B. HAYES.

Hon. J. C. BURROWS,
United States Senate.

Mr. WORTHINGTON. I have an affidavit from F. B. Grant, the man who Professor Wolfe testified was present when John Henry Smith made the remark about the manifesto. He says in this affidavit, in substance, that he never heard any such remark.

The paper referred to is as follows:

STATE OF UTAH,
County of Salt Lake, ss:

B. F. Grant, being first duly sworn, on his oath does say:

That he is 49 years of age, and that he is now and has been a resident of Salt Lake City, Utah, most of his life, having been born there; that he is well acquainted with John Henry Smith, one of the twelve apostles of the Church of Jesus Christ of Latter-Day Saints, and that he is slightly acquainted with one Walter M. Wolfe, who was at one time a professor at the Brigham Young Academy at Provo.

Affiant further says that he never at any time had any conversation or was present when any conversation was had between the said John Henry Smith and the said Walter M. Wolfe in regard to the matter of plural marriage or the so-called manifesto or anything of a like nature, and affiant positively states that at no time in his presence was there any remark made by the said John Henry Smith or the said Walter M. Wolfe in relation to the so-called manifesto that it was the purpose or intention of the manifesto "to whip the devil at his own game," or any words to that effect or conveying that meaning; and the statement reputed to have been made by said Walter M. Wolfe

before the Senate committee in Washington, D. C., that such language was used by either of said persons or any other person in the presence of affiant is absolutely untrue and without any foundation whatever.

Affiant further says that he has never met the said Walter M. Wolfe outside of Provo City, and as he remembers it he only met him twice at that place, and he positively knows that on neither occasion was said John Henry Smith present when affiant met said Wolfe.

Affiant further says that he is well acquainted in the State of Utah; that he has traveled extensively therein, and that he knows of no other person in this State or elsewhere by the name of B. F. Grant.

Further affiant saith not.

B. F. GRANT.

Subscribed and sworn to before me this 17th day of February, 1906:

[SEAL.]

OSCAR W. MOYLE,
Notary Public.

MR. WORTHINGTON. The next is an affidavit from George S. Taylor. Mr. Wolfe testified, you remember, that Mr. Taylor, who was a relative of Senator Smoot, had said something about the Lord wanting him elected Senator, or something of that kind. Mr. Taylor denies that.

The affidavit referred to is as follows:

STATE OF UTAH, *County of Utah, ss:*

George S. Taylor, being first duly sworn, deposes and says that he is a resident of Provo, in county and State of Utah; that he is a brother-in-law of Senator Reed Smoot and a member of the Utah stake high council; that he knows Walter M. Wolfe, who testified before the Senate Committee on Privileges and Elections; that the said Walter M. Wolfe was a frequent visitor in the store of the Provo Book and Stationery Company, which said affiant managed in the year 1901; that in October of said year the affiant remembers inviting the said Wolfe to come over to the Republican party and help elect the Republican ticket. This invitation was extended on divers occasions. That to the best recollection of affiant—and he so affirms—he never mentioned that it was the will of the Lord that the Republicans should that year win.

And the said affiant further positively affirms that he never mentioned to the said Walter M. Wolfe that politics had been talked over in the high council or prayer circle, and he positively affirms that, so far as he knows, no such political talk or discussion ever took place in either said organizations concerning which way the election should go; and said affiant affirms that he is a member of both the high council and the high council prayer circle; that the members of said organizations are about evenly divided between the Republican and the Democratic party, and politics are prohibited in their meetings.

GEORGE S. TAYLOR.

Subscribed and sworn to before me the 26th day of February, A. D. 1906.

[SEAL.]

JOS. A. BUTTLE,
Notary Public.

Mr. WORTHINGTON. Then I have a letter and several affidavits here from persons who, on Mr. Owen's list, are marked as polygamists, or plural wives, denying the statements.

The CHAIRMAN. That is the list furnished by Mr. Owen?

Mr. WORTHINGTON. In reference to the list furnished by Mr. Owen.

Mr. CARLISLE. I do not understand they deny they have plural wives. They deny they have been polygamists since 1890. However, they show for themselves.

The CHAIRMAN. If there is no objection, they will go in the record.

Mr. WORTHINGTON. I will read this letter of Mr. Evans, for instance, addressed to Senator Smoot, dated March 10, 1906:

"I have just learned that Mr. C. M. Owen, when recently testifying before the Senate Committee on Elections and Privileges, stated that I was a polygamist. I can hardly find words strong enough to deny the truthfulness of such statement. I am not now, nor have I ever been, a polygamist."

Mr. CARLISLE. I thought you were speaking of the affidavits when I made my remarks.

Mr. WORTHINGTON. Very well.

The letter referred to is as follows:

STATE INDUSTRIAL SCHOOL OF UTAH,
Ogden, Utah, March 10, 1906.

HON. REED SMOOT,

United States Senator, Washington, D. C.

DEAR SENATOR: I have just learned that Mr. C. M. Owen, when recently testifying before the Senate Committee on Elections and Privileges, stated that I was a polygamist. I can hardly find words strong enough to deny the untruthfulness of such statement. I am not now, nor have I ever been, a polygamist. On March 26, 1881, in this city, I was married to Miss Ruth Blair, my present wife, with whom, together with my family, I am now residing at No. 3175 Porter avenue in this city, and neither prior or subsequent to such marriage have I ever been married. Because of being in business in this city, and also being a member of the board of trustees of the State Industrial School, you will readily understand that the false statement made by Mr. Owen is working an injury to me in business and other ways. I appeal to you, as a Senator from my State, to take such action as will promptly and effectively contradict such false statement. Further, I will appreciate your action in having my denial placed in the record of the proceedings in the matter now engaging the attention of the committee. Kindly make my denial as emphatic as possible, and I assure you I am ready, on a moment's notice, to come to Washington, appear before the committee, and under oath deny the statement and ask for relief from what I regard as a willful, false accusation.

Thanking you for your attention to this matter, I am,
Respectfully,

THOMAS B. EVANS.

Mr. WORTHINGTON. The first affidavit is from Samuel Francis. Mr. Francis says his attention has been called to a list of persons who have held office in the State of Utah since 1896, which is pub-

lished as a part of the proceedings of the Committee on Privileges and Elections of the United States Senate, in the matter of the protest against the right of Hon. Reed Smoot, a Senator from the State of Utah, to hold his seat, and that he is marked on said list as being a polygamist. Affiant further says that he is not now and never has at any time been a polygamist or had more than one wife.

Mr. CARLISLE. Perhaps I had in my mind another affidavit. There are one or two in which they were not polygamists since 1890. However, it is immaterial.

Mr. WORTHINGTON. Some of them are put on the list as having taken wives since 1890. That is a very important fact of this investigation.

The affidavit referred to is as follows:

STATE OF UTAH,
County of Morgan, ss:

Samuel Francis, being first duly sworn, deposes and says that he is a resident of Morgan City, in the county of Morgan and State of Utah; that his attention has been called to a list of persons who have held office in the State of Utah since 1896, which is published as a part of the proceedings of the Committee on Privileges and Elections of the United States Senate in the matter of the protest against the right of Hon. Reed Smoot, a Senator from the State of Utah, to hold his seat, and that he is marked on said list as being a polygamist.

Affiant further says that he is not now and never has, at any time, been a polygamist, or had more than one wife.

S. FRANCIS.

Subscribed and sworn to before me this 12th day of March, A. D. 1906.

[SEAL.]

WALTER BRAMWELL,
Notary Public.

My commission expires November 23, 1907.

Mr. WORTHINGTON. Another affidavit is from R. K. Thomas, whose letter I have read here. His affidavit says he never married more than one woman.

The affidavit referred to is as follows:

STATE OF UTAH,
County of Salt Lake, ss:

R. K. Thomas, being first duly sworn, deposes and says: That he is a resident of the city and county of Salt Lake, State of Utah; that he was a senator from Salt Lake County to the third legislature of the State of Utah, elected in the year 1899.

Affiant further says that his attention has been called to a list of "senators, third legislature, 1899," which is published as a part of the proceedings of the Committee on Privileges and Elections of the United States Senate in the matter of the protest against the right of Hon. Reed Smoot, a Senator from the State of Utah, to hold his seat, and that he is marked on said list as being a polygamist since 1890.

Affiant further says that he is not now and never has been a polygamist, and that he was married to Caroline Stockdale, his present wife,

in 1865, and that he has never at any time been married to or participated in any marriage ceremony with any other married woman.

R. K. THOMAS.

Subscribed and sworn to before me this 24th day of February, 1906.

[SEAL.]

WILLARD HAMER,
Notary Public.

(My commission expires May 16, 1909.)

Mr. WORTHINGTON. Here are two affidavits from Maud May Babcock and her father denying she was ever a plural wife; and also an affidavit from Joseph E. Taylor denying that he has taken a plural wife or participated in any marriage ceremony with any woman since the year 1890.

The affidavits referred to are as follows:

STATE OF UTAH,

County of Salt Lake, ss:

Maud May Babcock, being first duly sworn, deposes and says: That she is, and has been for more than thirteen years last past, a resident of the city and county of Salt Lake, State of Utah; that she is the same person who was appointed by Governor Heber M. Wells as trustee for the Utah State School for the Deaf, Dumb, and Blind.

Affiant further says that her attention has been called to a list of trustees of the State School for the Deaf, Dumb, and Blind, which is published as a part of the proceedings of the Committee on Privileges and Elections of the United States Senate in the matter of the protest against the right of Hon. Reed Smoot, a Senator from the State of Utah, to hold his seat, and that she is marked on said list as being a plural wife.

Affiant says that she is not now, and never has been, a plural wife, and that she has never been married or participated in any marriage ceremony with any man whatever.

MAUD MAY BABCOCK.

Subscribed and sworn to before me this 24th day of February, 1906.

[SEAL.]

H. S. YOUNG,
Notary Public.

(My commission expires October 19, 1909.)

STATE OF UTAH,

County of Salt Lake, ss:

William W. Babcock, being first duly sworn, deposes and says: That he is, and for about ten years last past has been, a resident of the city and county of Salt Lake, State of Utah; that he is not and never has been a member of the so-called Mormon Church, and is not and never has been in sympathy with the institution of polygamy.

Affiant further says that he is the father of Maud May Babcock, who is and has been a trustee of the Utah State School for the Deaf, Dumb, and Blind; that the said Maud May Babcock is not and never has been a plural wife or a married woman; that affiant has lived in the same

house with her during the period aforesaid, and has had ample opportunity of knowing, and does know, the facts concerning her domestic relations.

WM. W. BABCOCK.

Subscribed and sworn to before me this 24th day of February, 1906.

[SEAL.]

H. S. YOUNG,
Notary Public.

(My commission expires October 19, 1909.)

STATE OF UTAH,
County of Salt Lake, ss:

Joseph E. Taylor, being first duly sworn, deposes and says: That he is a resident of the city and county of Salt Lake, State of Utah; that he was a representative from Salt Lake County to the second legislature of the State of Utah, elected in the year 1897.

Affiant further says that his attention has been called to a list of "representatives, second legislature, 1897," which is published as a part of the proceedings of the Committee on Privileges and Elections of the United States Senate in the matter of the protest against the right of Hon. Reed Smoot, a Senator from the State of Utah, to hold his seat, and that he is marked on said list as being a polygamist since 1890.

Affiant further says that he has not contracted any marriage or taken any plural wife or participated in any marriage ceremony with any woman since the year 1890.

JOSEPH E. TAYLOR.

Subscribed and sworn to before me this 26th day of February, 1906.

[SEAL.]

WILLARD HAMER,
Notary Public.

(My commission expires May 16, 1909.)

Mr. WORTHINGTON. Finally there is an affidavit from Rebecca E. Little, in which she says she is not now and never has been a plural wife.

The affidavit referred to is as follows:

STATE OF UTAH,
County of Salt Lake, ss:

Rebecca E. Little, being first duly sworn, deposes and says: That she is, and has been for more than thirty years last past, a resident of the city and county of Salt Lake, State of Utah; that she is the same person who was appointed by Governor Heber M. Wells as a member of the board of regents of the University of Utah.

Affiant further says that her attention has been called to a list of the board of regents of the University of Utah, which is published as a part of the proceedings of the Committee on Privileges and Elections of the United States Senate in the matter of the protest against the right of Hon. Reed Smoot, a Senator from the State of Utah, to hold his seat, and that she is marked on said list as being a plural wife.

Affiant says that she is not now, and never has been, a plural wife; that she was never married but once and that was to Feremorz Little, who was then a widower and had no wife living, and that after his marriage to this affiant said Feremorz Little did not marry any other woman.

REBECCA E. LITTLE.

Subscribed and sworn to before me this 24th day of February, 1906.

[SEAL.]

H. S. YOUNG,
Notary Public.

(My commission expires October 19, 1909.)

Mr. WORTHINGTON. I also have here an affidavit I have shown to Mr. Carlisle, and to which he makes no objection, from David Eccles. You remember Mr. Smurthwaite testified that he had been informed by Mr. Richard J. Taylor, his partner, that Mr. Taylor, through Mr. Eccles, had been invited by President Smith to come down and see them about the salt company business. Mr. Eccles says he "never at any time received any letter from Joseph F. Smith or any one else containing any request or suggestion from President Smith to have Mr. Taylor visit him at Salt Lake City, and affiant has no knowledge or information that President Smith ever requested or invited Richard J. Taylor to visit him, or ever made any suggestion to that effect, and that no such invitation, request, or suggestion was ever made through this affiant."

The affidavit referred to is as follows:

STATE OF UTAH,
County of Weber, ss:

David Eccles, being first duly sworn, deposes and says that he was in May and June, 1904, and now is a stockholder in the Beck Salt Company, and that Richard J. Taylor and Charles A. Smurthwaite are and were also stockholders in said company.

Affiant further says that he never, at any time, received any letter from President Joseph F. Smith, or anyone else, containing any request or suggestion from President Smith to have Mr. Taylor visit him at Salt Lake City, and affiant has no knowledge or information that President Smith ever requested or invited Richard J. Taylor to visit him, or ever made any suggestion to that effect, and that no such invitation, request, or suggestion was ever made through this affiant.

DAVID ECCLES.

Subscribed and sworn to before me this 1st day of March, A. D. 1906.

[SEAL.]

JOHN L. NEBEKER,
Notary Public.

(My commission expires September 14, 1909.)

Mr. WORTHINGTON. Now I want to recall Mr. Henry.
The CHAIRMAN. Mr. Henry will take the stand.

ADDITIONAL TESTIMONY OF WILLIAM K. HENRY.

WILLIAM K. HENRY, having been previously sworn, was examined and testified as follows:

MR. WORTHINGTON. Mr. Henry, you were asked by Senator Dubois yesterday if you could give the names of any persons who had been convicted of unlawful cohabitation between 1893 and 1897, I think the question was. Do you recall any?

MR. HENRY. Yes, sir.

MR. WORTHINGTON. Give their names, please.

MR. HENRY. Elias Jacobson, Henry Clinger, John Carson, Leo—no; I don't believe he was convicted—and a man by the name of Ashworth.

MR. WORTHINGTON. Where were these prosecutions?

MR. HENRY. At Provo.

MR. WORTHINGTON. Were they all convicted?

MR. HENRY. Yes; those five were, I think.

MR. WORTHINGTON. While you are on the stand, I want to ask you if you can tell us anything about Fourth of July celebrations where you have been living for the last thirteen years or so, Provo?

MR. HENRY. I have been absent on one Fourth of July, but on the others they have always had a celebration, and I think they did at that time. That is my understanding.

MR. WORTHINGTON. Can you give us a general idea about the nature of these celebrations?

MR. HENRY. Well, they would have a parade, and generally use the Mormon Tabernacle for the exercises. Different prominent men around town would deliver an oration. They would read the Declaration of Independence and sing patriotic songs. The G. A. R. and all the denominations would be there. In fact, all the people took part in it.

MR. WORTHINGTON. Both Mormons and non-Mormons?

MR. HENRY. Yes, sir.

MR. WORTHINGTON. That is all.

TESTIMONY OF JOSEPH GEOGHEGAN.

JOSEPH GEOGHEGAN, being duly sworn, was examined, and testified as follows:

MR. WORTHINGTON. Mr. Geoghegan, what is your full name?

MR. GEOGHEGAN. Joseph Geoghegan.

MR. WORTHINGTON. Your age?

MR. GEOGHEGAN. Forty-six.

MR. WORTHINGTON. Where do you live?

MR. GEOGHEGAN. Salt Lake City.

MR. WORTHINGTON. How long have you lived there?

MR. GEOGHEGAN. Over twenty years.

MR. WORTHINGTON. What is your business?

MR. GEOGHEGAN. Merchandise broker and manufacturers' agent.

MR. WORTHINGTON. Have you been representing any particular large concerns there?

MR. GEOGHEGAN. Yes, sir.

MR. WORTHINGTON. What?

Mr. GEOGHEGAN. I represent the Utah Sugar Company, the Idaho Sugar Company, the Amalgamated Sugar Company, all Utah corporations; the Western Sugar Refining Company, of San Francisco; the Tubbs Cordage Company, of San Francisco; the Pacific Cereal Association; Swift & Co., of Chicago; the American Can Company, a corporation of New Jersey; the Pennsylvania Salt Manufacturing Company, of Philadelphia, Pa.; Borden's Condensed Milk Company, of New York, and several others. If you wish them I can give them to you.

Mr. WORTHINGTON. Are you now or have you ever been a member of the Mormon Church?

Mr. GEOGHEGAN. No, sir.

Mr. WORTHINGTON. Do you affiliate with any institution?

Mr. GEOGHEGAN. Yes, sir; I am a member of the Catholic Church.

Mr. WORTHINGTON. To what extent have you become acquainted with business men and business interests in Salt Lake City during the twenty years you have been there?

Mr. GEOGHEGAN. I have been in active business—in the brokerage and manufacturers' agency business—now, since 1888, and have come in close contact with the large business interests of the State of Utah.

Mr. WORTHINGTON. You spoke of the Utah Sugar Company. Is that a small or a large concern? Give us an idea about it.

Mr. GEOGHEGAN. The Utah Sugar Company is incorporated for \$6,000,000, consisting of 300,000 10-dollar shares of preferred stock and an equal number of shares of common stock.

Mr. WORTHINGTON. I presume the sugar interest there is the beet sugar.

Mr. GEOGHEGAN. Oh, yes; beet sugar.

Mr. WORTHINGTON. What is the total production of the State of Utah at this time?

Mr. GEOGHEGAN. Of course it has been growing. The industry was inaugurated about fifteen years ago, and every year has shown an increase. Last year the State of Utah produced, I should say, about 50,000,000 to 60,000,000 pounds of sugar.

Mr. WORTHINGTON. Has the Mormon Church, as far as you know, had anything to do with the sugar industry there?

Mr. GEOGHEGAN. No.

Mr. WORTHINGTON. In the State of Utah?

Mr. GEOGHEGAN. No, sir.

Mr. WORTHINGTON. Has it had anything to do with developing it or starting it?

Mr. GEOGHEGAN. Yes; they had a great deal to do with the development and starting of it.

Mr. WORTHINGTON. What was that?

Mr. GEOGHEGAN. When the sugar industry was first started in Utah it didn't look like it was going to be a profitable proposition, but the Mormon Church backed the company in its dark days by the loan of its name—the use of its credit.

Mr. WORTHINGTON. That was how many years ago?

Mr. GEOGHEGAN. The industry was instituted in 1891, and it had a hard struggle up to 1894 or 1895, when it got onto a good profitable basis.

Mr. WORTHINGTON. And now the production is about 60,000,000 pounds or so?

Mr. GEOGHEGAN. That is, of Utah?

Mr. WORTHINGTON. I mean of Utah.

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. How much of that production is represented by the companies you represent—say, the Utah Sugar Company and the Idaho Sugar Company?

Mr. GEOGHEGAN. The Idaho Sugar Company is another corporation. The total production of the Utah and Idaho Sugar companies aggregated in the last year nearly 80,000,000 pounds.

Mr. WORTHINGTON. What proportion of that is produced by those two companies or handled by them?

Mr. GEOGHEGAN. Last year about 60,000,000 pounds was produced by the Utah and Idaho sugar companies.

Mr. WORTHINGTON. We have been told that the church controls that business now. Will you tell us about that?

Mr. GEOGHEGAN. The church does not control that.

Mr. WORTHINGTON. Who does control it? Is it controlled by people in Utah or outside?

Mr. GEOGHEGAN. It is controlled by Gentiles, not residents of the State of Utah.

Senator DUBOIS. I did not hear that.

Mr. GEOGHEGAN. It is controlled by Gentiles, not residents of the State of Utah.

Senator DUBOIS. Do you mean the sugar trust controls it?

Mr. GEOGHEGAN. I don't know that there is any stock of the Utah Sugar Company in the name of the American Sugar Refining Company of New York.

Senator DUBOIS. What is that?

Mr. GEOGHEGAN. I do not know that there is any stock in the companies I mentioned in the name of the American Sugar Refining Company of New York, which is known as the sugar trust.

Senator DUBOIS. You know that the sugar trust does not control it? Is that what you say?

Mr. GEOGHEGAN. No, sir; I don't say that.

Mr. WORTHINGTON. What I am concerned about is the extent to which the church controls it, if at all.

Mr. GEOGHEGAN. The church does not control it.

Mr. WORTHINGTON. Is that control you speak of being exercised by outside parties represented by a majority of the stock?

Mr. GEOGHEGAN. Outside parties do not interfere very much with the management, except, I presume, in a suggestive capacity, in regard to the general policy of the company.

Mr. WORTHINGTON. I want to know whether they own a majority of the stock.

Mr. GEOGHEGAN. They do, sir.

Mr. WORTHINGTON. In both companies?

Mr. GEOGHEGAN. Well, they own one-half the stock.

Mr. WORTHINGTON. What position do you have with those companies?

Mr. GEOGHEGAN. I am their sales agent.

Mr. WORTHINGTON. Who generally attends to their business in Utah?

Mr. GEOGHEGAN. There is a general manager, Thomas R. Cutler.

Mr. WORTHINGTON. Is he a Mormon or a non-Mormon?

Mr. GEOGHEGAN. Mr. Cutler is a Mormon.

Mr. WORTHINGTON. Is Joseph F. Smith, president of the church, connected with the companies?

Mr. GEOGHEGAN. Yes; he is the president of both the Utah and Idaho sugar companies.

Mr. WORTHINGTON. To what extent does he take part in the management of the companies in the conduct of their business?

Mr. GEOGHEGAN. He attends meetings of the board of directors, at which I presume the policy of the company is dictated, and signs certificates of stock.

The CHAIRMAN. Who is that?

Mr. GEOGHEGAN. President Joseph F. Smith. I testified he was president of the company, and the counsel asked me to what extent did he exercise—

Mr. WORTHINGTON. To what extent he took part in the business of the company.

Mr. GEOGHEGAN. I answered to the extent of presiding at directors' meetings, at which the policy of the company was discussed, and its policy, I presume, dictated, and also signing certificates of stock.

Mr. WORTHINGTON. Who does have the direction and control of the affairs of the company? Who determines at what price you shall sell and where you shall sell?

Mr. GEOGHEGAN. The price of sugar is regulated by the price in San Francisco plus the freight from San Francisco to whatever point we ship our sugar, except such of our surplus stock as goes to the Missouri River and the eastern markets. There our price is regulated by the price in New Orleans plus the freight to those objective points.

Mr. WORTHINGTON. Do you know what proportion of the stock is held by the church or by the head officers of the church?

Mr. GEOGHEGAN. Yes.

Mr. WORTHINGTON. Take the Utah Sugar Company.

Mr. GEOGHEGAN. Yes; I know.

Mr. WORTHINGTON. What is the total capitalization?

Mr. GEOGHEGAN. The Utah Sugar Company is capitalized at \$6,000,000.

Mr. WORTHINGTON. How much of that is owned by the church?

Mr. GEOGHEGAN. Joseph Smith, trustee in trust, holds about 22,000 shares of preferred stock.

Mr. WORTHINGTON. Out of 300,000 shares?

Mr. GEOGHEGAN. Out of 300,000 shares; yes, sir.

Mr. WORTHINGTON. That is in the Utah Sugar Company?

Mr. GEOGHEGAN. Yes, sir; he also holds about—

Mr. WORTHINGTON. One moment.

Senator DUBOIS. That would be church stock.

Mr. GEOGHEGAN. I presume so.

Senator DUBOIS. Does he individually or do the other individual officers of the church hold the stock?

Mr. GEOGHEGAN. I think he has a few shares; not very many shares. I believe Joseph F. Smith personally probably has, maybe, 300 or 400 shares—not above 400 shares of the preferred stock.

Senator DUBOIS. And how about the other head officers of the church?

Mr. GEOGHEGAN. I don't know anything about their holdings at all. Of course the stock is sold on the open market. Transfers occur daily and any man can buy the stock.

Mr. WORTHINGTON. How about the Idaho Sugar Company?

Mr. GEOGHEGAN. I want to have my testimony complete on that point. The church also, or the trustee in trust, holds 22,000 shares of the common stock. There are two classes of stock in that corporation.

Mr. WORTHINGTON. Six million dollars altogether. How much preferred and how much common?

Mr. GEOGHEGAN. Three hundred thousand shares of preferred stock and 300,000 shares of common stock.

Mr. WORTHINGTON. Three million dollars, then, is the par value?

Mr. GEOGHEGAN. The par value; yes.

Mr. WORTHINGTON. What is the common stock worth? What part does it play?

Mr. GEOGHEGAN. The common stock?

Mr. WORTHINGTON. Yes.

Mr. GEOGHEGAN. There is quite a difference of opinion as to the value of the common stock. Do you want my opinion?

Mr. WORTHINGTON. Yes; I would like to know.

Mr. GEOGHEGAN. I wouldn't give you a dollar a share for it.

Mr. WORTHINGTON. Then, according to your knowledge or information, the church and the high church officials do not own more than one-tenth of the stock of that company?

Mr. GEOGHEGAN. I don't know what the high church officials, outside of Joseph F. Smith, hold. I know he does not own above 400 shares of the preferred stock, and I don't know just how many shares of the common.

Mr. WORTHINGTON. You have stated, I believe, that the preferred stock is \$10 a share?

Mr. GEOGHEGAN. Yes; that is worth \$10.

Mr. WORTHINGTON. It is \$10 a share par value?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. So that 22,000 shares of the preferred stock represent \$220,000 par value out of \$3,000,000?

Mr. GEOGHEGAN. That is what it represents.

Mr. WORTHINGTON. How about the Idaho Sugar Company? What is its capitalization?

Mr. GEOGHEGAN. The Idaho Sugar Company is capitalized for \$6,000,000.

Mr. WORTHINGTON. Is that divided?

Mr. GEOGHEGAN. No; there is only one class of stock in the Idaho Sugar Company.

Mr. WORTHINGTON. How much of that is owned by the church?

Mr. GEOGHEGAN. The church owns 3,480, I think, or 3,490 shares.

Mr. WORTHINGTON. Is it worth \$100 par, or are they ten-dollar shares?

Mr. GEOGHEGAN. Those are ten-dollar shares.

The CHAIRMAN. That is the preferred stock, is it?

Mr. GEOGHEGAN. There is only one class of stock in that corporation.

Mr. WORTHINGTON. You say they own 3,400 shares?

Mr. GEOGHEGAN. Yes, sir; 3,480 or 3,490; I am not sure which—approximately 3,400 to 3,500 shares.

Mr. WORTHINGTON. That would be \$340,000 to \$350,000 out of \$6,000,000?

Mr. GEOGHEGAN. No; it would be \$34,000 to \$35,000.

Senator DUBOIS. You are speaking about the church now and not the individual members?

Mr. GEOGHEGAN. I am talking about Joseph F. Smith, trustee in trust.

Senator DUBOIS. Which means the Mormon Church, does it not?

Mr. GEOGHEGAN. That is what it does.

Mr. WORTHINGTON. What about the holdings of Joseph F. Smith as an individual in the Idaho Sugar Company?

Mr. GEOGHEGAN. If there is no objection, I have a memorandum in my pocket of the amount, if I may be permitted to look at it.

The CHAIRMAN. Certainly; you may refresh your recollection.

Mr. GEOGHEGAN. Joseph F. Smith owns 2,411 shares of stock in the Idaho Sugar Company.

Mr. WORTHINGTON. That is \$10 a share, you say?

Mr. GEOGHEGAN. Yes, sir. I have also the exact figures of his ownership in the Utah Sugar Company, if the committee would like to have it.

Mr. WORTHINGTON. What is it?

Mr. GEOGHEGAN. Of the preferred stock 322 shares, and of the common stock 424 shares.

Mr. WORTHINGTON. Can you tell us about the holdings of the other high officers of the Mormon Church in the Idaho Sugar Company?

Mr. GEOGHEGAN. No; I can not.

Mr. WORTHINGTON. You do not know whether they hold any or not?

Mr. GEOGHEGAN. I do not. Well, John R. Winder, John Henry Smith, Heber J. Grant are directors, and naturally must have stock or they couldn't qualify as directors.

The CHAIRMAN. Those three persons are directors?

Mr. GEOGHEGAN. They are; yes, sir.

Mr. WORTHINGTON. Where is the control of the Idaho Sugar Company?

Mr. GEOGHEGAN. The same place as the control of the Utah Sugar Company.

Senator DUBOIS. Will you state who the other directors are? You have named three.

Mr. WORTHINGTON. Yes; can you give us the names of the directors of both companies?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Give us the full list.

Mr. GEOGHEGAN. Joseph F. Smith is president, Thomas R. Cutler is vice-president and general manager.

Senator DUBOIS. Who is he?

Mr. GEOGHEGAN. Thomas R. Cutler.

Senator DUBOIS. Is he a Mormon or a Gentile?

Mr. GEOGHEGAN. A Mormon. I have already testified he was a Mormon.

Senator DUBOIS. They are not all Mormons.

Mr. GEOGHEGAN. John C. Cutler. He is a Mormon and the governor of Utah. John Henry Smith. He is a Mormon and one of the twelve apostles of the Mormon Church. John R. Winder. He is a Mormon and one of the first presidency of the Mormon Church. Heber J. Grant. He is a Mormon and one of the twelve apostles of the Mormon Church. W. S. McCornick, who is a Gentile. These are the directors.

Mr. WORTHINGTON. That is the Utah Sugar Company?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Now, the Idaho Sugar Company.

Mr. GEOGHEGAN. The Idaho Sugar Company directory is the same, and I believe there are one or two other directors in there, but I wouldn't be sure. The directory is practically the same, though.

The CHAIRMAN. The personnel is practically the same?

Mr. GEOGHEGAN. It is, so far as those individuals are concerned.

Mr. WORTHINGTON. You say there are other members of the board?

Mr. GEOGHEGAN. I am not sure about that. It is just like a dream to me that the Idaho Sugar Company have a couple or more directors than the Utah Sugar Company; but I may be mistaken.

Senator DUBOIS. I am not sure myself. Is not George C. Parkinson one of the directors?

Mr. GEOGHEGAN. I believe he is. There is another corporation which is really in embryo, so to speak, just yet. They are not manufacturing any sugar. That is the Western Idaho Sugar Company. I believe he is a director in that; but whether he is also a director in the Idaho Sugar Company, which is the one that operates in Blackfoot and Idaho Falls, I am not sure.

Senator DUBOIS. I think he is.

Mr. GEOGHEGAN. You may be accurate in that. I am not sure.

Mr. WORTHINGTON. Is he a Gentile or a Mormon?

Mr. GEOGHEGAN. He is a Mormon.

Senator DUBOIS. The president of a stake, is he not?

Mr. GEOGHEGAN. I think so.

Mr. WORTHINGTON. Have you at my request made a classified list of the principal business men and concerns of Salt Lake City?

Mr. GEOGHEGAN. I have.

Mr. WORTHINGTON. Have you it with you?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Let me see it. [The witness produces a paper.] I see you have marked on this list opposite each name the letters "M" or "G." What does that mean?

Mr. GEOGHEGAN. M means Mormon and G means Gentile.

Mr. WORTHINGTON. Do you know this list to be correct?

Mr. GEOGHEGAN. Well, yes; I believe that list to be a correct list.

Mr. WORTHINGTON. You made it yourself, did you?

Mr. GEOGHEGAN. I made it myself; yes, sir.

The CHAIRMAN. What does it purport to be?

Mr. WORTHINGTON. It purports to be the same thing we had from another witness about Provo. It is a classified list of the principal business concerns of Salt Lake City, putting the banks first, then the wholesale grocers, and so on, and marking opposite each one whether it is a Mormon concern or a Gentile concern. I am going to ask him some questions about it. I see here you have a summary of it which gives as to each class of business concerns the total number of Gentiles and total number of Mormons.

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Making the total 72 Gentiles and 35 Mormons?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Have you, in making the selection of names to go on this list, taken all the leading business concerns of the city?

Mr. GEOGHEGAN. All the larger business interests. I didn't pick out the peanut stands, nor the saloons, nor a lot of other small businesses. I took, in a broad way, the representative business interests in the city.

Mr. WORTHINGTON. Could you tell us, if these small concerns had been taken in, to what extent, if at all, it would have affected the result in the average?

Mr. GEOGHEGAN. It would not have affected the result, I don't think. I think the result would have been relatively the same.

Mr. WORTHINGTON. In order that we may understand this, let me take, for instance, the banks. These banks are, I suppose, all corporations?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. And when you mark them Mormon or Gentile, what do you mean by that?

Mr. GEOGHEGAN. I mean the control of the institution is recognized as being Gentile or Mormon, as the case may be.

Mr. WORTHINGTON. Take the Utah National Bank, for instance. Where you have marked a bank "Mormon," does it mean that all those who have the management of it are Mormons, or what?

Mr. GEOGHEGAN. Well, where the preponderance was Gentile—in fact, there are no Mormons in any of the Gentile banks, I believe, but in many of the Mormon banks there may be Gentile directors, but I have not regarded those at all. I have simply taken the banks for what they are regarded or classed in Salt Lake City.

Mr. WORTHINGTON. Then, if I understand you, of those you have marked "Gentile," the managers are all Gentiles?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Those you have marked "Mormon," they may have Gentiles in their directorate?

Mr. GEOGHEGAN. Oh, yes; that is quite possible.

Mr. WORTHINGTON. Take, for instance, the Utah National Bank. Is not Senator Sutherland a director in that bank?

Mr. GEOGHEGAN. Yes, sir; that is true. Senator Sutherland is a director in that bank.

Mr. WORTHINGTON. The State Bank of Utah. Do you know Mr. J. R. Murdock?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Is he a director?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. He is a Gentile, is he not?

Mr. GEOGHEGAN. Yes, sir; he is so regarded.

Mr. WORTHINGTON. Take these other concerns—the Consolidated Wagon and Machine Company. You put that down as Mormon?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Who is the manager of that?

Mr. GEOGHEGAN. George T. Odell is the manager of the Consolidated Wagon and Machine Company.

Mr. WORTHINGTON. Is he Gentile or Mormon?

Mr. GEOGHEGAN. I believe he is a Gentile.

Mr. WORTHINGTON. And the Deseret National Bank. You put that down as Mormon.

Mr. GEOGHEGAN. Well, it is.

Mr. WORTHINGTON. Do you know Mr. William McIntire?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Is not he one of the directors?

Mr. GEOGHEGAN. Yes; he is a director.

The CHAIRMAN. Who is the president of that bank?

Mr. GEOGHEGAN. L. S. Hill is president.

Mr. WORTHINGTON. The Deseret Savings Bank you have marked here as a Mormon concern?

Mr. GEOGHEGAN. Yes, sir; it is.

Mr. WORTHINGTON. Do you know Mr. W. F. James?

Mr. GEOGHEGAN. Yes, sir; very well.

Mr. WORTHINGTON. Is he not one of the directors?

Mr. GEOGHEGAN. Yes; I believe Mr. James is a director of that bank.

Mr. WORTHINGTON. He is a Gentile, is he not?

Mr. GEOGHEGAN. Oh, yes; Mr. James is a Gentile.

Mr. WORTHINGTON. I notice in this list that one concern figures in a great many of them—the Z. C. M. I. Why is that?

Mr. GEOGHEGAN. I took various business interests, and I took people who were considered the leaders in that particular interest. The fact that the Z. C. M. I. is in the clothing business and in the hardware business and in the grocery business and in the dry-goods business—I felt it was fair that they should be regarded in that particular class.

The CHAIRMAN. I do not understand what you mean by the letters Z. C. M. I. What are they?

Mr. GEOGHEGAN. That is the Zion Cooperative Mercantile Institution.

The CHAIRMAN. Who is president of that?

Mr. GEOGHEGAN. Joseph F. Smith is president of that.

Mr. WORTHINGTON. And that is recognized as one of the institutions which is controlled by Mormons?

Mr. GEOGHEGAN. Undoubtedly.

Mr. WORTHINGTON. It is everywhere known in that way. Do you know whether any of the stock of that concern is owned by non-Mormons?

Mr. GEOGHEGAN. I don't know of my own personal knowledge, but it is a matter of common report that anybody can buy that stock. It is stock that is transferred. It is regarded as a good commercial investment there, and people who want returns on a safe investment invest in that stock.

Mr. WORTHINGTON. Have you put the hotels down on this list?

Mr. GEOGHEGAN. No; I didn't put any hotels down.

Mr. WORTHINGTON. How many have you there?

Mr. GEOGHEGAN. There is a lot of them; I don't know just how many.

Mr. WORTHINGTON. Are they run by Mormons or Gentiles, or how?

Mr. GEOGHEGAN. I believe they are mainly run by Gentiles. In fact, I can't recall at the moment any hotel that is controlled by Mormons. I can't recall one right now. There may be, but it would be an insignificant hotel if it were.

Mr. WORTHINGTON. While we are speaking of the Z. C. M. I., do you know anything about whether that concern is understood to be controlled by Mormons and the head officers of the church have the management of it? That is understood, is it not?

Mr. GEOGHEGAN. Oh, sure; yes, sir.

Mr. WORTHINGTON. Do you know whether there has been any opposition to that concern by Mormons?

Mr. GEOGHEGAN. Oh, yes.

Mr. WORTHINGTON. What?

Mr. GEOGHEGAN. In what particular line do you mean?

Mr. WORTHINGTON. In any line.

Mr. GEOGHEGAN. In Salt Lake City there is a concern named the Anderson Taylor Company.

The CHAIRMAN. We can not hear you.

Mr. GEOGHEGAN. There just occurs to me a more notable case. Scowcroft & Sons Company are in active opposition to the Z. C. M. I. in nearly every part of Utah, and I believe they are in good standing in the Mormon Church.

Mr. WORTHINGTON. How does that business compare in extent with the business of the Z. C. M. I.?

Mr. GEOGHEGAN. I believe in the various departments where they parallel each other they do just as much business as the Z. C. M. I.

Mr. WORTHINGTON. Do you know anything about the effect of that competition in Ogden, for instance?

Mr. GEOGHEGAN. Yes.

Mr. WORTHINGTON. What was it?

Mr. GEOGHEGAN. I know the Z. C. M. I. closed up their branch there and went out of business in Ogden.

Mr. WORTHINGTON. What closed them up?

Mr. GEOGHEGAN. That I don't know. You will have to draw your own conclusions as to that.

Mr. WORTHINGTON. You have not told us whether the Scowcrofts have any business there.

Mr. GEOGHEGAN. Their business has grown from nothing fifteen years ago until now they do a business of about \$2,000,000 a year, so I presume it has something to do with it.

Mr. WORTHINGTON. Did they start in opposition, in Ogden, to the Z. C. M. I.?

Mr. GEOGHEGAN. Yes; when they started first it was in opposition to the Z. C. M. I.

Mr. WORTHINGTON. Did it continue to be opposition until the Z. C. M. I. went out of business?

Mr. GEOGHEGAN. That is what it did.

Mr. WORTHINGTON. I want to offer this list in evidence, with the summary at the end of it.

The paper referred to is as follows:

BANKS.	WHOLESALE GROCERS.
Deseret National Bank..... M.	Z. C. M. I..... M.
State Bank of Utah..... M.	Anderson-Taylor Company..... M.
Utah National Bank..... M.	Symms's Utah Grocery Company... G.
Utah Commercial and Savings Bank. M.	Kahn Brothers..... G.
Commercial National Bank..... G.	W. S. Henderson Company..... G.
McCornick & Co..... G.	
National Bank of the Republic..... G.	DRY GOODS AND NOTIONS.
Walker Brothers..... G.	R. K. Thomas..... M.
Utah Savings and Trust Company.. G.	Z. C. M. I..... M.
Deseret Savings Bank..... M.	Auerbach Brothers..... G.
Zion's Savings Bank..... M.	Keith O'Brien Company..... G.
Home Savings and Trust Company.. G.	
Security and Trust Company..... G.	

DRY GOODS AND NOTIONS—cont'd.

Cohn Brothers	G.
Walker Brothers Dry Goods Com- pany	G.
Boxrud & Co.	G.
Rosenbaum Brothers	G.
Hamilton's	G.

WHOLESALE DRUGS.

Nelden Drug Company	G.
Nelden Judson Drug Company	G.
Salt Lake Drug Company	G.
Z. O. M. I.	M.
Smith Drug Company	G.
Druel and Franklin Company	G.
Schramm Drug Company	G.

WHOLESALE HARDWARE.

Z. O. M. I.	M.
Strevell Patterson Company	G.
Salt Lake Hardware Company	G.
Crane & Co	G.
King Hardware Company	G.
K. A. Andrews Hardware Company	G.

FURNITURE.

Co-op. Furniture Company	G.
Freed Furniture Company	G.
Dinwoody Furniture Company	M.
Greenwald Furniture Company	G.
Harris & Co.	G.
I. X. L.	G.
Nebraska Furniture Company	G.
Washburn Furniture Company	G.

IMPLEMENT DEALERS.

Utah Implement Company	G.
Consolidated Wagon and Machine ..	M.
Studebaker Company	G.
Moline Plow Company	G.
Prout & Co.	G.

LUMBER COMPANIES.

Taylor Romney Company	M.
Morrison Merrill Lumber Company ..	G.
Utah Lumber Company	G.
Burton Coal and Lumber Company ..	M.
Sierra Nevada Company	G.

ELECTRIC SUPPLY COMPANIES.

Allen Electric Company	M.
Intermountain Electric Company ..	G.
Salt Lake Electric Supply Company ..	G.
E. G. Holding	M.

CANDY MANUFACTURERS.

McDonald Candy Company	M.
Sweet Candy Company	G.
Franklin Company	G.
H. A. Tuckett	M.

MINING MACHINERY.

Utah Mining Machinery Company ..	G.
Allis-Chalmers	G.
Mine and Smelter Supply Company ..	G.
Fairbanks-Morse Company	G.

WHOLESALE PAPER COMPANIES.

Lambert Paper Company	M.
New York and Utah Paper Company ..	G.

MUSIC COMPANIES.

Carstensen & Anson	G.
Coulter Music Company	M.
Young Brothers Company	M.
Daynes & Romney	M.
Clayton Music Company	M.
Chamberlin Music Company	M.

JEWELRY.

Z. O. M. I.	M.
Boyd Park	G.
Leyson Company	G.
Daynes Company	M.
Western Jewelry Company	G.
J. J. Devine	G.
New York Jewelry Company	G.

WHOLESALE PRODUCE COMPANIES.

W. M. Rush	G.
Cleveland Commission Company ...	G.
O. S. Martin Produce Company	M.

WHOLESALE MEAT MARKETS.

Utah Packing Company	M.
Murry Meat and Live Stock Company ..	G.
Palace Market	G.
J. M. Marriott	G.

CLOTHIERS.

Z. O. M. I.	M.
Barton & Co	M.
Siegel Clothing Company	G.
Gardiner & Co	G.
Gray Brothers	G.
Richardson & Adams	G.
Brown, Terry & Woodruff Company ..	G.
Geo. Mullett Company	G.
O'Reilly	G.
E. M. Freedman Company	G.
Cutler Brothers	M.
Poulton, Madsen & Owen	M.
M. H. Desky Company	G.
Nichol Clothing Company	G.
Rowe-Keely Company	G.

SUMMARY.

	Gentiles.	Mormons.		Gentiles.	Mormons.
Wholesale hardware.....	5	1	Lumber	3	2
Furniture.....	6	2	Electric	2	2
Banks.....	7	6	Music dealers	1	5
Wholesale grocers	3	2	Jewelry	5	2
Dry goods and notions.....	7	2	Wholesale produce.....	2	1
Wholesale drugs.....	6	1	Wholesale meat markets....	3	1
Candy manufacturers	2	2	Clothiers	11	4
Mining machinery.....	4	.....		
Wholesale paper.....	1	1	Total	72	35
Implements.....	4	1			

Mr. WORTHINGTON. I would like to ask you the same question I asked in reference to another matter yesterday. You have given us the proportion here in numbers. Can you give us anything about the proportion in amount of business and capitalization between the Mormon concerns and the Gentile concerns?

Mr. GEOGHEGAN. Do you mean as a whole or in any particular class there?

Mr. WORTHINGTON. Could you do so as a whole?

Mr. GEOGHEGAN. No; I could not.

Mr. WORTHINGTON. Take the banks, for instance. They are the most important business enterprises.

Mr. GEOGHEGAN. What do you mean now, deposits or capital?

Mr. WORTHINGTON. I want to know the capitalization and the deposits, if you can give them, of each class of banks.

Mr. GEOGHEGAN. This will have to be from memory, you know. I have been a national-bank director myself up to this past year, so I am fairly familiar with such things.

Mr. WORTHINGTON. I suppose they are published there, as they are everywhere?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. Is not this matter of capitalization of the banks and deposits, and so on, a matter of notoriety, published in the newspapers, just as is the case everywhere?

Mr. GEOGHEGAN. Yes, sir; it is published in the newspapers.

Mr. WORTHINGTON. Then give it to us.

Mr. GEOGHEGAN. And published daily through advertisements of the banks.

Mr. WORTHINGTON. Then give us the results as to the banks.

The CHAIRMAN. That is, the total, without going into detail, I suppose?

Mr. WORTHINGTON. Yes; if you can give us the total.

Mr. GEOGHEGAN (after calculating). Of the four commercial banks that are regarded as Mormon banks, I should say the aggregate capital and surplus of the four banks would be about \$1,700,000.

Mr. WORTHINGTON. What are the deposits?

Mr. GEOGHEGAN. I will give you that in a second. I would say the deposits of those four banks—I am speaking of the commercial banks, eliminating the question of savings banks or trust companies—would aggregate, say, five and a half to six million dollars.

Mr. WORTHINGTON. Now, give us the same figures for the Gentile commercial banks.

Mr. GEOGHEGAN. Of course, mind you, those figures are from memory, and I may be out, Mr. Chairman.

The CHAIRMAN. We understand it is approximate.

Mr. WORTHINGTON. You can be certain, I suppose, that they are reasonable approximations to the true figures.

Mr. GEOGHEGAN. They are not very far out. Of course deposits are changing all the time, you know, up and down. The four Gentile banks, I imagine, would have a capital and surplus of about a million and a half dollars, and the deposits of those four Gentile banks I consider to be not less than from eleven to twelve million dollars: I don't think I am very far out. Of course, as regards the savings banks, I don't know what their savings deposits are, and I am not familiar with their capital stock.

Mr. WORTHINGTON. Can you tell us to what extent, if at all, the fact that there are Mormons and non-Mormons in Salt Lake City, Mormon business concerns and non-Mormon business concerns, affects the business dealings of the customers with the vendors?

Mr. GEOGHEGAN. I don't think it affects the great body of the Mormon or the Gentile people a particle. I believe they go around and trade where they believe they can get the best value for their dollar.

Mr. WORTHINGTON. Is there any such thing as Mormons dealing with Mormon business concerns and Gentiles with Gentile business concerns?

Mr. GEOGHEGAN. Oh, yes; there is plenty of it.

Mr. WORTHINGTON. I mean is there such a line of separation that the Mormons deal only with the Mormon concerns and the Gentiles deal only with the Gentile concerns?

Mr. GEOGHEGAN. Oh, no. There may be individual cases of rabid, radical cranks who carry their feelings so far that they would not—

Mr. WORTHINGTON. Leave out the cranks and give us the great body of the people.

Mr. GEOGHEGAN. The great body of the people don't inquire the religion of the merchant they buy goods from. They buy their goods where they believe they can get the best value for their dollar. There may be other causes that force people to buy from certain stores. For example, the Z. C. M. I. carry a whole lot of financially weak country stores, and as a matter of self-preservation they are compelled to buy their goods from the Z. C. M. I.; but I speak of the great bulk of the people, of Salt Lake City, particularly. Of course I am more familiar there.

Mr. WORTHINGTON. Illustrating that line of inquiry, let me ask you about the State of Utah, which is and has been under Mormon administration, I believe. The governor has always been a Mormon?

Mr. GEOGHEGAN. Since statehood; yes, sir.

Mr. WORTHINGTON. Where does that State do its banking business?

Mr. GEOGHEGAN. McCornick & Co. have the State treasurer's account.

Mr. WORTHINGTON. Is that Gentile or Republican—I mean Gentile or Mormon?

Mr. GEOGHEGAN. It is Gentile.

Mr. WORTHINGTON. You say McCornick & Co. are Gentile?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. I happen to have before me the words "Gentile Republican." That is what caused the mistake.

Senator DUBOIS. He is not a member of the American party, is he?

Mr. GEOGHEGAN. I don't know whether he is or not.

Senator DUBOIS. You have got him right, Mr. Worthington. He is a Gentile Republican.

Mr. CARLISLE. He asked him whether he was a Gentile or a Republican.

Mr. WORTHINGTON. Take the United States internal collector of revenue. Who is he?

Mr. GEOGHEGAN. Mr. Callister.

Mr. WORTHINGTON. Is he a Mormon or Gentile?

Mr. GEOGHEGAN. He is a Mormon.

Mr. WORTHINGTON. Where does he keep his accounts as collector?

Mr. GEOGHEGAN. His accounts are kept with the National Bank of the Republic.

Mr. WORTHINGTON. That is one of those you have on the list as Gentile?

Mr. GEOGHEGAN. Yes, sir; that is what it is.

Mr. WORTHINGTON. Since Senator Dubois has asked the question about the other, I will ask whether that is Republican or American.

Mr. GEOGHEGAN. I don't know what their politics are.

Senator DUBOIS. Do you know?

Mr. WORTHINGTON. My memorandum says "Gentile American."

Senator DUBOIS. Probably Republican.

Mr. WORTHINGTON. Is the board of education of the State composed of Mormons or Gentiles, or which has the majority?

Mr. GEOGHEGAN. I don't know who are in the majority.

Mr. WORTHINGTON. I made a mistake. I meant the board of education of Salt Lake City. Do you know whether the majority of the members of that board are Mormons?

Mr. GEOGHEGAN. Yes; now the majority are Mormons.

Mr. WORTHINGTON. Where do they do their banking business?

Mr. GEOGHEGAN. The treasurer of the board of education is an employee—assistant cashier—of McCornick & Co.'s bank.

Mr. WORTHINGTON. Where does the Z. C. M. I. bank?

Mr. GEOGHEGAN. They bank at the Deseret National and at McCornick & Co.'s. They divide their business.

Mr. WORTHINGTON. Where does the Utah Sugar Company do its business?

Mr. GEOGHEGAN. Mainly with McCornick & Co.

Mr. WORTHINGTON. That is all.

Mr. CARLISLE. Mr. Geoghegan, you named several sugar companies that were organized under the laws of Utah?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. Without repeating the names, will you state how many there are?

Mr. GEOGHEGAN. There are three that are actively engaged in business, producing sugar, and one that is constructing a sugar refinery, which will be ready for operation some time this fall.

Mr. CARLISLE. Who is the president of all those companies?

Mr. GEOGHEGAN. Joseph F. Smith is president of three of those companies.

Mr. CARLISLE. Who is the president of the fourth?

Mr. GEOGHEGAN. David Eccles.

Mr. CARLISLE. He is a prominent Mormon, is he not?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. You have said there is also a company known as the Utah Sugar Company.

Mr. GEOGHEGAN. That is one of the corporations I have recited just now.

Mr. CARLISLE. I mean the Idaho Sugar Company. I beg your pardon.

Mr. GEOGHEGAN. The Idaho Sugar Company is also one of those corporations.

Mr. CARLISLE. How many companies were incorporated under the laws of Idaho?

Mr. GEOGHEGAN. I don't think any of those were incorporated under the laws of Idaho. They are all Utah corporations.

Mr. CARLISLE. The Idaho Sugar Company?

Mr. GEOGHEGAN. The Idaho Sugar Company is a Utah corporation; yes, sir.

Mr. CARLISLE. Are they not all consolidated?

Mr. GEOGHEGAN. No, sir.

Mr. CARLISLE. Then, the capital of \$6,000,000 you speak of here does not represent the total capital of the companies in which the Mormon Church is interested, does it?

Mr. GEOGHEGAN. No, sir.

Mr. CARLISLE. Suppose you give all the balance of them, so that we can see what the Mormon Church owns in them.

Mr. GEOGHEGAN. It is in my testimony.

Mr. CARLISLE. Which?

Mr. GEOGHEGAN. I testified that the Idaho Sugar Company is capitalized for \$6,000,000; that the Mormon Church—I will give the exact figures.

Mr. CARLISLE. Give it in dollars instead of in shares. Then we can compare it.

Mr. GEOGHEGAN. \$34,980.

Mr. CARLISLE. In what company?

Mr. GEOGHEGAN. The Idaho Sugar Company. They own in the Utah Sugar Company, another six-million-dollar corporation, 22,175 shares of preferred stock, which on the market to-day is selling for about \$10 a share, and 22,995 shares of common stock, which I have testified I wouldn't give you a dollar for. Those are the Mormon holdings in the sugar companies of Utah.

Mr. CARLISLE. Then, the Utah Sugar Company must include some of these other companies.

Mr. GEOGHEGAN. No, sir; it does not include any other company—only itself.

Mr. CARLISLE. You have spoken of four companies organized under the laws of the State of Utah.

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. You have only mentioned two companies in which the Mormon Church owns an interest.

Mr. GEOGHEGAN. There is the Western Idaho Sugar Company. I don't know whether they own a dollar's worth of stock. That is a corporation that was organized and capitalized for \$2,000,000 to build factories at Nampa and up in Idaho. They decided they would only build one factory, and they commenced to call for the subscriptions at the rate of 5 per cent a month. The third or fourth subscription has

just been paid. Whether the Mormon Church has an interest in that I don't know.

Mr. CARLISLE. But you know President Smith is president of it?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. Of all the companies you spoke of?

Mr. GEOGHEGAN. No, sir.

Mr. CARLISLE. Which one is he not president of?

Mr. GEOGHEGAN. The Amalgamated Sugar Company, of Ogden, David Eccles is president of.

Mr. CARLISLE. But of all these companies in which you stated the church had stock—

Mr. GEOGHEGAN. Yes, sir; he is the president.

Senator DUBOIS. Mr. Geoghegan, where are the sugar factories?

Mr. GEOGHEGAN. The Utah Sugar Company has a factory—

Senator DUBOIS. I mean in Idaho.

Mr. GEOGHEGAN. The Idaho Sugar Company has a factory at Sugar City and a factory at Idaho Falls. By the way, there is also the Snake River Valley Sugar Company, which has a factory at Blackfoot, but it is practically owned by the Idaho Sugar Company.

Senator DUBOIS. It is absolutely owned by the Idaho Sugar Company, is it not?

Mr. GEOGHEGAN. No, sir; not absolutely. There are shares of stock that are out, and the sugar company never could get them in.

Senator DUBOIS. There are very few.

Mr. GEOGHEGAN. Very few.

Senator DUBOIS. That was a New York company?

Mr. GEOGHEGAN. Yes, sir; Binghamton, N. Y.

Senator DUBOIS. The sugar company of Utah bought that out?

Mr. GEOGHEGAN. The Idaho Sugar Company.

Senator DUBOIS. Bought that out?

Mr. GEOGHEGAN. Yes, sir; that is correct.

Mr. CARLISLE. Is there also a company known as the Bear River Sugar Company?

Mr. GEOGHEGAN. No, sir.

Mr. CARLISLE. Or is that property down there owned by the Utah Sugar Company?

Mr. GEOGHEGAN. What property?

Mr. CARLISLE. Is there not a large factory at Garland?

Mr. GEOGHEGAN. If you will give me an opportunity, I will state the factories owned by each of those corporations.

Mr. CARLISLE. You had better do that.

Mr. GEOGHEGAN. I was going to do it. The Utah Sugar Company has a factory at Lehi. They have four substations: One at Spanish Fork, one at Provo, and one at Springville, where the beets are sliced, the juice extracted and pumped to the main refinery. They also have a refinery at Garland, in Utah. They own a power plant on Bear River. They also own a great big canal—the Bear River Canal. They also own some forty or fifty thousand acres, or thirty thousand acres, of land in the Bear River Valley, in Utah. The Idaho Sugar Company has a refinery or factory at Sugar City, in Idaho; a factory at Idaho Falls, in Idaho, and of course owns and controls the factory at Blackfoot, in Idaho.

Mr. CARLISLE. Where does the Utah Sugar Company transact its business? Where is its principal office?

Mr. GEOGHEGAN. Salt Lake City, Utah.

Mr. CARLISLE. Where does the Idaho Sugar Company transact its business?

Mr. GEOGHEGAN. Salt Lake City, Utah.

Mr. CARLISLE. But you have not put down any sugar business in the list at all.

Mr. GEOGHEGAN. Neither have I put down any of the tremendous smelting industries.

Mr. CARLISLE. We will come to that. You have put down nothing on the part of the sugar business in Utah.

Mr. GEOGHEGAN. That is an industrial enterprise, and they purchase their product away from Salt Lake City.

Mr. CARLISLE. But their office and financial affairs are all conducted at Salt Lake City.

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. And these two companies have \$12,000,000 between them?

Mr. GEOGHEGAN. They are capitalized for \$12,000,000.

Mr. CARLISLE. They are not on this list.

Mr. GEOGHEGAN. I assure you it was not my intention to omit anything.

Mr. CARLISLE. What about the Inland Crystal Salt Company? Where does it transact its business?

Mr. GEOGHEGAN. All over the West.

Mr. CARLISLE. But where is its principal office, and where does it conduct its finance affairs?

Mr. GEOGHEGAN. In Salt Lake City.

Mr. CARLISLE. It makes its purchases there?

Mr. GEOGHEGAN. I presume so.

Mr. CARLISLE. It conducts business there?

Mr. GEOGHEGAN. That is what it does; yes, sir.

Mr. CARLISLE. That is not put down on your list. That is a pretty large establishment, too, is it not?

Mr. GEOGHEGAN. That is what it is, so far as I know.

Mr. CARLISLE. Do you know what the total capitalization of that is?

Mr. GEOGHEGAN. No, sir; I do not. I don't know their capitalization.

Mr. CARLISLE. It is pretty large, is it not?

Mr. GEOGHEGAN. I presume so.

Mr. CARLISLE. You have put down here on this list just the word "electric"—in the summary, I mean.

Mr. GEOGHEGAN. That meant electric supply houses. That is the fault of the stenographer, I presume.

Mr. CARLISLE. Your statement shows that two of those are Gentile and two are Mormon. Is there no electric light and railway company in Salt Lake City?

Mr. GEOGHEGAN. I didn't put that down because I didn't deal with those. There was no intention to mislead the committee at all, but the sugar companies and the smelting companies and the mining companies all have their offices there. I didn't put those down because I didn't regard it as any part of the commerce.

Mr. CARLISLE. I thought it was business you were considering here; not commerce alone, but business conducted in Salt Lake City.

Mr. GEOGHEGAN. More or less the retail and financial business of Salt Lake City. That was what I was asked to prepare a list of.

Mr. CARLISLE. I am not attacking your list. I am only endeavoring to ascertain the facts, to see what you did or not include in it.

Mr. GEOGHEGAN. You can get the facts from me.

Mr. CARLISLE. How about this electric light and railway company? Will you state to the committee what that is?

Mr. GEOGHEGAN. It is an electric light and railway company.

Mr. CARLISLE. What is its business?

Mr. GEOGHEGAN. Furnishing power and light, running street cars.

Mr. CARLISLE. It is all there in Salt Lake City?

Mr. GEOGHEGAN. All in Salt Lake City; yes, sir.

Mr. CARLISLE. That is a pretty large concern, too, is it not?

Mr. GEOGHEGAN. Yes; that is a very large concern.

Mr. CARLISLE. Who is the president of that concern?

Mr. GEOGHEGAN. Joseph F. Smith.

Mr. CARLISLE. Do you know how many millions of dollars it is capitalized at?

Mr. GEOGHEGAN. I do not.

Mr. CARLISLE. There is no Gentile who has any similar establishment to that, is there?

Mr. GEOGHEGAN. No.

Mr. CARLISLE. No Gentile company?

Mr. GEOGHEGAN. No.

Mr. CARLISLE. Does this electric light and railway company furnish gas?

Mr. GEOGHEGAN. Yes; they furnish gas.

Mr. CARLISLE. As well as electric light?

Mr. GEOGHEGAN. Yes; sir.

Mr. CARLISLE. So that it includes the lighting by electricity?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. The furnishing of gas and the management and control of all the street railways of Salt Lake City?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. And Joseph F. Smith is the president of that?

Mr. GEOGHEGAN. He is president of that.

Mr. CARLISLE. Do you know how much stock the church owns in that, if any?

Mr. GEOGHEGAN. I don't know.

Mr. CARLISLE. Do you know how much stock the church owns, if any, in the Inland Crystal Salt Company?

Mr. GEOGHEGAN. I do not; no, sir.

Mr. CARLISLE. The sugar companies you have stated about.

Mr. GEOGHEGAN. Yes, sir; I am familiar with that.

Mr. CARLISLE. You say at the beginning of the sugar industry in Utah the church was active, or, at least, assisted?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. What did it do?

Mr. GEOGHEGAN. I know of one particular case where, in 1893, I believe it was, the company was pretty hard run. They couldn't get enough money to pay their men, and they were really on the eve of financial disaster, and Mr. Cutler, the general manager, came to me and told me he was in considerable trouble, that the banks wouldn't advance him any more money, and he really felt it was a serious situation. He said if he could get \$5,000 it would help him out, meet his pay rolls, and then by degrees he would sell his product, and one

thing and another, and be able to tide it over. I said: "Now, what security are you going to offer?" He says: "The only security I can give is the company's note, indorsed by the church." I went up to Ogden. I called on Mr. Fred J. Kiesel, a prominent—

Mr. CARLISLE. It is hardly worth while to go into the little details.

The CHAIRMAN. No.

Mr. GEOGHEGAN. I got this money from Mr. Kiesel on that security. That is my own personal knowledge.

Mr. CARLISLE. That is, \$5,000?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. And you paid it back?

Mr. GEOGHEGAN. Oh, yes; undoubtedly.

The CHAIRMAN. I understood that note was indorsed by the church.

Mr. GEOGHEGAN. Yes.

Mr. CARLISLE. Did the church at that time own any stock?

Mr. GEOGHEGAN. I don't know.

Mr. CARLISLE. You do not know whether it was to the interest of the church to do that or not?

Mr. GEOGHEGAN. I presume it was to the interest of the church.

Mr. CARLISLE. I believe that is all.

The CHAIRMAN. I did not understand whether the witness stated the estimated value of this electric-light company.

Mr. GEOGHEGAN. I don't know anything about it, Mr. Chairman.

The CHAIRMAN. You have no idea as to its value?

Mr. GEOGHEGAN. I don't think myself it is very valuable. I would state, as counsel has spoken of the gas, that a new franchise has just been issued and an opposition company is coming into Salt Lake City just now to go into opposition to the trust, or to the Salt Lake Company, on that line.

Senator DUBOIS. You say there are \$12,000,000 of deposits in the Gentile banks in Salt Lake, and \$6,000,000 in the Mormon banks?

Mr. GEOGHEGAN. Yes, sir; I think that is very, very close to the figures. Of course I may be out.

Senator DUBOIS. What is the proportion in the population of the Gentiles to the Mormons in Salt Lake City?

Mr. GEOGHEGAN. I believe they are about evenly divided.

Senator DUBOIS. What is the proportion of wealth?

Mr. GEOGHEGAN. Of course that I don't know. I believe the proportion of wealth is in favor of the Gentiles.

Senator DUBOIS. How much in favor of the Gentiles?

Mr. GEOGHEGAN. I couldn't say, Senator.

Senator DUBOIS. Two-thirds?

Mr. GEOGHEGAN. I couldn't say. I never have given it any consideration.

Senator DUBOIS. You never happened to think about that?

Mr. GEOGHEGAN. I haven't thought about that, surely.

Senator DUBOIS. Do you know how the Blackfoot Sugar Company happened to sell out to the Utah people?

Mr. GEOGHEGAN. Yes, sir.

Senator DUBOIS. How did it happen?

Mr. GEOGHEGAN. They were offered a great big price for their stock.

Senator DUBOIS. The fact that they could not raise beets did not have anything to do with it, did it?

Mr. GEOGHEGAN. No.

Senator DUBOIS. Could they raise enough beets around Blackfoot?

Mr. GEOGHEGAN. That is what Mr. Hotchkiss, the manager, told me; that he expected to make 15,000,000 pounds of sugar last year.

Senator DUBOIS. Did he make it?

Mr. GEOGHEGAN. He did not; he sold out.

Senator DUBOIS. Could they raise enough beets around there?

Mr. GEOGHEGAN. I think so.

Senator DUBOIS. Did they raise enough beets?

Mr. GEOGHEGAN. That was their second year in business.

Senator DUBOIS. I understand. I live there. As a matter of fact, did they raise enough beets to run their factories?

Mr. GEOGHEGAN. Mr. Hotchkiss told me they expected to produce 15,000,000 pounds of sugar, and I consider they must have been able to raise the beets or they couldn't produce that amount of sugar. He was the president of the company, and they sold out at \$140 a share—40 per cent premium.

Senator DUBOIS. You never heard it intimated that they never could raise enough beets?

Mr. GEOGHEGAN. No, sir; I did not.

Senator DUBOIS. Because the Mormon people would not raise enough for them?

Mr. GEOGHEGAN. I never heard that before.

Senator DUBOIS. How many beets do you raise to the acre in Utah?

Mr. GEOGHEGAN. We regard an average of ten as a pretty fair average.

Mr. WORTHINGTON. Ten what?

Mr. GEOGHEGAN. Ten tons to the acre.

Senator DUBOIS. How much do they raise in Michigan, we will say—the beet people?

Mr. GEOGHEGAN. I don't know.

Senator DUBOIS. You know nothing about that?

Mr. GEOGHEGAN. I don't know how many tons of beets they raise to the acre.

Senator DUBOIS. Do they raise as much as 10 tons?

Mr. GEOGHEGAN. I wouldn't be at all surprised; maybe more.

Senator DUBOIS. Do you know anything about the proportion of saccharine matter in the irrigated beet and the other beet?

Mr. GEOGHEGAN. We regard the irrigated beet as containing more saccharine matter than the beet raised in nonirrigated ground. Of course these are details of the agricultural end of the business that I am not familiar with.

Senator DUBOIS. You are not familiar with them?

Mr. GEOGHEGAN. No, sir; except in a general way.

Senator DUBOIS. Do you know the Idaho legislature gave the Utah Sugar Company a bounty for raising sugar beets?

Mr. GEOGHEGAN. I know they passed a law that they would give it to them, but they never gave it to them.

Senator DUBOIS. How much did they provide for in the law to give them?

Mr. GEOGHEGAN. I think it was a cent a pound, or something of that kind.

Senator DUBOIS. On the sugar?

Mr. GEOGHEGAN. On the sugar put in the sack.

Senator DUBOIS. Not on the beet?

Mr. GEOGHEGAN. No.

Senator DUBOIS. That would go directly to the Utah Sugar Company?

Mr. GEOGHEGAN. No; to the Idaho Sugar Company.

Senator DUBOIS. It is the same thing. That was the law, was it not?

Mr. GEOGHEGAN. That was the law.

Senator DUBOIS. Why did they not pay it?

Mr. GEOGHEGAN. The auditor, I understand, wouldn't sign the warrant.

Senator DUBOIS. He did not pay it because there was a tremendous protest from the people of Idaho, was there not?

Mr. GEOGHEGAN. Of course, I don't know that.

Senator DUBOIS. The law was passed, anyway?

Mr. GEOGHEGAN. Yes; the law was passed.

Senator DUBOIS. Was it not passed at the instigation of the Mormon Church?

Mr. GEOGHEGAN. I am sure I don't know anything about that.

Senator DUBOIS. Do you not understand that to be true?

Mr. GEOGHEGAN. I don't know.

Senator DUBOIS. Was there any necessity for their paying a bounty in Idaho?

Mr. GEOGHEGAN. That is a question I don't care to discuss.

Senator DUBOIS. Have we not an advantage over the beet-sugar raisers of Michigan and countries where they depend on moisture and rain?

Mr. GEOGHEGAN. No.

Senator DUBOIS. Can we not more than compete on equal terms in the arid regions with the other beet-sugar raisers of the United States?

Mr. GEOGHEGAN. The beet-sugar raisers of Michigan have a big market right close to their door, where they don't have much freight to pay and where they can market their product rapidly. With our production of 80,000,000 pounds last year we could only sell in the home market, the profitable market, about 35,000,000 pounds of sugar. The balance we have got to send to the Missouri River, to North and South Dakota, to Missouri, to Kansas, to Nebraska, and pay a freight of 45, 50, and 55 cents a hundred.

Senator DUBOIS. I will put it in another form: Is there any more necessity for giving a bounty for the sugar in the sacks in Idaho than there is in Colorado or California or Washington or Oregon?

Mr. GEOGHEGAN. As I say, that is a question I do not care to discuss, Senator. If a company can get a bounty they take it.

The CHAIRMAN. The question is whether there is in your judgment any necessity for it.

Mr. GEOGHEGAN. I don't believe there is; no, sir, Mr. Chairman, absolutely none.

The CHAIRMAN. I think that answers the question, then.

Senator DUBOIS. You do not know whether the sugar trust controls a majority of the stock?

Mr. GEOGHEGAN. You mean the American Sugar Refining Company, of New York, don't you?

Senator DUBOIS. Certainly; the American Sugar Refining Company.

Mr. GEOGHEGAN. I have a very strong suspicion that they do.

Senator DUBOIS. Is it not generally understood throughout that country?

Mr. GEOGHEGAN. Yes, sir; it is generally understood.

Senator DUBOIS. I am not in the sugar business, but I so understood it.

Mr. GEOGHEGAN. Your understanding is absolutely correct.

Senator DUBOIS. The sugar trust and the Mormon Church together practically own it all?

Mr. GEOGHEGAN. That hurts the other stockholders. They own over two and a half million dollars of preferred stock in the Utah Sugar Company. The testimony shows the church only owns \$220,000 of the preferred stock in the Utah Sugar Company, assuming the trust owns a half, which is \$3,000,000.

Senator DUBOIS. The testimony does not show what John Henry Smith and Heber J. Grant and a great many others of the directors own.

Mr. GEOGHEGAN. I don't believe any one of those individuals owns as much stock, or, if any, much more than Joseph F. Smith owns. That is my honest belief.

Senator DUBOIS. You said you did not know whether they owned any.

Mr. GEOGHEGAN. I stated I presumed in order to be directors they would have to have stock. That is one of the conditions necessary to be a director.

Senator DUBOIS. Is there any opposition out there against the passage of the Philippine tariff bill?

Mr. GEOGHEGAN. Yes, sir.

Senator DUBOIS. Did it come from the people out there or from the trust?

Mr. GEOGHEGAN. From whom?

Senator DUBOIS. From the American Sugar Refining Company or from the people?

Mr. GEOGHEGAN. I don't know what the American Sugar Refining Company thought about it or what their attitude was, but I know the stockholders of the Utah and Idaho sugar companies did everything in their power to induce their legislators to oppose that bill.

Senator DUBOIS. The individuals?

Mr. GEOGHEGAN. Yes, sir. I don't think the Utah Sugar Company, as a corporation, ever took any corporate action in regard to it—to protest—but I know the stockholders were very much exercised over it, and the stock dropped one, two, and three dollars a share, because of the dread of the effect of that legislation on the industry in Utah and Idaho.

Senator DUBOIS. Who contemplated, did you say, building these factories at Payette and Nampa?

Mr. GEOGHEGAN. The Western Idaho Sugar Company.

Senator DUBOIS. That is distinct from the Utah Sugar Company?

Mr. GEOGHEGAN. A distinct corporation; yes, sir.

Senator DUBOIS. A different president and different directors?

Mr. GEOGHEGAN. No. The officers are the same, except, I believe, Mr. Nibley and maybe Parkinson are directors in those companies. That is my impression right now, but I wouldn't be sure about it.

Senator DUBOIS. Who controls a factory in Oregon, just across the line?

Mr. GEOGHEGAN. At Huntington?

Senator DUBOIS. Beyond Huntington.

Mr. GEOGHEGAN. Lagrande?

Senator DUBOIS. At Lagrande.

Mr. GEOGHEGAN. That is the property of the Amalgamated Sugar Company.

Senator DUBOIS. Who are they?

Mr. GEOGHEGAN. That is the company David Eccles is president of.

Senator DUBOIS. Who are the president and directors?

Mr. GEOGHEGAN. David Eccles is the president. I can't recall those directors, I am afraid. Rolap is secretary.

Mr. WORTHINGTON. Who?

Mr. GEOGHEGAN. Judge Rolapp, an ex-district judge there. The vice-president is Mr. H. H. Spencer. He is in the lumber business in Oregon.

Senator DUBOIS. A partner of Eccles?

Mr. GEOGHEGAN. Yes.

Senator DUBOIS. Is he a Mormon?

Mr. GEOGHEGAN. I don't think Spencer is a Mormon.

Mr. WORTHINGTON. No; he is a Gentile.

Mr. GEOGHEGAN. Then Fred J. Kiesel, of Ogden, is a director; Joseph Scowcroft, of Ogden, is a director; E. P. Ellison, of Layton, is a director.

Mr. WORTHINGTON. Some are Gentiles and some Mormons?

Mr. GEOGHEGAN. Kiesel is a Gentile, and you say Spencer is a Gentile. Adam Patterson—I believe he is a director.

Mr. WORTHINGTON. Is he a Mormon or a Gentile?

Mr. GEOGHEGAN. I don't know. Anyhow, there are other directors I can't recall. I believe Joseph F. Smith is a director in that.

Senator DUBOIS. Do you know whether this Amalgamated Company contemplates building any factories in Wyoming, Montana, and Washington?

Mr. GEOGHEGAN. No; not in Washington. I don't think the Amalgamated Sugar Company is going to do it. I believe people who are allied with the Amalgamated Sugar Company contemplate building factories in Montana.

Senator DUBOIS. Also in Wyoming, do they not?

Mr. GEOGHEGAN. I don't know about that, Senator.

Senator DUBOIS. It is practically the same combination.

Mr. GEOGHEGAN. That is, the Amalgamated Sugar Company; yes.

Senator DUBOIS. Up around the northern part—around Cody, and that country.

Mr. GEOGHEGAN. There has been talk there a long time, but whether the plans have matured I don't know.

Mr. WORTHINGTON. Speaking about the sugar companies out there opposing the Philippine tariff bill, do you know whether the beet growers out there took any interest in it?

Mr. GEOGHEGAN. I don't know of my own personal knowledge. I presume they did. I know the stockholders did.

Mr. WORTHINGTON. Now, about this matter of omitting certain concerns from the list which you furnished here. You referred to the smelting companies.

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. You left them off?

Mr. GEOGHEGAN. The reason I didn't put those——

Mr. WORTHINGTON. I am not asking about the reasons. I want to know what they are.

Mr. GEOGHEGAN. They are engaged in the purchasing, smelting, and refining of ores from the mines all around there.

Mr. WORTHINGTON. Do they have their principal office in Salt Lake City?

Mr. GEOGHEGAN. Yes, sir. Well, the American Smelting and Refining Company is a New Jersey corporation or a New York corporation.

Mr. WORTHINGTON. But it has its office there.

Mr. GEOGHEGAN. Yes; all the offices of those mining companies and smelters are in Salt Lake City.

Mr. WORTHINGTON. How does the amount of business done by the smelting and mining companies compare with the other business you have on that list?

Mr. GEOGHEGAN. Why, the tonnage of the American Smelting and Refining Company's plant in Utah in one month would be more than the aggregate tonnage of all the Utah sugar companies in the year. I don't believe I exaggerate very much. I may be mistaken, but I believe that is not an unfair comparison.

Mr. WORTHINGTON. These smelting companies are the most important business in the amount of money involved of any business there, are they not?

Mr. GEOGHEGAN. Yes; they are.

Mr. WORTHINGTON. What would you say as to how they compare with all the other business there?

Mr. GEOGHEGAN. I don't know. I couldn't say.

Mr. WORTHINGTON. Are these smelting companies Mormon or non-Mormon concerns?

Mr. GEOGHEGAN. They are non-Mormon!

Mr. WORTHINGTON. All of them?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. All those you left off this list?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. What about the coal business?

Mr. GEOGHEGAN. The Union Pacific and the Oregon Short Line, through their subsidiary companies, control the coal business, and the D. and R. G. through its subsidiary company.

Mr. WORTHINGTON. Is not that a very large line of business there?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. That is not on your list at all?

Mr. GEOGHEGAN. No.

Mr. WORTHINGTON. Is it controlled by Mormons or non-Mormons?

Mr. GEOGHEGAN. It is controlled by those companies.

Mr. WORTHINGTON. How many mining companies are there in that locality?

Mr. GEOGHEGAN. There are probably fifty of them there. It is a very large business.

Mr. WORTHINGTON. Is that an important or an unimportant branch of business?

Mr. GEOGHEGAN. It is the most important business in the State of Utah.

Mr. WORTHINGTON. Are those companies controlled by Mormons or non-Mormons?

Mr. GEOGHEGAN. Some by Mormons, but the great majority are non-Mormon.

Mr. WORTHINGTON. Those are not coal mines?

Mr. GEOGHEGAN. No, sir.

Mr. WORTHINGTON. As to the company that furnishes electric power to run the street railways and also the lighting there, I believe. Do you know what proportion of the stock of that company is owned by Gentiles?

Mr. GEOGHEGAN. The Utah Power and Light Company?

Mr. WORTHINGTON. Yes, sir.

Mr. GEOGHEGAN. I don't know who owns it. I understand the bonds are owned by London parties. I really don't know anything about that company, to be frank with you.

Mr. WORTHINGTON. Do you not know that at the time of the consolidation A. W. McCune owned or controlled the railroads?

Mr. GEOGHEGAN. Yes.

Mr. WORTHINGTON. And turned them in for stock?

Mr. GEOGHEGAN. That is my impression; yes.

Mr. WORTHINGTON. He is a non-Mormon, is he not?

Mr. GEOGHEGAN. Some people think he is not.

Mr. WORTHINGTON. You do not know about that?

Mr. GEOGHEGAN. I don't know, myself.

Mr. WORTHINGTON. What about the railroads that have their offices there—the Union Pacific?

Mr. GEOGHEGAN. Yes; the Union Pacific, the Oregon Short Line, the Chicago and Northwestern, the Chicago, Milwaukee and St. Paul, the Southern Pacific—all the big lines that do business in the United States have offices there.

Mr. WORTHINGTON. How about the San Pedro and Los Angeles?

Mr. GEOGHEGAN. The San Pedro and Los Angeles have branch offices there.

Mr. WORTHINGTON. And the Western Pacific?

Mr. GEOGHEGAN. I think they have taken out their office. It was merely a construction department, anyhow.

Mr. WORTHINGTON. The Chicago, Burlington and Quincy?

Mr. GEOGHEGAN. The Burlington has an office there.

Mr. WORTHINGTON. Are those railroads run by the Mormon Church?

Mr. GEOGHEGAN. I haven't heard of it yet.

Mr. WORTHINGTON. None of those are on your list?

Mr. GEOGHEGAN. I made a list that I thought would fairly present the daily commerce of Salt Lake.

Mr. WORTHINGTON. There has been some criticism of it.

Mr. GEOGHEGAN. I didn't mean to conceal anything from this committee.

Mr. WORTHINGTON. I wanted to find out whether, if you had included all interests of this class which you omitted, the per cent would have resulted any more favorably for the Gentiles or Mormons? Suppose everything of this class had been put in—the street railway, the mining, the smelters, the railroads, and everything of that kind—what then would have been the proportion of Mormon and non-Mormon business?

Mr. GEOGHEGAN. There would be a greater disproportion, I believe, of Gentiles.

Senator DUBOIS. Mr. Smith is a director in the Union Pacific, is he not?

Mr. GEOGHEGAN. Yes, sir; I think he is.

Senator DUBOIS. And in the San Pedro and Los Angeles?

Mr. GEOGHEGAN. No, sir. Senator Kearns is a director in that company, and I don't think they get along very well together.

Mr. CARLISLE. I want to ask you a question about the smelting business. I asked you about the sugar business.

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. And the Inland Crystal Salt Company.

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. And the electric light and railway company, all of which do their business in Salt Lake City, have their principal offices there?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. And transact their financial business there?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. They purchase their supplies there?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. You have been asked about a smelting company, a railroad-company, and coal companies. I ask you if you do not know that the American Smelting Company—that is the Guggenheimer Company, is it not?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. Has its principal office in the State of New Jersey?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. It purchases its machinery and all its supplies in the city of New York?

Mr. GEOGHEGAN. I guess that is what it does.

Mr. CARLISLE. Its conducts its smelting business, its actual physical operations, out there?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. In Utah?

Mr. GEOGHEGAN. Yes, sir.

Mr. CARLISLE. Now, the coal companies—what do they do in Salt Lake City?

Mr. GEOGHEGAN. They maintain offices to distribute their product in the city, and one thing and another like that.

Mr. CARLISLE. To that extent it is not a very large business, is it?

Mr. GEOGHEGAN. I haven't put it on the list.

Mr. CARLISLE. No; you have not; but Mr. Worthington has asked you about it. The question of the tonnage which you speak of is a railroad proposition, is it not?

Mr. GEOGHEGAN. That is what it is.

Mr. CARLISLE. It is what they furnish to the railroads, not what they contribute to the business of Salt Lake City?

Mr. GEOGHEGAN. Of course they contribute to the financial business of Salt Lake City. They pay for their ores by checks on Salt Lake City banks.

Mr. CARLISLE. But their main office and their principal business affairs are conducted elsewhere?

Mr. GEOGHEGAN. Yes.

Mr. CARLISLE. That is so, is it not?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. The smelting companies have their smelters near Salt Lake City, do they not, a great many of them?

Mr. GEOGHEGAN. The United States and the American—well, there are some smelting companies, such as the Highland Boy, a Utah corporation, that have all their offices right there. Their supplies are purchased there. Their business is transacted there. Of course the United States and American Smelting and Refining Companies are both foreign corporations.

Mr. WORTHINGTON. They have their smelters in Utah?

Mr. GEOGHEGAN. In Utah.

Mr. WORTHINGTON. Are they anywhere near Salt Lake City?

Mr. GEOGHEGAN. They are within a radius of 10 miles.

Mr. WORTHINGTON. They employ a great many workmen, I presume?

Mr. GEOGHEGAN. Yes, sir.

Mr. WORTHINGTON. And it brings business to the city of Salt Lake?

Mr. GEOGHEGAN. Yes.

Mr. WORTHINGTON. The coal companies sell coal?

Mr. GEOGHEGAN. Sure.

Mr. WORTHINGTON. Practically all the coal that is burned in Salt Lake City is furnished by your coal companies around there?

Mr. GEOGHEGAN. Except some little hard coal that comes from Colorado and some from Pennsylvania.

Mr. WORTHINGTON. That is comparatively small?

Mr. GEOGHEGAN. Yes.

Mr. WORTHINGTON. I want now to put in the record the article I referred to yesterday, which Mr. Carlisle had overnight, published in the Deseret Evening News of Saturday, December 17, 1903, entitled "The church and kingdom of God."

The CHAIRMAN. It will go in then. There is no objection.

The article referred to is as follows:

[From Deseret Evening News, Saturday, December 19, 1903.]

THE CHURCH AND KINGDOM OF GOD.

The Christmas season brings to mind the mission and teachings of that Divine man whose birth into the world is now commemorated. His forerunner proclaimed, concerning His advent, "The kingdom of heaven is at hand." The enemies of Christ and His cause declared this to be treason against imperial Rome. And the cruel death to which the Messiah was put followed the accusation. Yet the kingdom that was announced by the Baptist and the Nazarene was in no sense inimical to any earthly government, but tended to make its adherents better citizens and more useful to the state because of their attachment to the church and kingdom of God. They were to "render unto Cæsar the things that were Cæsar's" while they "rendered unto God the things that were God's."

It is the same in the restoration of the church and kingdom in the latter days, preceding the second advent of the world's Redeemer. It is again announced that "the kingdom of heaven is at hand," and as a preparatory work the Church of Jesus Christ of Latter-Day Saints has been organized, by divine authority and commandment. And history repeats itself in the old cry of "treason" and the charges that the "Mormon" organization is imperium in imperio. Yet it does not attempt to

exercise the powers of a secular government, but its influence and effects are to strengthen and promote fidelity to the law and loyalty to the nation where its followers reside.

The phrase "church and kingdom" is frequently used by speakers and writers in reference to the system called "Mormonism." It is solely an ecclesiastical organization. It is separate and distinct from the state. It does not interfere with any earthly government. Its members, however, are also citizens, entitled to the same rights and privileges as other persons who are not of their faith. Its officers are not deprived of anything appertaining to citizenship in consequence of their ecclesiastical calling. Their duty to God is not incompatible with their duty to their country. On the contrary, the former implies and emphasizes the latter.

The religion of the Latter-day Saints relates to present conduct as well as future happiness. It influences its votaries in everything that affects human character. It is for the body as well as for the spirit. It teaches people how to live and act in this world, that they may be prepared for the realities of the world to come. The church, therefore, instructs in things temporal as well as things spiritual, so far as they relate to the church, its properties and institutions, and the association of its adherents. But it does not infringe upon the liberty of the individual or encroach upon the domain of the State. The free agency of man is a fundamental principle which, according to the tenets of the church, even God Himself does not suppress. Therefore the church does not dictate a member's business, his politics, or his personal affairs. It never tells a citizen what occupation he shall follow, whom he shall vote for, or with which party he shall affiliate.

In the case of such church officers as are expected to devote their time and talent constantly in its service, and upon whom it depends for the prompt performance of such obligations, it requires that they shall, before entering into secular pursuits that would prevent them from attending to their church duties, first acquaint their presiding officers with their desires and obtain permission to carry out their intentions, in order that no confusion or failure in the order and work of the church may be occasioned thereby. This requirement necessarily extends to the acceptance of political office, but not to the choice of party or the liberty to engage in such political or other activity as would not interfere with the services due to the church. Every officer as well as member of the church is entirely free as to political opinion and action, and may resign any position that is in restraint of perfect liberty.

The early settlement of Utah by the Latter-day Saints, or "Mormons," was the result of persecution and hostility to their religion. The church leaders were the pioneers in this colonization. They directed the movement and the work of founding and building cities and industries, for the formation of a new Commonwealth. When the Territory was organized by Congress they were placed in public office as the logical and fitting incumbents. The president of the church, the leading pioneer, was appointed governor by the President and Senate of the United States. Other prominent church leaders received civil appointments, and the most active church officials, being engaged also in promoting secular improvements, were elected to Territorial and civil positions. This condition of affairs fostered the notion that "Mormonism" united church and state. The unanimity that prevailed in

the choice of these public servants, while the people of Utah were practically of one faith and party, further favored the impression abroad that they voted as they were required by the church. But the ecclesiastical and political systems were kept distinct, and their affairs were separately conducted and maintained.

It does not follow, because a man who is elected to a national, State, or municipal office, is also a minister of religion, that a union is formed between church and state. And if there is anything of that nature in the case of an ecclesiast in one of the orthodox churches holding a political office, it is different with the officials of the "Mormon" Church, who, as a rule, follow secular pursuits for their livelihood and engage in business like other citizens. They do not form a separate class even among their coreligionists, but the priesthood of the "Mormon" Church is held by the large majority of its male members. And the church exacts no special duty from any person who is elected to a political office nor imposes upon him any requirements that conflict with those of his secular oath or obligation. It interposes nothing between him and his full fidelity to the government which he is elected to serve.

There is no such thing as "the oath of an apostle," or "the oath of an elder," or of any other officer in the "Mormon" Church. Nor is any person belonging to it required to take an oath, obligation, covenant, or agreement against or to the injury of any government under the sun. All statements to the contrary are mistakes or willful untruths. The church and Kingdom of God promotes obedience to the laws of the land, and recognizes the national Constitution as of divine origin, in that it was framed by wise men raised up by the Almighty for that very purpose. Its principles are to be upheld, and the authority it confers is to be respected and sustained by every Latter-day Saint. This has been taught in the church from the beginning, in public and in private, and is established as one of its "Articles of Faith." Such statutes as at any time were resisted by "Mormons" were opposed because they were believed to be contrary to the Constitution, and were tested in the manner provided in that sacred instrument. The result has been acquiesced in at the cost of much humiliation and suffering to many individuals.

The Bible, which is one of the written standards of the "Mormon" Church, teems with predictions and promises of the establishment of divine rule on the earth; of the advent of a reign of righteousness extending over all the face of the globe. Christ is to be king and all nations and peoples are to serve and obey Him. That is to be the kingdom of God in very deed. The Church of Jesus Christ of Latter-day Saints is set up preparatory to that kingdom. Its gospel is "the gospel of the kingdom." Its principles, ordinances, authority, and gifts are of heavenly origin. It is therefore the spiritual "kingdom of heaven," bearing within it the influence and power that are to open the way for the fulfillment of the prophecies concerning the universal dominion of the Son of God. Church members are commanded by divine revelation to "be subject unto the powers that be until He comes whose right it is to reign." They are thus enjoined by the same authority: "Let no man break the laws of the land, for he that obeys the laws of God hath no need to break the laws of the land." The twelfth article of faith, taught to children in the Sunday schools, to the young people of both sexes in the Mutual Improvement Associations, and to all communicants in the church is: "We believe in being

subject to kings, presidents, rulers, and magistrates, in obeying, honoring, and sustaining the law."

The courts of the church are entirely ecclesiastical. They adjudicate between church members in matters of dispute and in the promotion of church discipline. Litigation among them is deprecated, and it is deemed wrong for brother to go to law against brother. But no penalty is enforced other than disfellowshipment, or excommunication as the extreme punishment. The courts of law are recognized in their secular capacity, and their decisions are honored and observed.

Sermons, dissertations, and arguments by preachers and writers in the church concerning the kingdom of God that is to be are not to be understood as relating to the present. If they are so presented as to convey the idea that the dominion to come is to be exercised now, the claim is incorrect, no matter by whom set forth, because it is in direct conflict with divine revelation to the church. Such opinions do not weigh at all when placed in the scales against the word and command of Almighty God.

The church and kingdom of God does not use any compulsion over the souls of men. Nor does it claim any right so to do. The priesthood which it bears is divine authority to administer in behalf of Deity in the truths and ordinances of salvation. Those who hold it are warned against seeking to exercise unrighteous dominion, and instructed that it can only be maintained "by persuasion, by long suffering, by gentleness, and meekness, and by love unfeigned." The presiding authorities therein regulate the affairs of the church by "common consent," and their jurisdiction is within, and not without, its ecclesiastical limits. Every member of the organization in every place is absolutely free as a citizen and is not restrained of any liberty enjoyed by nonmembers.

The attitude of this church toward other religious societies is thus clearly set forth in the eleventh article of our faith: "We claim the privilege of worshiping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship how, where, or what they may." In this spirit we act toward all the nations and kingdoms of the world. We have no quarrel with any of them. In proclaiming "the kingdom of heaven's at hand," we have the most intense and fervent convictions of our mission and calling, and intend to stand by them under all circumstances and conditions. But we do not and will not attempt to force them upon others, or to control or dominate any of their affairs, individual or national. We regard all people as the children of the Eternal Father, and therefore as our brothers and sisters. We seek their welfare, we endeavor to enlighten them, we desire their happiness, progress, and salvation. We abhor tyranny, we resent oppression, but we do not believe in retaliation for real or supposed injuries. We seek to enjoy and exercise the spirit that inspired the world's Redeemer, who, we believe, will eventually be its King. And with that feeling we proclaim that the motto of this church and kingdom of the latter days on this Christmas day, in the year of our Lord 1903, is, as of old, "Peace on earth, good will to man!"

JOSEPH F. SMITH,
JOHN R. WINDER,
ANTHON H. LUND,

First Presidency of the Church of Jesus Christ of Latter-day Saints.

Mr. WORTHINGTON. Mr. Chairman, did you get the return of the Sergeant-at-Arms as to the subpoenas? I think he reported that everybody was served.

The CHAIRMAN. The clerk had those; I will see if I can find them.

Mr. WORTHINGTON. I have an affidavit I have received from John Henry Smith that I want to offer. I want to see whether he was served. We had a subpoena issued for him. It is simply about one point he referred to; the same matter that Mr. Grant's deposition was used for. He states that he is unable to travel, and I would not bring him here on that single point anyhow. It is the same thing for which Mr. Grant's affidavit was used, the same conversation.

The CHAIRMAN. I don't know where they are.

Mr. WORTHINGTON. I am sure I heard the Sergeant-at-Arms say that everybody had been served.

The CHAIRMAN. I understood from the Sergeant-at-Arms they had all been served.

Mr. CARLISLE. As I understand it, you will have to bring another witness here, and my information is that Mr. John Henry Smith was here in the city two or three weeks ago. The affidavit offered is a positive denial of a statement made by Professor Wolfe on the stand, and it characterizes Professor Wolfe's statement as absolutely false. It does seem to me that under the circumstances it would be unfair to our own witness to permit an affidavit of this sort to be filed and used in evidence with no opportunity to cross-examine the person who makes it. I suggest to Mr. Worthington that when he brings Miss Babcock here Mr. Smith can come also.

The CHAIRMAN. Did you intend to call another witness?

Mr. WORTHINGTON. I said she desired to be brought here, but if we can close this matter to-day as to everything except her testimony I would not keep it open on that account. I mentioned that she was very anxious to come. She insists that she ought to be allowed to come, but we do not want to keep it open on her account. She has made her denial and her father has confirmed it. We are satisfied with that. The affidavit of Mr. Grant, who is said to have been present at the time, has been admitted, and it seems to me it is only fair that Mr. Smith's affidavit should be allowed to go with it. There can not be any doubt in the world that if he were here he would absolutely deny it.

Mr. CARLISLE. Counsel on the other side had full opportunity to cross-examine Professor Wolfe on the subject. We admitted one affidavit on that very subject made by a man who was said by Professor Wolfe to have been present when Smith made the remark to which he testified. We thought we could afford to do that without having the witness here to cross-examine him; but now Smith comes, as I have said, and not only denies the statement, but characterizes this statement of Professor Wolfe as absolutely false.

Mr. WORTHINGTON. Let me see the affidavit. I had not noticed that part of it. I do not care anything about that part of it.

The CHAIRMAN. I was going to suggest that, as I understand it, this closes the case on both sides.

Mr. CARLISLE. Yes; I do not want to delay the case if I can avoid it.

The CHAIRMAN. If counsel desire to argue the case some time in the immediate future, the last of this week or the fore part of next week, Mr. Smith could be summoned by telegraph to be here.

Mr. WORTHINGTON. He has been subpoenaed already.

The CHAIRMAN. I say he could be required by telegraph to come.

Mr. CARLISLE. If Mr. Smith is not able to come, that affidavit could be modified so as not to use this offensive epithet against Professor Wolfe, who has not an opportunity to cross-examine him, and who has already testified and could not be recalled again merely to repeat what he has said before.

Mr. WORTHINGTON. I had not noticed that language, and I am perfectly willing to strike out the words "and the statement of the said Walter M. Wolfe in relation thereto is absolutely false."

Mr. CARLISLE. Then I think we will admit the affidavit and save the trouble and time of the committee.

The CHAIRMAN. Very well. Modify the affidavit in accordance with the suggestion.

The affidavit referred to is as follows:

STATE OF UTAH,
County of Salt Lake, ss:

John Henry Smith, being first duly sworn, deposes and says that he is a resident of the city and county of Salt Lake, State of Utah, and is an apostle in the Church of Jesus Christ of Latter-Day Saints.

Affiant further says that he is sick, being confined to his house with rheumatism, and is unable to go to Washington, D. C., and testify in the investigation now pending before the Committee on Privileges and Elections.

Affiant further says that he is acquainted with Walter M. Wolfe, who testified before said Committee on Privileges and Elections in the month of February, 1906; that his attention has been called to the following testimony of the said Walter M. Wolfe, as appears in the record of said proceedings:

"Mr. WOLFE. There was a meeting in the Brigham Young Academy, in Provo, Utah, that was addressed by B. F. Grant, a brother of Apostle Heber J. Grant. At that meeting Apostle John Henry Smith was present,

"The CHAIRMAN. On what day was that; what year?

"Mr. WOLFE. I don't remember the year. It was in the late nineties, probably.

"Mr. CARLISLE. It was after the manifesto?

"Mr. WOLFE. Yes, sir; it was after the manifesto. On my way home I walked several blocks with B. F. Grant and Apostle Smith, and on the way we were talking about the conditions existing, and President Smith used these words to me: "Brother Wolfe, don't you know that the manifesto is only a trick to beat the devil at his own game?"

Affiant says that he was not present at Provo, Utah, when an address was delivered by B. F. Grant, a brother of Apostle Heber J. Grant, as testified by said Walter M. Wolfe; that he did not walk with the said Walter M. Wolfe and the said B. F. Grant, or either of them, after any such lecture, and that he never, at any time, said to the said Walter M. Wolfe: "Brother Wolfe, don't you know that the manifesto is only a trick to beat the devil at his own game;" nor did affiant say any words to that effect or conveying that meaning, and no such language was ever used by this affiant, or by any other person in the presence of this affiant.

JOHN HENRY SMITH.

Subscribed and sworn to before me this 19th day of March, A. D. 1906.

[SEAL.]

WILLARD HAMER,
Notary Public.

(My commission expires May 16, 1909.)

Mr. CARLISLE. Mr. Chairman, I am obliged to return to New York on the very first train on which I can leave. I have consulted with Mr. Worthington, and it is agreeable to him, if it is agreeable to the committee, that we shall come back next week on some day which we will agree upon, and of which we will give the committee ample notice and make our arguments in this case.

The CHAIRMAN. That is agreeable to you, Mr. Worthington?

Mr. WORTHINGTON. I am perfectly willing to accommodate Mr. Carlisle about that. As he made no argument before, and the whole of the old record is open, I presume it is impossible for us to know what will be the particular charge that he will deal with or to what part of the testimony he will refer, and I should like to have it understood that if at the conclusion of his argument I desire a day or two in order to prepare a reply, I may have it.

Mr. CARLISLE. I have no objection, if the committee has none.

Mr. WORTHINGTON. It may be we will be ready to go on the next day.

Mr. CARLISLE. All those details we can arrange, I think.

The CHAIRMAN. It may be that the Secretary will advise you of what he expects to talk about in the case.

Mr. CARLISLE. I believe I have done so in a general way, but if he wants more particular information I will give him what knowledge I have on the subject. I have not examined this case very particularly yet.

The CHAIRMAN. Are you able to set a day next week?

Mr. CARLISLE. No, I am not. I want to make one trip to this city, and I have a case in the Supreme Court next week. As soon as I learn what day that case will be reached I will notify the committee and Mr. Worthington at once.

Mr. WORTHINGTON. Before we adjourn, Mr. Chairman, I find two other papers here. One is from Bishop Cardon. That is on that one matter of this talk with Mr. Wolfe. I ought to say—and of course the chairman will confirm me about this—that when Senator Smoot and I called upon him in reference to subpoenaing witnesses he expressed the desire that we should, as far as possible, not bring witnesses here on points that might be covered by affidavits in regard to which we might arrange with counsel, on account of the great expense attending it, and we have endeavored to bring here only witnesses whose testimony would be of length and cover more than one point. Where it relates to a single simple matter, it would seem as though it might be covered by an affidavit.

The CHAIRMAN. Yes.

Mr. WORTHINGTON. For instance, the affidavit I have here is the affidavit of the three members of the committee that considered the charges Professor Wolfe made against Cluff. It is signed by Lafayette Holbrook, Wilson H. Dusenberry, and Josiah E. Hickman, all saying that according to their recollection he did not say anything at any time there about the alleged relations between Mr. Cluff and Florence

Reynolds. You will remember that Mr. Wolfe testified that as a matter of fact when he was on that trip they occupied the same tent there for some days, and he said his recollection was that he told the committee that. The affidavit of the stenographer has been admitted, saying the report he made of the testimony is full and complete. That contains nothing of the kind, and now I have the affidavit of three members of the committee that nothing of the kind was said.

The CHAIRMAN. You might show that to Mr. Carlisle.

Mr. WORTHINGTON. He is looking, now, at the affidavit of Bishop Cardon.

Mr. CARLISLE. What does Bishop Cardon mean by what he says about Mr. Wolfe's habits during the past three or four weeks—"that during the past three or four weeks he has been drunk nearly all the time?"

Mr. WORTHINGTON. Let me see the affidavit. I got the affidavit some time ago.

Mr. CARLISLE. This affidavit was made last February. Why was he not brought here?

Mr. WORTHINGTON. I did not bring him here because I only wanted to use that affidavit on that one point—his alleged conversation with Wolfe. That is the only thing I care about.

Mr. CARLISLE. There is a good deal more than that in there. You assail the character and veracity of Professor Wolfe. It is testimony which would not be competent in court and, perhaps, would not be received by this committee, because it does not give his reputation for truth and veracity, but says what the bishop thinks about it.

Mr. WORTHINGTON. I do not care anything about that part of it.

Mr. CARLISLE. That is all in there.

Mr. WORTHINGTON. The only part I care anything about is this one paragraph.

Mr. CARLISLE. That you already have in another affidavit. I have no objection to that going in again if you want it, but what he says about Wolfe not paying his debts you have corrected yourselves by introducing affidavits to show that they have been paid, and this affidavit appears to have been made away back in February.

Mr. WORTHINGTON. All I care for is the one clause there about his conversation.

Mr. CARLISLE. Put that in. I do not want this assault made upon Mr. Wolfe's reputation.

Mr. WORTHINGTON. I will draw a line through the rest of it.

The CHAIRMAN. Strike out what you do not want and let the rest go in.

The affidavit referred to is as follows:

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Joseph E. Cardon, of lawful age, being first duly sworn, says that he is a resident of Logan, Cache County, State of Utah; that he is a member of the Church of Jesus Christ of Latter-Day Saints, and bishop of Logan First Ward.

Affiant further says that he has been acquainted with Walter M. Wolfe about two years last past, and that said Wolfe has been a member of the ward of which affiant is bishop during that time, and has

been a teacher in the Brigham Young College, at Logan, during said period, being professor of geology and teacher of theology.

Affiant further says that on the 2d day of January, 1906, he had a conversation with the said Wolfe on the subject of tithing, and that during said conversation allusion was made to the fact that his (Wolfe's) tithing was delinquent for the year 1905; whereupon he stated to this affiant that he did not believe in tithing, and the only reason why he had ever paid it was to hold his position in church schools. That this affiant did not say to the said Wolfe, "You understand what the consequences are and you know that a man can not teach in a church school who does not support the church, who is not loyal to all its doctrines;" nor did affiant make any statement to that effect; nor did he then, or at any time, urge said Wolfe to pay tithing, but, on the contrary, he told him that it was a matter entirely with himself whether he paid tithing or not, and no reference was made by affiant to any consequences that might result from the refusal to pay tithing.

Affiant further says that on the 15th day of January, 1906, he sent the teachers of the ward to visit the said Wolfe, in accordance with a rule of the church, and ascertain his feelings in regard to the church; that after they had visited him, Wolfe telephoned to this affiant requesting him to come and see him, which he did; that he found the said Wolfe very much affected, being in tears, and he said to affiant that he was very sorry he told him what he did about tithing, because it was not true; that he believed in tithing and was satisfied that the tithing had always been properly used.

Affiant further says that on the 16th day of January, 1906, the said Wolfe came to see him and again expressed his sorrow that he had said anything against tithing or against the church in any way; and he thereupon bore a strong testimony to the truth of the gospel and said that he did not desire, under any circumstances, to lose his standing in the church, and that he would rather die than to be severed from the church.

JOSEPH E. CARDON.

Subscribed and sworn to before me this 24th day of February, A. D. 1906.

[SEAL.]

M. E. BIGGS, *Notary Public*.

Mr. CARLISLE. What is the other affidavit? I will look at that now.

Mr. WORTHINGTON. That is the affidavit of the three members of the committee.

Mr. CARLISLE (after examining the affidavit). That is substantially what you have offered. You have what the stenographer swears is a correct and full report of the testimony of Professor Wolfe on that trial. Therefore I do not object to this affidavit.

The CHAIRMAN. Let that go in, then.

The affidavit referred to is as follows:

STATE OF UTAH,
County of Utah, ss:

Lafayette Holbrook, Wilson H. Dusenberry, and Josiah E. Hickman, being severally duly sworn, each for himself, deposes and says that he is a resident of Provo, in the county and State of Utah.

Affiants further say that during the year 1902 Wilson H. Dusenberry and Lafayette Holbrook were members of the board of directors of the Brigham Young Academy and Josiah E. Hickman was a member of the faculty of the Brigham Young Academy, and that said three affiants were a subcommittee appointed by said board of directors to hear the testimony in the case of Walter M. Wolfe and Gordon S. Beckstead, against Benjamin Cluff, jr., which was referred to in the testimony before the Committee on Privileges and Elections of the United States Senate; that said affiants were all present and did hear all of the testimony that was given in said matter, and that Walter M. Wolfe did not at any time during said hearing, either directly or indirectly, state or refer to the fact that the said Benjamin Cluff, jr., and Florence Reynolds had been married, or that they had occupied the same tent in Mexico, as testified to by said Walter M. Wolfe before said committee, and that the said Wolfe did not in his testimony, which was taken by said subcommittee in said case, in any way whatever refer to the relations between these two people.

Affiants further say that Senator Reed Smoot was not present at any of the meetings of the said subcommittee at which any testimony was given in said case.

LAFAYETTE HOLBROOK,
WILSON H. DUSENBERRY,
J. E. HICKMAN.

Subscribed and sworn to before me this 23d day of February, 1906.

[SEAL.]

JOSEPH T. FARRER,
Notary Public.

Mr. WORTHINGTON. We rest, Mr. Chairman.

The CHAIRMAN. Have you anything in rebuttal?

Mr. CARLISLE. Nothing more. I believe the opinion of the court was put in yesterday afternoon, along with the certificate as to the proceedings in some other cases. I have nothing further.

The CHAIRMAN. The case is through. Do counsel expect to be able to argue this in the fore part of the week?

Mr. CARLISLE. I think so. It depends, as I said a moment ago, upon what time the case I referred to is going to be reached in the Supreme Court.

Mr. WORTHINGTON. Can we not arrange it so that you can argue it the day before you will be needed in the Supreme Court?

Mr. CARLISLE. I may do that if I can get through with these matters in New York, but I will notify you and the Committee of the very first day I can be here.

The CHAIRMAN. Then, as soon as the chairman can be advised in regard to it I will call a meeting of the committee. Will it be agreeable to meet at 10 o'clock in the morning?

Mr. CARLISLE. Yes, sir; perfectly agreeable to me.

The CHAIRMAN. How much time do counsel want?

Mr. CARLISLE. I do not think I want to talk more than an hour or an hour and a half, as the case has already been fully argued on both sides. I do not want to repeat anything if it can be avoided.

The CHAIRMAN. Say a half hour in opening, then Mr. Worthington an hour and a half, and you will have an hour in closing.

Mr. CARLISLE. Whatever arrangements the committee make will be satisfactory to me.

The CHAIRMAN. Then, the committee will stand adjourned subject to the call of the chairman.

The committee, at 11.55 a. m., adjourned to meet at the call of the chairman.

WASHINGTON, D. C., *April 12, 1906.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Dillingham, Foraker, Dooliver, Knox, Pettus, Overman, Bailey, Dubois, and Frazier; also Senator Smoot; also John G. Carlisle, counsel for the protestants, and A. S. Worthington, counsel for the respondent.

Mr. CARLISLE. Shall I proceed, Mr. Chairman?

The CHAIRMAN. Mr. Secretary, you may proceed.

ARGUMENT OF JOHN G. CARLISLE, COUNSEL FOR THE PROTESTANTS.

Mr. CARLISLE. Mr. Chairman and gentlemen of the committee, of course it will be impossible for me, in the time allotted to this discussion, to take up for consideration all the questions presented in this voluminous record, or even to discuss any considerable number of them as fully and completely as they ought to be presented, and I will not attempt to do so. In fact, it is not necessary that I should make such an attempt, as my associate counsel has heretofore made a very careful and elaborate argument upon the whole subject. I will therefore endeavor to call the attention of the committee, as briefly as I can, to those matters only which in my judgment are most important in the consideration of this case.

It is proper to say at the beginning that, in my opinion, so far as the belief in revelations is confined to those revelations which relate only to religious or spiritual affairs we have no concern with them here, and that so far as the priesthood limits the exercise of its authority to purely religious and spiritual affairs we have no concern with them here.

This does not mean, by any means, that the fact of the existence of the belief in revelations—confined exclusively even to religious and spiritual affairs—can be entirely ignored by this committee, because it is evident that if these people believe that the members of their priesthood have received and can and may receive revelations from the Almighty that they may enjoy his personal presence and have personal intercourse with him even in regard to spiritual affairs alone, that belief must very greatly augment the power and influence of the priesthood over the minds and conduct of the people in all matters. It is therefore a matter which the committee can not discard entirely; and the fact is, as disclosed by this testimony, that in the minds of the Mormon people spiritual affairs and temporal affairs are so confused and confounded that they are unable to distinguish between them, and they therefore accept substantially all revelations made, or

alleged to have been made, to the priesthood as of divine authority, no matter to what subject they relate.

This is shown very clearly by the position which the Mormon hierarchy has always taken upon the subject of marriage. Marriage is a civil institution in this country and belongs exclusively to the domain of the State. In every really civilized country in the world marriage has been the subject of regulation by the law of the State, not by the law or rule or doctrine of the church; and the testimony in this case shows that for years and years the Mormons in Utah and elsewhere have believed that a divine revelation upon the subject of marriage, a civil institution, authorizing or commanding, whichever it may have been, the men of that church to take more wives than the law of the State or the law of the country allows them was and is as binding upon them as any revelation which related purely to a spiritual matter.

They contended that the Government of the United States, while Utah was a Territory, had no power by a solemn enactment of Congress to punish them for complying with the obligations imposed upon them with regard to a civil and temporal matter by the revelation which they claimed Joseph Smith had received; and long after the Supreme Court of the United States had decided the law to be constitutional they resisted it and still claimed that the revelation which they said was binding upon their consciences was superior to this law of the United States, and refused to obey it until the time came when, as a matter of pure policy, for the purpose of avoiding the prosecutions under the law and ultimately succeeding in securing the admission of Utah into the Union as a State, they abandoned not the belief—the belief that the revelation was superior to the law—but merely the practice of polygamy.

Mr. Chairman, the belief in revelations from the Almighty, and the belief that it is the duty of the people to yield implicit obedience to the authority of the priesthood in all matters whatever, as I think the belief is, are so connected with each other that it will be most convenient and will abbreviate the argument to consider them together here; and in endeavoring to ascertain what that belief is, how far it extends in both instances, as to the authority of the revelation and the duty of the people to obey the priesthood, we will have to look to the standard works of the church and to the commentaries upon those works by men who are supposed to be learned in the doctrines of the church; and in order that this evidence may be presented to the committee in a compact form and read hereafter, if my argument is read at all, I propose to read a few extracts which I hope will not be tedious, as they are not very long.

Mr. WORTHINGTON. Give the page as you go along.

Mr. CARLISLE. I want to read first from the Doctrine and Covenants, page 451, volume 2. This is verse 3:

“ Before his day it was called the holy priesthood, after the order of the Son of God.

“ 4. But out of respect or reverence to the name of the Supreme Being, to avoid the too frequent repetition of His name, they, the church, in ancient days, called that priesthood after Melchisedek, or the Melchisedek priesthood.

“ 5. All other authorities or offices in the church are appendages to this priesthood ”—

To the Melchisedek priesthood—

“But there are two divisions or grand heads—one is the Melchisedek priesthood, and the other is the Aaronic, or Levitical, priesthood.”

Verse 22: “Of the Melchisedek priesthood three presiding high priests, chosen by the body, appointed and ordained to that office, and upheld by the confidence, faith, and prayers of the church, form a quorum of the presidency of the church.”

I am reading this, Mr. Chairman, for the purpose of showing, as far as it does show, the organization and distribution of power among the officials of this institution.

“23. The twelve traveling counselors are called to be the twelve apostles, or special witnesses of the name of Christ in all the world, thus differing from other officers in the church in the duties of their calling.

“24. And they form a quorum equal in authority and power to the three presidents previously mentioned.”

It will be remembered by the committee that Mr. Smoot, in his testimony, stated positively that the quorum of apostles exercised no authority in the church, but acted merely in an advisory capacity, and the counsel in his argument emphasized that statement very strongly and said that they had no authority—“absolutely none.” And yet here is the creed of the church, which every witness who has testified upon the subject at all has said is the standard authority, which shows that in the distribution of the powers of this organization the quorum of twelve apostles is equal in authority in every respect to the first presidency.

If that be true, and of course all good Mormons accept it as true, the first presidency can do nothing whatever with regard to the affairs of the church, spiritual or temporal, when they exercise temporal power, without the consent and approval of the quorum of the twelve apostles, any more than the House of Representatives could pass a law without the concurrence of the Senate, or the Senate could pass a law without the concurrence of the House. They are of absolutely equal authority in the church.

The only statement contained in the evidence which would tend to limit the authority of the twelve apostles, of which Mr. Smoot is one, is the testimony of Joseph F. Smith, in answer to a question propounded by the counsel on the other side, when he said the apostles exercised no judicial authority in the church. Every other witness and every authority that was read here shows that the quorum of apostles are equal in authority to the presidency.

Mr. Smoot, in his answer, swears that he is not a member of any self-perpetuating body and that there is no such body. Joseph F. Smith and every other witness who testified upon the subject swears distinctly that when a vacancy occurs in the quorum of twelve it is filled by the remaining members; that when a vacancy occurs in the office of president—and that is also shown by this authority I have read—the twelve apostles take his place and exercise all the authority vested in him until his successor is elected, and that they nominate and present that successor. If that is not a self-perpetuating body of men, I confess my inability to understand the meaning of the English language.

I will read on from the Doctrine and Covenants:

"27. And every decision made by either of these quorums must be by the unanimous voice of the same—that is, every member in each quorum must be agreed to its decisions in order to make their decisions of the same power or validity one with the other."

Then it says a majority of the apostles may form a quorum under certain circumstances. Then verse 33 reads:

"The twelve are a traveling presiding high council, to officiate in the name of the Lord, under the direction of the presidency of the church agreeable to the institution of heaven, to build up the church, and regulate all the affairs of the same in all nations—first unto the Gentiles, and, secondly, unto the Jews."

Mr. Worthington, in his argument, says that this is the whole duty of the twelve. Well, Mr. Chairman and gentlemen, it is not a substitute for the preceding clauses; it does not repeal them. It is simply an addition to the powers they have in connection with the first presidency; and it is the only foundation, it seems to me, for the statement that Mr. Smoot does not belong to a self-perpetuating body equal in authority in every respect to the first presidency of the church, and therefore equally responsible with the first presidency of the church for everything that is done and everything that is omitted to be done with regard to spiritual affairs or temporal affairs.

I have here a large number of extracts from various works of men who stand high in the councils of the church. I do not like to detain the committee by reading all of them. Some of them, however, are so direct in their statements in regard to the exercise and the right to exercise temporal power, that I think, perhaps, the attention of the committee ought to be called to them.

First, the Articles of Faith, by J. E. Talmage, on page 496, of volume 3:

"The quorum of apostles. Twelve men holding fellowship, properly organized, constitute the quorum of the apostles. These the Lord has designated as the twelve traveling counselors. They form the traveling presiding high council, to officiate under the direction of the first presidency in all parts of the world."

When they are traveling and preaching they are under the direction of the first presidency, but not otherwise.

"They constitute a quorum whose unanimous decisions are equally binding in power and authority with those of the first presidency of the church. When the quorum of the first presidency is disorganized through the death or disability of the first president, the directing authority and government reverts at once to the quorum of twelve apostles, by whom the nomination to the presidency is made."

Again, in the Key to the Science of Theology, by Parley P. Pratt:

"Jesus Christ being the first apostle thus commissioned and the president of all the powers thus delegated, is Lord of Lords and King of Kings in the heavens and in the earth. Hence this priesthood is called the priesthood after the Order of the Son of God. It holds the keys to all the true principles of government in all the world, being without beginning of days or end of life."

That is the Melchisedek priesthood, to which Mr. Smoot testifies he belongs. In his testimony he states distinctly that he is a member of the Melchisedek order of priesthood in the church.

And again it is said:

"This priesthood, including that of the Aaronic, holds the keys of revelations, the oracles of God to men upon the earth, the power or right to give laws and commandments to individuals, churches, rulers, nations, and the world; to appoint, ordain, and establish constitutions of kingdoms, to appoint kings, presidents, governors, or judges, and order or appoint them to their several holy callings; also to instruct, warn, or approve them to the Lord.

"Men holding the keys of priesthood and apostleship after the Order of the Son of God are high representatives or ambassadors to mankind. To receive them, to obtain their instructions, to feed or clothe or aid them is accounted the same in the final judgment as if it had been done by the Son of God in person. On the other hand, to reject them—"

The priesthood—

"Or their testimony or the message or word of God to them in any manner is accounted the same as if done to Jesus Christ in his own person."

Hyrum M. Smith, a son of Joseph F. Smith, said:

"From the viewpoint of the gospel, there could be no separation of temporal and spiritual things, and those who object to church people advising and taking part in temporal things have no true conception of the gospel of Christ and the mission of the church."

In a work called "New witness for God," written by Brigham H. Roberts, and published under the authority of the church, it is said:

"It is proper here to say a few words upon the subject of priesthood. Priesthood is power which God confers upon man, by which he becomes an agent for God, authorized to act in His name. It may be to warn a city or nation of approaching calamity because of corruption; it may be to teach faith in God or cry repentance to the wicked; it may be to baptize in water for the remission of sins, or lay on hands, as the ancient apostles did, for the baptism of the Holy Ghost; or it may be to lay on hands for the healing of the sick, or all these things combined. Men who hold the priesthood possess Divine authority thus to act for God; and by possessing part of God's power they are in reality part of God—that is, in the sense of being part of the great governing power that extends throughout the universe. This is the authority of men that hold the priesthood, and when those who possess it walk in obedience to the commandments of God, men who honor the priesthood in them honor God, and those who reject it reject God, even the power of God."

In the *Juvenile Instructor*, now edited by President Joseph F. Smith, is to be found the following statement concerning the standing and power of the priesthood:

"The priesthood is a sacred thing. Our Almighty Father sent angels from heaven to commit it to men on the earth; and the men who bear it are the ambassadors of the Lord and are clothed with Divine power to such an extent that when they officiate in ordinances their acts are acknowledged as though they were performed by the Savior himself. The Lord has not given to the members of the church the right to find fault with or condemn those who hold the priesthood. Neither is it the right of an elder or other officer to judge or censure or speak disrespectfully and condemnatory of his file leader or of the men who preside over him. Has any man in the

church such a right? Certainly not. If file leaders or presiding authorities do wrong God will deal with them in the way He has ordained. Those who preside are accountable to authority; but it is to the authority which God has prescribed; it is to the tribunals for which He has made provision."

In a discourse delivered by President Brigham Young in the Tabernacle, at Salt Lake City, he used the following language:

"You may say it is hard that I should dictate to you in your temporal affairs. Is it not my privilege to dictate to you? Is it not my privilege to give this people counsel, to direct them so that their labors shall build up the kingdom of God instead of the kingdom of the devil? I will quote you a little Scripture, if you wish, the words of an apostle of the Lord Jesus Christ to me. You may think that I saw him in a vision, and it was a vision given right in broad daylight. Said he, 'Never spend another day to build up a Gentile city, but spend your days, dollars, and dimes for the upbuilding of the Zion of God upon the earth, to promote peace and righteousness, and to prepare for the coming of the Son of Man, and he that does not abide this law will suffer loss.' That is a saying of one of the apostles of the Lord Jesus Christ. He said it to me. Do you want to know his name?"

"It is not recorded in the New Testament among the Apostles, but it was an apostle whom the Lord called and ordained in this, my day, and in the day of a good portion of this congregation, and his name was Joseph Smith, jr. These words were delivered to me in July, 1833, in the town of Kirtland, Geauga County, in the State of Ohio. The word to the elders who were there was: 'Never from this time henceforth do you spend one hour to sustain the kingdoms of this world, or the kingdoms of the devil, but sustain the kingdom of God to your uttermost.' Now, if I were to ask the elders of Israel to abide this, what would be the reply of some amongst us? The language in the hearts of some of you would be: 'It's none of your business where I trade.' I will promise those who feel thus that they will never enter the celestial kingdom of our Father and God. That is my business. It is my business to preach the truth to the people, and it will be my business by and by to testify for the just and to bear witness against the ungodly. It is your privilege to do as you please. Just please yourselves, but when you do so will you please bear the results and not whine over them?"

This will be found in the Journal of Discourses, volume 12, page 59.

George Q. Cannon said in an address:

"When the counsel of God comes through His servants to us we should bow to that no matter how much it may come in contact with our preconceived ideas; submit to it as though God spoke it, and feel such reverence toward it as though we believed the servant of God had the inspiration of the Almighty resting upon him."

John Taylor, who was afterwards president of the church, said:

"God has established His kingdom. He has rolled back that cloud that has overspread the moral horizon of the world. He has opened the heavens, revealed the fullness of the everlasting gospel, organized this His kingdom according to the pattern that exists in the heavens, and He has placed certain keys, powers, and oracles in our midst, and we are the people of God; we are His government. The priest-

hood upon the earth is the legitimate government of God, whether in the heavens or on the earth."

These extracts from George Q. Cannon and John Taylor will be found in the Journal of Discourses, volume 5, page 187, and volume 11, page 712.

These doctrines pervade all the writings on the subject. They constitute a part of the faith of the Mormon Church as a church, as expounded by its ablest men. I say as a church, for this organization, Mr. Chairman, is a church, but it is more than a church; in many important respects it is a commercial and political organization. Joseph F. Smith, the president of the church, is, according to his own testimony, also president of no less than thirteen business organizations, most of them very large. Besides, he is the vice-president of another, a director in the Union Pacific Railway Company, and the editor of three papers or periodicals, and the church itself, as a church, holds and owns stock in many of these corporations, the exact number of which we are not able to ascertain.

They say in these writings that the priesthood upon the earth is the legitimate government of God in all things, whether in the heavens or on the earth. Without reading all the extracts that might be made from the testimony, which would detain the committee too long and exhaust my time, or at least prevent me from discussing some other matters that ought to be referred to, these doctrines and these expositions of the faith of the church are sufficient to show its character, and that the people believe they are conscientiously bound to obey the revelations without regard to the subject-matter to which they relate.

Mr. Chairman, let us see what is the state of Mr. Smoot's mind on that subject. In answer to questions propounded to him by Senator Overman, Mr. Smoot, after saying that he had voted to sustain Joseph F. Smith as president of the Mormon Church, which meant to retain him in office, after Joseph F. Smith had testified before this committee and openly confessed that he was living in daily violation of the law of the land, was then asked this question by Senator Overman (p. 248, vol. 3):

"You think the laws of God, as revealed to Joseph Smith and accepted by the church, would be binding upon the members of the church superior to the laws of the land?"

"Senator SMOOT. I think it would be binding upon Joseph Smith."

This is a sample of the frequent evasions which you will find in the testimony of these witnesses.

"Senator OVERMAN. Well?"

"Senator SMOOT. And I think if a revelation were given to me, and I knew it was from God, that that law of God would be more binding upon me, possibly, than a law of the land, and I would have to do what God told me if I was a Christian.

"Senator OVERMAN. I speak of law—"

"Senator SMOOT. But I want to say this, Mr. Senator. I would want to know, and to know positively, that it was a revelation from God.

"Senator OVERMAN. I was not speaking—"

"Senator SMOOT. And then I would further state this, that if it conflicted with the law of my country in which I lived I would go to some other country where it would not conflict."

This discloses the state of Mr. Smoot's mind on this subject. He knows, as every intelligent man in this country knows, that no law of the United States Government, and no law of any State in the Union, could possibly conflict with a revelation if the revelation related only to religious or spiritual affairs. Therefore in this answer he assumes—and he must assume, because unless two laws relate to the same subject there can be no conflict between them—he necessarily assumes that he can and he may receive a revelation upon a temporal subject which would conflict with the law of the State, which can alone relate to a temporal subject; and he says that rather than remain here and obey the law of this country he would leave it, expatriate himself, renounce his allegiance, and go where he could obey the commands of the revelation without disobeying the law of the land. It is evident, therefore, that if Mr. Smoot supposed the law of the State on such a subject was superior to the law of the church or to a revelation he would remain here and obey the law of the State. In other words, he would give it the preference over the revelation, and not escape from the country in order to avoid the necessity of disobedience to the law.

Why, Mr. Chairman, the controversy with Moses Thatcher did not originate in a disagreement concerning a religious or spiritual matter. It did not concern man's relation to his Creator or to any spiritual subject whatever; it related solely to a citizen's relations to the Government under which he lived, and the question was whether he, as a free citizen of the United States and of the State of Utah, had a right to announce himself as a candidate for a political office under the Government to which he owed allegiance without first procuring the consent of the church. It is true that as the controversy progressed other questions arose, and he was finally excommunicated on the general and usual charge of apostasy, or of being out of harmony with the church.

I want to be as fair as possible in this matter, and I therefore admit that if a man is an official in a church and he has certain official duties to perform the church has a perfect right to say that if he runs for office and is elected or if he proposes to engage in any other business and does engage in it, and the result is that he is found to be unable, by reason of his official or other engagements, to discharge the duties of his position in the church it will displace him and put somebody in his place who can discharge its duties. That would be all perfectly fair and proper, and if Mr. Thatcher had run for the office of United States Senator, as Mr. Smoot, another apostle, did, and had been elected, and it was found afterwards that his official duties here in Washington prevented him from discharging fully and satisfactorily his official duties in the church, then it had a right to put somebody in his place.

But consider for a moment the immense power which this political rule, as it now stands, places in the hands of the Mormon hierarchy. It is true that the rule does not enable the church to decide directly who shall become a candidate for public office under the Government, but it does practically put into their hands the power to say who among its officials shall not become a candidate for a public office in this country. Therefore, if any high official of the church belongs to a party to which the hierarchy is opposed, it can prevent that party from availing itself of the popularity and ability of that man as a

candidate on its ticket, while, on the other hand, if a man desires to become a candidate, as Mr. Smoot did, on the ticket of a political party which the hierarchy wanted to support, it was easy to say that it can dispense with his services and that he may become a candidate. That is what the rule accomplishes, and the party to which he belongs, by the consent of the church, receives the benefit of his popularity and his ability in the campaign in behalf of its cause, while the other party to which the church is opposed is denied the right to nominate a man of equal or superior ability and equal or superior popularity upon its ticket.

But it is said that he can avoid this result by resigning. This is true theoretically, but if an official of the Mormon church should apply to the church authorities for consent to become a candidate and be refused and then, in defiance of its wishes, announce himself a candidate before the people for a public office, what would be his probable fate? It is morally certain that he would never again hold an official position in that church, and it is almost equally certain that he would never again be regarded as a member in good standing in that church, and, judging from the course pursued in other cases, as disclosed by the testimony in this proceeding, the probability is that ultimately he would be excommunicated for apostasy or being out of harmony with his church. No greater punishment can be inflicted upon a sincere Mormon than excommunication from the church, for to the victim it means the destruction of his happiness on this earth and everlasting punishment in the world to come. With this power in its hands the Mormon church is in a position to dominate the politics of Utah to the extent I have mentioned.

It is not necessary for me to go into particular instances, or alleged instances, in which the church has interfered in politics in Utah or Idaho or anywhere else. It would require a great deal of time and the investigation of this voluminous testimony in detail. This church makes another claim which is utterly inconsistent with the institutions of this country—that is, the right to exercise judicial authority in civil matters in cases involving the rights of person and the rights of property, matters which belong exclusively to the jurisdiction of the State, and there are instances shown in this testimony where that alleged right has been exercised.

I will not go again over the Birdsall case, because the full record of that case is in the testimony, and the committee is doubtless familiar with it; but we have some other instances besides that, which have been disclosed since the argument was made.

On page 347 of volume 4 you will find these legal proceedings:

“SALT LAKE CITY, UTAH, *November 20, 1889.*

“BROTHER OTTO VAN OSTRUM: You are hereby notified to attend a bishop's court to be held in the Sixteenth Ward schoolhouse, Salt Lake City, on Friday evening, November 22, 1889, at 7 o'clock, to answer the following charge, which has been preferred against you:

““SALT LAKE CITY, *October 30, 1889.*

“To Bishop F. KESSLER.

“DEAR BROTHER: I hereby prefer a charge against Otto Van Ostrum, a member of the Sixteenth Ward, for unchristianlike conduct.”—

Which is another one of the favorite forms of making a charge against a man when they want to expel him from the church for any cause—

“in enforcing a contract to exchange property between us through the United States commissioner's court before my wife had agreed to the transaction and before I fully understood the nature of the contract through my limited knowledge of the English language. And also for being about to sell a portion of my property by marshal's sale to satisfy damages which he has never sustained, as neither him nor I were in the least injured by the failure of the exchange. The time of the sale having been advertised for November 16, I would respectfully ask that a hearing may be had before you in this case as early as possible.

“G. L. JENSEN.”

“Do not fail to appear with your testimony prepared for investigation of the above charge.

“By order of Bishop F. Kessler and council.

“GEO. R. EMERY, *Ward Clerk*.

“N. B.—If you do not appear or send a justifiable excuse for your absence, this case will be heard and acted upon whether you are present or not.

“G. R. E.”

Then, again, we find on the same page a judgment in another case, signed by the bishop and his two counselors, attested by the clerk, W. F. Smith, for money with interest, on various installments and from various dates. If it is said that the testimony discloses only two or three instances of the exercise of this kind of jurisdiction by what they call the ecclesiastical courts, the answer is that a single one is sufficient to show that the church claims this authority and has exercised it, and, besides, we have evidence from Mr. Smoot himself showing clearly, to my mind, and I think to the minds of the committee, that this was the established policy of the church. Mr. Smoot was asked about this Birdsall case, and he said he thought there must have been some mistake about it; that they perhaps had not understood the character of the controversy, although the first presidency affirmed the judgment directing this poor woman to convey property which she claimed belonged to her, a proceeding which substantially destroyed her mind; and yet they say, or at least the idea is attempted to be conveyed, that the first presidency did not know what it was doing, did not know what the controversy was about. On page 258, volume 3, Mr. Tayler asked Mr. Smoot about the Birdsall case. Mr. Tayler said:

“They entertained that case?”

“Senator Smoot. I was in the presidency of Utah stake for two years, and I know positively that the instructions we received were not to entertain any case where titles to land or titles to water or anything of that kind were concerned.”

In other words, the only limitation upon the jurisdiction of these ecclesiastical courts in civil affairs, in controversies between the people concerning personal and property rights, was that they should

not entertain jurisdiction where the title to land or the title to water was involved.

In an address to the Mormon people, dated on Christmas Day, 1903, and signed by the president of the church and his two counselors, it was declared that—

“The courts of the church are entirely ecclesiastical. They adjudicate between church members in matters of dispute and in the promotion of church discipline. Litigation among them is deprecated, and it is deemed wrong for brother to go to law against brother. But no penalty is enforced other than disfellowshipment, or excommunication as the extreme punishment.”

Mr. Smoot's testimony and this official declaration from the head of the church clearly show that it is the established policy of the hierarchy to assume and exercise jurisdiction over the temporal affairs of the people, and the fact that the jurisdiction of the ecclesiastical courts is limited to certain classes of civil cases does not affect the merits of their claims in the least.

Senator KNOX. Mr. Carlisle, would it annoy you if I ask you a question right there?

Mr. CARLISLE. Not the slightest.

Senator KNOX. Do you contend that the laws of the church, as distinguished, now, from these specific instances where individuals in the church did what you have referred to, require the members to submit to the jurisdiction of the church in civil matters of which the courts of the State and the nation have cognizance?

Mr. CARLISLE. Certainly.

Senator KNOX. And that the laws of the church fix that, as distinguished from these two particular instances where it was done?

Mr. CARLISLE. Yes. I have already said—I do not know whether the Senator was present at the time or not—that their rules and regulations relate to temporal matters as well as religious and spiritual matters. I assume that Joseph F. Smith, the highest officer in the church, knows what the laws of the church are, and the evidence here is that an appeal in this very case of Birdsall was taken up to Joseph F. Smith and the first presidency, and the judgment of the court below in that civil case was affirmed by him.

Senator KNOX. What I am trying to get at is this: Was that a usurpation by Smith of that authority in that particular instance, or do the laws of the church require it?

Mr. CARLISLE. I understand.

Senator KNOX. That is the point I had in mind.

Mr. CARLISLE. It does not make any difference, so far as my argument is concerned, whether it is a usurpation upon the part of the hierarchy of the church, of which Mr. Smoot is one, or whether it is in obedience to the regular and permanent law of the church. We are looking at the practices of this organization of which Mr. Smoot is a member and in which he is an official having high authority. If they usurp this authority, it may, perhaps, in the minds of some gentlemen, make the case worse, but I have already read to the committee that the presidency can do nothing without the unanimous consent of the quorum of apostles, of which Mr. Smoot is a member.

Senator FORAKER. Mr. Carlisle, may I ask you a question?

Mr. CARLISLE. Yes, sir.

Senator FORAKER. Are you familiar with the laws and ordinances of other churches with respect to civil disputes?

Mr. CARLISLE. No; I am not very familiar with them, I confess. Mr. Worthington has said here, and has brought into the record some rules and regulations made by the Society of Friends, or Quakers, which provide for arbitration between their members. They provide, as I remember, that after all efforts have been made to bring about arbitration by the selection of Friends to decide the controversy, if one party fails or refuses to enter into the arbitration he shall be disfellowshipped—I believe that is the language used—shall no longer be considered a good Quaker. The Quakers, as we all know, do not enter into politics at all, and I believe a great many of them do not even vote. They do not become candidates for any office under the Government.

Senator FORAKER. The Methodists do, and my impression is they have a provision of this same general character.

Mr. CARLISLE. Has any Methodist church in this country a rule or a practice which authorizes the appointment or creation of a court with jurisdiction to try the rights of person and property between parties against the will or consent of one of the parties, as was done in the Birdsall case here? Miss Birdsall protested from the beginning to the end against this whole proceeding. She wrote a letter to the bishop begging the privilege of going to the civil courts with her case, which was refused, and she was excommunicated from the church because she did not comply with the judgment. If there is any instance in this country where any other denomination does that I am not aware of it. I do not say there is none, but if there is it does not make it right.

Senator FORAKER. I do not think they go to any such extent as you indicate, but there is a provision, I think, in the laws of the church under which civil disputes can be heard with a view to bringing about an amicable adjustment.

Mr. CARLISLE. Oh, certainly. That is not only perfectly harmless, but perfectly proper. If the church, through the influence of its officials, can bring about adjustments and settlements between its members it is a most proper thing to do, but I do not know of any church that claims the authority to adjudicate upon this character of cases and bind the parties by the judgment and punish them by excommunication if they refuse to obey. That is what is done by this church. It has a regular judicial system, a court of original jurisdiction, a court of appellate jurisdiction, and another still higher court of appellate jurisdiction. They use legal phraseology in their notices and in their judgments and decrees, and they conduct these so-called ecclesiastical courts in the same way, substantially, as the civil and criminal courts are conducted by the State authorities.

My time is passing, Mr. Chairman, and I want, before discussing another question which I think ought to be presented to the committee, in view of the argument heretofore made, and especially in view of some questions which have been propounded heretofore by Senators, to call attention to the matter of the oaths or covenants which we claim all persons who pass through the old endowment house or who pass through the temple are required to take. I had collected them here and had intended to read them and all the testi-

mony relating to them to the committee, but I will have to refrain from going into the evidence at length.

We do not know, and have not been able to ascertain in this investigation, exactly what the terms of that oath or covenant, whichever it is, are. Naturally most of the witnesses who passed through the old endowment house and the temple many years ago would be unable to repeat verbatim the whole of that long ceremony, which lasted from 8 o'clock in the morning until half past 4 o'clock in the afternoon, or to repeat verbatim any substantial part of it. Forty, fifty, or more people would pass through at a time. These oaths or covenants, whichever they were, were not read to them. No copies were furnished to them, but they were given orally—sometimes by one officiating person and sometimes by another—and all that could be expected of any witness who had heard this oath administered or this covenant spoken would necessarily be to state it as he remembered it. So we have a variety of statements here as regards the phraseology of this covenant; but upon the question that there was in fact some oath or some covenant of that general character taken or administered during the progress of these ceremonies I think the committee can have no doubt. Some of the witnesses say it was an oath or covenant to seek vengeance upon this nation—I am not giving the exact language—or upon the people of this nation to avenge the blood of the prophets, and they give the form or substance of the oath or covenant in various terms, but all embodying the same idea. Some say it was a covenant that the person would pray the Lord to take this vengeance upon this nation or upon this people on account of the death of the prophet Joseph Smith.

I am willing to accept for the purposes of this argument, because it will obviate the necessity of going into a critical examination of these various oaths or covenants, that the present form of that covenant is as it was stated by Professor Wolfe, who is a very intelligent man, as members of the committee who happened to be present when he testified could see. He was a professor in the Brigham Young Academy, and he has passed through the endowment house or temple twelve times, once for himself and eleven times afterwards for people who have died; for it is a part of the doctrine of the church that if a person is not able to take or happens to fail to take the endowment during his life, anybody else, whether a relative or not, can, after his death, take the endowment for him, and thus secure his exaltation in the world to come. So Professor Wolfe said he went through once for himself and then he went through eleven times for dead people. I read what he says on page 7, volume 4. Here is the exact language as given by him:

“You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and to your children’s children unto the third and fourth generations. At the conclusion the speaker says: All bow your heads and say yes.”

Then I asked him: “Was that done?” And he said: “It was done.”

Now, that theory or sentiment of hostility to the Government, in whatever terms it may be, whatever the exact phraseology may be, and the injunction to teach it to their children and their children’s

children, runs through all the forms of the oath or covenant stated in the testimony.

Senator DILLINGHAM. Does the witness tell in what way the Government of the United States was responsible for the death of the martyrs and the application of the oath?

Mr. CARLISLE. No; he does not, I think, assert anything on that subject. I am not afraid that the Mormon people in Utah or elsewhere will overthrow the Government of the United States. I do not think they will ever be able to do it much injury in any way, or even to successfully resist its laws, and I am referring to this matter simply for the purpose of showing the state of feeling among the Mormon people and the church authorities.

Now, this feeling of hostility to the Government must exist, because a man will not take an oath or enter into a covenant to pray God to take vengeance upon this nation unless he entertains such a feeling of hostility. I submit to the committee that it is far more reasonable to suppose that there is an oath or covenant of this general character administered in the endowment house and in the temple than it is to assume that six or seven witnesses have deliberately perjured themselves here in this investigation about a matter in which they have no personal or pecuniary interest. How does it happen that all of them, while they differ as to the phraseology, give the substance of what took place there, unless they heard it there?

Mr. Worthington attempts to account for it in this way: He says that the evening before his argument he made a discovery which he thinks explains this whole matter. He says he finds in Linn's Story of the Mormons a statement that when the Mormons left Nauvoo for Salt Lake, which was then, as we all know, without the limits of the United States, 1,500 of them took this oath, which Mr. Worthington prints in his argument:

"You do solemnly swear in the presence of Almighty God, his holy angles, and these witnesses, that you will avenge the blood of Joseph Smith upon this nation, and so teach your children; and that you will, from this day henceforth and forever, begin and carry out hostilities against this nation, and keep the same a profound secret now and forever. So help you God."

His theory is that all these witnesses, some of whom were then unborn and nearly all of whom are now comparatively young men and could have known nothing about the oath taken at Nauvoo, have seen this oath somewhere, and that they are trying to pass it off on the committee as the oath which was taken in the endowment house. The committee will see how similar it is in some respects to the oath or covenant described by the witness, and I think it is far more probable than Mr. Worthington's theory to conclude that when these fifteen hundred men arrived at Salt Lake, having taken this oath, it was incorporated into the ceremony of the endowment house, and was for many years the oath which was there administered. The oath which is given by the witnesses now is not the oath administered at the time of the naturalization cases, and my idea about it—of course I do not assert it as a fact actually proved—is that after those naturalization cases were decided and the Mormon people found that if they continued to take the ceremonies, including the oath, as they then stood they could not be admitted to citizenship, there was a modification of the oath or covenant, whatever it was, and it has

been changed by various modifications until it has now assumed the substantial form which Professor Wolfe gives it. That is more probable, I think, than it is to assume that a man who is now only 35 or 40 years old had seen that history and had this form of the oath in his mind from something he had seen or heard outside of the endowment house.

But look at the testimony of Henry Lawrence, an old gentleman who was a Mormon, who went with the Mormons from Nauvoo to Salt Lake. He states what the oath was when he took it, and it was substantially like the one Mr. Worthington produces. It was to avenge the blood of the prophets upon this nation. He is a gentleman who afterwards got out of the church because he differed with the church authorities upon the policy of opening up the mineral resources of Utah by the development of mines; and another man who was associated with him in that opposition was excommunicated, and one poor, deluded Mormon, who believed he had a perfect right to exercise his free will, about which gentlemen have talked here so much, voted against excommunicating one man who was tried for the same offense, and thereupon he was excommunicated on the spot without any trial at all.

Senator DILLINGHAM. I understood that witness to say that it was not against the nation.

Mr. CARLISLE. Who, Lawrence?

Senator DILLINGHAM. Yes. That is my recollection of his testimony.

Mr. CARLISLE. I will read it. I do not want to misrepresent it, of course.

Senator DILLINGHAM. I may be mistaken.

Mr. CARLISLE. I have it and will read it. I have the testimony here of all the witnesses who gave that covenant. Here is the testimony of Mr. Lawrence, on page 108 of volume 4, and he gives it in this language:

“You covenant and agree before God and angles and these witnesses that you will avenge the blood of the prophets, the prophet Joseph Smith, Hyrum Smith, Parley P. Pratt, David Patton—their names are mentioned.”

The Senator is right. He does not use the words “this nation.” Some other witnesses who testified before him did.

Senator DILLINGHAM. That was my recollection.

Mr. CARLISLE. Yes; here was a witness who testified, in the first place, that it was “upon this people.” Then after he came back upon the stand the next day he said he had made a mistake and that it was “this nation.”

This is different, I say, from the form of the covenant given by Professor Wolfe, which, I think, is a modification of the original one.

Senator DILLINGHAM. I understand. There are no two of them who give it alike.

Mr. CARLISLE. No two of them give it alike, and the committee must, of course, conclude what it was the best it can.

William J. Thomas, who went to Utah in 1861 and took the endowment in 1869, when asked to state what the oath then was, says:

“It was, in substance, that I would seek to avenge the blood of the prophet Joseph Smith upon this nation, and teach my children the

same unto the third and fourth generations—as near as I can remember. That was the substance of it.

“Mr. CARLISLE. By whom was that administered to you, if you can remember?”

“Mr. THOMAS. I think I do. I recognized the man as George Q. Cannon.”

John P. Holmgren, who has been twice elected to the legislature of Utah, and who is still a member of the Mormon Church, when asked what occurred when he took the endowment, said:

“There were a number of oaths and performances that were insignificant, I would say, until we came to the anointing room, and in that anointing room there was some language used that I am sorry I ever heard.

“Mr. CARLISLE. Can you state what it was?”

“Mr. HOLMGREN. In anointing my arms, the gentleman used this language: ‘That your arms might be strong to avenge the blood of Joseph and Hyrum Smith.’”

J. H. Wallis, sr., testified that the party who took the oath or covenant promised that they “will never cease to importune high heaven to avenge the blood of the prophets upon the nations of the earth or the inhabitants of the earth.”

August W. Lundstrom said the obligation was that, “We and each of us solemnly promise and covenant that we shall ask God to avenge the blood of Joseph Smith upon this nation.” (2, 151–153.)

Mrs. Annie Elliott said she had taken the endowments several times and that during the ceremony “they told me to pray and never cease to pray to get revenge on the blood of the prophets on this nation, and also teach it to my children and children’s children.”

Hugh M. Dougall, a witness for Mr. Smoot, and who is now a postmaster, testified as follows:

“Mr. WORTHINGTON. I want to ask you whether you, or any of those who went through with you, to your knowledge, were called upon to agree to what I now read, or to it in substance:

“‘That you, and each of you, do promise and vow that you will never cease to importune High Heaven to avenge the blood of the prophets upon this nation.’”

“Mr. DOUGALL. No, sir.

“Mr. WORTHINGTON. Did anything like that occur?”

“Mr. DOUGALL. Well, as I remember, there is something that might possibly have resembled that.

“The CHAIRMAN. We can not hear the witness.

“Mr. DOUGALL. There was something, as I remember, that might have led one to believe that such a thing was being done. As I remember it, they importuned Heaven to avenge the blood of the prophets and the martyrs on this generation, I think.

“Mr. WORTHINGTON. ‘On this generation?’”

“Mr. DOUGALL. I think so; that is as near as I can remember. I would not vouch for that being correct; nothing in regard to this nation.”

Several witnesses introduced on behalf of Mr. Smoot testify that there is nothing in the oath or covenant about avenging the blood of the prophets, or that there is anything in it inconsistent with their duties as citizens, but they do not state, or attempt to state, what is

in fact contained in it. They give their construction of it only. Several other witnesses, including Mr. Smoot himself, expressly decline to state what the oath or covenant actually is, upon the grounds that the ceremonies are of a religious character and are secret, and that it would be a violation of their obligations to disclose them.

Those are the various versions of the oath or covenant given by the witnesses, and I leave them, without further comment, to the consideration of the committee.

Mr. Chairman, there are two questions before the committee, not relating to the evidence, about which I think something should be said before this argument is concluded, although they have been discussed heretofore. The first is as to the power of the Senate to decide that a person who seeks admission to that body is disqualified although he is not subject to any one of the three disqualifications enumerated in the Constitution itself. The second is, if the Senate should find that it has that power and that Mr. Smoot was disqualified by reason of his status as it existed before he came to the Senate, and that it still continues, whether he shall be ousted from his seat by expulsion, which requires a two-thirds vote, or by a resolution declaring his seat vacant, which requires only a majority vote.

I presume the committee will want to make some report upon those questions, and I therefore propose to discuss them to a brief extent. Directing our attention to the first question, the Constitution of the United States, in section 1 of article 1, provides that—

“All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

That provision creates two distinct legislative bodies, and the question is what would be the inherent and necessary powers of those bodies, each acting for itself, if there had been nothing more in the Constitution upon the subject. If we find that without any subsequent constitutional limitations or restrictions upon this power the two Houses of Congress would have possessed plenary power over the whole subject of elections, returns, and qualifications of its members, the discipline and government of its members, and the right to expel or the right to vacate, then we will have made one step in the argument. It is the common parliamentary law of England and of this country, and was the common parliamentary law of England and of this country, well known to the framers of the Constitution, that every legislative body of English origin had inherently and of necessity, by reason of its existence as a legislative body, plenary power over all these subjects. It had the right to make rules and regulations for the government of its proceedings, otherwise it could not transact its business. It had the right to judge of the elections and returns and qualifications of its own members, otherwise it could not protect itself against the intrusion of improper persons. It had a right to expel a member by a majority vote, because in the absence of any limitation upon a legislative or other body a majority always rules.

The framers of the Constitution knew this. They knew that these powers belonged, as the English House of Commons declared nearly three hundred years ago, by an ancient, natural, and undoubted right, to every legislative body organized under the English or American system, and knowing that, they considered it wise to put certain limi-

tations upon the powers. Why, Mr. Chairman, every social, religious, or political organization in this country of a private nature, with no legislative power, possesses the inherent right to make its own regulations, the inherent power to expel a member for failing to conform to those regulations, and unless the expulsion of that member deprives him of some personal or property right to which he was entitled as a member he has no remedy. If it puts him out, he can not get back. If it puts him in, nobody can put him out. Is it possible that this great body, the Senate of the United States, in the absence of constitutional limitations, to which I will come presently, does not possess the same power, at least, as these petty organizations throughout the country? Assuming, then, for the purpose of the argument—and it could be elaborated to great length—that if there had been no constitutional limitation at all put upon this power, it would have been plenary both in the House and the Senate, let us look at the limitations and see what is their proper interpretation and effect.

The Constitution next provides that each House shall have the power to make rules and regulations for the government of its proceedings, and may expel a member by a two-thirds vote. Undoubtedly the Senate and the House both would have had power to make rules and regulations and govern their proceedings if the Constitution had been entirely silent on the subject.

Senator BAILEY. Would it interrupt you, Mr. Carlisle, if I ask you a question?

Mr. CARLISLE. Not in the least.

Senator BAILEY. Conceding, as I do, that without any provision of the Constitution, the bodies would possess that power, is it not certain that the men who made the Constitution intended to limit that power by putting in the Constitution such a provision as authorizes each House to make its own rules, and to judge of the elections, returns, and qualifications of its own members?

Mr. CARLISLE. Yes.

Senator BAILEY. It expresses what would have been, we will say, a common-law right for the very purpose of limiting it.

Mr. CARLISLE. In the clause just read?

Senator BAILEY. No; but in the Constitution.

Mr. CARLISLE. I will come to that. I concede, Mr. Senator, and Mr. Chairman, that the Constitution has imposed certain limitations or restrictions upon the power of the Senate, and the House also, to judge of the elections, qualifications, and returns of its members, and that the House and Senate both must judge of these qualifications subject to those limitations. That is conceded and is undoubtedly correct; but I want to see what those limitations were and what their effect is. I want to see, if we can, to what extent it limits the power of the House and the Senate over this subject.

Undoubtedly the House and the Senate each would have possessed the power to expel a member without this provision in the Constitution, but they could have done it by a majority of one vote. So the framers of the Constitution provided that when they come to expel a member, which is a punishment—and that is the distinction between an expulsion and the mere vacation of a seat—when they attempt to inflict this punishment upon a Senator or member of the House, by

expelling him, there must be a vote of two-thirds. That is the only limitation there is in that clause of the Constitution.

Then comes the great clause around which this controversy revolves. That is that no person—I give it in substance—shall be a Senator who has not attained the age of 30 years, and who has not been a citizen of the United States for nine years, and who was not at the time of his election an inhabitant of the State from which he was chosen. The question is, What is the effect of that limitation?

Senator BAILEY. That language is "for which he is chosen," I think.

Mr. CARLISLE. From which or for which, whichever it is.

Now assuming, as the Senator from Texas and I at least assume, that the Senate would have plenary power, then it would have had undoubtedly, upon that theory, which is correct, power to admit a person 21 years old; it would have had power to admit a person who had been a citizen but one day; and it would have had power to admit a person who was not, at the time of his election, an inhabitant of the State for which he was chosen. But the framers of the Constitution said to that body, that in order to secure men of experience, the power should be limited to the admission of persons who have arrived at the age of 30 years; that in order to secure the services of persons who are attached to the institutions of the country and are acquainted with them, it shall be limited to the admission of persons who have been citizens for nine years; and in order to secure persons who properly represent the sentiments and interests of the people for whom they came here to legislate it shall be limited to the admission of persons who were inhabitants of the State for which they were chosen at the time of the election. Does the limitation go a particle beyond that? The Senate can not constitutionally admit a person to a seat on its floor unless he is 30 years old, unless he has been a citizen nine years, unless he was an inhabitant of the State for which he was chosen at the time of the election; but does it follow from this that it is bound to admit every person who is 30 years old, who has been a citizen nine years, and who was an inhabitant of the State at the time he was chosen? It seems to me that would be a manifest non sequitur.

But, it is said, when the Constitution enumerates certain disqualifications—not qualifications, but certain disqualifications—must it not be conclusively presumed that it enumerates all that can be considered? Not at all. If the fundamental proposition which I have stated to the committee is correct, these limitations upon a power which would otherwise exist can extend no further than the enumeration. They must stop there and leave unimpaired all the great mass of power which would have been in the hands of the body without them. Why, it is the common political law of this country that idiots, insane persons, lunatics, and women are not eligible to public office. [Laughter.] I beg the ladies' pardon, but I must state the law correctly, even if the ladies are present. Certainly the constitution of a State may change that political law and admit our lady friends to office, but that is not the common political law of the country. This has been done in many of the States. Perhaps it would be done in more if these ladies could have an opportunity to be heard. The Constitution does not enumerate any of

those disqualifications, for it was not necessary. The framers of that instrument knew that these and other disqualifications existed. In the first place, it would have been impossible for them to enumerate all the grounds for disqualification that might arise during the long life of the Republic. They could not foresee, for instance, that there would ever be a Mormon Church organized in this country or that there would ever be such a thing as the practice of polygamy or the taking of plural wives in this country. They could not foresee that within less than seventy-five years after the adoption of the Constitution a great civil war would sweep over the land and create a condition of affairs which alarmed the friends of the Government and that Congress might thereafter, in the exercise of its judgment, consider it necessary to hold that certain persons who had participated in that war, or who were supposed to have participated in it, or who entertained feelings of hostility to the Government or were supposed to entertain such feelings, might not be subject to any one of these constitutional objections, and yet should be excluded.

Senator BAILEY. Did not the fourteenth amendment itself assume that it was necessary to adopt the constitutional amendment to exclude them? It does provide that no Senator, Representative, etc., who had taken the oath to support the Constitution and afterwards engaged in the rebellion should be admitted, but that Congress might by a two-thirds vote—

Mr. CARLISLE. Might remove the disability.

Senator BAILEY. Is not that a construction that it became necessary to adopt the constitutional amendment to exclude the man who was engaged in the rebellion?

Mr. CARLISLE. Not, Mr. Senator, if you please, in a declaration that it was necessary to adopt it, because they had been excluded before that right along. It was to make the rule permanent in the law, that was all; and it required persons in the South who were supposed to be hostile to the Government to show they were entitled to pardon before they could be qualified.

Senator BAILEY. Is it not true, however, that they expelled the Senators who were charged with sympathy with the rebellion, and did not declare their seats vacant, and that where they refused to admit a Senator they did it upon the ground that the State had not been duly reconstructed, as they called it, or duly organized, as we say?

Mr. CARLISLE. In some cases; but I will come to the question of expulsion presently.

Senator BAILEY. Excuse me for interrupting you.

Mr. CARLISLE. It is not an interruption at all. I want to assist the committee as far as I can. I am perfectly willing to be interrupted. The Senator will remember that in some cases in the Senate there was simply a resolution passed by a majority vote declaring the seats vacant, but those cases were different from the ordinary cases in this respect, that the Senators had retired from the Senate and had announced on the floor that they were no longer Senators. They had not tendered their resignations, but the Senate saw proper to treat their withdrawal as an abandonment of their places and declared their seats vacant.

Senator BAILEY. The States they represented had withdrawn from the Union.

Mr. CARLISLE. They had withdrawn from the Union, and these Senators had on the floor of the Senate openly declared they were no longer members of the Senate and had retired. Now let us see what might be the consequences of holding that neither the Senate nor the House can take notice of any disqualification unless it is one of those enumerated in the Constitution. I can best illustrate the matter by referring to a law which we have here. For three years and more we have had a statute which declares that certain persons shall be excluded from admission into the United States on account of their objectionable character; not merely that they shall not hold office, but that they shall not be allowed to come into the United States at all. Among them are "polygamists, anarchists, or"—and the statute is in the disjunctive all the way through—"persons who believe in, or"—another clause—"advocate the overthrow by force or violence of the United States, or of all governments or of all forms of law."

Polygamists, anarchists, or persons—because it includes both—who believe in the overthrow of governments by force are not even permitted to come into the United States. We already have a good many of that class of persons in the country, native and foreign born, and more are trying to come, but when they reach the seaboard they are arrested by the Government officials and prevented from landing on our shores. Yet, if the rule contended for on the other side is sound, if one of those men already here, native or foreign, or one of those men who may come hereafter should succeed in getting in and become a citizen, attain the age of 30 years, be a citizen nine years, be an inhabitant of the State of Utah, for instance, be elected by its legislature, and come here with his credentials, the Senate of the United States is constitutionally bound to admit him, although, if he had been discovered at the seashore, he would have been kept out of the country entirely. The committee heard Joseph F. Smith's testimony. If the rule of construction contended for on the other side is sound, and the State of Utah should send Joseph F. Smith here as a Senator, although he has testified before this committee that he has been yearly and daily living in open defiance of the law, the Senate would be constitutionally bound to admit him to his seat and constitutionally bound to keep him there unless it could get a two-thirds vote to expel him; and it could not expel him unless he committed some offense after he got there.

That is the situation we would be in. Why, Mr. Chairman, we have entered upon a policy of expansion beyond the seas, and we have already acquired twelve or fourteen hundred islands, inhabited by eight or ten millions of people, and according to my view, which may differ from that of others, unless the character of our institutions shall be materially changed, the time will come sooner or later when those islands and their people, or some part of them, at least, must be admitted into the Union as a State. They will send their representatives here to the House and to the Senate. What kind of persons they will send here nobody can now predict. Will the Senate put shackles upon itself? Is it to declare, by a deliberate decision in this case, that it has no right to go beyond the disqualifications enumerated in the Constitution, and that whatever a person may be—a polygamist, an anarchist, or a criminal—it is bound to admit him? I think it ought not to make any such decision. I think that, subject to these limitations or restrictions which the Constitution

has expressly placed upon its power, the Senate, and the House also, must judge of the elections, returns, and qualifications of their members in all other respects just as they would if the limitations had never been imposed at all.

Of course the argument I am about to submit very briefly on the second question assumes that the committee and the Senate will find that Mr. Smoot was disqualified when he came here, because if they do not so find, what I am about to say would be wholly irrelevant. Suppose the Senate finds that it has the right to consider qualifications besides those enumerated in the Constitution, and that Mr. Smoot, when he came here, was disqualified. The question is, Shall it oust him from his seat by a majority vote declaring it vacant, or must it expel him, which requires a vote of two-thirds? As I have already said, expulsion is a punishment for a crime or offense, for an infraction of the rules and regulations of the Senate, or for the commission of some crime against the laws of the land, or for some conduct inconsistent with the honor and the dignity of the Senate as a body, and whatever the cause of his expulsion, it must have arisen while he was a Senator. We all agree, I believe, that you can not expel a Senator or a member of the House of Representatives for something which he did before he came in.

Now, what is Mr. Smoot's situation? What is the condition here? If Mr. Smoot is disqualified at all, he is not disqualified on account of any definite, specific act he has committed. It is because of his status, because of his condition, because of his connection, his influence, his encouragement to the practices of the Mormon Church—not in spiritual matters, but in temporal matters—for I attempted at the very start to make a statement which was intended to qualify all I might say on that subject. A man has a right to believe anything he pleases in regard to spiritual matters. If he is disqualified, he is disqualified on account of his status as it existed when he came here, and not on account of anything he has done since that time. He is now in the same condition exactly that he was when he came. He has done nothing as a member of the Senate which he was not doing before.

Senator BAILEY. If a given status would disqualify him for admission, would not that same status justify the Senate in expelling him?

Mr. CARLISLE. I think not.

Senator DOLLIVER. Mr. Carlisle, do you draw a legal distinction between our right to exclude a man from entering the Senate, taking the oath and entering upon the discharge of his duties, and our right to declare a seat vacant after he has been admitted?

Mr. CARLISLE. I think he does not gain any additional right by taking the oath if he is disqualified. I have stated distinctly that in considering this part of the argument you must assume that he was disqualified.

Senator DOLLIVER. In the House in dealing with Roberts we refused to let him take the oath, I think.

Mr. CARLISLE. Yes. There was a controversy on this very question.

Mr. WORTHINGTON. That was on the ground that if you admitted him it would require a two-thirds vote to expel him.

Senator BAILEY. The object of it was to deprive him of the protection of the two-thirds rule.

Mr. CARLISLE. To answer the Senator's question, let us suppose a case which I think will illustrate the proposition. Suppose a person—to use the language of the Constitution—presents himself here from the State of Texas, and the oath of office is administered to him, but it is discovered afterwards that he is not 30 years of age, or that he had not been a citizen nine years, or that he was not an inhabitant of Texas at the time of the election. Have you got to punish him by expulsion? If Mr. Smoot is disqualified, the legal effect of that disqualification is exactly the same as if it had been enumerated in the Constitution. Assuming that he is disqualified, which is the assumption upon which this argument is based, the effect of that disqualification, if the Senate has a right to say it is a disqualification, must be exactly the same in every respect as if he had come here subject to one of the constitutional disqualifications. Would the Senate expel a man by a two-thirds vote, thus subjecting him to the disgrace and punishment of an expulsion, simply because he was disqualified for the office, or would it pass a resolution declaring that his seat was vacant? Without undertaking to elaborate these various propositions, I submit that the view I have thus briefly presented to the committee is the correct one.

Senator FORAKER. Do you regard belief in revelation as a religious belief?

Mr. CARLISLE. Oh, yes; I think so. In my opinion a belief in revelations, so far as they relate to spiritual matters, is and ought to be treated as a religious belief; but when you come to considering a revelation which relates to temporal matters, as to what sort of business the people shall carry on, what sort of contracts they shall make, whether they shall hold certain property or not, and all those temporal matters relating exclusively to the domain of the state, a belief in such revelations can not be treated as a religious belief. Otherwise you would at once admit the church into the domain of the state, and it makes no difference whether the state regulates and controls the church in spiritual affairs or the church regulates and controls the state in temporal affairs. In both cases there is a substantial union of the state and the church. Whenever you admit the right of a church, whether it is done under the actual or pretended belief in revelations, to enter upon the domain of the state and control temporal affairs, you have a substantial union of church and state, and so I attempted to draw the line, at the beginning of my remarks, between temporal affairs and those things which relate to spiritual affairs—and for the purpose of entire accuracy I may include as coming within the power of the church those things which relate simply to its temporal affairs, such as the management and disposition of its own property.

Senator KNOX. I want to ask you a question on this matter of disqualification, because I think that is a very important part of your argument. Of course you have the three disqualifications named by the Constitution. It is your position, as I understand, that anything else is a disqualification that the Senate decides to be.

Mr. CARLISLE. I say this, Mr. Senator, not that the Senate ought to arbitrarily declare that anything it chooses is a disqualification—

Senator KNOX. I do not ask what they ought to do, but I am asking whether that is your position?

Mr. CARLISLE. Undoubtedly the Senate has power to exclude any person. In judging of his election, return, and qualifications, it has the power to say what qualifications it will require. If the Senate, as I think we all admit, determines that a person who is totally disqualified shall be entitled to a seat there is no tribunal that can put him out, and if it determines that some other person whom we think is qualified shall not be admitted there is no tribunal that can put him in. Nobody can either put him out or put him in, except the Senate itself. It should, of course, deal fairly, justly, judicially, and it ought to find that there is a real, substantial disqualification, something which, in the judgment of the Senate, unfits a man to sit in that body and participate in legislation for this great country. None of us can define in advance what these disqualifications shall be, for each case must be determined on its own merits when it arises.

Senator KNOX. Of course you assume the authority will not be abused?

Mr. CARLISLE. Yes.

Senator KNOX. Then you contend that the fact of admission to the Senate makes no difference in the power of the Senate in dealing with the particular cause of disqualification?

Mr. CARLISLE. That is my position. I have not elaborated this argument, because—

Senator KNOX. That is your position?

Mr. CARLISLE. Yes; because the man who comes there and secures a seat on the floor of the Senate, who is afterwards adjudged by the Senate to have been disqualified when he took his seat, has never been anything more than a de facto Senator. He stands in precisely the same situation as a member of the House who presents his credentials to the clerk, to whom the oath of office is administered by the Speaker of the House, who takes his seat, participates in debate, serves on committees, passes or defeats the most important measures, perhaps, by his single vote, is afterwards declared not to have been elected or afterwards declared not to have possessed the necessary qualifications, and a resolution is passed by a majority vacating his seat. Why, Mr. Chairman, you and I have seen on the very last day of the two years' Congress, just before the adjournment, in the last moments, a resolution brought in declaring the seat of a person vacant who had been there the whole Congress. It did not expel him, for he was never a legal representative; yet his acts while he was there were as binding as the acts of anybody else.

Mr. WORTHINGTON. It was on the ground that he had not been duly elected, I suppose.

Mr. CARLISLE. Yes; but if he had been disqualified for any cause the principle is the same, and the same proceeding would have been had.

Senator BAILEY. I do not think there can be any doubt that if the Senate has a right to impose a disqualification not enumerated in the Constitution, it can enforce that disqualification after the oath is taken as well as before. I agree to that statement of the case. I do not, however, agree with your whole view.

Mr. CARLISLE. I thank the committee sincerely for the patience with which it has listened to my somewhat lengthy and rambling remarks. My whole time is exhausted, and I will not attempt to

make any response to what Mr. Worthington may say on the other side.

The CHAIRMAN. Mr. Worthington, when do you desire to proceed?

Mr. WORTHINGTON. I wish to say to the committee that it is at very great inconvenience to me that I shall reply to Mr. Carlisle this week, but, owing to the representation the chairman has made to me about this matter being expedited, I will go on to-morrow morning, if it will suit the convenience of the committee.

The CHAIRMAN. The committee will stand adjourned until to-morrow morning at 10 o'clock.

(The committee, at 11.55 a. m., adjourned until Friday, April 13, 1906, at 10 o'clock a. m.)

WASHINGTON, D. C., *April 13, 1906.*

The committee met at 10 o'clock a. m.

Present: Senators Burrows (chairman), Foraker, Dillingham, Knox, Dolliver, Pettus, Dubois, and Frazier.

The CHAIRMAN. You may proceed, Mr. Worthington.

ARGUMENT OF A. S. WORTHINGTON, COUNSEL FOR THE RESPONDENT.

Mr. WORTHINGTON. Mr. Chairman and gentlemen of the committee, I shall not attempt to more than refer to two great questions which may arise in the further progress of this case, the question whether it is competent for the Senate to add anything to the qualifications required of a Senator as fixed by the Constitution of the United States, or the question whether, as this case is situated, to reach an adverse conclusion it will be necessary that there should be a vote of two-thirds of the Senate.

As to the latter question, I do not understand that that is before the committee. The Senate has referred to this committee for investigation the question as to the qualifications of Reed Smoot as a Senator. The other question will arise in case there should be an adverse vote of a majority, but of less than two-thirds of the Senators voting.

I say I will not discuss those questions, because it is simply impossible in the time allowed to even thoroughly enter upon their consideration. I will, however, refer the committee to the documents which contain the fullest possible discussion of those questions occurring in recent times and where all the early precedents are gone over.

The first case to which I refer is what is known as the Roberts case, in the House, where Brigham H. Roberts had been elected as a Representative from the State of Utah and was confessedly a polygamist, living in polygamy at the time. Objection was made to his being sworn in, and the question of his qualification was referred to a certain committee, a special committee, as I remember, of which Mr. Tayler, who was for a long time counsel for those whom we call the protestants here, was the chairman. That committee was composed of nine members of the House. It made two reports, a majority report, which was signed by Mr. Tayler and six other members of the

committee, and a minority report, which was signed by Mr. Littlefield and Mr. De Armond. The reports of that committee, both of the majority and of the minority, were in favor of the proposition that, as this case is situated, it would require a two-thirds vote, and, so far as I know, the committee and the House were unanimous on that subject. The majority of the committee said that the House had power to add qualifications to the constitutional qualifications, and that if Roberts was a polygamist he should be excluded from his seat in the House, and they went at great length into a demonstration of the proposition that if he were allowed to take his seat he could not be removed or ousted except by a two-thirds vote. The minority of the committee reported that it was not competent for the House to add anything to the constitutional qualifications, that he should be allowed to take his seat, and, being a polygamist, he should then be expelled, which would of course require a two-thirds vote.

Those full reports will be found in volume 1 of the House Reports, Miscellaneous, for the Fifty-sixth Congress, first session. The debate in the House on the Roberts case will be found in Congressional Record, Fifty-sixth Congress, first session, pages 1072-1104, 1123-1149, 1175-1217; Appendix, pages 23, 25, 40.

The other case in which this matter was thoroughly discussed by the ablest lawyers in the Senate on both sides was what is known as the Roach case. Mr. Roach had been the cashier of a bank in this city, and I think I may say without any question—there never was any dispute about it—had embezzled a large sum of money. He of course was deprived of his place in the bank. He was not prosecuted because, as I understand, some of his friends arranged with the bank to make good the amount of the loss. He went out West, and after a while came back as a Senator from North Dakota. After he had been sworn in and had occupied the seat for some time this matter of his crime was bruited in the newspapers and finally came before the Senate in the form of a resolution which was introduced, referring the matter to this committee for investigation and report as to whether he should be allowed to retain his seat. That resolution was discussed very thoroughly, as I say, and the precedents were gone over again as to the power of the Senate in the matter. The case was finally dropped without any action by the Senate. He served out his term, the discussion, I think, showing clearly that if it ever had come to a vote in the Senate the result would have been the same.

I would like to say just one word in reference to the argument that was made on these propositions by Mr. Carlisle yesterday. In answer to the question, What are the qualifications, if there are any, besides those enumerated in the Constitution? he said substantially that was a matter which was to be decided by the Senate—in other words, that there is no limit to the qualifications except that it is presumed the Senate will act reasonably and judicially in the matter, and not arbitrarily—but when he came to consider what might happen if the constitutional restrictions only were to stand, he then drew a picture of what the States might do. They might send polygamists here. They might send criminals of one kind and another, and, as has been suggested in this hearing, they might send lunatics. Well, I submit to the committee it would be far better, since the situation is such that we must leave it to the reasonable and judicial action of some body or bodies, to say that we will take the risk of some one of the States of

this Union occasionally doing what it ought not to do in that regard rather than concentrate all the power in this body here and allow a mere majority of the Senate at some time, in the heat of political or other controversy, to keep itself in power by framing some excuse for keeping out those who may be sent here by their States, notwithstanding they may possess all the qualifications enumerated by the Constitution.

Mr. Carlisle suggested that perhaps Joseph F. Smith might be sent here. Now, let me say it would not be the first time that a polygamist has been sent to Congress. I do not now refer to the Roberts case; but many years ago, before Utah was a State, George Q. Cannon was sent here as a Delegate from the Territory, and he was admitted and took his seat, and afterwards the question arose as to his expulsion. The matter was investigated and came before the House, and received so little consideration that I believe on the final vote there was not even a call for the yeas and nays. If Joseph F. Smith, polygamist as he is, engaged in violation of the law, as he admits, should be elected a Senator from Utah, I would say that if, after he was elected and when he came here to take his seat, he had given up his unlawful relations and lived only with his lawful wife, he ought to be admitted and ought to be allowed to take his seat, but if, after being sworn in, he remained in that relation, then he should be expelled, which would, of course, require a two-thirds vote.

It should be noted that while the whole argument of Mr. Carlisle was addressed to the proposition that Senator Smoot was disqualified to take his seat, which may accordingly be declared vacant by a mere majority vote, the evidence upon which he relies relates largely to things that have happened since Senator Smoot was admitted to the Senate—his voting to sustain President Smith, for example, after the latter testified before this committee.

Senator DUBOIS. Mr. Worthington, would it interrupt you if I make a suggestion? Was not George Q. Cannon's seat declared vacant, he being a Delegate in Congress, and it being avowed that he was a polygamist?

Mr. WORTHINGTON. I read last night about that case in the compilation of cases in the House, and that was not the way I read it, Senator.

Senator DUBOIS. He was not allowed to serve, was he?

Mr. WORTHINGTON. That is as the report reads.

Mr. CARLISLE. He was not a member of the House?

Mr. WORTHINGTON. No; he was a Delegate; but there was no distinction in the disposition of the case on that ground.

Senator DUBOIS. He was excluded, was he not?

Mr. WORTHINGTON. Not as I read the report. I read it last night.

Senator SMOOT. Not at that time.

Senator DUBOIS. Not at that time, but he was excluded as a Delegate in Congress on the ground that he was a polygamist. His seat was contested by a man named Campbell, as I understand it.

Mr. WORTHINGTON. Not on that occasion, certainly. On that occasion he served out his term.

Senator DUBOIS. But his status was the same on the second occasion.

Mr. WORTHINGTON. Now, I address myself to the consideration of the case which we have here, and assuming that there may be added by the Senate something to the constitutional limitations or quali-

fications the Senate is to determine whether any such disqualification has been established here. At the outset you are met with this remarkable state of affairs: It is proposed to hold that Senator Smoot is disqualified and his seat vacant upon charges, and no man knows what they are. Mr. Carlisle, who has studied this matter carefully, and made his argument yesterday, told us he would discuss what he considered the most important matters before the committee, but he did not frame any charge. You may read his speech over, and no man can tell just what he thinks is the disqualification established here. When a district judge of the United States or some other official is to be impeached careful articles of impeachment are prepared by the House of Representatives, and they are brought before the Senate and voted upon, so that everybody may know, if he is impeached, just what is the crime he has committed; but in this case, if a vote should be taken by this committee now, one Senator might suppose the disqualification upon which he was voting was one thing and another another, and there might be as many as there are members of the committee.

This we start with, that there is no question made here that Senator Smoot has lived in all respects a blameless life. No charge is made that he ever violated the law—the statute law, the common law, the criminal law, or the moral law. He stands here, confessed, by the admissions of those who are brought here by the remonstrants to testify against him, the bitterest enemies he has anywhere, after a careful investigation of his life from the time he was born down to the time he was giving his testimony, to be a man upon whose name they have been unable to find any blemish. Yet you are asked, nevertheless, to say that he is not fit to sit with you, and that he should be excluded from the Senate of the United States.

I think, as to the members of the committee who were not members during the earlier hearings, it would be well for me to remind them how this case came here.

There was filed a written charge by a minister of the gospel named Leilich, in which he averred that Senator Smoot was a polygamist, that he had more than one wife, and in which he further averred that as an apostle of his church he had taken an oath of hostility to the Government of the United States. There was another paper filed, signed by a number of persons, which made neither the one charge nor the other. Whether the case would ever have been considered of sufficient importance to come before this committee at all if that charge by Leilich had not been filed, we can not tell, but it is now distinctly admitted, and has from the beginning of this case practically been admitted, that the charges were absolutely and entirely false. Neither Mr. Leilich nor anybody in his behalf has ever appeared here to attempt to substantiate either one of them, but it is known of all the world that Senator Smoot married one woman and has lived with her as his lawful wife from the time he married her, and that he never had any such relation with any other woman, and it is admitted that an apostle when he becomes an apostle takes no oath or obligation of any character whatever.

I take up now the disqualifications, as far as I can infer from what Mr. Carlisle said yesterday, upon which he relies.

He told us, you will remember, at the outset, that he was not going to discuss all the matters which were involved in this testimony,

but he would take those things which, in his mind, were the most important. It must indeed have struck those who have been familiar with this investigation from the start, it must indeed have struck those who have fathered it and helped to carry it along from the time it was started, that he abandoned absolutely the principal thing which had been before the committee and the country as the subject-matter of the investigation—that is, polygamy. He absolutely said nothing at all upon the subject, and so far as he is concerned, that is a minor matter, not to be compared with the subjects which he discussed, the question of the supremacy of the church and the question of the oath or covenant which a Mormon is supposed to take when he takes his endowments.

It is important, however, for the members of the committee who have not gone over this matter before to know just why it is that the astute and learned gentleman—and there is no abler man who could be brought here to help the protestants—abandoned that matter of polygamy. It was because it had been demonstrated that so far as polygamy, as a living, practical thing in the State of Utah, is concerned—I mean the taking of new wives, the entering into plural relations—is as dead in Utah as it is anywhere in the country. It was shown here indisputably that polygamy was fostered in the State of Utah by the Government of the United States. If the Government of the United States had done what it could and should have done at the beginning, polygamy in this country would have been choked to death in its origin.

The Mormons arrived in Salt Lake City on the 24th of July, 1847. It is said, and probably is true, that there was more or less polygamy prior to that time. But in 1852 Brigham Young, being then the governor of that Territory by appointment of the President of the United States, openly, publicly, and formally proclaimed the doctrine of polygamy as a duty of the members of that church, and from that time until the year 1862 it was carried on in that way. When his term of office expired a year or two after that formal declaration had been made, he was reappointed governor of the Territory by the President of the United States, was confirmed by the Senate, and served out another term of four years. It was not until the year 1862 that the Government of the United States attempted to do anything in regard to that status in that Territory. In the meantime many men had taken plural wives. In the meantime many children had come into the world. The wives were lawful wives of the men whom they had married and the children were their legitimate and proper heirs.

In 1862 what Congress did was to pass an act which made bigamy an offense—the taking of more wives than one. But for twenty years more and down to the year 1882 nothing was done to interfere in the slightest degree with the relation which had previously been created of husband and wife between these people of a man who had more than one wife. In 1882, for the first time, by the Edmunds Act, polygamous cohabitation, the living with more than one wife, was made an offense. In the meantime hundreds and thousands of children had been born in that relation, and many of them had grown up to manhood and womanhood without any law which made polygamous cohabitation an offense.

It appears that not long after that time prosecutions began to be instituted in the Territory, and the number of new plural marriages very much decreased. There were only here and there scattering plural marriages. That matter went on down to the year 1890, when the president of the church announced that he had received what is called here a revelation from God that plural marriages in the church should cease. And right there let me call the attention of the committee to what my friend has overlooked, or at least has not mentioned in his argument, that it is not the belief of this church that the president of the church or any officer of the church can receive a revelation and communicate it to the people so as to make it binding upon them or any of them. President Woodruff, when he received that revelation, did what every president of the church is bound to do before it amounts to anything as affecting anybody but himself. He waited until one of those great convocations of the Mormon people had assembled in the Tabernacle at Salt Lake City. They meet every six months, and the people come together in the Tabernacle—as many of them as can get in. He submitted that revelation to the Mormon people. So when the conference, as it is called, was assembled in the Tabernacle, and the people ratified it by a unanimous vote, it then became the law of the church. A year later it was again presented to the same people and ratified in the same way.

It has appeared further, by the evidence in this case, that from that time on, by the concurrence practically of nine-tenths of the people of that Territory—Mormons and Gentiles—so far as the people who had entered into the polygamous relation before that time were concerned, they might continue to live in that relation, and a man might visit his wife and his children, because, under a decision of the Supreme Court of the United States, a man was guilty of polygamous cohabitation if he dared to enter the house where his plural wife lived if she was sick or his children were sick, to attend them when they were sick, to see his children when they were to be married, or to go to their funerals. But whatever may have been the reason, it became, as has been shown here by the testimony of dozens of the best men in the Territory, who never have been Mormons and never have favored them or their tenets, that it was understood that should continue.

In 1896 the State was admitted into the Union. The matter was then thoroughly discussed in Congress, and there was put into the constitution of the new State a clause that the State should be admitted upon the condition that polygamous marriages should be thereafter prohibited. Not one word was said about prohibiting polygamous cohabitation between those who had taken their wives before that time.

The CHAIRMAN. Mr. Worthington, will you pardon me, because my recollection may be at fault? My recollection is that Mr. Woodruff, who published this manifesto, himself interpreted it by saying that it prohibited polygamous cohabitation as well as polygamy, and the present president of the church, Joseph F. Smith, said that that was his understanding.

Mr. WORTHINGTON. That is perfectly true.

The CHAIRMAN. I did not know but I might have been mistaken.

Mr. WORTHINGTON. It is perfectly true that some time after the church had ratified the manifesto President Woodruff did testify that he so construed it. It is true, I think, that when President Smith, the present head of the church, was here he testified that was his understanding; but, Mr. Chairman, what Mr. Woodruff testified before some court as to his interpretation of that document, or what President Smith said here as to his understanding of it, had no more effect upon the people of that church, no more the force of law than if I had said it. When he presented that document to the people in the Tabernacle assembled, it was established and adopted by them as it read, and he could no more change it than a member of Congress, who had introduced a bill in the House and had it passed and it had become a law, could affect the meaning of it in the courts or anywhere else by saying that when he wrote it he intended something which was not in it.

It came down to the question then before this committee as to whether the manifesto had been violated, because they were considering what Senator Smoot had to do with polygamy. If it appeared that before he had anything to do with these matters the whole status of the question had been settled in this way, it was perfectly manifest there was no case against him growing out of polygamy. So the attempt was made here to show that after the manifesto the authorities of the church had allowed plural marriages to be entered into, and that it was done under such circumstances that you could presume, perhaps, that Senator Smoot knew of it and connived at it or assented to it.

We had the whole State of Utah and all that region raked and scraped for the purpose of finding instances of that kind, and all the instances of alleged plural marriages since the manifesto was made, in 1890, would not, I think, amount to one a year since that time, and in every one of those cases, I think I may say, the parties have left Utah and are practically fugitives from justice.

There was one thing that happened in that regard of which a great deal was made at the former argument of this case. That is, it appeared that it was charged that two apostles, Mr. Taylor and Mr. Cowley, had taken plural wives since the manifesto. It will be remembered it was stated that was against the law and was done without the knowledge of the church, and they would be brought to task if it were so. It appeared afterwards they had been sustained, as the phrase is, as apostles at one of these semiannual meetings of the church, and it was said that Senator Smoot had attended one of those conferences and had not voted against them. He testified that the charges had come to his knowledge; that he had requested an investigation be made, and if upon investigation it should turn out the charges were true, he would favor taking action to drop them from the quorum.

I regret, Mr. Chairman—and you will confirm me in this—that we are here at the final determination of this case after the semiannual conference which was held on the 6th of this month at Salt Lake City instead of before it. You know, in the first place, as every member of the committee knows, that this matter was brought here and was submitted to the committee for its final adjudication over a year ago, in February of last winter, and it was understood by Senator

Smoot and his counsel and practically everybody else that the committee would take it up and decide it at that term. Then it was understood that when the case was closed a few weeks ago and the testimony was again submitted to the committee, that it would be argued at once and the committee would take it up and decide it; but for the convenience of my learned friend here, and because his engagements would not allow it sooner, the arguments were put off until this time.

I have seen in the newspapers, as you have all seen, that at the semiannual conference on the 6th of this month, it was announced by President Smith, at the opening, that these gentlemen were to be dealt with, and I saw afterwards that they had been dealt with and they were no longer members of the quorum of apostles. I asked that a telegram be sent out there for the purpose of being informed directly as to whether the newspaper accounts were true. We knew they must be true, because the matter is as open to the public as the hearings of this committee. I would like the privilege of reading the telegram I have in reply, so that it may be incorporated in this record. It was sent by George F. Gibbs, who is the secretary of the presidency, the official communicating organ of the church. It is addressed to me, and is as follows:

SALT LAKE CITY, UTAH, *April 11.*

Attorney A. S. WORTHINGTON,

Columbian Building:

I beg to inform you, as attorney for Senator Reed Smoot, that the resignations of John W. Taylor and Matthias F. Cowley, as members of the Quorum of Twelve Apostles, Church of Jesus Christ of Latter Day Saints, were accepted by their quorum on 28th October last, and vacancies filled later by said quorum, and that both actions were duly ratified by recent general conference of the church; also that Joseph M. Tanner has been dropped from the position of general superintendent of our church schools.

GEO. F. GIBBS, *Secretary.*

You will observe, Mr. Chairman, that this action was taken and these men had been suspended long ago, but nothing was said about it. I am not in communication with the presidency of the church and can not speak of my own knowledge, but it is perfectly apparent this was done and kept quiet until this time so that it would not appear they were attempting to influence the action of the committee; but since this last delay, which was made to suit the convenience of counsel for the protestants here, it has turned out that this matter had to be consummated before the final action of this committee instead of afterwards.

So that you will see, gentlemen of the committee, why it is when Mr. Carlisle undertook to discuss the matter which he considered most important, he avoided any reference to polygamy whatever. It is absolutely clear not only as admitted here that Senator Smoot is not a polygamist, but that at no time and no place has he ever connived at or advised the commission of that offense by any man.

The CHAIRMAN. Mr. Worthington, may I ask you if that states the reason of the resignation?

Mr. WORTHINGTON. No; it does not.

The first disqualification, then, which Mr. Carlisle referred to—and perhaps it would not be for me to say he considered it most important because he names it first—is that Senator Smoot believes that he may receive guidance from Almighty God not only in spiritual matters, but in temporal matters.

Senator DOLLIVER. Mr. Worthington, before you go into that branch of the subject, may I interrupt you?

Mr. WORTHINGTON. Certainly.

Senator DOLLIVER. These were apostles whose resignations were accepted?

Mr. WORTHINGTON. They were.

Senator DOLLIVER. Were they accused of polygamy?

Mr. WORTHINGTON. They were accused of having taken plural wives since the manifesto.

Mr. CARLISLE. That is, they were accused before this committee?

Mr. WORTHINGTON. Yes; it was charged before this committee.

Senator DOLLIVER. Did it appear how long they had been occupying that polygamous relation?

Mr. WORTHINGTON. I may state to you, Senator, it was a conceded fact here that a number of the apostles had taken plural wives before the manifesto and were continuing in that relation. There was no dispute about that. They testified to that themselves. The great question, however, was whether they had taken plural wives since the manifesto; and there was testimony tending to show that shortly before the testimony was taken—I do not remember the exact time—Apostle Taylor had taken to himself plural wives, and that about the same time Apostle Cowley had done so. The testimony was very vague, and simply by way of reputation in the neighborhood.

Senator DOLLIVER. But the fact was so?

Mr. WORTHINGTON. Whether it was so or not I do not know, and there is no testimony here except testimony that it was charged it was so and that people in the neighborhood talked about it. Whether it is a fact there is nothing here to show, and I personally have no knowledge on that subject, even such as has been admitted here. I simply presume from the fact that investigation was made and they have been dropped that it has been found it was true either that they had taken plural wives or that they had connived at it in some way.

The CHAIRMAN. They were subpoenaed to appear?

Mr. WORTHINGTON. They were subpoenaed to appear, and it turned out they had fled the country and were outside the country—could not be reached by subpoena. I say they had fled the country. I should not say that. They were outside the country. Whether they had gone on missions or whether they had left on this account I do not know.

Senator FORAKER. Was process served on them?

Mr. WORTHINGTON. Process was never served on them.

There is no syllable of testimony here, either directly or by reputation—such has been admitted here on the ground that this was an investigation and not a trial—which tends in the slightest degree to show that Senator Smoot, if these men had taken any plural wives, had anything to do with it or knew any more about it than any member of the committee.

Senator DOLLIVER. Was there anything to indicate that an apostle of the church could do that without publicity?

Mr. WORTHINGTON. Oh, yes; certainly. That is shown all through here, that the taking of plural wives since 1887, at least, has always been done privately and secretly, and there is great difficulty about proving it in any case. There is no proof here before this committee that would stand in a court for a moment that either of these men had taken plural wives.

I had referred to the fact that the first charge which is made here is that Senator Smoot actually has the temerity to think he may receive guidance from on high, and that is the ground upon which you are asked to hold that he is not fit to sit by your sides in the Senate Chamber. Mr. Tayler took the same ground when he argued the case, except that he did not make the distinction which Mr. Carlisle now makes between guidance in reference to spiritual matters and guidance in reference to things temporal, mundane.

It is strange indeed, that this committee should be asked to consider that a disqualification of a man as a Senator or as a member of Congress. I had supposed it was the doctrine of all the Christian churches of this country that when a man is in trouble and perplexity he is advised to go to his closet and seek counsel from the Almighty. I had supposed that in every church in this country on every Sabbath Day there go up prayers to the Almighty to aid those who are in trouble and distress, to take care of the sick, to see that those who are upon the sea have a safe voyage, prayers for women who are about to go through the perils of childbirth, prayers for the President of the United States; and I suppose you are asked to decide that those who offer up those prayers and those who believe in them are not fit to go into the Senate of the United States because, perchance, if they get in here they might think the Almighty had instructed them how to vote on the question of railroad rates, or the tariff, or something of that kind.

If there is anything in his argument, that is it. I suppose these ladies who are here will have to go home and tell their children if they have children, or tell the mothers who have children, that when they kneel down at their mother's feet to say the Lord's prayer, it is all right for them to say "Thy Kingdom come, Thy will be done, on earth as it is done in heaven," because that relates to spiritual matters; but when they come to say "Give us this day our daily bread," they must shut their little mouths, because some day they may want to get into the Senate of the United States, and they will be kept out because they are asking the Lord to interfere in things temporal.

I read the other day, having occasion to investigate another matter, that a great man who was President of the United States, in considering perhaps the most momentous event in the history of this country and one of the most momentous in the history of the world, brought his Cabinet before him, in September of 1862, and said he had been considering the question of issuing an emancipation proclamation, and that he had promised himself and promised his God that under certain circumstances he would issue such a proclamation. He had been urged to issue that proclamation long before, but because of the adverse results of the battles around Richmond, when McCiellan was in command, because Pope's army had been crushed

afterwards and was falling back on Washington, he had said it would not do to issue that proclamation then, because it would be said it was a cry of distress—that it was ridiculous to issue such a paper when it was obvious there was no power to enforce it. But he told his advisers that he had promised his God that if there was a victory for the Union arms, he would issue the proclamation; and after Lee had been checked and compelled to retire across the Potomac by the battle of Antietam, on the 17th of September of that year, he, a few days afterwards, called his Cabinet together and complied with the promise he had made to God. I suppose if Abraham Lincoln were still alive and should be elected to the Senate, you would be asked, on the theory that Mr. Carlisle has applied here, to fold your cloaks about you and tell him to stay out because he is not fit to sit by your side. If this means anything, it means that.

Then he referred to the institution of marriage and said the Mormon Church interferes with marriage, which, he says, is purely a civil institution. I have been taught otherwise, and my reading is entirely to the contrary. I understand there is one church, by far the largest in point of membership in this country, which holds that marriage is a religious ceremony and will not recognize the civil law as far as church matters are concerned; that in that church if people want to be married they have to be married by a priest of the church, and if they are divorced the divorce will not be recognized by the church, and that though they may by the civil law obtain a divorce which entitles them to marry again, if they do marry again they are likely to be excommunicated by that church.

Again, during the early sessions of this committee in this hearing, as I remember, a meeting was held here of the ministers of other denominations of the Christian faith for the purpose of having it adopted as a rule of action in all those churches that if the Congress of the United States should see fit to allow in this District divorce for any other cause than adultery, the ministers of those churches would not recognize that edict of the law, but would refuse to marry those who had been divorced and who should seek to be remarried.

Senator KNOX. Mr. Worthington, does not the church to which you refer—I presume you refer to the Catholic Church?

Mr. WORTHINGTON. Yes.

Senator KNOX. Go a little bit further than you have said? You say they regard marriage as a religious ceremony. Do they not teach that marriage is a sacrament, like the Lord's supper, and baptism?

Mr. WORTHINGTON. I think they do, Senator.

Senator KNOX. I am sure they do. There are the three sacraments of the church—marriage, the supper of the Lord, and baptism.

Mr. WORTHINGTON. I will deal no further with that.

The next thing, if I had room left for astonishment about the position that is taken here by those who have opposed Senator Smoot, is the most amazing that I have ever listened to, in view of what had gone before. We had been told, till Mr. Carlisle enlightened us yesterday, that Senator Smoot should not be allowed to retain his seat in the Senate because he belonged to a church the organization of which is such that he was required to obey any

order that might come from President Smith, and the intimation is carried—and that is what it means or it means nothing—that if he should be allowed to retain his seat and should be instructed by President Smith to vote this way or the other on some measure that comes before the Senate, he would be bound by the obligations of his church to vote that way even though he believed in his own heart that he should vote the other way; and the picture has been drawn here of President Smith sitting at the head of that church, with all the people assembled around him, upon bended knee, saying “Behold the mouthpiece of God.” That is practically the language that has been used here over and over again, that they believe President Smith actually speaks for God and from God, and that they must obey him as they would obey God.

But now we have Mr. Carlisle saying that Senator Smoot should be excluded because he is responsible for everything that President Smith does, and he calls attention to a certain phrase here in the Doctrine and Covenants which reads that the authority of the quorum of the apostles is equal in authority to the quorum of the presidency and that the presidency can not do anything unless the apostles say it may be done. He used almost exactly that language—“the presidency can do nothing without the unanimous consent of the apostles.” He is asking you now to exclude Senator Smoot upon the ground that everything that President Smith has done Senator Smoot must have consented to, because he draws the picture of President Smith going around upon his knees to apostle after apostle and saying, “Will you allow me to do this; will you allow me to do that?”

How such diverse conclusions may be reached by two such eminent gentlemen as Brother Tayler and Mr. Carlisle upon the same evidence I do not know. The fact is that neither the apostles nor the presidency are supreme in that church. The evidence here demonstrates beyond all peradventure that it is the most democratic organization, embracing large numbers of people, known to this country. Nothing can be done by the presidency of that church or by the apostles, or all of them put together, that does not either have the authority of the church in convention assembled to warrant it, or that is not subject to be resisted and finally determined to be right or wrong by an assembly of all the quorums and all the people in the tabernacle assembled.

It is not for the quorum of the apostles to say that this man shall be president or that man shall be an apostle. They simply nominate to their people a man for the place, and the nominee must fail of appointment unless the multitude confirms or “sustains” him.

I see the chairman smiling and I know what he will say, what he has in mind—that that is the form they have, but, as a matter of fact, they always ratify. Why do they ratify, Mr. Chairman? Because the men who are at the head of affairs keep their ears to the ground and they know how far they can go and when they must stop. If the president of that church and all the apostles together were to undertake to proclaim to-day a revelation that polygamy should be reestablished, the law to the contrary notwithstanding, and should submit it to their people in the tabernacle to be voted upon, according to the testimony here of the witnesses who know about the situation out there to-day, Mormons and non-Mormons, spread through the pages of the testimony which is here, they would be

voted down and put out of their office for attempting to rehabilitate that practice.

There can not be any doubt about this, because I am not talking now about the testimony of Mormons. I am talking about the testimony of the best people of that territory, judges and high officials of the State, against whom no imputation has been made or could be made of any sympathy with the Mormons, much less of any sympathy with polygamy, the men who prosecuted them, the men who sent them to the penitentiary over and over again and who have condemned polygamy as much as any man or any woman in the land could condemn it.

I have looked up the sections of the Doctrine and Covenants, and the testimony upon the subject. I can not take time to read them, but I am simply going to inform the members of the committee what they are and in my printed argument I will set them forth in full. I will refer to one or two verses.

Mr. Carlisle read from section 170 of the Doctrine and Covenants, verses 22, 23, and 24, to the effect that the quorum of the apostles is equal in authority and power to the three presidents previously mentioned. He did not read verse 25, which reads:

“The seventy are also called to preach the gospel, and to be especial witnesses unto the Gentiles and in all the world; thus differing from other officers in the church and in the duties of their calling.

“26. And they form a quorum equal in authority to that of the twelve special witnesses or apostles just named.

“27. And every decision made by either of these quorums must be by the unanimous voice of the same; that is, every member in each quorum must be agreed to its decisions in order to make their decisions of the same power or validity one with the other.”

You see this body, just like the apostles, but under it, composed of 70 persons, it says, in exactly the same language, is equal in power and authority to the others; so that before President Smith can do anything, to use the language of Mr. Carlisle used yesterday, he must go around and humbly pray each one of the apostles to do it, and then he has to hunt up all over the State the seventy and get their unanimous consent also.

It is perfectly plain that that is perposterous, and that no such organization could do business for a single day. It does not undertake to do business in that way. The testimony I have here, and which I shall set out in full in the printed argument, demonstrates beyond all peradventure that, so far as the administrative work of that church is concerned, the apostles and seventy have nothing whatever to do with it. The territory which is occupied by the members of the church and comes within the jurisdiction of the presidency is divided into what they call stakes. It practically amounts to the same thing as counties, though sometimes the boundaries of the stakes are not exactly coterminous with those of counties, but it is the same thing in substance. Each stake has its president, and its president has his two counselors, just as the president of the church has his two counselors. He has also his twelve advisers, so that they have a body sitting in each stake, which is exactly like the body sitting at the head of the church—the president, two counselors, and twelve advisers.

Each stake is divided into wards, and each ward has its bishop at the head of it. Each bishop has two assistants. All the administrative work of the church, all this judicial work of the church which has been referred to and which I shall say a word about if I have time, everything starts with the bishop's court in the ward. If persons who are interested are not satisfied with that they take their appeal, and the matter comes before the president of the stake and his two counselors and twelve assistants. Then, if the party aggrieved is not satisfied, the matter comes up to the presidency and is acted upon by the presidency. At no stage of the proceedings do the apostles have anything to do with it.

What are they? The paragraph from the Doctrine and Covenants shows what they are. The name shows what they are. They are apostles. Their business is to preach the gospel of the church, to preach, let me remind the committee, the gospel of Jesus Christ, because the Mormons are Christians. They accept both the Old and the New Testament and accept in full the doctrines of what we call the evangelical churches. They simply add something to that. They send missionaries out to preach the gospel of Jesus Christ, and, in addition to the Bible, their missionaries take with them the Book of Mormon and the Doctrine and Covenants. At any time an apostle may be directed by the president to go to England, to India, to South America, or anywhere, and preach the gospel of the church, and he must go. It is for that he is an apostle.

In addition to that, it appears that they act as an advisory board to the president when the president wants their advice. They are in substance and effect in exactly the same position that the Cabinet is to the President of the United States. When the president of the church wants their advice he asks for it. In the temple at Salt Lake City they have a room where they meet. The president has a room where he and his two counselors meet. When he wants the apostles he sends for them. He tells them what he wants their advice and counsel about, and he gets it; and the presidency decides just as the President of the United States does what shall be done, and has exactly the same authority to determine in the end what shall be done that the President of the United States has to decide after taking the advice of his counselors, whom we call his Cabinet.

It is to be regretted that while Mr. Carlisle, in his argument, has asserted that, with one exception, all the witnesses who speak on the subject testify that the quorum of the apostles is equal in authority to the quorum of the presidency, he has not given the name of any of the witnesses to whom he refers. The evidence is believed to be all the other way. The quorum of the apostles is the governing body of the church in the interregnum between the death of one president and the selection of his successor, but at all other times it is subordinate to the presidency. That is what is meant by the verse in section 107 of the Doctrine and Covenants which Mr. Carlisle read.

So you will perceive there is no room for the charge that Senator Smoot, or any other apostle, is in the slightest degree responsible for what the president does. He can be held responsible for what he advises the president to do, but there is no suggestion in this evidence, from beginning to end, that either in the meetings of the presidency or the meetings of the apostles, on the street or in the tabernacle or

anywhere else, Senator Smoot has ever counseled or advised President Smith or any other member of that church to live in polygamy or in any other wise to violate the laws of the State or the laws of his country.

It is said next that this church is a commercial organization. The first inquiry that arises in my mind on that subject is, what of it? Suppose the members of a church agree that besides their religious duties they will enter into commerce and business. Why should they not, if they want to? I have not had any paragraph in the Constitution of the United States pointed out which says they have not the right to do it. I have not found anything pointed out in the Constitution or laws of the United States which prevents a State, if it wants to, from having a religious organization as a part of the State body. There is nothing in the Constitution of the United States which prohibits the union of church and state in any State of this Union, and when the Constitution was adopted some of the States of this Union did have an established church, just as England did and has to this day.

The Constitution of the United States in its very last clause, as I remember, says that no religious test shall be used as a qualification for any office under the United States. It does not undertake to say that no religious test shall be administered in the States if they want it. In the very first amendment it is provided that Congress shall make no law respecting an establishment of religion, but there is nothing there which undertakes in any wise to affect the power or duties of the States in that regard. That is left for the States to decide for themselves.

I have said here before, and I repeat it, that I do not know why the Senate of the United States shall be called upon to find any fault with people who choose to go into an organization for more than one purpose. If the people of the Episcopal Church in this country, for instance, should come together in a national conference and say, "We will go into the manufacture of this, that, or the other," or "We will go into politics"—not much was said about their going into politics by Mr. Carlisle yesterday—why should they not do it if they want to? It has not been so many years ago that even I can not remember it that there was a political organization in this country whose object was to prevent persons of a certain religious faith from being elected to office. They were organized simply in hostility to a certain church, because they said it had or was likely to have too much power in this country, but I never heard it suggested that if any member of that party should have come to the Senate of the United States—I believe no one of them ever did—he should be excluded because the organization mixed politics and religion. If the members of that church, knowing that they were threatened in that way, had chosen to come together and say they would not support for any office whatever anybody who was not a member of their church or who was not in hostility to the party that was fighting them, I do not know why anybody should say they did not have the right to do it.

Another thing that is objected to about this organization is that it has church courts, and it has provided and does exercise the power, it is said, when the courts have decided that a member of the church should do this or that, or that he is wrong in something he has done,

if he does not set himself right with the church he shall be turned out of the church.

The claim in that regard has gone far beyond what the evidence establishes, as I think will appear in a moment; but suppose it to be true. Suppose a hundred thousand people in any State of this Union come together who belong to some church organization and they say: "We are tired of hiring lawyers. We are tired of the delays which are incident to the administration of justice in this country. Let us get up little courts of our own and abide by them;" and they proceed to do it, and they determine that if any man has a controversy with another member of that organization it will be settled in those courts; that if any member of the organization fails to respond or fails to obey when the church courts have decided, he must get out. Whose business is that? Why should anybody complain of that? Have not men a right to do that? Do they offend against the Constitution of the United States or the laws passed thereunder when they do that? It is utterly impossible for me to say why that should not be so. If it turns out in some particular case that some member who entered that organization voluntarily, with that understanding and knowledge of the laws, has a case decided against him and is turned out of the church in accordance with his agreement when he entered it, that he even should become insane, it would certainly be a very sorrowful and distressing thing that it should happen; but why that should affect any person who should be elected a member of the Senate I can not conceive.

But, Mr. Chairman and gentlemen of the committee, that matter has been exaggerated. The Birdsall case has been brought up before you. That is a case in which it did appear that the bishop's court there undertook to declare that there should be a conveyance of land, and that was affirmed on appeal by the high court of the state and afterwards affirmed by the presidency. It did not come before the apostles, and so far as anything here appears, no apostle ever heard of it until it was produced here.

But the testimony here shows beyond all peradventure that that was, as suggested by Senator Knox yesterday in a question which he put to Mr. Carlisle, a usurpation of power by those who were concerned in it. We have here, and have put in evidence, not only the testimony of those who know what the rule is in that regard, not only the testimony of those who have sat in those courts and know what the law and the regulation was, but we have produced here letter after letter, many of which were written long before that time, many of them instructing several officers as to matters of this kind and telling them in no case were they to entertain such a case as that, as the church courts had no jurisdiction of it. So that it was no doubt an inadvertence on the part of those who were concerned in it and it was not in accordance with the powers or authority of the church or the regulations.

SENATOR KNOX. Mr. Worthington, between now and the time you finish I would like to hear you say something on this question of church interference with people who become candidates for office.

MR. WORTHINGTON. That is the very next topic I had, Senator.

That grows out of what has been called here in the testimony "the political manifesto," or political rule, and was put in its present shape after the celebrated case of Moses Thatcher had arisen. It

was stated and testified here that while it was then first formally reduced to writing, it was what had been the practice and doctrine of the church before that time. That rule provides that as to certain high officers of the church—they are enumerated, and include the apostles, who are the highest except the presidency, the presidents of the stakes, and some other officers; I do not remember just how far down the line it goes—they shall not be candidates for an office the performance of the duties of which might interfere with the performance of the duties of their religious office without first obtaining the consent of the presidency.

You will perceive, Mr. Senator, as it is stated in the rule itself, that if any one of those officials desires to run for that office without such consent, he may do it simply by resigning his office; but he can not without the consent of the church enter into a contest that will result in his taking a place which will make it impossible for him to attend to the duties of his office as a church officer.

Senator KNOX. Have you the rule here?

Mr. WORTHINGTON. I haven't it here; no.

Senator KNOX. Can you refer to it?

Mr. WORTHINGTON. I will find it in a moment.

This is too long for me to read it all, but after the preamble, which recites how this matter came up, it says—and I read from the bottom of page 170:

“Our view”—

This is signed by the president and his counselors and by the apostles, the patriarch, the first council of seventies, and the presiding bishopric—

“Our view, and it has been the view of all our predecessors, is that no officer of our church, especially those in high standing, should take a course to violate this long-established practice. Rather than disobey it, and declare himself by his actions defiantly independent of his associates and his file leaders, it has always been held that it would be better for a man to resign the duties of his priesthood; and we entertain the same view to-day.”

Senator DOLLIVER. What is the date of that?

Mr. WORTHINGTON. April 6, 1896.

Senator KNOX. What are you reading from?

Mr. WORTHINGTON. I am reading from the testimony in this case.

Senator KNOX. But whose testimony?

Mr. WORTHINGTON. That is the doctrine; that is the rule.

Senator KNOX. That is what I want to get at, just what that rule is and what you are reading from.

Mr. WORTHINGTON. I am reading from the rule itself.

As I was saying, this matter came up when Moses Thatcher, who was one of the apostles, became a candidate for the Senate, trying to get members of the State legislature elected who would be favorable to his candidacy. It was opposed on the ground that under the uniform rule of the church he should have obtained the consent of the church. That matter became a matter of great discussion out there. Political conventions were held in regard to it, so that they then took it up and put what had formerly been an informal rule of action in this written, solemn form for the guidance of all the members of the church from that time on. This was promulgated on April 6, 1896,

and is signed by all the head officers of the church, including the president and his advisers and the quorum of the apostles.

The CHAIRMAN. Was it signed by Moses Thatcher?

Mr. WORTHINGTON. No; but Moses Thatcher afterwards admitted it was a proper order as it has been construed by the church, and came here as a witness and testified before the committee that as this document had been construed by the church he believed it was right.

The CHAIRMAN. My question was whether he signed it.

Mr. WORTHINGTON. No; he did not sign it. I do not remember now whether he was one of the apostles at the time this bears date.

Senator DUBOIS. Yes; he was an apostle. He had been nominated, I think, by the State convention.

Senator SMOOT. No; he had not been nominated.

The CHAIRMAN. My recollection of the testimony here is that he declined to sign that document, and for that reason he had trouble.

Mr. WORTHINGTON. Well, the testimony in this case shows there were a good many grounds of trouble, Mr. Chairman.

The CHAIRMAN. Yes; I know.

Mr. WORTHINGTON. It appears he had got into such relations with his quorum that he did not meet with them at all; that all intercourse between him and his brother apostles had been cut off, and he did not go to the meetings, and he had various troubles with them. I will read this again:

"It has always been held that it would be better for a man to resign the duties of his priesthood."

That is what I say—if a man is an apostle and wishes to run for the Senate, he has one of two things to do. He goes to the presidency of the church under this rule and says, "I desire to run for the Senate, and of course if I am elected to the Senate I will have to go to Washington to attend to the duties of my office. I can not attend to the duties of my apostleship. I can not put myself in such a position that if you wish me to go to India or England to preach the gospel I will have to go. I must attend to my duties at Washington as a Senator."

The presidency may say, "Very well; it is all right; be a candidate. If you are elected, we will provide for the performance of your duties by somebody else." Or he may not go near the presidency. He may send in his resignation as an apostle and then become a candidate, and the church has nothing to say to him. They say that in so many words here. This goes on. The rule is this:

"First. We unanimously agree to and promulgate as a rule that should always be observed in the church and by every leading official thereof that before accepting any position, political or otherwise, which would interfere with the proper and complete discharge of his ecclesiastical duties, and before accepting a nomination or entering into engagements to perform new duties, said official should apply to the proper authorities and learn from them whether he can, consistently with the obligations already entered into with the church upon assuming his office, take upon himself the added duties and labors and responsibilities of the new position. To maintain proper discipline and order in the church we deem this absolutely necessary, and in asserting this rule we do not consider that we are infringing in the least degree upon the rights of the citizen. Our

position is that a man, having accepted the honors and obligations of ecclesiastical office in the church, can not properly, of his own volition, make these honors subordinate to or ever coordinate with new ones of an entirely different character. We hold that unless he is willing to consult with and obtain the consent of his fellow-laborers and presiding officers in the priesthood he should be released from all obligations associated with them before accepting any new position.

“Second. We declare that in making these requirements of ourselves and our brethren in the ministry”—

This applied, of course, to the men who signed this paper as well as everybody else—

“we do not in the least desire to dictate to them concerning their duties as American citizens, or to interfere with the affairs of the State; neither do we consider that in the remotest degree we are seeking the union of church and state. We once more here repudiate the insinuation that there is or ever has been an attempt by our leading men to trespass upon the ground occupied by the State, or that there has been or is the wish to curtail in any manner any of its functions.”

That is the whole rule. That is to say, if a man accepts an office of the kind described in this paper, when he accepts it he enters into an agreement with the others who are associated with him in that work of advancing the interests of that church, and says: “I agree when I accept this office that I will not accept a nomination, or endeavor to secure an appointment, to any position which, if I get it, will prevent me from performing duties here with you, unless you consent, reserving to myself, however, this privilege, that if I find I am not satisfied to have to come to you to get your consent, or if I come to you and you refuse your consent, I will resign this office and resume the position I occupied before I accepted it, and run for the office despite your wishes in the matter.”

I can see how men may argue that a different rule might be adopted, or say it was inexpedient to have such a measure, but to say that because a man enters into such an agreement as that he is disqualified to come to Congress I can not conceive why it should be so.

Let me say here that it is nowhere suggested in the evidence in this case that any official of the church from bishop up to president, who desired to run for any office, from sheriff of his county up to the Senate of the United States, and asked the consent from the proper superior officers, was refused—not one.

Now, let me, on the general proposition of the manner in which these things have been progressing in Utah—I see my time is short, and I will not undertake to read it—refer to the testimony of Mr. Lawrence. He was brought here at this last hearing as a witness for the protestants, and has been very much relied upon both in the argument of Mr. Carlisle and otherwise. He was examined as a witness in the proceeding before Judge Anderson in 1889, seventeen years ago. He testified then over and over and over again that the things of which he complained in reference to the undue exercise of authority by the church over the members of the church were things that had happened in Brigham Young’s time, and at the time he was testifying they had practically disappeared. Over and over and over again he gave that testimony. We have had here before this com-

mittee at the former hearings members of that community of the highest standing, non-Mormons, men who had always been opposed in politics and in every other way practically to the Mormon people, and who are as much opposed to polygamy as any man who sits around this table, to tell you the situation out there was improving year after year and day by day, and that the troubles they had had in years past between Mormons and non-Mormons, between polygamists and nonpolygamists, were gradually wearing out, and that they thought, and that it is the prevailing opinion in Utah, that the proper thing to do was to let the situation alone and it would take care of itself.

The change that has been going on in this respect is forcibly illustrated by the history of revelation in the church. In the time of Joseph Smith, jr., the founder of the church, revelations to the church, through him, were frequently received. As time went on the number of such communications diminished to such an extent that in the last ——— years there has been but one and that was the revelation submitted to the people in 1890 by President Woodruff, which forbade further polygamous marriages.

Let me also make this suggestion: At best, all that has been said here in this regard about the authority of this church and its members, all that has been said about its being engaged in business enterprises and political affairs, was well known to members of both Houses of Congress when the enabling act was passed in 1895, and yet Congress admitted the State into the Union and made no question about anything of that kind. One of the first two Senators who were sent to the Senate of the United States, in 1896, when the State was admitted, was Frank J. Cannon, who came here and served out the term for which he came, a three-year term. He was a Mormon, a man who had taken his endowments, a member of the church, and to whom all the objections were open that are made against Senator Smoot and to a greater degree than against him, and it was never suggested that he was not fit to sit in the Senate.

Senator FORAKER. He was not an apostle in the church, was he?

Mr. WORTHINGTON. He was not, but most of the objections which have been made to Senator Smoot by Mr. Carlisle are those which go to members of the church, not simply to officials. In the House of Representatives, during the entire period since the State was admitted down to the present moment, with the exception of two years, a member of the Mormon Church has been one of the Representatives of the State in that House; and no objection has ever been made to any one of them.

Mr. Carlisle lays great stress on the fact that for divers causes a member of the Mormon Church may be expelled from the organization—excommunicated. Yet in another part of his argument, when he is insisting upon the right of the Senate to add qualifications to those mentioned in the Constitution, he said:

“Every social, religious, or political organization in this country of a private nature * * * possesses the inherent power to make its own regulations, the inherent power to expel a member for failing to conform to those regulations; and unless the expulsion of that member deprives him of some personal or property right to which he is entitled as a member, he has no remedy.”

This statement is unquestionably correct. But why should one particular organization be subjected to censure for doing what all the others are admitted to have the right to do?

In the little time I have left I want to discuss the subject of the alleged obligation which Mr. Carlisle considered of sufficient importance to present to you, although he did not consider the question of polygamy one of enough consequence to mention.

Toward the close of the protest signed by W. M. Paden and seventeen others, the protest, rather by way of deduction than by a formal charge, concludes: "We submit that however formal and regular may be Apostle Smoot's credentials or his qualifications by way of citizenship, whatever his protestations of patriotism and loyalty, it is clear that the obligations of any official oath which he may subscribe are and of necessity must be as threads of tow compared with the covenants which bind his intellect, his will, and his affections, and which hold him forever in accord with and subject to the will of a defiant and lawbreaking apostolate." (1, 25.)

The protest signed by John L. Leilich alone, which has been abandoned, made the following charge:

"That the oath of office required of and taken by the said Reed Smoot, as an apostle of the said church, is of such a nature and character that he is thereby disqualified from taking the oath of office required of a United States Senator." (1, 28.)

In reply to these charges, the respondent in his answer said:

"As to the charge that the respondent is bound by some oath or obligation controlling his duty under his oath as a Senator, the respondent says that he has never taken any such oath, or in any way assumed any such obligation. He holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the State of Utah was admitted into the Union." (1, 31.)

After this matter had been referred to the Committee on Privileges and Elections, counsel were informed that it was deemed expedient by the committee to request the protestants to appear and advise the committee in a general way of the testimony intended to be submitted in support of the protest, and the legal contentions connected therewith, and that counsel for the respondent should advise the committee what part of the contention of the protestants' testimony it was proposed to controvert. (1, 40.)

Thereupon Mr. Tayler, counsel for the protestants, read to the committee a certain written statement of what the protestants intended to prove. (1, 42, 45.)

This statement (omitting the discussion which proceeded as it was read to the committee) was as follows:

"First. The Mormon priesthood, according to the doctrine of that church and the belief and practice of its membership, is vested with and assumes to exercise supreme authority in all things temporal and spiritual, civil and political. The head of the church claims to receive divine revelations, and these Reed Smoot, by his covenants and obligations, is bound to accept and obey, whether they affect things spiritual or things temporal.

"Second. The first presidency and twelve apostles, of whom Reed Smoot is one, are supreme in the exercise of this authority of the

church and in the transmission of that authority to their successors. Each of them is called prophet, seer, and revelator.

"Third. As shown by their teaching and by their own lives this body of men has not abandoned belief in polygamy and polygamous cohabitation. On the contrary—

"(a) As the ruling authorities of the church they promulgate in the most solemn manner the doctrine of polygamy without reservation.

"(b) The president of the Mormon Church and a majority of the twelve apostles now practice polygamy and polygamous cohabitation, and some of them have taken polygamous wives since the manifesto of 1890. These things have been done with the knowledge and countenance of Reed Smoot. Plural marriage ceremonies have been performed by apostles since the manifesto of 1890, and many bishops and other high officials of the church have taken plural wives since that time. All of the first presidency and the twelve apostles encourage, countenance, conceal, and connive at polygamy and polygamous cohabitation, and honor and reward by high office and distinguished preferment those who most persistently and defiantly violate the law of the land.

"Fourth. Though pledged by the compact of statehood and bound by the law of their Commonwealth, this supreme body, whose voice is law to its people and whose members were individually directly responsible for good faith to the American people, permitted, without protest or objection, their legislators to pass a law nullifying the statute against polygamous cohabitation."

Counsel for the respondent were given leave to file a formal answer to these revised charges, which answer begins on page 74 of the record.

It will be seen that in these revised charges the matter of the alleged obligation or oath is not referred to, and accordingly it is not mentioned in the answer to them. (1, 74.)

During the examination of the first witness called by the protestants, Joseph F. Smith, a discussion arose in which Senator Hoar stated that he understood that the committee had reached a conclusion that there were two issues in the case—one whether Reed Smoot had practiced polygamy, which the Senator understood had been abandoned, and that the only other one was whether or not as an official of the Mormon Church the respondent took an oath or obligation that was superior in his estimation and in its requirements upon him to the oath or obligation which he must take to qualify him as a Senator.

Thereupon Senator Dubois stated that both these contentions were set aside entirely and that it was not contended that they would be attempted to be proved by the attorneys representing the protestants. (1, 114.) In the course of further discussion a member of the committee having stated that he never knew until Mr. Tayler had stated it that he had abandoned the idea of proving that the respondent had taken an obligation that interfered with the obligations of his oath, Mr. Tayler replied:

"I can not abandon that which I never occupied or possessed."

Senator Dubois added, "He never alleged it." (1, 115.)

On a subsequent day Senator Beveridge, in order, as he stated, to correct what he thought was a mistake in the popular mind as to what

were the charges against the respondent which the committee was considering, said that it had been charged that the respondent was a polygamist, which charge had been withdrawn, and that he had been charged with taking an oath inconsistent with his duty as a Senator, which Senator Beveridge understood Mr. Tayler to say was not a charge that had been withdrawn, but was such a charge as had never been made, and that, therefore, the issue upon which the committee would proceed from that time on, so far as the protestants were concerned, was whether the respondent was a member of a conspiracy.

Thereupon Senator Dubois again stated that no charge had been made against Mr. Smoot of taking an oath inconsistent with his oath as Senator except the Leilich charge, and that the attorneys for the respondent "have been trying to force the protestants to issues which they themselves have never raised." (1, 126.)

This was the state of the record when the testimony of Joseph F. Smith and several other witnesses had been taken, and the examination of Francis M. Lyman, one of the apostles, was progressing.

He was asked by the chairman to state what the "ceremony is in going through the endowment house." This being objected to by counsel for the respondent, the chairman said:

"One of the charges is that Mr. Smoot has taken an oath of obligation incompatible with his obligation as a Senator. The object of this question is to ascertain from this witness, who went through the endowment house—of course, I know nothing about it—whether any such obligation is taken."

Counsel for the respondent having thereupon stated that they understood that that charge had been expressly disclaimed by counsel for the protestants, the chairman replied:

"Counsel stated that they did not propose, as far as they were concerned, to offer any proof upon that question, but the Chair did not understand that therefore the committee was precluded from showing it." (1, 436.)

A little later in the same session counsel for the protestants again stated:

"It is in respect of those two things around which all of this case gathers—polygamy and the direction of the people by the apostolate—and if those two were eliminated this hearing would not be going on here." (1, 463.)

It will be seen, therefore, that so far as the matter of the alleged oath or obligation is concerned, there is no charge pending against the respondent at all, and as to that question he and his counsel must grope through the testimony and conjecture what is the charge upon which he is being tried.

J. H. Wallis, sr., when first called and examined as a witness for the protestants, testified that on several occasions he had taken his endowments in the temple at Salt Lake City, and that, while he did not know whether he had it exactly right, the substance of the so-called "oath of vengeance" is that those who took it promised and vowed that they "will never cease to importune high heaven to avenge the blood of the prophets upon the nations of the earth or the inhabitants of the earth." He added that if his memory served him he thought that was about right, and that a passage of scripture is quoted from the Revelations, sixth chapter, ninth verse. (1, 79.)

After considering the matter over night, Mr. Wallis the next day testified that in repeating the oath he had made a mistake; that he

should have said "upon this nation," instead of "upon the inhabitants of the earth." (2, 148.)

Mr. Wallis also testified that divers fearful penalties were to be visited upon those who should disclose the endowment ceremony. He admitted, however, that for a year before he testified in this case he had been communicating the substance of the alleged oath and penalties to a great many people—Gentiles and Mormons. (148.)

It was shown on behalf of the respondent by two witnesses that Wallis is a worthless drunkard, not to be believed upon oath, and that he is not mentally sound. (3, 316, 444.)

August W. Lundstrom, another witness for the protestants, testified that he had taken the endowments six times, and that the obligation in question was:

"We and each of us solemnly promise and covenant that we shall ask God to avenge the blood of Joseph Smith upon this nation." (2, 151-153.)

He subsequently slightly varied this statement by saying that the prayer was, "We ask God, the Eternal Father, to avenge the blood of Joseph Smith upon this nation." (2, 161.)

On cross-examination, the witness stated that for several years he had been delivering lectures in Utah, telling about these obligations and the alleged dreadful penalties to be inflicted upon those who violated them. (2, 163.) He also said that in the course of these lectures Mormons had endeavored, both in writing and in conversation, to correct him in the assertion of these matters. (2, 163.)

As to this witness Lundstrom, three witnesses on behalf of the respondent testified that, from his general reputation for truth and veracity in the community in which he lives, they would not believe him on oath.

F. S. Fernstrom, one of these witnesses, also testified that Lundstrom had had trouble with his bishop, growing out of the fact that the latter had loaned him money from the fund raised by the church for the support of the poor, and Lundstrom did not want to pay it back. (2, 1010.)

The other witnesses as to Lundstrom's reputation for veracity were C. V. Anderson and H. J. Hayward. (2, 1013 and 1014.)

Mrs. Annie Elliott testified for the protestants that she had taken the endowments several times, and that during the ceremony "they told me to pray and never cease to pray to get revenge on the blood of the prophets on this nation, and also teach it to my children and children's children," and she stated the penalties of this alleged ceremony in substance in the same language that the other two witnesses on this subject had testified. (2, 189.)

On cross-examination this witness stated in the most positive terms that she had never told anybody about this obligation or the penalties to be inflicted until she told it on the stand, and if Mr. Tayler was examining her from a memorandum informing him what her testimony would be, she did not know where it came from or how Mr. Tayler came to get it. (2, 194.)

In the course of the direct examination of this witness, after she had stated that she was married in Denmark, and that her husband followed her to this country, the following occurred:

"MR. TAYLER. Is he living now—that is, the husband whom you married in Denmark?"

"Mrs. ELLIOTT. No, sir.

"Mr. TAYLER. You lived with him until he died, did you?

"Mrs. ELLIOTT. Yes, sir.

"Mr. TAYLER. Where did he die?

"Mrs. ELLIOTT. Why, in Elsinore.

"Mr. TAYLER. In Utah?

"Mrs. ELLIOTT. Yes, sir.

"Mr. TAYLER. When?

"Mrs. ELLIOTT. In 1897.

"Mr. TAYLER. Did you, after his death, marry?

"Mrs. ELLIOTT. Yes, sir; I married in 1899." (2, 184.)

On her cross-examination, after she had testified that she had left the church in 1897, the following occurred:

"Mr. WORTHINGTON. Was it before or after the death of your first husband?

"Mrs. ELLIOTT. Why, it was after.

"Mr. WORTHINGTON. What time in 1897 did he die?

"Mrs. ELLIOTT. He died in October." (2, 191.)

The committee will be astonished to learn from the testimony of Mr. Jens Christian Neilson that he is the man who was married to this woman in Denmark and followed her to this country; that she lived with him as his wife in Utah down to some time in the year 1899, in which year she obtained a divorce from him; that since the divorce he had been living in Canada, and that the children of the marriage, or some of them, lived with his wife in Utah after she married Elliott, and that Neilson was in constant communication with these children, so that the witness knew when she testified not only that her husband had not died in 1897 and was living in 1899, but that he was living at the time she gave her testimony. (2, 1015-1019.)

The record of this divorce suit was introduced in evidence in connection with Neilson's testimony. (1019.)

I have now referred to all of the evidence in the case, prior to the reopening of the case during the present session of Congress, in support of the charge that the respondent took an oath or obligation inconsistent with his oath as a Senator.

I will next proceed to give the committee an abstract of the testimony on the other side of this question.

And first, of the evidence of witnesses called on behalf of the protestants.

Mr. Lyman, one of the apostles, speaking of the endowment ceremony, said:

"I remember that I agreed to be an upright and moral man, pure in my life. I agreed to refrain from sexual commerce with any woman except my wife or wives as were given to me in the priesthood. The law of purity I subscribed to willingly, of my own choice, and to be true to all men. I took no oath nor obligation against any person or any country or government or kingdom or anything of that kind. I remember that distinctly." (1, 436, 437.)

Joseph F. Smith (who was recalled after Mr. Lyman's testimony had been finished) was merely asked by counsel for the protestants whether the oath or obligation taken in the endowment ceremony is the same now that it has been for years, and Mr. Smith replied that it was the same, and assented to Mr. Tayler's question that the obliga-

tion is one of loyalty to the church, such as is proper to be taken. (1, 484.)

Brigham H. Roberts, being interrogated by the chairman on this subject, after saying that, in this regard, the Mormon Church is, in some of its features, analogous to the Masonic fraternity (1, 741), and that he did not feel at liberty to disclose what the ceremony was, was asked by Senator Bailey if he felt at liberty to state whether or not there was anything in the ceremony "that abridges a man's freedom of political action, or action in any respect, except in a religious way." He replied that there was not.

On being further questioned on the same subject by Mr. Van Cott, Mr. Roberts said that there was absolutely nothing in the ceremony that in any way binds him to disobey the laws of the land, or to make any agreement against the Government or its officers or anything of the kind. (1, 744.)

He further said that the obligation or ceremony to which he referred, in the endowment house, relates to things spiritual absolutely. (1, 746.)

Angus M. Cannon, who was a patriarch in the church, being asked by the chairman to state the ceremony, said that he declined to do so, because it is of a religious character and is simply an obligation that the person taking it enters into to be pure before his Maker and worthy of the attainment of his Redeemer and the fellowship and love of his children and their mothers, his departed ancestry, and his coming descendants. (1, 791.)

Moses Thatcher, in answer to questions propounded to him by the chairman on this subject, stated that he declined to disclose the ceremony of the endowment house, "for the reason that these were held to be sacred matters, and only pertaining to religious vows." (1, 1048.)

I will now proceed to state to the committee the testimony on this subject of witnesses who were examined on behalf of the respondent.

Hugh M. Dougall, who is a farmer and cattle grower, and is post-master at the town of Springville, in Utah, was expelled from the Mormon Church about 1874, and since then has not been in any way connected with it. He took his endowments when he was about twenty-five years old. Prior to that time he had heard statements to the effect that the obligation taken by those who go through this ceremony includes a vow or obligation against the nation, and says that therefore he was looking for that particular point; that according to his recollection the obligation was, in substance, that those who took it importuned heaven to avenge the blood of the prophets and the martyrs on this generation, and that he did not remember the name of Joseph Smith being mentioned at all. (2, 759.)

Mr. Dougall was subsequently recalled, and asked by Senator Knox this question:

"Are you willing to say whether the vow obligated you to anything incompatible with your giving full and supreme allegiance to the United States or the State of Utah, or which obligated you to anything incompatible with your fully performing your duty as a citizen of the United States and that State?"

He answered: "Not one thing." (2, 781.)

Alonzo A. Noon left the Mormon Church, voluntarily, about 1870, when he was 32 years of age, having taken his endowments when he

was 28 or 30 years old. He stated that there was nothing in the ceremony about promising or vowing to importune heaven to avenge the blood of the prophets on this nation, and that there was nothing in the ceremony which in any way imported hostility to the United States or to the Government thereof. That he was perfectly clear about that.

He also said that he did not remember that the name of Joseph Smith was used in the ceremony. He did recollect that there was in the ceremony a quotation from the Scriptures, and upon hearing read verses 9 and 10, chapter 6 of the Revelations, he said that it was something like that; that that was about the intent.

One of these verses, it will be remembered, was referred to by the witness, Wallis.

The two verses are as follows:

“Nine. And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God and for the testimony which they held.

“Ten. And they cried with a loud voice, saying: ‘How long, oh Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth.’” (774.)

Being asked whether there was anything in the obligation which indicated hostility to the Government, Mr. Noon said:

“The very reverse. I have never heard any people taught only loyalty to the Government of the United States.” (2, 775.)

Mr. Noon was recalled and asked the same question that had been propounded by Senator Knox to Mr. Dougall, and he answered the question in the same way. (2, 781.)

William Hatfield, who was a Mormon until he was 23 years of age, after which he drifted away from that church, when he was not quite 21 years of age took his endowments as a preliminary to his marriage. (2, 785.)

He said that neither he nor any others in his hearing took the obligation which Wallis had testified to, and that he did not at that time take any obligation or enter into any covenant, vow, or agreement of any kind inconsistent with his duties as a citizen of the Territory of Utah or of the United States. He was not cross-examined. (2, 796.)

John P. Meakin, who was a Mormon until he was 23 or 24 years of age, left the church because he did not believe in polygamy. (2, 796.)

He went through the endowment house when he was 18 years old. He stated that he had no recollection at all of any obligation of vengeance or retribution, and that nothing took place at the time with reference to promising or vowing to importune heaven to avenge the blood of the prophets on this nation, or to avenge the blood of Joseph Smith on anybody; that there was nothing took place which imported any obligation in opposition to his duty as a citizen, either of the Territory of Utah or of the United States; that he was very clear about this. (799.)

He also said that there was nothing in the endowment ceremony about praying the Almighty to avenge the blood of the prophets on this generation. (2, 801.)

Elias A. Smith, cashier of the Deseret Savings Bank, in Salt Lake City, in answer to a question by the chairman, stated that he had conscientious scruples against divulging any part of the endowment

ceremony (2, 854) ; but in answer to a question by Senator Foraker, he said there was nothing in any obligation of the church which it imposed upon its members, in connection with marriage or any other occasion, inconsistent with fidelity as citizens of the National Government or to the State government. Mr. Smith persisted that while he had stated what was not in the obligation, he did not feel at liberty to state what was in it. (2, 855.)

Richard W. Young, who was a graduate of West Point and of the law school of Columbia College, New York City, and who had served in the Volunteer Army in the Spanish war in the Philippines and elsewhere, is a member of the Mormon Church, and is not a polygamist. (2, 950-952.) He was asked by the chairman if he had any objection to disclosing what took place during the endowment ceremony, and he replied that he considered himself under an obligation not to do so. (2, 969.)

He was asked later, by counsel for the respondent, if he had any objection to stating whether the ceremony included, in any form or shape, any invocation of vengeance or retribution against this nation. Senator McComas suggested that the witness should state the whole ceremony or nothing. Thereupon an extended argument was made, at the end of which the witness was asked by counsel for the respondent:

“ In that ceremony is there anything which relates to your duties or obligations to your government or to this nation ? ”

The chairman ruled that if the witness should answer this question he would be required to state the whole ceremony, and thereupon the witness declined to answer it. (2, 981-985.)

Senator Smoot testified positively that there is nothing in the endowment ceremony about avenging the blood of the prophets or avenging anything else on this nation or on this Government. (3, 183, 184.)

It will be seen that when the testimony in this case was closed, in February, 1905, it had been proved by the counsel for the remonstrants, and was on all hands admitted to be the fact, that no change had been made in the language of the obligation in question. The argument of the counsel for the remonstrants then was that because the obligation was always the same Senator Smoot must have assumed it in the same language as others. But yesterday Mr. Carlisle told us that after Mr. Lawrence's case was heard in 1889 the obligation must have been changed. He has not explained how this affects Senator Smoot. He took his endowments in 1880, when he was 18 years of age.

It turns out, when you look at the testimony of Mr. Lawrence, that he was testifying as to things that had happened prior to 1869, because he left the church in that year. He had administered this obligation hundreds of times, he said, but always prior to 1869.

Senator DOLLIVER. Mr. Worthington, was any explanation given of any failure to produce the oath before the committee?

Mr. WORTHINGTON. There were upon the stand several witnesses who presumably knew what the obligation was, including President Smith, who, upon being asked, said that they declined to state the obligation because it related entirely to religious and spiritual matters, and had nothing whatever to do with their relations to the Government or to the nation. But there have been examined perhaps a

dozen witnesses who have left the church, all of whom gave the words of the obligation according to their recollection.

Senator FRAZIER. Was there any secrecy about that oath, Mr. Worthington?

Mr. WORTHINGTON. The whole ceremony is a secret ceremony. Men are not called up and asked to take this obligation by itself. There is a ceremony which lasts a good many hours. Mr. Carlisle says it lasts from 8 o'clock in the morning until half-past 4 in the afternoon. It is a long ceremony. A great many people go through the ceremony, going from one chamber to another and going through various ceremonies, and somewhere in the course of this proceeding this obligation, whatever it is, is administered.

The CHAIRMAN. Mr. Worthington, is it not a fact that all the members of the church organization who know what this oath is declined to state it?

Mr. WORTHINGTON. All who are now members of the church; yes; except Apostle Lyman, who stated it as well as he could remember it (Vol. IV, p. 436).

The CHAIRMAN. They declined to state what it was?

Mr. WORTHINGTON. One moment, Mr. Chairman. We did produce here a number of witnesses—four or five, as I remember—who had been members of the church and who had ceased to be members and who did undertake to tell what the obligation was, and every one of them said there was nothing in it of hostility to the nation.

It is well known that those who join many secret organizations—such as the Masons, the Odd Fellows, and others—enter into obligations toward one another which they bound in honor not to reveal. If a Senator were charged with disloyalty and it should be sought to prove the charge by requiring him to repeat such a secret obligation, would he be compelled to do more than to deny that it in any way relates to or affects his duty as a citizen or as a Senator?

The CHAIRMAN. I understood you to state to the committee, and it may be an erroneous impression, which I know you would not want to make, that the charge made by Mr. Leilach as to the existence of this oath and that Mr. Smoot was a polygamist, were abandoned entirely. Let me read you what Mr. Tayler said:

“Mr. TAYLER. Mr. Chairman and gentlemen of the committee, I represent the protestants who filed the first protest, or the protest signed by W. M. Paden and others, that appears first in the printed document which the committee has issued. I do not disavow, in so far as I would be able to do so, the representations of the party interested in the supplemental protest. I merely say, respecting the charge made in the supplemental protest, that I do not know, and therefore can not say to the committee, that proof will be made sustaining the charge of what is called the Leilach protest, to the effect that Mr. Smoot is a polygamist.”

He said nothing about the question of the oath.

Mr. WORTHINGTON. I have not time to read it, Mr. Chairman, but if you will turn to page 114 of Volume I, and what follows in the record, you will find that what I refer to took place then, and took place exactly as I stated.

The CHAIRMAN. This was Mr. Tayler's statement in the opening.

Mr. WORTHINGTON. I am referring to Mr. Tayler's statement, and

also to a statement made by a member of the committee. You will find that on that page.

The CHAIRMAN. Pardon me for interrupting you.

Mr. WORTHINGTON. Certainly.

I want to call attention to the testimony of Mr. Lawrence, because he was the man who had administered this obligation, as he said, hundreds of times, and he testified it was a thing given to him verbally and he had received it and committed it to memory because he was to administer it. On page 108, volume 4, when being asked by Mr. Carlisle to state it in terms or in substance, he says:

"You covenant and agree before God and angels and these witnesses that you will avenge the blood of the prophets, the prophet Joseph Smith, Hyrum Smith, Parley P. Pratt, David Patton—their names are mentioned."

On page 111 he says distinctly that during his administration the word "nation" was not used.

And, again, on page 109, in response to questions by Senator Knox:

"As I say, it was a little ambiguous in regard to that. Of course, you take an oath to avenge the blood of the prophets and teach the principle to your children and children's children.

"Senator KNOX. I think you do not understand me. You stated a moment ago that there was some ambiguity in the oath as to whom the vengeance is directed against.

"Mr. LAWRENCE. Yes.

"Senator KNOX. Now, I am asking you who was to execute the vengeance? Was the person taking the vow or oath to execute it, or were they to implore by prayer that God should take this vengeance?"

"Mr. LAWRENCE. Well, that was not inserted in it, for the Lord to do it. They simply took upon themselves the oath to do it. But I say it is almost impossible for them to wreak vengeance, because those men that committed the deed have probably gone years ago."

Again, on page 112:

"Tell us about how many times you were present when the oath was administered."

And he says, "Hundreds of times."

So that you have here the testimony of twelve or fifteen witnesses that there is nothing in this obligation which implies in any way hostility to the United States or the Government of the United States. You have Senator Smoot telling you that when he was a boy of 18 years his father was about to go away and take him on a journey, and said he had better take his endowment. He took his endowments then. He has never taken them since. His recollection is positive and clear that he never then, nor at any other time, assumed any obligation of hostility to his country. He said further that when he took the oath which is administered to you all when you are admitted to your seats in the Senate to support the Constitution of the United States he took it without any mental reservation, and that there is nothing in anything that has happened in his life, nothing in his mind when he took the oath, and nothing in his mind when he testified which in the slightest degree would influence him in the performance of his duties as a Senator to determine questions which should arise here otherwise than as in his judgment would be to the interest of the United States. And although he thus tells you

that when he took that oath he took it without any mental reservation, and stands here ready to perform at all times his duty to the Government of the United States, you are expected in some way to dissect his brain and to read into it that he did take the oath as a Senator with a mental reservation and that he does intend in some mysterious way to commit some undefined offense.

SENATOR FORAKER. What have you to say about the college professor who was referred to yesterday by Mr. Carlisle as an intelligent witness and had recently testified? I did not hear that witness.

MR. WORTHINGTON. I passed that by because I saw my time was running out. Mr. Wolfe is a man who is shown here to have become an habitual drunkard. He had been a professor in the Brigham Young Academy. He was required to leave it because he was constantly drunk; not only drunk on the streets and at the drug stores, but he would go to the academy under the influence of liquor and so smelling of liquor that his presence was offensive. He was brought here—and I thank you for reminding me of this—mainly for the purpose of establishing this fact: He had been down in Mexico on a certain expedition, and while down there had seen Benjamin Cluff, who was the officer in charge of the expedition, living in marital relations with a plural wife. When he came back he preferred charges (not including this) against Cluff. The testimony was taken before a certain committee of three. This was in Mr. Smoot's bailiwick and where he was a member of the council that had to pass upon the matter finally. Wolfe testified here that he had testified at that hearing that he had seen Florence Reynolds—that was the woman's name—and Cluff living there in that relation. That was for the purpose of influencing this committee in considering what the fact was, that Cluff was allowed to retain his position for some time after that.

I showed him while he was here what purported to be the report of the stenographer who had taken his testimony before the committee of the council and asked him to read it. He said his statement about Cluff and Florence Reynolds had been omitted. You have affidavits here, admitted by consent of counsel and the committee as the testimony in the case, instead of bringing witnesses to Washington, and among them, appended to that report, is the sworn statement of the stenographer that it represents everything Mr. Wolfe said, and you have in addition the affidavits of the three men before whom he testified that his statement is not true.

So that if there is any witness here who is shown to have testified falsely, it is this intelligent gentleman to whom Mr. Carlisle refers.

MR. CARLISLE. Mr. Worthington, let me interrupt you, as I am not going to reply. You have no affidavit here stating that his testimony was false. You simply have the affidavits here to show that the report which the stenographer furnished does not include the statement which Mr. Wolfe says he thinks he made before that tribunal, and then you have some other testimony here designed to show, I believe, that the witness was present and did not hear him make any such statement; that he believes the charge which was preferred against Mr. Cluff was not a charge of having taken a plural wife, but related to other matters.

SENATOR FORAKER. Is this man a professor now?

MR. WORTHINGTON. He is not a professor. And this further ap-

peared about Wolfe: He remained as a member of the church, and a few weeks before he was requested to resign and did resign he wrote a letter to Mr. Lyman, who was the president of the quorum of the apostles, in which he stated in the most fulsome way his belief still in the doctrines of the church and his adherence to it, and it afterwards appeared that before that he had been in consultation more than once with Mr. Owen and had already engaged to come here and give the testimony which he gave.

Senator FORAKER. What is it you claim as to the testimony of Mr. Lawrence that the wreaking of vengeance was to be done on certain individuals referred to?

Mr. WORTHINGTON. It is this: Of course the Senators know the history of that matter—

Senator FORAKER. I do not want you to go into that.

Mr. WORTHINGTON. I must state this for the purpose of answering your question—that at Nauvoo, in 1844, Joseph Smith, jr., who was then the president of the church—

Senator FORAKER. I know all about that. I only want to know whether his testimony, according to your idea, was that the wreaking of vengeance was to be not on this Government, but simply on the people.

Mr. WORTHINGTON. Yes, sir; simply on the persons who had slain the martyrs.

The CHAIRMAN. Speaking of Mr. Wolfe—of course members of the committee will have an opportunity to read the testimony—I think your statement is pretty strong that he is a drunkard. You also ought to state that he resigned and was taken to task after he refused to pay his tithing. I want to call the attention of Mr. Worthington to the statement on page 7, where this witness, Professor Wolfe, says he took this endowment the last time in 1902, four years ago, and then repeats exactly what it is:

“You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and to your children’s children unto the third and fourth generations. All bow your heads and say yes.”

He says that was the oath exactly as administered, and he testified to hearing it four years ago.

Mr. WORTHINGTON. I have not suggested, Mr. Chairman, that Mr. Wolfe did not testify that the obligation was just what you say. I have said, as to Mr. Wolfe, that in my judgment he is not to be believed, and I have given the reasons why I think so.

I will close by reading what I had omitted—this passage from the testimony of Mr. Lawrence, on page 108 of volume 4. He was asked by Mr. Carlisle:

“Do you remember now whether there was anything said about vengeance upon the people or vengeance upon the nation, or what was said of that sort, if you remember?”

“Mr. LAWRENCE. I say it has been stated. I can not state it only as I understand it. The word ‘nation’ was not mentioned where I was in regard to that vengeance, but the feeling has always been against the nation and the State for allowing that deed to be perpetrated. The word ‘nation’ was not mentioned. It is a little ambiguous in regard to that.”

I am obliged to you, Mr. Chairman and gentlemen.

Mr. CARLISLE. Mr. Chairman, I reserved the right, I believe, on yesterday, to insert in my remarks some extracts concerning that oath; and I will perhaps, Mr. Worthington, insert some additional evidence, all of which will be submitted to you.

Mr. WORTHINGTON. Then we will have a similar privilege in reply, I suppose?

The CHAIRMAN. Certainly. I want to know of counsel when we will be able to have their arguments in shape so that they can be printed.

Mr. CARLISLE. I am obliged to go to Kentucky on next Tuesday evening to attend to business, and whatever I do I will do by Monday evening and mail to the stenographer, and he can furnish it to Mr. Worthington.

The CHAIRMAN. Mr. Worthington, have you any corrections you want to make ready by Monday evening?

Mr. WORTHINGTON. I will have to receive his, Mr. Chairman, before I can complete mine. If Mr. Carlisle's argument is to stand as it is, of course I could immediately——

Mr. CARLISLE. My argument will stand as it is, substantially, except as to the matters which I have mentioned. Of course the phraseology may be changed.

Mr. WORTHINGTON. Very well; I should like to see what the additional matters are before I complete mine.

The CHAIRMAN. I hope counsel will have their arguments completed by Monday evening.

Mr. WORTHINGTON. That is out of the question for me, Mr. Chairman. I have to leave the city to-night and will not be back until Monday.

The CHAIRMAN. When can you do that?

Mr. WORTHINGTON. Within a day or two after I get Mr. Carlisle's revised argument.

The CHAIRMAN. Very well.

The committee (at 12.05 o'clock p. m.) adjourned.

REED SMOOT.

JUNE 11, 1906.—Ordered to be printed.

Mr. BURROWS, from the Committee on Privileges and Elections, submitted the following

REPORT.

The Committee on Privileges and Elections, who were charged by the Senate with the duty of investigating the right and title of Reed Smoot to a seat in the Senate as a Senator from the State of Utah, respectfully submit the following report:

On the 23d day of February, 1903, the credentials of Reed Smoot as a Senator of the United States from the State of Utah were presented to the Senate. On the same day and at the same hour there was also presented and placed on file a protest from certain citizens of Utah, praying for an investigation into the right of Mr. Smoot to the seat to which he claimed to have been elected.

Subsequently, and on the 5th day of March, 1903, Mr. Smoot took the oath of office as Senator from Utah. At the same time the attention of the Senate was, in behalf of the Committee on Privileges and Elections, called to the method of procedure in cases like that of Mr. Smoot. It was then stated, without question on the part of any member of the Senate, that in cases where the credentials of a Senator consist of "a certificate of his due election from the executive of his State, he is entitled to be sworn in, and that all questions relating to his qualifications should be postponed and acted upon by the Senate afterwards." Under this rule the credentials of Mr. Smoot, with the protest against his right to a seat in the Senate, were referred to the Committee on Privileges and Elections under a resolution adopted by the Senate January 27, 1904, directing the committee to investigate the right and title of Mr. Smoot to a seat in the Senate as Senator from the State of Utah.

The resolution is as follows:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of Reed Smoot to a seat in the Senate as Senator from the State of Utah; and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

THE PROTEST AGAINST THE SEATING OF MR. SMOOT.

The protest before referred to against the seating of Mr. Smoot as a Senator from the State of Utah is stated in such protest to be "upon the ground and for the reason that he is one of a self-perpetuating body of fifteen men, who, constituting the ruling authorities of the Church of Jesus Christ of Latter-Day Saints, or 'Mormon Church,' claim, and by their followers are accorded the right to claim, supreme authority, divinely sanctioned, to shape the belief and control the conduct of those under them in all matters whatsoever, civil and religious, temporal and spiritual, and who thus uniting in themselves authority in church and state do so exercise the same as to inculcate and encourage a belief in polygamy and polygamous cohabitation; who countenance and connive at violations of the State law prohibiting the same, regardless of pledges made for the purpose of obtaining statehood, and of covenants made with the people of the United States, and who by all the means in their power protect and honor those who, with themselves, violate the laws of the land and are guilty of practices destructive of the family and of the home."

In support of this protest the protestants make certain charges and assertions, the substance of which is as follows:

1. The Mormon priesthood, according to the doctrines of that church, is vested with supreme authority in all things spiritual and temporal.

2. The first presidency and twelve apostles (said Reed Smoot being one of said twelve apostles) are supreme in the exercise of the authority of the Mormon Church in all things temporal and spiritual. In support of this second proposition instances are given of the interference of the first presidency and twelve apostles in the political affairs of the State of Utah, and quotations at length are given from the declarations of officials in the Mormon Church regarding the authority of the leaders in said church to dictate to the membership thereof concerning the political action of said members.

3 and 4. That the first presidency and twelve apostles of the Mormon Church have not abandoned the principles and practice of political dictation; neither have they abandoned their belief in polygamy and polygamous cohabitation.

5. That the first presidency and twelve apostles (of whom Reed Smoot is one) also practice or connive at and encourage the practice of polygamy, and have without protest or objection permitted those who held legislative offices by their will and consent to attempt to nullify enactments against polygamous cohabitation.

6. That the supreme authorities of the Mormon Church, namely, the first presidency and twelve apostles (of whom Mr. Smoot is one), not only connive at violations of the law against polygamy and polygamous cohabitation, but protect and honor the violators of such laws.

The protest further asserts that the leaders of the Mormon Church (of whom Mr. Smoot is one) are solemnly banded together against the people of the United States in the endeavor of said leaders to baffle the designs and frustrate the attempts of the Government to eradicate polygamy and polygamous cohabitation.

The protest further charges that the conduct and practices of the first presidency and twelve apostles (of whom Mr. Smoot is one) are

well known to be, first, contrary to the public sentiment of the civilized world; second, contrary to express pledges which were given by the leaders of the Mormon Church in procuring amnesty; third, contrary to the express conditions upon which the escheated property of the Mormon Church was returned; fourth, contrary to the pledges given by the representatives of that church in their plea for statehood; fifth, contrary to the pledges required in the enabling act and given in the State constitution of Utah; sixth, contrary to a provision in the constitution of Utah providing that "there shall be no union of church and state, nor shall any church dominate the State or interfere with its functions," and seventh, contrary to law. The protest concludes by asking that the Senate make inquiry touching the matters stated in said protest.

This protest is followed by certain charges made by one John L. Leilich under oath, which are in the main of the same tenor and effect as the charges made in the protest with the additional charge that Mr. Smoot is a polygamist, having a legal wife and a plural wife, and the further charge that Mr. Smoot has, as an apostle of the Mormon Church, taken an oath "of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator."

ANSWER OF MR. SMOOT.

To the statements made in the protest and the charges by Mr. Leilich Mr. Smoot made answer, which answer is in the nature of a demurrer to all the charges contained in the protest and to the charges made by Mr. Leilich, except two, namely, that Mr. Smoot is a polygamist and that he is bound by some oath or obligation which is inconsistent with the oath taken by him as a Senator. Both these charges he denies, and further denies, specifically and categorically, the charges made in the protest and by Mr. Leilich.

AUTHORITY OF THE SENATE AND NATURE OF THE INVESTIGATION.

Before proceeding to an examination of the protest and answer, and the testimony taken by the committee, it may be well to examine, briefly, the authority of the Senate in the premises and the nature and scope of the investigation.

The Constitution provides (Art. 1, sec. V, par. 1) that "Each House shall be the judge of the elections, returns, and qualifications of its own Members." It is now well established by the decisions of the Senate in a number of cases that in order to be a fit representative of a sovereign State of the Union in the Senate of the United States one must be in all respects obedient to the Constitution and laws of the United States and of the State from which he comes, and must also be desirous of the welfare of his country and in hearty accord and sympathy with its Government and institutions. If he does not possess these qualifications, if his conduct has been such as to be prejudicial to the welfare of society, of the nation or its Government, he is regarded as being unfit to perform the important and confidential duties of a Senator, and may be deprived of a seat in the Senate, although he may have done no act of which a court of justice could take cognizance.

Thus William Blount, a Senator from the State of Tennessee, was, in the year 1797, deprived of his seat in the Senate for conduct "inconsistent with his public trust and duty as a Senator." His offense consisted in the writing of a letter to one Carey, an official interpreter to the Cherokee Nation, the conduct of Mr. Blount in writing said letter being characterized by the committee of investigation in that case as follows:

The plan hinted at in this extraordinary letter to be executed under the auspices of the British is so capable of different constructions and conjectures that your committee at present forbear giving any decided opinion respecting it, except that to Mr. Blount's own mind it appeared to be inconsistent with the interests of the United States and of Spain, and he was therefore anxious to conceal it from both. But when they consider his attempts to seduce Carey from his duty as a faithful interpreter and to employ him as an engine to alienate the affections and confidence of the Indians from the public officers of the United States residing among them; the measures he has proposed to excite a temper which must produce the recall or expulsion of our superintendent from the Creek Nation; his insidious advice tending to the advancement of his own popularity and consequence, at the expense and hazard of the good opinion which the Indians entertain of this Government and of the treaties subsisting between us and them, your committee have no doubt that Mr. Blount's conduct has been inconsistent with his public duty, renders him unworthy of a further continuance of his present public trust in this body, and amounts to a high misdemeanor.

The vote on the expulsion of Mr. Blount resulted as follows: Yeas, 25, nays, 1. (Senate Election Cases, 3d ed., pp. 929-933.)

In the year 1807, John Smith, a Senator from the State of Ohio, was accused of being associated with Aaron Burr in a conspiracy "against the peace and prosperity" of the United States. In the report of the committee—of which John Quincy Adams was chairman—appointed to investigate the case the committee say:

In examining the question whether these forms of judicial proceedings or the rules of judicial evidence ought to be applied to the exercise of that censorial authority which the Senate of the United States possesses over the conduct of its members, let us assume as the test of their application either the dictates of unfettered reason, the letter and spirit of the Constitution, or precedents, domestic or foreign, and your committee believe that the result will be the same—that the power of expelling a member must, in its nature, be discretionary, and in its exercise always more summary than the tardy process of judicial tribunals.

The power of expelling a member for misconduct results on the principles of common sense, from the interest of the Nation that the high trust of legislation should be invested in pure hands. When the trust is elective it is not to be presumed that the constituent body will commit the deposit to the keeping of worthless characters. But when a man whom his fellow-citizens have honored with their confidence on the pledge of his spotless reputation has degraded himself by commission of infamous crimes, which become suddenly and unexpectedly revealed to the world, defective indeed would be that institution which should be impotent to discard from its bosom the contagion of such a member, which should have no remedy of amputation to apply until the poison had reached the heart.

The question upon the trial of a criminal cause before the courts of common law is not between guilt and innocence, but between guilt and the possibility of innocence. If a doubt can possibly be raised, either by the ingenuity of the party or of his counsel, or by the operation of general rules in their unforeseen application to particular cases, that doubt must be decisive for acquittal, and the verdict of not guilty perhaps in nine cases out of ten means no more than that the guilt of the party has not been demonstrated in the precise, specific, and narrow forms prescribed by law. The humane spirit of the laws multiplies the barriers for the protection of innocence and freely admits that these barriers may be abused for the shelter of guilt. It avows a strong partiality favorable to the person upon trial and acknowledges the preference that ten guilty should escape rather than that one innocent should suffer. The interest of the public that a particular crime should be punished is but as one to ten compared with the interest of the party that innocence should be spared. Acquittal only restores the party to the common rights of every other citizen; it restores him

to no public trust; it invests him with no public confidence; it substitutes the sentence of mercy for the doom of justice, and to the eyes of impartial reason in the great majority of cases must be considered rather as a pardon than a justification.

But when a member of a legislative body lies under the imputation of aggravated offenses and the determination upon his cause can operate only to remove him from a station of extensive powers and important trust, this disproportion between the interest of the public and the interest of the individual disappears; if any disproportion exists, it is of an opposite kind. It is not better that ten traitors should be members of this Senate than that one innocent man should suffer expulsion. In either case, no doubt, the evil would be great. But in the former it would strike at the vitals of the nations; in the latter it might, though deeply to be lamented, only be the calamity of an individual.

The resolution reported by the said committee declaring "That John Smith, a Senator from the State of Ohio, by his participation in the conspiracy of Aaron Burr against the peace, union, and liberties of the people of the United States, has been guilty of conduct incompatible with his duty and station as a Senator of the United States, and that he be therefore, and hereby is, expelled from the Senate of the United States," received 19 affirmative votes to 10 in the negative. (Senate Election Cases, 3d ed., pp. 934-948.)

In 1862 Jesse D. Bright was expelled from the Senate for writing a letter to Jefferson Davis, "president of the Confederation of States," in March, 1861, introducing one Thomas B. Lincoln, who wished to dispose of an improvement in firearms. Some at least of the Senators who voted for Mr. Bright's expulsion asserted in effect that they did not claim that Mr. Bright had been guilty of treason, misprision of treason, or any other offense against the laws of this country. He was deprived of his seat in the Senate because it was believed that his desires and conduct were opposed to the welfare and interests of the nation.

In the course of the debate upon the question of expelling Mr. Bright Mr. Sumner used the following language:

* * * But the question may be properly asked if this inquiry is to be conducted as in a court of justice, under all the restrictions and technical rules of judicial proceedings? Clearly not. Under the Constitution, the Senate, in a case like the present, is the absolute judge, free to exercise its power according to its own enlightened discretion. It may justly declare a Senator unworthy of a seat in this body on evidence defective in form, or on evidence even which does not constitute positive crime. * * * It is obvious that the Senate may act on any evidence which shall be satisfactory to show that one of its members is unworthy of his seat without bringing it to the test of any rules of law. It is true that the good name of the individual is in question; but so also is the good name of the Senate, not forgetting also the welfare of the country; and if there are generous presumptions of personal innocence, so also are there irresistible instincts of self-defense which compel us to act vigorously, not only to preserve the good name of the Senate, but also to preserve the country. (Congressional Globe, 2d sess. 37th Cong., pt. 1, pp. 412, 413, 414.)

In the same debate Mr. Davis, of Kentucky, said:

* * * But what is the law? We are not sitting as a court trying the honorable Senator. There are some gentlemen, able men, very able men, men of enlarged patriotism, of eminent public and private virtue that have pursued the profession of the law so long, either as practitioners, counsellors and solicitors, or as judges, that their minds have become too contracted for enlarged statesmanship and the great principles of policy and moral justice, upon which governments ought to be administered, and upon which alone they can be wisely administered. They have dwarfed their minds to such an extent that they can not reason upon the expansive principle and sentiment and consideration that ought to guide and control the largest and wisest statesmanship.

There is no law which defines any particular class of offenses that shall be sufficient to expel a Senator from his seat. The common law does not. There is no statute

law that does. There are no rules of evidence establishing technical rules of testimony that are to guide and control and govern this body in getting its lights and reaching its conclusions when a Senator is thus on trial. The general rule and principle of law and of reason and common sense is that whatever disqualifies a member of the Senate from the proper discharge of his duties, whatever it may be, is sufficient, and ought to be held sufficient, for his expulsion, and whatever evidence satisfies the mind reasonably and according to moral certainty and truth of the existence of that cause is sufficient evidence without resorting to the technical rules of testimony upon which to convict him. That is the law of this country. It is the law of England. It is the law of Parliament. I will read from Story's Commentaries on the Constitution, section 836, a short paragraph:

" * * * In July, 1797, William Blount was expelled from the Senate for a high misdemeanor entirely inconsistent with his public trust and duty as a Senator. The offense charged against him was an attempt to seduce an American agent among the Indians from his duty and to alienate the affections and confidence of the Indians from the public authorities of the United States, and a negotiation for services in behalf of the British Government among the Indians. It was not a statutable offense; nor was it committed in his official character; nor was it committed during the session of Congress, nor at the seat of government. Yet, by an almost unanimous vote [25 yeas to 1 nay] he was expelled from that body and he was afterwards impeached (as has already been stated) for this, among other charges. It seems, therefore, to be settled by the Senate, upon full deliberation, that expulsion may be for any misdemeanor which, though not punished by any statute, is inconsistent with the trust and duty of a Senator."

There is the touchstone. Any conduct, any opinions, any line of action as a Senator which is inconsistent with the duty of a Senator, is a sufficient cause for his expulsion and ought to be the rule of reason and of common sense. * * * The principle deduced from the authorities is this: There is no common law, no statutory law, there is no parliamentary law that binds the Senate to any particular definition of crime or offense in acting in this or any other case of the kind. On the contrary, as these authorities establish, it is a matter coming within the discretion of the tribunal trying the Senator. (Congressional Globe, 2d sess. 37th Cong., pt. 1, pp. 434, 435.)

In the progress of the debate Mr. McDougall said:

* * * It is no question of law. We have not asked whether the Senator from Indiana is guilty or not guilty. We have to judge him in our best judgment, and by that we try him; and we say yea or nay, as we think, whether he be a true man or not to sit in the Federal councils to conduct the affairs of the United States. (Congressional Globe, 2d sess. 37th Cong., pt. 1, p. 655.)

To the same effect were the remarks made in the course of the same debate by Mr. Lane, Mr. Howe, Mr. Johnson, and Mr. Browning. (Congressional Globe, 2d sess. 37th Cong., pt. 1, pp. 417, 418, 560, 584, 623, 624.)

In the year 1867 Philip F. Thomas was denied a seat in the Senate of the United States, to which he had been duly elected, for the reason that he had resigned his seat in the cabinet of President Buchanan on account of his disagreement with the policy of the President in endeavoring to relieve the garrison of the forts in Charleston Harbor, and also because Mr. Thomas had given to his son, who was about to enter the service of the Confederate States, a sum of money, not to assist the son in going to the camp of the Confederate forces, but "that in case he was imprisoned or suffering he might have a sum of money with him." There was no well-founded claim that Mr. Thomas had been guilty of any act or conduct of which any court would take cognizance; the most that was claimed was that his conduct was such as to give "aid, countenance, and encouragement to persons engaged in armed hostility to the United States." (Senate Election Cases, 3d ed., pp. 333-339.)

In the British Parliament the same principle has been recognized in a number of cases and is now fully established.

In the year 1812 Benjamin Walsh was expelled from the House of Commons as "unworthy and unfit to continue a member of this House," on account of said Walsh having been guilty of "gross fraud and notorious breach of trust," although his offense was one "not amounting to felony." (67 Commons Journal, 175-176.) In that case the chancellor of the exchequer said:

He could not think that because an act of Parliament did not make a moral crime a legal one the House of Commons should be prevented from taking cognizance of it. (Hansard's Parliamentary Debates, first series, vol. 21, p. 1199.)

In the year 1814 Sir Thomas Cochrane was expelled from the House of Commons for being concerned in a conspiracy to spread the false report that the French army had been defeated, Napoleon killed, and that the allied sovereigns were in Paris, the object to be attained by such false report being "to occasion a temporary rise and increase in the prices of the public Government funds," to the injury of those who should purchase such funds "during such last-mentioned temporary rise and increase in the prices thereof." (69 Commons Journal, 427-433.)

THE PROTESTANTS.

The main protest in this case was signed by 18 reputable citizens of the State of Utah. One of the signers, Dr. W. M. Paden, is the pastor of one of the leading Protestant churches of Salt Lake City and a graduate of Princeton University; another, Mr. P. L. Williams, is the general counsel of a railroad in Utah and the Western States; another, Mr. E. W. Wilson, is the cashier of a national bank in Salt Lake City; another, Mr. C. C. Goodwin, the editor of one of the leading papers of that city; another, Mr. W. S. Neldin, the president of a wholesale drug company doing business not only in Utah, but in other of the Western States; another, Mr. Ezra Thompson, a gentleman who has held the office of mayor of Salt Lake City for two terms; another, Mr. J. J. Corwin, a man engaged in real estate, who has been a resident of Utah for about sixteen years; five others, Mr. George R. Hancock, Mr. W. M. Ferry, Mr. Harry C. Hill, Hon. C. E. Allen, and Mr. H. G. McMillan, are men holding positions in the mining industry of Utah. Mr. Allen was the first Representative in Congress from the State of Utah. Another of the signers of the protest, Mr. G. H. Lewis, was formerly assistant United States attorney and is now master in chancery of the United States circuit court. Rev. Abiel Leonard was, up to the time of his death, which occurred in November, 1903, the Bishop of the Diocese of Utah of the Protestant Episcopal Church. From the standing and character of the signers, it is evident that the protest is not the offspring of suspicion or prejudice, but that such protest emanates from men of such character and respectability as to be entitled to serious and careful consideration and the facts therein stated to be worthy of investigation by the Senate.

As regards the charge that Mr. Smoot has a plural wife, this fact, if proved, is conceded by Mr. Smoot and his counsel to be sufficient to disqualify him from holding a seat in the Senate. But this accusation seems to have been made by Mr. Leilich, unadvisedly and on his own responsibility, and without any sufficient evidence in support of the same. This charge is not made in the main protest, and counsel for the protestants at the outset of the investigation very frankly admitted that they had no proof to offer in support of this allegation.

ENCOURAGEMENT OF POLYGAMY AND POLYGAMOUS COHABITATION BY
THE MORMON AUTHORITIES.

The first reason assigned by the protestants why Mr. Smoot is not entitled to a seat in the Senate is in effect that he belongs to a self-perpetuating body of fifteen men who constitute the ruling authorities of the Church of Latter-Day Saints, or "Mormon Church," so called; that this ruling body of the church both claims and exercises the right of shaping the belief and controlling the conduct of the members of that church in all matters whatsoever, civil and religious, temporal and spiritual. It is then alleged that this self-perpetuating body of fifteen men, of whom Mr. Smoot is one, uniting in themselves authority in both church and state so exercise this authority as to encourage a belief in polygamy as a divine institution and by both precept and example encourage among their followers the practice of polygamy and polygamous cohabitation.

That the first presidency and twelve apostles of the Mormon Church are a self-perpetuating body of fifteen men, seems to be well established by the testimony of the one most competent to speak upon that subject, the president of the Church of Latter-Day Saints, Mr. Joseph F. Smith, who testifies, as will be seen on pages 91 and 92 of volume 1 of the printed copy of the proceedings in the investigation, that vacancies occurring in the number of the twelve apostles are filled by the apostles themselves with the consent and approval of the first presidency.

The testimony of Mr. Smith is as follows:

Senator McCOMAS. And the twelve apostles were then first named?

Mr. SMITH. Yes, sir.

Senator McCOMAS. When vacancies occurred thereafter, by what body were the vacancies in the twelve apostles filled?

Mr. SMITH. Perhaps I may say in this way: Chosen by the body, the twelve themselves, by and with the consent and approval of the first presidency.

Senator HOAR. Was there a revelation in regard to each of them?

Mr. SMITH. No, sir; not in regard to each of them. Do you mean in the beginning?

Senator HOAR. I understand you to say that the original twelve apostles were selected by revelation?

Mr. SMITH. Yes, sir; that is right.

Senator HOAR. Is there any revelation in regard to the subsequent ones?

Mr. SMITH. No, sir; it has been the choice of the body.

Senator McCOMAS. Then the apostles are perpetuated in succession by their own act and the approval of the first presidency?

Mr. SMITH. That is right.

To the same effect is the testimony of Francis M. Lyman.

It further appears that any one of the twelve apostles may be removed by his fellow-apostles without consulting the members of the church in general. It is also in proof that the first presidency and twelve apostles govern the church by means of so-called revelations from God, which revelations are given to the membership of the church as emanating from divine authority. It is also shown that those members of the Mormon Church who refuse to obey the revelations so communicated by the priesthood thereby become out of harmony with the church and are thus practically excluded from the blessings, benefits, and privileges of membership in the church.

It is also well established by the testimony that the members of the Mormon Church are governed in all things by the first presidency and

twelve apostles. That this authority is extended to the membership through a series and succession of subordinate officials, consisting of presidents of seventies, presiding bishops, elders, presidents of stakes, bishops, and other officials. That one of the chief requirements by the leaders of the church is that members shall take counsel of their religious superiors in all things whatsoever, whether civil or religious, temporal or spiritual. That the failure to receive and obey counsel in any of these matters subjects the one who refuses to the discipline of the church. That this discipline is administered in the first instance by the subordinate officials, subject to the right to appeal to the higher officials of the church, and ultimately to the first president and twelve apostles. These rules, enforced, as they are, by the discipline of the Mormon Church constitute the first president and twelve apostles a hierarchy, a body of men at the head of a religious organization governing their followers with absolute and unquestioned authority in all things relating to temporal and political, as well as to spiritual affairs.

The testimony taken before the committee also shows beyond a reasonable doubt that this authority of the first presidency and twelve apostles is so exercised over the members of the Mormon Church as to inculcate a belief in the divine origin of polygamy and its rightfulness as a practice, and also to encourage the membership of that church in the practice of polygamy and polygamous cohabitation. While this is denied on the part of the officials of the church, the truthfulness of the claim of the protestants in this regard is shown by a great number of facts and circumstances, no one of which is perhaps conclusive in itself, but when taken together form a volume of testimony so cogent and convincing as to leave no reasonable doubt in the mind that the truth is as stated by the protestants. It is proved without denial that the Book of Doctrine and Covenants, one of the leading authorities of the Mormon Church, and still circulated by that church as a book equal in authority to the Bible and the Book of Mormon, contains the revelation regarding polygamy, of which the following is a part:

61. And again, as pertaining to the law of the priesthood: If any man espouse a virgin and desires to espouse another and the first give her consent, and if he espouse the second, and they are virgins and have vowed to no other man, then he is justified—he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth to him and to no one else.

62. And if he have 10 virgins given unto him by this law he can not commit adultery, for they belong to him and they are given unto him; therefore is he justified.

63. But if one or either of the 10 virgins, after she is espoused, shall be with another man she has committed adultery and shall be destroyed, for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

64. And again, verily, verily, I say unto you, if any man hath a wife who holds the keys of this power and he teaches unto her the law of my priesthood, as pertaining these things, then shall she believe and administer unto him or she shall be destroyed, said the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law.

65. Therefore, it shall be lawful in me, if she receives not this law for him to receive all things whatsoever I, the Lord his God, will give unto him, because she did not minister unto him according to my word; and she then becomes the transgressor; and he is exempt from the law of Sarah who ministered unto Abraham according to the law, when I commanded Abraham to take Hager to wife.

It is also shown that numerous other publications of the Mormon Church are still circulated among the members of that church with the

knowledge and by the authority of the church officials, which contain arguments in favor of polygamy. The Book of Doctrine and Covenants is not only still put forth to the members of the church as authoritative in all respects, but the first presidency and twelve apostles have never incorporated therein the manifesto forbidding the practice of polygamy and polygamous cohabitation, nor have they at any time or in anyway qualified the reputed revelation to Joseph Smith regarding polygamy. And this Book of Doctrine and Covenants, containing the polygamic revelation, is regarded by Mormons as being of higher authority than the manifesto suspending polygamy.

Bearing in mind the authority of the first presidency and twelve apostles over the whole body of the Mormon Church, it is very evident that if polygamy were discountenanced by the leaders of that church it would very soon be a thing of the past among the members of that church. On the contrary, it appears that since the admission of Utah into the Union as a State the authorities of the Mormon Church have countenanced and encouraged the commission of the crime of polygamy instead of preventing it, as they could easily have done.

A sufficient number of specific instances of the taking of plural wives since the manifesto of 1890, so called, have been shown by the testimony as having taken place among officials of the Mormon Church to demonstrate the fact that the leaders in this church, the first presidency and the twelve apostles, connive at the practice of taking plural wives, and have done so ever since the manifesto was issued which purported to put an end to the practice. It has been shown by the testimony, so clearly as to leave no doubt of the fact, that as late as 1896 one Lillian Hamlin became the plural wife of Abraham H. Cannon, who was then an apostle of the Mormon Church. This is shown by the proof of these facts:

Down to the year 1895 Lillian Hamlin was a single woman. In 1896 she received attentions from Abraham H. Cannon, these attentions being of a character to indicate that there was more than a friendly relation existing between the two. In June, 1896, Abraham H. Cannon informed his plural wife that he was going to California with Joseph F. Smith and Lillian Hamlin to be married to Lillian Hamlin at some place outside the United States. While in California Joseph F. Smith went with Abraham H. Cannon and Lillian Hamlin from Los Angeles to Catalina Island. After the return of the party to Los Angeles, Abraham H. Cannon and Lillian Hamlin lived together as husband and wife. Returning to Salt Lake City, Abraham H. Cannon told his plural wife that he had been married to Lillian Hamlin. From that time it was generally reputed in the community and understood by the families of both Abraham H. Cannon and Lillian Hamlin that a marriage had taken place between them; that they had been married on the high seas by Joseph F. Smith. Lillian Hamlin assumed the name of Cannon, and a child to which she afterwards gave birth bears the name of Cannon and inherited a share of the estate of Abraham H. Cannon. The prominence of Abraham H. Cannon in the church, the publicity given to the fact of his taking Lillian Hamlin as a plural wife, render it practically impossible that this should have been done without the knowledge, the consent, and the connivance of the headship of that church.

George Teasdale, another apostle of the Mormon Church, contracted a plural marriage with Marion Scholes since the manifesto of 1890. The president of the Mormon Church endeavors to excuse this act upon the pretext that the first marriage of George Teasdale was not a legal marriage, but the testimony taken from the divorce proceedings which separated George Teasdale from his lawful wife, wholly controverts this assertion on the part of President Smith.

It is also in evidence that Walter Steed, a prominent Mormon, contracted a plural marriage after the manifesto of 1890. Charles E. Merrill, a bishop of the Mormon Church, took a plural wife in 1891, more than a year after the issuing of the manifesto. The ceremony uniting said Merrill to his plural wife was performed by his father, who was then and until the time of his death an apostle in the Mormon Church. It is also shown that John W. Taylor, another apostle of the Mormon Church, has been married to two plural wives since the issuing of the so-called manifesto.

Matthias F. Cowley, another of the twelve apostles, has also taken one or more plural wives since the manifesto. While the proof that Apostles Taylor and Cowley have married plural wives since the manifesto may not be so free from all possible doubt as is the proof in the case of Abraham Cannon, the fact that the proofs presented to the committee showing such marriages by Taylor and Cannon stand wholly uncontroverted, and the further fact that Apostles Taylor and Cowley, instead of appearing before the committee and denying the allegation, evade service of process issued by the committee for their appearance, and refuse to appear after being requested to do so, warrant the conclusion that the allegation is true and that said Taylor and Cowley have taken plural wives since the manifesto.

While the fact does not appear from any sworn testimony in the case, it is a matter of common report that Taylor and Cowley have recently been dropped from the list of apostles. But this fact in no way counteracts the influence of the Mormon leaders in their encouragement of polygamy. When Taylor and Cowley took their more recent plural wives they were numbered among the apostles in good standing. The fact that they had taken plural wives since the manifesto was well known to their associates for months and years. But they were continued as apostles, and no action was taken in the case of either until the facts were revealed to the world by this investigation. And it is worthy of note that these apostles have not been complained of or brought to trial before the church courts for disobeying the manifesto, nor have they been deprived of their offices or honors in the church (as was done in the case of Moses Thatcher for a political offense), but they are still members of the church in good standing, each still holds the office of an elder in the church, and each is still a member of the high priesthood of the church.

The dropping of Taylor and Cowley from the quorum of the twelve apostles was so evidently done for popular effect that the act merits no consideration whatever, except as an admission by the first presidency and twelve apostles that Apostles Taylor and Cowley have each taken one or more plural wives since the manifesto.

It is also proved that about the year 1896 James Francis Johnson was married to a plural wife, Clara Mabel Barber, the ceremony in this instance being performed by an apostle of the Mormon Church.

To these cases must be added that of Marriner W. Merrill, another apostle; J. M. Tanner, superintendent of church schools; Benjamin Cluff, jr., president of Brigham Young University; Thomas Chamberlain, counselor to the president of a stake; Bishop Rathall, John Silver, Winslow Farr, Heber Benion, Samuel S. Newton, a man named Okey, who contracted a plural marriage with Ovena Jorgensen in the year 1897, and Morris Michelson about the year 1902. In the case of Benjamin Cluff, jr., before referred to, the polygamous marriage was tacitly sanctioned by President Joseph F. Smith when he "referred to Sister Cluff and the work she had been doing among the children in Colonia Diaz, Mexico."

It is morally impossible that all these violations of the laws of the State of Utah by the contracting of plural marriages could have been committed without the knowledge of the first presidency and the twelve apostles of the Mormon Church. In two of the above cases, that of George Teasdale and that of Benjamin Cluff, jr., the fact of the plural marriage was directly communicated to the president of the church, Joseph F. Smith, and in the other cases, with the possible exception of James Francis Johnson, the fact of a plural marriage having been celebrated was so well known throughout the community that it is not conceivable that such marriages would not have been called to the attention of the leaders of the church. Indeed, there was no denial on the part of the first president or any one of the twelve apostles that they learned of the fact that plural marriages were being contracted by officials of the Mormon Church and that no attention was paid to the matter. The excuse given by them was that it was not their duty to interfere in such matters; that the law furnished a remedy. Furthermore, it was shown by the testimony of one of the twelve apostles and of other witnesses that "under the established law of the church no person could secure a plural wife except by consent of the president of the church."

SUPPRESSION OF TESTIMONY BY MORMON LEADERS.

It is a fact of no little significance in itself, bearing on the question whether polygamous marriages have been recently contracted in Utah by the connivance of the first presidency and twelve apostles of the Mormon Church, that the authorities of said church have endeavored to suppress, and have succeeded in suppressing, a great deal of testimony by which the fact of plural marriages contracted by those who were high in the councils of the church might have been established beyond the shadow of a doubt. Before the investigation had begun it was well known in Salt Lake City that it was expected to show on the part of the protestants that Apostles George Teasdale, John W. Taylor, and M. F. Cowley, and also Prof. J. M. Tanner, Samuel Newton and others who were all high officials of the Mormon Church had recently taken plural wives, and that in 1896 Lillian Hamlin was sealed to Apostle Abraham H. Cannon as a plural wife by one of the first presidency and twelve apostles of the Mormon Church. All, or nearly all, of these persons except Abraham H. Cannon, who was deceased, were then within reach of service of process from the committee. But shortly before the investigation began all these witnesses went out of the country.

Subpœnas were issued for each one of the witnesses named, but in the case of Samuel Newton only could the process of the committee be served. Mr. Newton refused to obey the order of the committee, alleging no reason or excuse for not appearing. It is shown that John W. Taylor was sent out of the country by Joseph F. Smith on a real or pretended mission for the church. And it is undeniably true that not only the apostles, but also all other officials of the Mormon Church, are at all times subject to the orders of the governing authorities of the church.

It would be nothing short of self-stultification for one to believe that all these most important witnesses chanced to leave the United States at about the same time and without reference to the investigation. All the facts and circumstances surrounding the transaction point to the conclusion that every one of the witnesses named left the country at the instance of the rulers of the Mormon Church and to avoid testifying before the committee. It is, furthermore, a fact which can not be questioned that every one of these witnesses is under the direction and control of the first presidency and twelve apostles of the Mormon Church. Had those officials seen fit to direct the witnesses named to return to the United States and give their testimony before the committee, they would have been obliged to do so. The reason why the said witnesses left the country and have refused to come before the committee is easy to understand, in view of the testimony showing the contracting of plural marriages by prominent officials of the Mormon Church within the past few years.

It was claimed by the protestants that the records kept in the Mormon temple at Salt Lake City and Logan would disclose the fact that plural marriages have been contracted in Utah since the manifesto with the sanction of the officials of the church. A witness who was required to bring the records in the temple at Salt Lake City refused to do so after consulting with President Smith. It is claimed by counsel for Mr. Smoot that this witness was not mentally competent to testify; but his testimony may be searched in vain for any internal evidence of such incompetency, and there was nothing in the appearance of the witness when testifying to suggest to the committee that he was not as competent to testify as any witness who was examined during the course of the investigation.

The witness who was required to bring the records kept in the temple at Logan excused himself from attending on the plea of ill health. But the important part of the mandate of the committee—the production of the records—was not obeyed by sending the records, which could easily have been done.

In the case of other witnesses who were believed to have contracted plural marriages since the year 1890 all sorts of shifts, tricks, and evasions were resorted to in order to avoid service of a subpœna to appear before the committee and testify.

These instances of the suppression of testimony by the direct order or tacit consent of the ruling authorities of the Mormon Church warrant the committee in believing that the suppressed testimony would, if produced, strongly corroborate the testimony which was given, showing that those who direct the affairs of the Mormon Church countenance and encourage polygamous marriages, as well as polygamous cohabitation, and that the allegations of the protestants in that regard are true.

MORMON OFFICIALS LIVING IN POLYGAMOUS COHABITATION.

Aside from this it was shown by the testimony, and in such a way that the fact could not possibly be controverted, that a majority of those who give the law to the Mormon Church are now, and have been for years, living in open, notorious, and shameless polygamous cohabitation. The list of those who are thus guilty of violating the laws of the State and the rules of public decency is headed by Joseph F. Smith, the first president, "prophet, seer, and revelator" of the Mormon Church, who testified in regard to that subject as follows:

Mr. TAYLOR. Is the cohabitation with one who is claimed to be a plural wife a violation of the law of the church as well as of the law of the land?

Mr. SMITH. That was the case, and is the case even to-day.

Mr. TAYLOR. What was the case; what you are about to say?

Mr. SMITH. That it is contrary to the rule of the church, and contrary as well to the law of the land, for a man to cohabit with his wives. * * * I have cohabited with my wives; not openly—that is, not in a manner that I thought would be offensive to my neighbors—but I acknowledged them; I have visited them. They have borne me children since 1890, and I have done it, knowing the responsibility and knowing that I was amenable to the law. * * *

Mr. TAYLOR. In 1892, Mr. Smith, how many wives did you have?

Mr. SMITH. In 1892?

Mr. TAYLOR. Yes.

Mr. SMITH. I had five. * * *

Mr. TAYLOR. My question is, How many children have been born to him by these wives since 1890?

Mr. SMITH. I had eleven children born since 1890.

Mr. TAYLOR. Those are all the children that have been born to you since 1890?

Mr. SMITH. Yes, sir; those are all.

Mr. TAYLOR. Were those children by all of your wives; that is, did all of your wives bear children?

Mr. SMITH. All of my wives bore children.

Mr. TAYLOR. Since 1890?

Mr. SMITH. That is correct.

The CHAIRMAN. I understand since 1890?

Mr. SMITH. Since 1890. I said that I have had born to me eleven children since 1890, each of my wives being the mother of from one to two of those children. * * *

The CHAIRMAN. Mr. Smith, I will not press it, but I will ask you if you have any objection to stating how many children you have in all.

Mr. SMITH. Altogether?

The CHAIRMAN. Yes.

Mr. SMITH. I have had born to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them. * * *

The CHAIRMAN. Do you obey the law in having five wives at this time and having them bear to you 11 children since the manifesto of 1890?

Mr. SMITH. Mr. Chairman, I have not claimed that in that case I have obeyed the law of the land.

The CHAIRMAN. That is all.

Mr. SMITH. I do not claim so, and, as I said before, that I prefer to stand my chances against the law. (Vol. 1, pp. 129, 133, 148, 197, 382.)

The list also includes George Teasdale, an apostle; John W. Taylor, an apostle; John Henry Smith, an apostle; Marriner W. Merrill, also an apostle; Heber J. Grant, an apostle; M. F. Cowley, an apostle; Charles W. Penrose, an apostle; and Francis M. Lyman, who is not only an apostle, but the probable successor of Joseph F. Smith as president of the church. Thus it appears that the first president and eight of the twelve apostles, a considerable majority of the ruling authorities of the Mormon Church, are noted polygamists.

In addition to these, the list includes Brigham H. Roberts, who is one of the presidents of seventies and a leading official of the church; J. M. Tanner, superintendent of the church schools; Andrew Jenson,

assistant historian of the church; Thomas H. Merrill, a bishop of the church; Alma Merrill, one of the presidency of a church stake; Angus M. Cannon, patriarch of the Mormon Church; a man named Greenwald, who is at the head of a church school; George Reynolds, one of the first seven presidents of seventies and first assistant superintendent of Sunday schools of the world; George H. Brimhall, president of Brigham Young University; and Joseph Hickman, teacher in Brigham Young University. All the officials named were appointed, either directly or indirectly, by the first presidency and twelve apostles; and in the case of J. M. Tanner, his appointment to his present office was made after he had been compelled to resign his position as president of the agricultural college because of the fact that he was a polygamist.

These facts abundantly justify the assertion made in the protest that "the supreme authorities in the church, of whom Senator-elect Reed Smoot is one, to wit, the first presidency and twelve apostles, not only connive at violation of, but protect and honor the violators of the laws against polygamy and polygamous cohabitation."

It will be seen by the foregoing that not only do the first presidency and twelve apostles encourage polygamy by precept and teaching, but that a majority of the members of that body of rulers of the Mormon people give the practice of polygamy still further and greater encouragement by living the lives of polygamists, and this openly and in the sight of all their followers in the Mormon Church. It can not be doubted that this method of encouraging polygamy is much more efficacious than the teaching of that crime by means of the writings and publications of the leaders of the church, and this upon the familiar principle that "actions speak louder than words."

And not only do the president and a majority of the twelve apostles of the Mormon Church practice polygamy, but in the case of each and every one guilty of this crime who testified before the committee, the determination was expressed openly and defiantly to continue the commission of this crime without regard to the mandates of the law or the prohibition contained in the manifesto. And it is in evidence that the said first president, addressing a large concourse of the members of the Mormon Church at the tabernacle in Salt Lake City in the month of June, 1904, declared that if he were to discontinue the polygamous relation with his plural wives he should be forever damned, and forever deprived of the companionship of God and those most dear to him throughout eternity. Thus it appears that the "prophet, seer, and revelator" of the Mormon Church pronounces a decree of eternal condemnation throughout all eternity upon all members of the Mormon Church who, having taken plural wives, fail to continue the polygamous relation. So that the testimony upon that subject, taken as a whole, can leave no doubt upon any reasonable mind that the allegations in the protest are true, and that those who are in authority in the Mormon Church, of whom Mr. Smoot is one, are encouraging the practice of polygamy among the members of that church, and that polygamy is being practiced to such an extent as to call for the severest condemnation in all legitimate ways.

THE MANIFESTO A DECEPTION.

Against these facts the authorities of the Mormon Church urge that in the year 1890 what is generally termed a manifesto was issued by

the first presidency of that church, suspending the practice of polygamy among the members of that church. It may be said in the first place that this manifesto misstates the facts in regard to the solemnization of plural marriages within a short period preceding the issuing of the manifesto. It now appears that in a number of instances plural marriages had been solemnized in the Mormon Church, and, in the case of those high in authority in that church, within a very few months preceding the issuing of the manifesto.

It is also observable that this manifesto in no way declares the principle of polygamy to be wrong or abrogates it as a doctrine of the Mormon Church, but simply suspends the practice of polygamy to be resumed at some more convenient season, either with or without another revelation. It is now claimed by the first president and other prominent officials of the Mormon Church that the manifesto was not a revelation, but was, at the most, an inspired document, designed "to meet the hard conditions then confronting" those who were practicing polygamy and polygamous cohabitation, leaving what the Mormon leaders are pleased to term "the principle of plural marriage" as much a tenet of their faith and rule of practice when possible, as it was before the manifesto was issued. Upon that subject Joseph F. Smith testified as follows:

Mr. TAYLOR. The revelation which Wilford Woodruff received in consequence of which the command to take plural wives was suspended did not, as you understand, change the divine view of plural marriage, did it?

Mr. SMITH. It did not change our belief at all.

Mr. TAYLOR. It did not change your belief at all?

Mr. SMITH. Not at all, sir.

Mr. TAYLOR. You continued to believe that plural marriages were right?

Mr. SMITH. We did. I did, at least. I do not answer for anybody else. I continue to believe as I did before. (Vol. 1, p. 107.)

Senator HOAR. The apostle says that a bishop must be sober and must be the husband of one wife.

Mr. SMITH. At least.

And one of the twelve apostles has declared the fact to be that "the manifesto is only a trick to beat the devil at his own game." Further than this, it is conceded by all that this manifesto was intended to prohibit polygamous cohabitation as strongly as it prohibited the solemnization of plural marriages. In the case of polygamous cohabitation, the manifesto has been wholly disregarded by the members of the Mormon Church. It is hardly reasonable to expect that the members of that church would have any greater regard for the prohibition of plural marriage.

The contention that the practice of polygamy is rightful as a religious ceremony and therefore protected by that provision of the Constitution of the United States which declares that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof," ought to be forever set at rest by the repeated decisions of the Supreme Court of the United States. In the case of the Mormon Church *v.* The United States, Justice Bradley, in delivering the opinion of the court, said:

One pretense for this obstinate course is that their belief in the practice of polygamy, or in the right to indulge in it, is a religious belief, and therefore under the protection of the constitutional guaranty of religious freedom. This is altogether a sophistical plea. No doubt the Thuge of India imagined that their belief in the right of assassination was a religious belief; but their thinking so did not make it so. The practice of suttee by the Hindu widows may have sprung from a supposed relig-

ious conviction. The offering of human sacrifices by our own ancestors in Britain was no doubt sanctioned by an equally conscientious impulse. But no one on that account would hesitate to brand these practices now as crimes against society, and obnoxious to condemnation and punishment by the civil authority.

In the case of *Davis v. Beason*, Justice Field, in delivering the opinion of the court, said:

Bigamy and polygamy are crimes by the laws of all civilized and Christian countries. They are crimes by the laws of the United States, and they are crimes by the laws of Idaho. They tend to destroy the purity of the marriage relation, to disturb the peace of families, to degrade woman, and to debase man. Few crimes are more pernicious to the best interests of society and receive more general or more deserved punishment. To extend exemption from punishment for such crimes would be to shock the moral judgment of the community. To call their advocacy a tenet of religion is to offend the common sense of mankind.

ONE LIVING IN POLYGAMOUS COHABITATION IS IN LAW A POLYGAMIST.

The members of the first presidency and twelve apostles of the Mormon Church claim that there is a distinction between what they term polygamy—that is, the contracting of plural marriages—and polygamous cohabitation with plural wives. But under the circumstances this distinction is little short of ridiculous. As is demonstrated by the testimony, the so-called manifesto was aimed at polygamous cohabitation, as well as against the taking of plural wives, and it is the veriest sophistry to contend that open notorious cohabitation with plural wives is less offensive to public morals than the taking of additional wives. Indeed, it is the testimony of some of those who reside in communities that are cursed by the evils of polygamy that polygamous cohabitation is fully as offensive to the sense of decency of the inhabitants of those communities as would be the taking of plural wives.

And this excuse of the Mormon leaders is as baseless in law as it is in morals. In the case of *Murphy v. Ramsay*, decided by the Supreme Court of the United States and reported in the United States Supreme Court Reports, volume 114, page 15, it was decided that any man is a polygamist who maintains the relation of husband to a plurality of wives, even though in fact he may cohabit with only one. The court further held in the same case that a man occupying this relation to two or more women can only cease to be a polygamist when he has finally and fully dissolved the relation of husband to several wives. In other words, there is and can be no practical difference in law or in morals between the offense of taking plural wives and the offense of polygamous cohabitation. The same doctrine is affirmed in the case of *Canon v. United States* (116 U. S. Supreme Court Reports, p. 55).

MR. SMOOT RESPONSIBLE FOR THE CONDUCT OF THE ORGANIZATION TO WHICH HE BELONGS.

It is urged in behalf of Mr. Smoot that, conceding it to be true that the first president and some of the apostles are living in polygamy and that some of the leaders of the Mormon Church encourage polygamous practices, Mr. Smoot himself is not a polygamist, does not practice polygamy, and that there is no evidence that he has personally and individually encouraged the practice of polygamy by members of the Mormon Church, and that he ought not to be condemned because

of the acts of his associates. This position is wholly untenable. Mr. Smoot is an inseparable part of the governing body of the Mormon Church—the first presidency and twelve apostles—and those who compose that organization form a unit, an entirety, and whatever is done by that organization is the act of each and every member thereof, and whatever policy is adopted and pursued by the body which controls the Mormon Church Mr. Smoot must be held to be responsible for as a member of that body. That one may be legally, as well as morally, responsible for unlawful acts which he does not himself commit is a rule of law too elementary to require discussion. “What one does by another he does by himself” is a maxim as old as the common law. And as the first presidency and twelve apostles of the Mormon Church have authority over the spiritual affairs of the members of that church, it follows that such governing body of said church has supreme authority over the members of that church in respect to the practice of polygamy and polygamous cohabitation.

In England in former years, and under the canon law, matters of marriage, divorce, and legitimacy were under the jurisdiction of the ecclesiastical courts of the Kingdom, in which the punishment was in the nature of a spiritual penalty for the good of the soul of the offender, this penalty in many cases being that of excommunication or expulsion from the church. (1 Blackstone's Commentaries, 481; 3 Blackstone's Commentaries, 92; 4 Blackstone's Commentaries, 153 and note; Reynolds v. United States, 98 U. S., 145, 164-165.) And in later years, while the civil law now prohibits and punishes bigamy, the authorities of every Christian church in this country take cognizance of matrimonial affairs and by the authority of the church in spiritual matters prevent and punish by censure or expulsion any infraction of the rules of the church regarding marriage.

The testimony taken upon this investigation shows beyond controversy that the authority of the first presidency and the twelve apostles of the Mormon Church over the members of said church is such that were the said first presidency and twelve apostles to prohibit the practice of polygamy and polygamous cohabitation by its members and abandon the practice themselves and expel from the church all who should persist in the practice, those offenses would instantly cease in that church. And the fact that not a single member of the Mormon Church has ever fallen into disfavor on account of polygamous practices is conclusive proof that the ruling authorities of that church countenance and encourage polygamy.

The conduct of Mr. Smoot in this regard can not be separated from that of his associates in the government of the Mormon Church. Whatever his private opinions or his private conduct may be, he stands before the world as an integral part of the organization which encourages, counsels, and approves polygamy, which not only fails to discipline those who break the laws of the country, but, on the contrary, loads with honors and favors those who are among the most noted polygamists within the pale of that church.

It is an elementary principle of law that where two or more persons are associated together in an act, an organization, an enterprise, or a course of conduct, which is in its character or purpose unlawful, the act of any one of those who are thus associated is the act of all, and the act of any number of the associates is the act of each one of the others.

An eminent legal authority says:

Every person entering into a conspiracy 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 conspirators have jointly assumed to themselves, as a body, the attribute of individuality so far as regards the prosecution of the common design, thus rendering whatever is done or said by anyone in furtherance of that design a part of the *res gestae* and therefore the act of all. (2 Greenleaf on Evidence, secs. 93, 94. See also *Commonwealth v. Warren*, 6 Mass., 74; *People v. Mather*, 4 Wend., 229, 260; *People v. Peckens*, 153 N. Y., 576, 586, 593; *United States v. Gooding*, 12 Wheaton, 459, 469; *American Fur Company v. United States*, 2 Peters, 358, 365; *Nudd et al. v. Burrows*, 91 U. S., 426, 438; *United States v. Mitchell*, 1 Hughes, 430 (Federal cases No. 15790); *Stewart v. Johnson*, 3 Har. (N. J.), 87; *Hinchman v. Ritchie*, Brightley's N. P. (Pa.), 143; *Freeman v. Stine*, 34 Leg. Int. (Pa.), 95; *Spies et al. v. People*, 122 Illinois, 1.)

The case last cited illustrates this principle more forcibly than any of the others referred to. In that case, which is commonly known as "the anarchists' case," there was, as to some of the defendants, very little evidence, and as to others of the defendants no satisfactory evidence that they were present at the commission of the murder with which they were charged, or advised or intended the murder which was committed by an unknown person. But it was proved that the defendants were members of an organization known as the International Association of Chicago, having for its object the destruction of the law and government and incidentally of the police and militia as the representatives of law and government, and that some of the defendants had, by spoken and printed appeals to workingmen and others, urged the use of force, deadly weapons, and dynamite in resistance to the law and its officers.

In denying the motion for a new trial in the anarchists' case the judge who presided at the trial used the following language:

Now on the question of the instructions, whether these defendants, or any of them, anticipated or expected the throwing of the bomb on the night of the 4th of May is not a question which I need to consider, because the conviction can not be sustained, if that is necessary to a conviction, however much evidence of it there may be, because the instructions do not go upon that ground. The jury were not instructed to find the defendants guilty if they believed they participated in the throwing of that bomb, or advised or encouraged the throwing of that bomb, or anything of that sort. Conviction has not gone upon the ground that they did have any personal participation in the particular act which caused the death of Degan, but the conviction proceeds upon the ground, under the instructions, that they had generally by speech and print, advised large classes of the people, not particular individuals, but large classes, to commit murder, and have left the commission, time, and place, to the individual will and whim, or caprice, or whatever it may be, of each individual man who listened to their advice and influenced by that advice somebody not known did throw the bomb which caused Degan's death. (Century Magazine, April, 1893, p. 835.)

It will be seen by the decision of the court upon the motion for a new trial in the case of *Spies et al. v. People* that the anarchists were not convicted upon the ground that they had participated in the murder of which they were convicted. Whether they were or were not participants in the commission of this crime was not the main question at issue. They were convicted because they belonged to an organization which, as an organization, advised the commission of acts which would lead to murder.

Of like import is the decision in the case of *Davis v. Beason*, decided by the Supreme Court of the United States in 1889, the decision being

reported in volume 133, United States Supreme Court Reports, page 333. At the time of this decision the Revised Statutes of the State of Idaho provided that no person "who is a member of any order, organization, or association which teaches, advises, counsels, or encourages its members, devotees, or any other persons to commit the crime of bigamy or polygamy, or any other crime defined by law, either as a rite or ceremony of such order, organization, or association or otherwise, is permitted to vote at any election or to hold any position or office of honor, trust, or profit within this Territory."

This provision of law the Supreme Court of the United States held to be constitutional and legal. It will be observed that this act disfranchises certain persons and makes them ineligible to any position or office of honor, trust, or profit, not for committing the crime of polygamy, nor for teaching, advising, counseling, or encouraging others to commit the crime, but because of their membership in an organization which teaches, advises, counsels, and encourages others to commit the crime of polygamy. In *Wooley v. Watkins* (2 Idaho Rep., 555, 566), the court say:

Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognition and participation as make them particeps criminis and as guilty, in contemplation of criminal law, as though they actually engaged in furthering their unlawful objects and purposes. (See also *Innis v. Bolton*, 2 Idaho Rep., 407, 414.)

It being a fact that the first presidency and the twelve apostles of the Mormon Church teach, advise, counsel, and encourage the members of that church to practice polygamy and polygamous cohabitation, which are contrary to both law and morals, and Mr. Smoot, being a member of that organization, he must fall under the same condemnation.

And the rule in civil cases is the same as that which obtains in the administration of criminal law. One who is a member of an association of any nature is bound by the action of his associates, whether he favors or disapproves of such action. He can at any time protect himself from the consequences of any future action of his associates by withdrawing from the association, but while he remains a member of the association he is responsible for whatever his associates may do.

MR. SMOOT HAS COUNTENANCED AND ENCOURAGED POLYGAMY.

But the complicity of Mr. Smoot in the conduct of the leaders of the Mormon Church in encouraging polygamy and polygamous cohabitation does not consist wholly in the fact that he is one of the governing body of that church. By repeated acts, and in a number of instances, Mr. Smoot has, as a member of the quorum of the twelve apostles, given active aid and support to the members of the first presidency and twelve apostles in their defiance of the laws of the State of Utah and of the laws of common decency, and their encouragement of polygamous practices by both precept and example.

It is shown by the testimony of Mr. Smoot himself that he assisted in the elevation of Joseph F. Smith to the presidency of the Mormon Church. That he has since repeatedly voted to sustain said Joseph F. Smith, and that he so voted after full knowledge that said Joseph F. Smith was living in polygamous cohabitation and had asserted his intention to continue in this course in defiance of the laws of God and

man. He also assisted in the selection of Heber J. Grant as president of a mission when it was a matter of common notoriety that said Heber J. Grant was a polygamist. He voted for the election of Charles W. Penrose as an apostle of the Mormon Church after testimony had been given in this investigation showing him to be a polygamist. It is difficult to perceive how Mr. Smoot could have given greater encouragement to polygamy and polygamous cohabitation than by thus assisting in conferring one of the highest honors and offices in the Mormon Church on one who had been and was then guilty of these crimes. As trustee of an educational institution he made no protest against the continuance in office of Benjamin Cluff, jr., a noted polygamist, as president of that institution, nor made any effort to discover the truth that said Cluff had taken another plural wife long after the manifesto. Nor did he make any protest, as such trustee, against the election of George H. Brimhall, another polygamist, in the place of Benjamin Cluff, jr.

Since his election as an apostle of the Mormon Church Mr. Smoot has been intimately associated with the first president and with those who—with himself—constitute the council of the twelve apostles. The fact that many of these officials were living in polygamous relations with a number of wives was a matter of such common knowledge in the community that it is incredible that Mr. Smoot should not have had sufficient notice of this condition of affairs to at least have put him on inquiry. If he did not know of these facts, it was because he took pains not to be informed of them. At no time has he uttered a syllable of protest against the conduct of his associates in the leadership of the Mormon Church, but, on the contrary, has sustained them in their encouragement of polygamy and polygamous cohabitation, both by his acts (as hereinbefore set forth) and by his silence. In the judgment of the committee, Mr. Smoot is no more entitled to a seat in the Senate than he would be if he were associating in polygamous cohabitation with a plurality of wives.

DOMINATION OF LEADERS OF THE MORMON CHURCH IN SECULAR AFFAIRS.

A careful examination and consideration of the testimony taken before the committee in this investigation leads to the conclusion that the allegations in the protest concerning the domination of the leaders of the Mormon Church in secular affairs are true, and that the first presidency and twelve apostles of the Church of Jesus Christ of Latter-Day Saints exercise a controlling influence over the action of the members of that church in secular affairs as well as in spiritual matters; and that contrary to the principles of the common law, under which we live, and the constitution of the State of Utah, the said first presidency and twelve apostles of the Mormon Church dominate the affairs of the State and constantly interfere in the performance of its functions. The domination by the leaders of the church under their claim to exercise divine authority in all matters is manifested in a general way in innumerable instances.

The right to do so is openly claimed by those who profess to speak in behalf of the church. As late as February 25, 1904, one of the twelve apostles, in a public address, said "that from the view point of the gospel there could be no separation of temporal and spiritual

things, and those who object to church people advising and taking part in temporal things have no true conception of the gospel of Christ and the mission of the church."

The method by which the first presidency and twelve apostles of the Mormon Church direct all the temporal affairs of the members of that church under the claim that such direction is by divine authority, is by requiring the members of the church in all their affairs, both spiritual and temporal, and especially the latter, to "take counsel." This means that they are to be advised by their immediate superiors. These superiors in turn take their instructions from those above them, and so on back to the point whence most, if not all, these directions emanate—that is, the first presidency and twelve apostles.

As was said by Mr. Chief Justice Zane, of Utah, in 1887:

At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelations the will of the infinite God concerning the duty that man owes to himself, to his fellow-beings, to society, to human government, and to God. In subordination to this head are a vast number of officials of various kinds and descriptions, comprising a most minute and complete organization. The people comprising this organization claim to direct and lead by inspiration which is above all human wisdom, subject to a power above all municipal government, above all man-made law. (Vol. 1, p. 809.)

The phrase "take counsel" does not mean that the members of the church shall inquire of those above them in all cases concerning their action, but that they shall receive counsel—that is, direction—from those above them, and this counsel they are to implicitly obey. If they fail to do so they are excommunicated from the church and deprived, not only of the privileges of membership in the church, but, as they are assured and believe, they thereby forfeit all hope of happiness in a future life. The absolute submission of the great mass of the Mormon Church is illustrated by the fact that it is laid down by the leaders of the church as a cardinal principle to the members that, if their file leaders say white is black, "it is their duty to say 'white is black.'"

Instances of the interference of the leaders of the Mormon Church in the secular affairs of their followers could be multiplied almost without number.

In one case a bishop of the church was deposed from his offices in the church because he promised to obey the laws against polygamy.

Another official of the Mormon Church was excommunicated for belonging to an organization for the enforcement of the laws and opposing the interference of the church in public affairs.

Another Mormon official was degraded in the church for refusing to obey his file leader.

In another case the members of a firm doing business in Salt Lake City were expelled from the Mormon Church because they persisted in engaging in mining operations contrary to the command of the authorities of the church.

In another instance the church authorities interfered in the matter of the establishment of an electric-light plant.

In 1903 two members of the Mormon Church who built a dancing pavilion in opposition to the "counsel" of the church authorities were summoned for trial and excommunication, and finally compromised the matter by turning over to the church officials the management of the pavilion and 25 per cent of the net earnings.

In another case there was a general understanding that the church,

by its authorities, directed the location of a railroad station. In 1869 four members of the Mormon Church were excommunicated for apostasy in desiring "to open up mines against the teachings of the holy priesthood."

In another and recent instance, occurring as late as the early part of 1903, a Mormon official was deposed from his official position for writing a letter to a newspaper criticising Mr. Smoot and his political ambitions.

In another instance, occurring in 1897, a Mormon official was deposed from his official relation to the church for distributing at a school election a ticket different from that prescribed by the church authorities.

In the year 1905 a teacher in the Mormon Church was cut off from the church for apostasy, the ostensible foundation for this charge being a criticism of the head of the church for his polygamous practices; the real ground being that the accused had persisted in engaging in the manufacture of salt, against the interests of the president of the church and some of his associates.

In what is known as the Birdsall case the officials of the Mormon Church assumed jurisdiction of a controversy concerning the title to real estate, and not only directed a conveyance of the title to a tract of land, but went further and enforced its decree by spiritual penalties. As has already been stated, no member of the Mormon Church (with possibly a single exception) has ever been disciplined for polygamy or polygamous cohabitation in defiance of the law and of the manifesto; but an obscure and feeble woman was excommunicated from the church and driven to the verge of insanity for refusing to obey the dictates of the church leaders and relinquish the title to a piece of land in favor of one who had no shadow of legal title thereto. As was testified by one of the witnesses for the protestants:

Whenever a man disregards the teachings and instructions or counsels of the leaders of the church he has the spirit of apostasy.

A forcible illustration of the domination of the leaders of the Mormon Church over the secular affairs of the people is furnished by the fact that while a majority of these leaders have for years been living in polygamous relations, in defiance of law, no one dares to attempt to bring them to justice for fear of the consequences which would be visited by the church on the one who should make the complaint. And whenever one has been daring enough to make complaint for polygamous cohabitation against any member of the church the officers of the law have refused to prosecute, or those who were prosecuted and convicted have been released after the infliction of a merely nominal punishment.

The control which the governing body of the Mormon Church exercises over the secular affairs of the State of Utah is well illustrated by the fact that for many years past what are known as "religion classes" have been taught in connection with the public schools of that State. In these classes the youth of Utah are instructed in the doctrines of the Mormon Church by teachers in the public schools, supported by State taxation, the course of study being prescribed by officials of the church. This course of study includes the lives of noted Mormons whose chief claim to eminence in the church lies in their having taken a multiplicity of wives and in their continuance in the crime of polygamous cohabitation.

The teaching of the doctrines, faith, and practice of the Mormon Church in the public schools of Utah, under the direction of the high priesthood of the church, is not only contrary to the general law governing the use of schoolhouses as expounded by the courts of this country, but is also expressly forbidden by the constitution of the State of Utah, which provides, in article 1, section 4, as follows:

No public money or property shall be appropriated for or applied to any religious worship, exercises, or instruction, or for the support of any ecclesiastical establishment. (*Schofield v. School Dist.*, 27 Conn., 499; *Spencer v. Joint School Dist.*, 15 Kans., 259; *School District v. Arnold*, 21 Wis., 657.)

Such teaching is also prohibited by a statute of the State of Utah, which declares that "No atheistic, infidel, sectarian, religious, or denominational doctrines shall be taught in any of the district schools of this State." (Revised Statutes of Utah, sec. 1848.)

The conduct of the ruling authorities of the Mormon Church in directing the teaching of "religion classes" in the schoolhouses of Utah affords a fair illustration of the contempt with which the rulers of that church treat all laws and restrictions which stand in the way of their desires, or of their own interests or what they conceive to be the interests of the church of which they are the head.

The fact that these religion classes have been discontinued since their existence was revealed by this investigation serves to emphasize the truth that the Mormon Church dominates the affairs of the State of Utah in educational matters as well as in other respects.

POLITICAL DOMINATION OF THE MORMON CHURCH.

But it is in political affairs that the domination of the first presidency and twelve apostles of the Mormon Church is most efficacious and most injurious to the interests of the State. The constitution of the State of Utah provides "There shall be no union of church and state, nor shall any church dominate the State or interfere with its functions." (Vol. 1, p. 25.) Notwithstanding this plain provision of the constitution of Utah, the proof offered on the investigation demonstrates beyond the possibility of doubt that the hierarchy at the head of the Mormon Church has for years past formed a perfect union between the Mormon Church and the State of Utah, and that the church through its head dominates the affairs of the State in things both great and small. Even before statehood was an accomplished fact, and while the State was in process of formation, and afterwards, during the sessions of the first and succeeding legislatures, it was notorious that a committee appointed by the leaders of the Mormon Church was supervising the legislation of the State.

At about the same time, or shortly prior thereto, it became known throughout Utah that the leading officials of the Mormon Church desired that the voters belonging to that church should so divide on political lines that about one-half should belong to one of the great political parties of the nation and the other half to the other party, leaving a considerable number unassigned to either party, so that their votes could be cast for one party or the other, as might be necessary to further the interests of that church.

It is, of course, intended by the leaders of the church that this influence shall be secretly exerted, and this is in many cases, if not in most cases, easily accomplished by means of the perfect machinery of

the church, which has been adverted to, by which the will of the first presidency and twelve apostles is transmitted through ecclesiastical channels, talked over in prayer circles of the high councils of the church, and then promulgated to the members of the church as "the will of the Lord." Notwithstanding this attempt at secrecy, it has for many years been a matter of common knowledge among the people of those States in which the Mormon Church is strongest that political influence is being continually exerted in the matter of State and lower municipal officials. As was said by one of the witnesses who testified on the investigation: "Whenever they indorse a man, he will be elected. Whenever they put upon him the seal of their disapprobation, he will not be."

It was shown in the investigation that in the State of Idaho candidates for office, in order to have any hope of success, must visit Salt Lake City and arrange for such success with the leaders of the Mormon Church. The result of this is that whatever the Mormon Church desires to have done, either by way of legislation or in the way of administration of the affairs of the State, is done, and whatever the Mormon Church desires shall not be done, is not done. So well recognized is this fact that in a State convention held in Idaho in the year 1904 one of the leading Mormons made the proposition that in case a certain resolution should be withdrawn he would go to Utah and ask the president of the Mormon Church to cease interfering in Idaho politics. Thus it appears that the Mormon Church dominates the affairs of the State of Idaho to an extent only less than it does the affairs of the State of Utah. As an illustration of this fact, it was shown that a bill in which the Mormon Church was vitally interested was passed by the legislature of Idaho shortly after the visit of one of the apostles of the Mormon Church, who came there for the purpose of procuring such legislation.

A striking illustration of the power of the Mormon Church in Utah in matters of legislation appears in the history of what is known as the "Evans bill," which was passed by both houses of the legislature of Utah in 1901, in order to prevent prosecutions for polygamous cohabitation. This bill was favored by the president of the Mormon Church and by a majority of the apostles and was passed by a Mormon legislature. It was vetoed by a Mormon governor, the principal reason for the veto being that the attempted legislation would bring about an amendment to the Constitution of the United States under which those guilty of the crime of polygamous cohabitation would be prosecuted and punished in the Federal courts.

Perhaps one of the most instructive instances of the exercise of the power of the Mormon Church in political affairs was in the matter referred to in the protest as the case of Moses Thatcher. In that case the testimony taken before the committee leaves no doubt that not far from the time when the leaders of the Mormon Church required their followers to divide between the two parties, it was ordered by the Mormon leaders that those officials of the church who desired to engage in politics in behalf of one of the political parties should go out and influence the people of the Mormon Church in favor of that party, while those who were of the contrary opinion should remain at home and not attempt to influence the members of that church to adopt their way of thinking. Mr. Thatcher saw fit to disobey this edict and not only to become a candidate for the United States Senate, but to go out among

the people and endeavor to win converts to the party of which he was a member. For this offense against the political dictation of the first presidency and twelve apostles, Mr. Thatcher was deposed from his position as an apostle, deprived of all his offices in the Mormon Church, denied the privileges which are accorded to every Mormon in good standing, and the whole influence of the leaders of the Mormon Church was put forth to compass his defeat.

As was well said by Mr. Thatcher at the time of this occurrence, this action on the part of the ruling authorities of the church transformed the Mormon Church into a great political machine, the steering apparatus of which was in the hands of the twelve or fifteen men at the head. All this occurred because Mr. Thatcher refused to "take counsel"—that is, to follow the dictates of the Mormon Church as to who should become candidates for office and who should not become such.

Specific directions given by the heads of the Mormon Church to those under them seem to have varied according to circumstances. Several years ago, and before the admission of Utah into the Union as a State, it would appear that the apostles of the Mormon Church would convey to the members of that church instructions concerning their political action openly and in public addresses. The people would be told from the pulpits of the Mormon Church what ticket they ought to support.

As late as 1892 a bishop of the Mormon Church called together a number of the members of that church who belonged to a party opposing the party of the bishop, and told those whom he had thus called together that he had received a message from the first presidency to the effect that the candidate of the party to which the bishop belonged should be elected to Congress. In the same year and at the same election the president of the Mormon Church took occasion to write a letter to the bishops of his church indorsing the candidacy of a certain gentleman for Representative in Congress. In 1898 one of the apostles of the Mormon Church in a letter to one of the first presidents of seventies virtually advocated the election of a certain candidate for a seat in the United States Senate.

In 1902 an apostle of the Mormon Church went through one of the counties of Idaho, telling the Mormon voters that it was the will of the church that they should vote a certain ticket.

In later years the method of domination by the Mormon Church in political affairs has been, to a great extent, by means of a rule requiring those of any prominence in the church to "take counsel" before becoming candidates for public office. This virtually puts into the hands of the Mormon priesthood the filling of the various offices in the State. If the church takes to itself the right to decide who shall be the candidates for offices, there is no other choice left to either candidates or people. Under this rule the people can not vote for anyone who is a prominent member of the Mormon Church unless the ruling authorities of the church permit him to be a candidate. This rule thereby becomes a species of political usurpation, striking at the very foundations of our Government. Our entire political system is based on the theory that every voter has the right to vote for anyone he pleases, and that the people have a right to call upon whomsoever they will to represent them and to administer the affairs of the nation

and of the Commonwealth. But the rule which has been promulgated and enforced by the officials of the Mormon Church precludes any member of that church from serving the nation or the State unless he has been designated for such service by the hierarchy which governs said church. This means that the State shall subsist in all things in and through the "counsel" of the church.

The pretext under which the leaders of the Mormon Church excuse their selection of candidates for public office is that it is a rule of the church designed to prevent high officials in the church from becoming engaged in public affairs to the neglect of their ecclesiastical functions.

This veil is too thin to conceal the real motives and designs of the Mormon priesthood. Were that the true reason for the adoption of the rule, it would be made to apply to all the higher officials of the Mormon Church under all circumstances and all would be prohibited from becoming candidates for public offices. And in such case the object of the rule would be attained by requiring of every church officer who becomes a candidate for public office that he resign his church office, and this without favor or distinction.

But the rule is not so framed or administered. Under this rule one may be a candidate for public office or may not be, according to the will of the first presidency and twelve apostles of the Mormon Church. Under the rule, as it is applied, one of the twelve apostles may be elected to the Senate (as in the case of Mr. Smoot) or he may be defeated (as in the case of Mr. Thatcher). If one of the higher officials of the Mormon Church becomes a candidate for public office he may retain his official station in the church, as in the case of Mr. Smoot and Mr. Roberts, or he may be broken of his office and deprived of his privileges in the church, as happened to Mr. Thatcher, these differing applications of the rule depending wholly on the will or caprice of the first presidency and the twelve apostles. Under this rule Mr. Roberts was defeated for the office of Representative in Congress and under the rule he was afterwards elected to the same office.

But the domination of the higher officials in the Mormon Church does not cease with the selection by them of a candidate for public office. It is a fact of no little importance in this case that where the Mormon Church is strong the candidates favored by the ruling authorities of that church are generally elected.

The fact that Gentiles are sometimes elected to office in preference to Mormons in localities where the Mormons are in the ascendancy does not tend to prove the absence of church influence. It is shown by the testimony that the officials of the Mormon Church sometimes prefer one Mormon to another and sometimes prefer a Gentile to a Mormon. So well is it understood in Utah that the power of the Mormon Church in political affairs must be recognized and deferred to that in the election of Senators and of other officials the Mormons must be given what they claim as their share of the offices to be filled.

In order to realize the potency of the influence which the ruling authorities of the Mormon Church exercise in political affairs, it must be kept in mind that this influence proceeds from men who are believed by their followers to be oracles of God; that whatsoever they speak is the word of God; and that the first presidency of the Mormon Church and the council of the twelve apostles are "the mouthpiece of God." In the efforts put forth by the rulers of the church to

defeat Moses Thatcher, the Mormon people were told that the first presidency and eleven of the apostles were inspired and that Moses Thatcher, the twelfth apostle, was not inspired.

The committee has not overlooked nor failed to give due consideration to the testimony of witnesses called in behalf of Mr. Smoot, who testified that there was no interference by the Mormon Church in the political affairs of Utah or Idaho. But, leaving out of consideration any political or personal bias for Mr. Smoot which those witnesses may have manifested, there is very little in their testimony aside from and beyond their individual opinion and judgment as regards the political conditions in the States named. The testimony of these witnesses in no way controverts the facts before referred to, from which facts the conclusion is irresistible that the controlling authorities of the Mormon Church do dominate the political affairs of the State of Utah and control to some extent the political affairs of the State of Idaho. Without disproof of these facts, or strong proof of countervailing facts, mere opinions of witnesses, however intelligent and however candid, do not suffice.

Not only is Mr. Smoot one of those by and through whom the political affairs of Utah are dominated, but his election to the Senate was, it is believed, the result of such domination.

When Mr. Smoot concluded to become a candidate for the Senate, he was careful to obtain the "consent" of the first presidency and twelve apostles to his candidacy. But this so-called "consent" of the rulers of the church was naturally regarded by the people of Utah, who were familiar with the ways of the Mormon high-priesthood, as being, under the circumstances, equivalent to an indorsement and made it impossible for anyone else to become an aspirant for the same position with any hope of success.

A PRACTICAL UNION OF CHURCH AND STATE.

The fact that the adherents of the Mormon Church hold the balance of power in politics in some of the States enables the first presidency and twelve apostles to control the political affairs of those States to any extent they may desire. Thus, a complete union of church and State is formed. This is in accordance with the teachings of the priesthood of the Mormon Church, as promulgated in the writings of men of high authority in the church, to the effect that the church is supreme in all matters of government, as well as in all things pertaining to the private life of the citizen. In one of a series of pamphlets, "On the Doctrines of the Gospel," by Apostle Orson Pratt, it is affirmed:

The kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. God having made all beings and worlds has the supreme right to govern them by His own laws and by officers of His own appointment. Any people attempting to govern themselves and by laws of their own making and by officers of their own appointment, are in direct rebellion against the kingdom of God. (Vol. 1, p. 666.)

The union of church and state in those States under the domination of the Mormon leaders is most abhorrent to our free institutions. John Adams declared that the attempt of the Church of England to extend its jurisdiction over the colonies "contributed as much as any other cause to arouse the attention, not only of the inquiring mind but

of the common people, and to urge them to close thinking of the constitutional authority of Parliament over the colonies" and to bring on the war of independence. After the colonies had achieved their independence, the complete enfranchisement of the church from the control of the state, and of the state from the control of the church was brought about through the efforts of men like Thomas Jefferson and James Madison in Virginia, and those of almost equal prominence in other States. And thus the natural desire of the people of this nation for the entire separation of church and state was incorporated in the Constitution of the United States by the first amendment to that instrument.

The right to worship God according to the dictates of one's own conscience is one of the most sacred rights of every American citizen. No less sacred is the right of every citizen to vote according to his conscientious convictions without interference on the part of any church, religious organization, or body of ecclesiastics which seeks to control his political opinions or direct in any way his use of the elective franchise.

In the interest of religious freedom and to protect the State from the influence of the Mormon Church, the framers of the constitution of Utah incorporated in that instrument the provision which has been quoted in a preceding part of this report. That provision of the constitution of Utah has been persistently and contemptuously disregarded by the first presidency and the twelve apostles of the Mormon Church ever since Utah was admitted into the Union. They have paid as little regard to this mandate of the constitution of Utah as they have to the law which prohibits polygamy and the law which forbids polygamous cohabitation.

OATH OF VENGEANCE.

In the protest signed and verified by the oath of Mr. Leilich it is claimed that Mr. Smoot has taken an oath as an apostle of the Mormon Church which is of such a nature as to render him incompetent to hold the office of Senator. From the testimony taken it appears that Mr. Smoot has taken an obligation which is prescribed by the Mormon Church and administered to those who go through a ceremony known as "taking the endowments." It was testified by a number of witnesses who were examined during the investigation that one part of this obligation is expressed in substantially these words:

You and each of you do covenant and promise that you will pray and never cease to pray Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and to your children's children unto the third and fourth generation.

An effort was made to destroy the effect of the testimony of three of these witnesses by impeachment of their reputation for veracity. This impeaching testimony was not strengthened by the fact that the witnesses by whom it was given were members of the Mormon Church, and would naturally disparage the truthfulness of one who would give testimony unfavorable to that church. The testimony of the witnesses for the protestants, before referred to, was corroborated by the testimony of Mr. Dougall, a witness sworn in behalf of Mr. Smoot, and no attempt was made to impeach the character of this witness. It is true that a number of witnesses testified that no such obligation is

contained in the endowment ceremony; but it is a very suspicious circumstance that every one of the witnesses who made this denial refused to state the obligation imposed on those who take part in the ceremony.

The evidence showing that such an obligation is taken is further supported by proof that during the endowment ceremonies a prayer is offered asking God to avenge the blood of Joseph Smith upon this nation, and certain verses from the Bible are read which are claimed to justify the obligation and the prayer. The fact that such a prayer is offered and that such passages from the Bible are read was not disputed by any witness who was sworn on the investigation. Nor was it questioned that by the term "the prophets" as used in the endowment ceremony, reference is made to Joseph and Hyrum Smith.

That an obligation of vengeance is part of the endowment ceremony is further attested by the fact that shortly after testimony had been given on that subject before the committee, Bishop Daniel Connelly of the Mormon Church denounced the witnesses who had given this testimony as traitors who had broken their oaths to the church.

The fact that an oath of vengeance is part of the endowment ceremonies and the nature and character of such oath was judicially determined in the third judicial court of Utah in the year 1889 in the matter of the application of John Moore and others to become citizens of the United States. In an opinion denying the application, the court say:

In these applications the usual evidence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar upon the ground that they were members of the Mormon Church, and also because they had gone through the endowment house of that church and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted. * * *

Those objecting to the right of these applicants to be admitted to citizenship introduced eleven witnesses who had been members of the Church of Jesus Christ of Latter Day Saints, commonly called the "Mormon Church." Several of these witnesses had held the position of bishop in the church, and all had gone through the endowment house and participated in its ceremonies. The testimony of these witnesses is to the effect that every member of the church is expected to go through the endowment house, and that nearly all do so; that marriages are usually solemnized there, and that those who are married elsewhere go through the endowment ceremonies at as early date thereafter as practicable in order that the marital relations shall continue throughout eternity.

On behalf of the applicants fourteen witnesses testified concerning the endowment ceremonies, but all of them declined to state what oaths are taken, or what obligations or covenants are there entered into, or what penalties are attached to their violation; and these witnesses, when asked for their reason for declining to answer, stated that they did so "on a point of honor," while several stated they had forgotten what was said about avenging the blood of the prophets. * * *

The witnesses for the applicants, while refusing to disclose the oaths, promises, and covenants of the endowment ceremonies and the penalties attached thereto, testified generally that there was nothing in the ceremonies inconsistent with loyalty to the Government of the United States, and that the Government was not mentioned. One of the objects of this investigation is to ascertain whether the oaths and obligations of the endowment house are incompatible with good citizenship, and it is not for applicants' witnesses to determine this question. The refusal of applicants' witnesses to state specifically what oath, obligations, or covenants are taken or entered into in the ceremonies renders their testimony of but little value, and tends to confirm rather than contradict the evidence on this point offered by the objectors. The evidence established beyond any reasonable doubt that the endowment ceremonies are inconsistent with the oath an applicant for citizenship is required to take, and that the oaths, obligations, or covenants there made or entered into are incompatible with the obligations and duties of citizens of the United States. (Vol. 4, pp. 340-343.)

The obligation hereinbefore set forth is an oath of disloyalty to the Government which the rules of the Mormon Church require, or at least encourage, every member of that organization to take.

It is in harmony with the views and conduct of the leaders of the Mormon people in former days, when they openly defied the Government of the United States, and is also in harmony with the conduct of those who give the law to the Mormon Church to-day in their defiant disregard of the laws against polygamy and polygamous cohabitation. It may be that many of those who take this obligation do so without realizing its treasonable import; but the fact that the first presidency and twelve apostles retain an obligation of that nature in the ceremonies of the church shows that at heart they are hostile to this nation and disloyal to its Government.

And the same spirit of disloyalty is manifested also in a number of the hymns contained in the collection of hymns put forth by the rulers of the Mormon Church to be sung by Mormon congregations.

There can be no question in regard to the taking of the oath of vengeance by Mr. Smoot. He testified that he went through the ceremony of taking the endowments in the year 1880 and the head of the Mormon Church stated in his testimony that the ceremony is now the same that it has always been.

An obligation of the nature of the one before mentioned would seem to be wholly incompatible with the duty which Mr. Smoot as a member of the United States Senate would owe to the nation. It is difficult to conceive how one could discharge the obligation which rests upon every Senator to so perform his official duties as to promote the welfare of the people of the United States and at the same time be calling down the vengeance of heaven on this nation because of the killing of the founders of the Mormon Church sixty years ago.

MR. SMOOT NOT ENTITLED TO A SEAT IN THE SENATE.

The more deliberately and carefully the testimony taken on the investigation is considered, the more irresistibly it leads to the conclusion that the facts stated in the protest are true; that Mr. Smoot is one of a self-perpetuating body of men, known as the first presidency and twelve apostles of the Church of Jesus Christ of Latter-Day Saints, commonly known as the Mormon Church; that these men claim divine authority to control the members of said church in all things, temporal as well as spiritual; that this authority is, and has been for several years past, so exercised by the said first presidency and twelve apostles as to encourage the practice of polygamy and polygamous cohabitation in the State of Utah and elsewhere, contrary to the constitution and laws of the State of Utah and the law of the land; that the said first presidency and twelve apostles do now control, and for a long time past have controlled, the political affairs of the State of Utah, and have thus brought about in said State a union of church and state, contrary to the constitution of said State of Utah and contrary to the Constitution of the United States, and that said Reed Smoot comes here, not as the accredited representative of the State of Utah in the Senate of the United States, but as the choice of the hierarchy which controls the church and has usurped the functions of the State in said State of Utah.

It follows, as a necessary conclusion from these facts, that Mr. Smoot is not entitled to a seat in the Senate as a Senator from the State of Utah, and your committee report the following resolution:

Resolved, That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah.

J. C. BURROWS,
Chairman.

IN RE REED SMOOT.

JUNE 11, 1906.—Ordered to be printed. -

Mr. FORAKER, from the Committee on Privileges and Elections, submitted the following as the

VIEWS OF THE MINORITY.

[Senate Resolution 205, Fifty-seventh Congress, second session.]

The undersigned members of the Committee on Privileges and Elections, having had under consideration Senate Resolution No. 205, Fifty-seventh Congress, second session, adopted January 27, 1903, being unable to agree with the majority of the committee, submit the following minority report.

They attach hereto and make a part hereof a full statement of the case, showing all charges affecting or intending to affect the right and title of Reed Smoot to a seat in the Senate as a Senator from the State of Utah, together with an abstract of all the material, relevant, and competent testimony offered with respect thereto, and their conclusions deduced therefrom.

They ask that the same may be printed for purposes of reference as a part of this report, and respectfully refer to the same as a more complete statement of the following findings and propositions, and the testimony and arguments in support of the same, upon which they base their dissent from the conclusions and report of the majority of the committee.

I.

Reed Smoot possesses all the qualifications prescribed by the Constitution to make him eligible to a seat in the Senate, and the regularity of his election by the legislature of the State of Utah is not questioned in any manner.

II.

Aside from his connection with the Mormon Church, so far as his private character is concerned, it is, according to all the witnesses, irreproachable, for all who testify on the subject agree or concede

that he has led and is leading an upright life, entirely free from immoral practices of every kind. He is not a polygamist; has never had but one wife, and has been noted from early manhood for his opposition to plural marriages, and probably did as much as any other member of the Mormon Church to bring about the prohibition of further plural marriages.

III.

So far as mere belief and membership in the Mormon Church are concerned he is fully within his rights and privileges under the guaranty of religious freedom given by the Constitution of the United States, for there is no statutory provision, and could not be, prohibiting either such belief or such membership.

Moreover, having special reference to the Mormons residing in Utah and their peculiar belief, it was provided in the act of Congress, passed July 16, 1894, that the people of Utah should provide in their constitution "by ordinance irrevocable without the consent of the United States and the people of said States—

"1. That perfect toleration of religious sentiment shall be secured, and that no inhabitants of said State shall ever be molested in person or property on account of his or her mode of religious worship: *Provided*, that polygamous or plural marriages are forever prohibited."

In consequence there was embodied in the constitution of the State of Utah a compliance with this requirement, and thereupon the Territory was duly admitted as a State of the Union.

Accordingly, members of the Mormon Church, open and avowed believers in its doctrines and teachings, have been admitted without question to both Houses of Congress as Representatives of the State.

IV.

There remain but two grounds on which the right or title of Reed Smoot to his seat in the Senate is contested. They are:

1. That he is shown to have taken what is spoken of in the record as the "endowment oath," by which he obligated himself to make his allegiance to the church paramount to his allegiance to the United States; and

2. That by reason of his official relation to the church, as one of its apostles, he is responsible for polygamous cohabitation which yet continues among the Mormons, notwithstanding it is prohibited by law.

As to the "endowment oath," it is sufficient in this summary to say that the testimony is collated and analyzed in the annexed statement, and thereby shown to be limited in amount, vague and indefinite in character, and utterly unreliable, because of the disreputable and untrustworthy character of the witnesses.

There were but seven witnesses who made any pretense of testifying about any such obligation. One of these was shown by the testimony of two uncontradicted witnesses to be mentally unsound. Another, to have committed perjury in the testimony given before the committee on another point. The third was shown by the uncontradicted testimony of a number of witnesses to have a bad reputation for truth and veracity, and to be thoroughly unreliable. A fourth admitted that he had been for years intemperate, and was shown by indisputable testimony to have lost his position on that account, and thereupon and for

that reason to have withdrawn from the church and to have assumed such a hostile and revengeful attitude as to entirely discredit him as a reliable witness. The other three witnesses were so indefinite as to their statements that their testimony amounted at most to nothing more than an attempt to state an imperfect and confessedly uncertain recollection.

All that it is attempted to show as to the character of this oath is positively contradicted by Reed Smoot and a great number of witnesses, whose standing and character and whose reputation for truth and veracity are unquestioned, except only in so far as their credibility may be affected by the fact that they are or have been members of the Mormon Church.

Upon this state of evidence we are of opinion that no ground has been established on which to predicate a finding or belief that Mr. Smoot ever took any obligation involving hostility to the United States, or requiring him to regard his allegiance to the Mormon Church as paramount to his allegiance and duty to the United States.

V.

The only remaining question is whether or not by virtue of his official relation to the church as one of its apostles he has any responsibility for the continuation of polygamous cohabitation by members of that church.

The testimony on this point is also carefully collated and analyzed in the annexed statement.

It will be found by an examination of that testimony that he has never at any time, and particularly he has not since the manifesto of 1890, countenanced or encouraged plural marriages; but that on the contrary he has uniformly upheld the policy of the church, as announced by that proclamation, by actively advocating and exerting his influence to effect a complete discontinuance of such marriages, and that in the few instances established by the testimony where plural marriages and polygamous cohabitation, as a result of them, have occurred since 1890 they have been without any encouragement, countenance, or approval whatever on his part.

As to polygamous cohabitation in consequence of plural marriages entered into before the manifesto of 1890, there is no testimony to show that he has ever done more than silently acquiesce in this offense against law. In view of his important and influential position in the church, this acquiescence might be regarded as inexcusable if it were not for the peculiar circumstances attending the commission of this offense.

To understand these circumstances it is necessary to recall some historical facts, among which are some that indicate that the United States Government is not free from responsibility for these violations of the law. Instead of discountenancing and prohibiting polygamy when it was first proclaimed and practiced the Congress remained silent and did nothing in that behalf. While Congress was thus at least manifesting indifference, President Fillmore and the Senate of the United States in September, 1850, gave both recognition and encouragement by the appointment and confirmation of Brigham Young, the then head of the church, and an open and avowed advocate and representative of polygamy, to be governor of the Territory of

Utah. When his term of office expired under this appointment he was reappointed by President Pierce and again confirmed by the Senate.

There was no legislation or action of any kind by Congress on this subject until the act of July 1, 1862, which was in language, as well as legal effect, nothing more than a prohibition of bigamy in the Territories and other places over which the United States had jurisdiction.

After this act, for a period of twenty years, plural marriages and polygamous cohabitation continued in the Territory of Utah practically unrestrained and without any serious effort on the part of the United States to restrict the same.

Finally, in response to an aroused public sentiment, Congress passed the act of March 22, 1882, by which it prohibited both plural marriages and polygamous cohabitation, but legitimized the children of all such marriages born prior to the first day of January, 1883. Under this act prosecutions were inaugurated to enforce its provisions, but it was soon demonstrated that public sentiment was such that only partial and very unsatisfactory success could be secured.

Then followed what is known as the Edmunds-Tucker Act of March 3, 1887, by which, among other things, the rules of evidence were so changed as to make it less difficult to secure evidence in prosecutions for polygamy and polygamous cohabitation. Again, by the terms of this act, all the children born within twelve months after its passage were legitimized.

This statute was upheld by the Supreme Court of the United States, and efforts to prosecute such offenses were redoubled with such success that on the 26th day of September, 1890, the then president of the church, Wilford Woodruff, issued what is known as the manifesto of 1890, forbidding further plural marriages. So far as the testimony discloses there have been but few plural marriages since, perhaps not more than the bigamous marriages during the same period among the same number of non-Mormons.

The evidence shows that there were at this time about 2,400 polygamous families in the Territory of Utah. This number was reduced to 500 and some odd families in 1905. A few of these families may have removed out of the State of Utah, but so far as the testimony discloses the great reduction in number has been on account of the deaths of the heads of these families. It will be only a few years at most until all will have passed away. This feature of the situation has had a controlling influence upon public sentiment in the State of Utah with respect to the prosecutions for polygamous cohabitation since the manifesto of 1890.

Whether right or wrong, when plural marriages were stopped and the offense of polygamy was confined to the cohabitation of those who had contracted marriages before 1890, and particularly those who had contracted marriages before the statutes of 1887 and 1882, the disinclination to prosecute for these offenses became so strong, even among the non-Mormons, that such prosecutions were finally practically abandoned.

It was not alone the fact that if no further plural marriages were to be contracted polygamy would necessarily in the course of time die out and pass away, but also the fact that Congress, having by the Statutes of 1882 and 1887 specifically legitimized the children of these polygamous marriages, it was inconsistent, if not unwise and impossi-

ble, in the opinion of even the non-Mormons, to prohibit the father of such children from living with, supporting, educating, and caring for them; but if the father was thus to live with, support, educate, and care for the children, it seemed harsh and unreasonable to exclude from this relationship the mothers of the children.

Such are some of the reasons assigned for the lack of a public sentiment to uphold successful prosecutions for polygamous cohabitation after 1890. It is unnecessary to recite others, for it is enough to say that whatever the real reason or explanation may be, the fact was that after 1890 it became practically impossible to enforce the law against these offenses, except in flagrant cases.

Such was the situation when the Territory applied for admission to the Union and Congress passed the enabling act of July 16, 1894, by which the people of Utah, in order to entitle them to admission into the Union, on terms prescribed by Congress, were required to incorporate in their constitution a proviso that "polygamous or plural marriages are forever prohibited;" not polygamous cohabitation, it will be observed, but only polygamous marriages. The testimony shows that there was a common understanding both in Congress and Utah that there were not only to be no more plural marriages, but that prosecutions for polygamous cohabitation had become so difficult that there was a practical suspension of them, and that time was the only certain solution of the perplexing problem.

This sentiment has not only ever since continued, but with the constant diminution of the number of polygamous families and the rapid approach of the time when all will have passed away, there has come a natural strengthening of the sentiment. The testimony in this respect is set forth at length in the annexed statement, but we make the following quotations in order that it may appear in this summary that there is this common disposition, among non-Mormons as well as Mormons.

Judge William McCarthy of the supreme court of Utah, a non-Mormon and an uncompromising opponent of polygamy, who has held many important offices of trust, among others that of Assistant United States Attorney for Utah, and who, as such, was charged with the duty of prosecuting these offenses, testified as follows:

I prosecuted them (offenses of polygamous cohabitation) before the United States Commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand jury in those cases.

In explanation of his action he testified—we quote from the annexed statement:

That he found the press was against the prosecutions; that the public prosecutor, whose attention he invited to the matter, refused to proceed. From this and other facts which came to his knowledge, Judge McCarthy reached the conclusion that the public sentiment was against interfering with men in their polygamous relations, who had married before the manifesto.

E. B. Critchlow, a non-Mormon attorney at law of Salt Lake City, one of the principal managers of this proceeding against Mr. Smoot, who gave the case his personal attention, attending most of the meetings of committee, testified before the committee, again quoting from annexed statement:

That after the manifesto of 1890 there was no inclination on the part of the prosecuting officer to "push these matters as to present cohabitation," "thinking it was a

matter that would immediately die out;" that it was well known that Apostle John Henry Smith was living in unlawful cohabitation; that non-Mormons generally made no objection to it; that they were disposed "to let things go," and that that was the general feeling from the time of the manifesto in 1890 "down to very recent times—pretty nearly up to date, or practically up to date."

Mr. Critchlow further testified that the non-Mormons were disposed to overlook the continuous polygamous cohabitation of those who had taken plural wives before the manifesto, because they, the non-Mormons, felt satisfied that there would be no more plural marriages; that the thing would work itself out in the future, and that where the polygamists had their wives in separate houses and simply kept up the old relations without the offensive flaunting of them before the public, it had been practically passed over.

Orlando W. Powers, esq., a leading lawyer of Utah, who was associate justice of the supreme court of the Territory, and who showed by his testimony much hostility to the Mormon Church, testified that there was this general feeling after the manifesto not to interfere with those whose marriages were prior thereto. He then added, "There is a question for statesmen to solve. We have not known what was best to do. It has been discussed and people would say that such and such a man ought to be prosecuted.

"Then they would consider whether anything would be gained; whether we would not delay instead of hastening the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecution. And so, notwithstanding a protest has been sent down here to you, I will say to you, the people have acquiesced in the condition that exists."

He explained that by "the people" he meant the Gentiles.

The following quotation from a speech by Senator Dubois, reported in the Congressional Record of February 5, 1903, page 1729 et seq., is to the same general effect: ~

Mr. DUBOIS. * * * Various causes operated to cause the Mormons to abandon polygamy. There was a feeling among the younger members of the Mormon Church, and a very strong feeling, that polygamy should be done away with. So here was this pressure within the church against polygamy and the pressure by the Government from outside the church against polygamy. In 1891, I think it was, the president of the Mormon Church issued a manifesto declaring that thereafter there should be no polygamous marriages anywhere in the Mormon Church. The Mormons were then called together in one of their great conferences, where they meet by the thousands. This manifesto was issued to them by the first presidency, which is their authority; was submitted to them, and all the Mormon people ratified and agreed to this manifesto, doing away with polygamy thereafter.

The Senator from Maine (Mr. Hale) will recall that I came here as a Senator from Idaho shortly after that, and the Senator from Connecticut (Mr. Platt) will recall how bitter and almost intemperate I was in my language before his committee and on the floor of the other House in the denunciation of these practices of the Mormon Church. But after that manifesto was issued, in common with all of the Gentiles of that section who had made this fight, we said: "They have admitted the right of our contention and say now, like children who have been unruly, we will obey our parents and those who have a right to guide us; we will do those things no more." Therefore we could not maintain our position and continue punishing them unless it was afterwards demonstrated that they would not comply with their promise.

After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people, and to-day the laws on the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other State in the Union. I live among those people; and, so far as I know, in Idaho there has not been a polygamous marriage celebrated since that manifesto was issued, and I have yet to find a man in Idaho or anywhere else who will say that a polygamous marriage has been celebrated anywhere since the issuance of that manifesto.

Mr. HALE. Then, it must follow from that, as the years go by and as the older people disappear, polygamy as a practice will be practically removed.

Mr. DUBOIS. There is no question about it; and I will say to the Senator, owing to the active part which we took in that fierce contest in Idaho, I with others who had made that fight thought we were justified in making this promise to the Mormon people.

We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the manifesto was issued, and at a time when they thought they had a right under the Constitution to enter into polygamous relations—that those older men and women and their children should not be disturbed; that the polygamous man should be allowed to support his numerous wives and their children.

The polygamous relations, of course, should not continue, but we would not compel a man to turn his families adrift. We promised that the older ones, who had contracted those relations before the manifesto was issued, would not be persecuted by the Gentiles; that time would be given for them to pass away, but that the law would be strenuously enforced against any polygamous marriage which might be contracted in the future.

Much more testimony might be quoted of the same general character. It is sufficient, however, for the purpose of this summary to say that there is practically no testimony in conflict with that which has been quoted.

In other words, the conditions existing in Utah since Reed Smoot became an official of the Mormon Church in 1900 have been such that non-Mormons and Mormons alike have acquiesced in polygamous cohabitation on the part of those who married before the manifesto of 1890, as an evil that could best be gotten rid of by simply tolerating it until in the natural course of events it shall have passed out of existence.

With this disposition prevailing everywhere in the State of Utah among all classes—the Gentile or non-Mormon population as well as among the Mormons—the undersigned are of the opinion that there is no just ground for expelling Senator Smoot or for finding him disqualified to hold the seat he occupies because of the fact that he, in common with all the people of his State, has not made war upon, but has acquiesced in, a condition for which he had no original responsibility. In doing so he has only conformed to what non-Mormons, hostile to his church, as well as Mormons, have concluded is, under all the circumstances, not only the wisest course to pursue, but probably the only course that promises effective and satisfactory results.

J. B. FORAKER.
ALBERT J. BEVERIDGE.
WM. P. DILLINGHAM.
A. J. HOPKINS.
P. C. KNOX.

STATEMENT.

The minority respectfully submit the following statement as a part of their foregoing report.

January 27, 1903, the Senate adopted the following Senate Resolution No. 205:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate the right and title of Reed Smoot to a seat in the Senate as Senator from the State of Utah, and said committee, or any subcommittee thereof, is authorized to sit during the sessions of the Senate, to employ a stenographer, to send for persons and papers, and to administer oaths; and that the expense of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

At the time of the adoption of this resolution there were pending in the Senate two formal protests against the admission of Reed Smoot to the Senate, both having been filed before he took his seat. One of these protests is signed by W. M. Paden and 17 others, and the other by John L. Leilich alone—Mr. Leilich being also one of the 17 who signed the principal protest.

Shortly before the adoption of the foregoing resolution at a preliminary hearing on the 16th day of January, 1903, of which notice was duly given, counsel appeared before the committee representing Mr. Paden and others who signed the principal protest, and Mr. Smoot also appeared in person and by counsel. At that time statements were made by counsel for the respective parties, stating in a general way what they expected to prove and what their claims were as to the legal aspects of the case. Later the taking of testimony commenced.

Numerous witnesses were produced and examined before the committee, both on behalf of the protestants and on behalf of Mr. Smoot. The taking of this evidence was continued from time to time until the 25th day of January, 1905, when the further taking of testimony was closed and counsel were heard in argument. The committee took the case under consideration with a view to making a report. Afterwards, at the present session the case was reopened for the further taking of testimony, after which the case was again argued by counsel.

In the protest signed by Mr. Leilich alone it was charged that Reed Smoot is a polygamist, and that, as an apostle of the Church of Jesus Christ of Latter Day Saints—commonly called the Mormon Church—he had taken an oath “of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States Senator.” No one appeared, however, to sustain either of these charges. No evidence has been offered in support of either of them, but on the contrary both charges were refuted by a number of witnesses.

The investigation made by the committee has been based chiefly upon the charges made in the protest signed by Mr. Paden and others.

At the preliminary hearing already referred to counsel for the protestants presented, in a more formal way than had been done in the protest itself, the charges supposed to be embodied in that protest.

The charges thus presented are as follows:

First. The Mormon priesthood, according to the doctrine of that church and the belief and practice of its membership, is vested with, and assumes to exercise, supreme authority in all things temporal and spiritual, civil and political. The head of the church claims to receive divine revelations, and these Reed Smoot, by his covenants and obligations, is bound to accept and obey, whether they affect things spiritual or things temporal.

Second. The first presidency and twelve apostles, of whom Reed Smoot is one, are supreme in the exercise of this authority of the church and in the transmission of that authority to their successors. Each of them is called prophet, seer, and revelator.

Third. As shown by their teaching and by their own lives, this body of men has not abandoned belief in polygamy and polygamous cohabitation. On the contrary—

(a) As the ruling authorities of the church they promulgate in the most solemn manner the doctrine of polygamy without reservation.

(b) The president of the Mormon Church and a majority of the twelve apostles now practice polygamy and polygamous cohabitation, and some of them have taken polygamous wives since the manifesto of 1890. These things have been done with the knowledge and countenance of Reed Smoot. Plural-marriage ceremonies have been performed by apostles since the manifesto of 1890, and many bishops and other high officials of the church have taken plural wives since that time. All of the first presidency and twelve apostles encourage, countenance, conceal, and connive at polygamy and polygamous cohabitation, and honor and reward by high office and distinguished preferment those who most persistently and defiantly violate the law of the land.

Fourth. Though pledged by the compact and bound by the law of their Commonwealth, this supreme body, whose voice is law to its people and whose members were individually directly responsible for good faith to the American people, permitted, without protest or objection, their legislators to pass a law nullifying the statute against polygamous cohabitation.

In substance these charges so far as they seem to be a proper subject of inquiry here are:

1. That the Mormon Church exacts and receives from its members, including Reed Smoot, absolute obedience in all political matters.

2. That the Mormon Church is promulgating the doctrine of polygamy, and that the first presidency and all the twelve apostles, including Reed Smoot, "encourage, countenance, conceal; and connive at polygamy and polygamous cohabitation, and reward those who practice it."

No evidence has been submitted to the committee or has come to its knowledge in anywise affecting injuriously the general character of Reed Smoot. On the contrary, it has been admitted by the protestants, through their counsel, and a number of witnesses on both sides have testified, that his moral character is unimpeachable in every respect. In the protest of Mr. Paden and others it is explicitly stated that they do not charge him with any offense cognizable by law.

SOME HISTORICAL FACTS.

To a proper understanding of the voluminous evidence in the case, in so far as it tends to throw any light upon the question whether Reed Smoot is entitled to retain his seat in the Senate, it will be useful to set forth, in a preliminary way, certain indisputable historical facts.

The Mormon people, under the lead of Brigham Young, in their pilgrimage from Nauvoo, Ill., settled at the place now known as Salt Lake City in the summer of 1847. The place where they located was, at that time, Mexican territory. The Mormons, however, hoisted the Stars and Stripes on an eminence near the city, ever since called Ensign Peak.

On the 20th day of September, 1850, Brigham Young, the then head of the Mormon Church, was nominated for governor of the Territory of Utah by President Fillmore, and his appointment was confirmed by the Senate September 28, 1850. During his term of office under that appointment, and in the year 1852, Brigham Young, as the president of the Mormon Church, formally and publicly proclaimed polygamy as a doctrine of that church.

There is some dispute as to whether polygamy had not been proclaimed in 1844 by Joseph Smith, jr., Brigham Young's predecessor as president of the church; but it is not deemed necessary in this statement to consider the merits of that controversy. The admitted fact is that from the time of Brigham Young's announcement in 1852 polygamy was openly practiced in Utah by many of the Mormon people, including Brigham Young himself.

When his term of office as governor of the Territory expired in 1854 he was appointed for another term of four years by President Pierce, his nomination being again confirmed by the Senate; he served out his second full term of four years. During all of this time he continued to be president of the church and to openly live in polygamous relations with several wives.

ACT OF 1862.

There seems to have been no attempt by the Government of the United States to interfere with the practice of polygamy in Utah until July 1, 1862, on which date an act of Congress entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah," became a law (12 Stat. L., 501).

The first section of that act is as follows:

That every person having a husband or wife living, who shall marry any other person, whether married or single, in a Territory of the United States, or other place over which the United States have exclusive jurisdiction, shall, except in the cases specified in the proviso to this section, be adjudged guilty of bigamy, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, and by imprisonment for a term not exceeding five years: Provided, nevertheless, That this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years without being known to such person within that time to be living; nor to any person by reason of any former marriage which shall have been dissolved by the decree of a competent court; nor to any person by reason of any former marriage which shall have been annulled or pronounced void by the sentence or decree of a competent court on the ground of the nullity of the marriage contract.

It will be observed that while this section of the act of 1862 made it a penal offense to take a plural wife or husband it did not punish or in anywise interfere with the continued cohabitation of those who had previously entered into the polygamous relation.

THE EDMUNDS LAW.

Such cohabitation was not made an offense until March 22, 1882, when the so-called "Edmunds Act" became a law (22 Stat. at Large, 30). This act of 1882 amended the act of July 1, 1862 (which in the meantime had become section 5352 of the Revised Statutes). Section 3 of the amendatory act provided:

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

In the seventh section of the same act it was provided as follows:

SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, anno Domini eighteen hundred and eighty-three, are hereby legitimated.

Soon after the Edmunds Act became a law, prosecutions were instituted in the Territorial courts against persons who were living in polygamy, those prosecutions being nearly all under the third section of the act, which made it an offense for a man to cohabit with more than one woman. From that time until October, 1890, the number of polygamous marriages in Utah decreased, but the practice was not entirely stopped.

THE EDMUNDS-TUCKER ACT.

By what is called the Edmunds-Tucker Act, approved March 3, 1887 (24 Stat. L., 635), the rules of evidence were changed so as to make a lawful husband or wife of a person accused of bigamy, polygamy, or unlawful cohabitation a competent witness.

By section 7 of that act the various acts of the legislative assembly of the Territory of Utah incorporating or continuing the corporation known as the Church of Jesus Christ of Latter-Day Saints were disapproved and annulled, and that corporation dissolved; and it was further made the duty of the Attorney-General of the United States to take proper proceedings in the supreme court of the Territory to wind up the affairs of the corporation. Section 11 of this act of 1887 further provided as follows:

SEC. 11. That the laws enacted by the legislative assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March twenty-second, eighteen hundred and eighty-two.

REYNOLDS V. THE UNITED STATES.

Although the act of 1862, above referred to, made it a criminal offense to marry a plural wife in the Territories of the United States, and although polygamy was openly and publicly practiced, there seems to have been little effort on the part of the Government to suppress it in Utah for many years after that time. Finally, however, one George Reynolds was indicted and charged with bigamy under that act, and his case was taken to the Supreme Court of the United States.

The principal question involved was whether, since polygamy was a duty under the religious doctrines of the Mormon Church, an act of Congress punishing the taking of a plural wife was an unconstitutional interference with religion. That case was decided at the October term, 1878 (*Reynolds v. United States*, 97 U. S., 145). The court held that while it was not competent for Congress to make a mere belief a punishable offense, yet it was entirely competent for it to make criminal an act which the person committing it might consider to be a duty under his religious belief.

It is worthy of note that the belief of the Mormons in the unconstitutionality of the act in question was so strong that Reynolds, a member of the church, voluntarily enabled proof of his offense to be obtained in order that the constitutionality of the act might be tested.

THE MANIFESTO OF 1890.

On the 26th of September, 1890, Wilford Woodruff, then president of the Mormon Church, issued what is called "The Manifesto," of which the following is a copy:

OFFICIAL DECLARATION.

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 Commission, in their recent report to the Secretary of the Interior, allege that plural marriages are still being solemnized, and that forty or more such marriages have been contracted in Utah since last June or during the past year; also that in public discourses the leaders of the church have taught, encouraged, and urged the continuance of the practice 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 practice, and I deny that either 40 or any other 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 alleged occurrence the Endowment House was, by my instructions, taken down without delay.

Inasmuch as laws have been enacted by Congress forbidding plural marriages, which laws have been pronounced constitutional by the court of last resort, I hereby declare my intention 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 during the time specified which can be reasonably construed to inculcate or encourage polygamy, and when any elder of the church has used language which appeared to convey any such teachings he has been promptly reprov'd. And I now publicly

declare that my advice to the Latter-Day Saints is to refrain from contracting any marriage forbidden by the law of the land.

WILFORD WOODRUFF,
President of the Church of Jesus Christ of Latter-Day Saints.

At the semiannual general conference of the members of the Mormon Church, which was held on October 6, 1890, the foregoing declaration was unanimously accepted "as authoritative and binding." Two years later it was again approved by the general conference of the church. Since it was first approved by the general conference, in October, 1890, it has been and still remains a part of the fundamental law of the Mormon Church, which can be repealed or modified only by the action of a similar conference.

As to the effect of the manifesto on the power of the president of the Mormon church, or any subordinate official, to celebrate a plural marriage we quote a part of the testimony of James E. Talmage. Doctor Talmage prepared and issued, under the auspices of the church authorities, a work called "Articles of Faith," which authoritatively sets forth the doctrines of the church, having been submitted to, approved by, and published by the church itself. (Vol. III, pp. 47 and 48.)

Mr. WORTHINGTON. Doctor, you have used the expression here "holding the keys" in connection with that revelation involving polygamy, when it was given to Joseph Smith, jr., that he was the only man who held the keys to that power. He only at that time, or some person delegated by him, could make a plural marriage that would be valid according to the laws of the church. Am I right in that?

Mr. TALMAGE. Yes, sir.

Mr. WORTHINGTON. From that time on down to the time that President Woodruff issued this manifesto, which the church approved in conference assembled, the same principle obtained?

Mr. TALMAGE. Yes, sir.

Mr. WORTHINGTON. That a plural marriage could not be valid according to the law of the church, only when celebrated by the president, or by somebody authorized by him to celebrate it. Is that right?

Mr. TALMAGE. That is strictly true.

Mr. WORTHINGTON. Then when this revelation which is called the manifesto came and it was submitted to the people and accepted by them, that power was taken away from the president, was it not?

Mr. TALMAGE. Yes, sir.

Mr. WORTHINGTON. So that since the 6th of October, 1890, the president of the church had no power to solemnize a plural marriage according to the law of the church, even?

Mr. TALMAGE. That is true.

Mr. WORTHINGTON. And no power to authorize anybody else to celebrate one?

Mr. TALMAGE. That is true.

Mr. WORTHINGTON. So that if any person has undertaken to enter into plural marriage, if any woman has become the plural wife of a husband since the 6th day of October, 1890, she is no more a wife by the law of the church than she is by the law of the land?

Mr. TALMAGE. That is true.

Mr. WORTHINGTON. And it is not in the power of the president to revive the old system so that he can make a valid plural marriage or authorize one, unless he does it through the general conference of the church?

Mr. TALMAGE. Certainly. It is now a rule of the church that that power shall not be exercised. The power is there, but the exercise of it is entirely stopped, and a rule of the church thus made and sanctioned is equally binding with the law founded upon revelation, and the president therefore has in one sense, half voluntarily, inasmuch as he was the chief individual to bring it before the conference, but by the action of the conference, properly speaking, has surrendered that power as far as its exercise is concerned.

Mr. WORTHINGTON. It takes the action of the people to restore it, does it not?

Mr. TALMAGE. Most assuredly —. (3—48, 49.)

THE ENABLING ACT.

The enabling act, under which Utah in January, 1896, was finally admitted into the Union, was passed by Congress on July 16, 1894 (28 Stat. L., 107). By section 3 of that act it was required that the State convention, which was authorized to be called to organize the State government, should provide:

By ordinance irrevocable without the consent of the United States and the people of said States—

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship: "Provided, That polygamous or plural marriages are forever prohibited."

It is very important to observe that while this act made it a condition to the admission of the State that polygamous or plural marriages should not be allowed, no provision of any kind was made against polygamous cohabitation. That offense was left to be governed by the constitution and laws of the State as the inhabitants of the State might determine.

The testimony shows that the distinction thus made by Congress in the enabling act between polygamous marriages and polygamous cohabitation was intentional. Polygamous marriages, as we have seen, were not forbidden by any act of Congress until 1862, ten years after polygamy had become prevalent in Utah. It was twenty years later still, 1882, before Congress prohibited polygamous cohabitation.

From the time polygamy was first promulgated by Brigham Young, as president of the Mormon Church, until about five years thereafter, he was continued in office by the Government as governor of the Territory. Both the Edmunds Act of 1882 and the Edmunds-Tucker Act of 1887 recognized polygamous marriages to the extent of making legitimate all the children born of such marriages prior to the passage of those acts, respectively, who might be born within a period in one case of nine months and nine days and in the other twelve months after the passage of the act.

POLYGAMOUS COHABITATION.

Under these laws families had been created, and children born of polygamous marriages had grown to manhood and womanhood. It is not surprising, under such circumstances, that there was a feeling on the part both of the Government officials in that Territory and of the people of the Territory that if further polygamous marriages should cease the continuance of polygamous relations theretofore created might be tolerated, if they were not openly or flauntingly carried on.

To prohibit such relations would be to deny the parents of legitimated children to dwell together with such children. Some twenty-five or thirty witnesses have been examined on this subject, most of them non-Mormons and several of them witnesses called on behalf of the protestants. There is a practical unanimity among them that at least from the time of the admission of the State into the Union, which occurred on January 4, 1896, there was practically a universal disinclination to prosecute those who had plural families born of relations established before the manifesto of 1890.

As a sample of the evidence on this subject we refer to the testimony of Judge William M. McCarty, one of the associate justices of the

supreme court of Utah. He was assistant United States attorney for the Territory of Utah from 1889 until 1902, when he was elected county attorney of Sevier County, in that Territory. He was reelected in 1894. In 1895 he was elected one of the district judges of the State of Utah.

He was reelected to that office in 1900, and in 1902 was elected to his present office. He is a non-Mormon, and has always been an uncompromising opponent of polygamy. He conducted some of the prosecutions for polygamous cohabitation between the date of the manifesto, in 1890, and the admission of the State into the Union in January, 1896. He testified:

I prosecuted them before the United States commissioners up until 1893, when the United States attorney refused to allow my accounts for services for that kind of work, and then I quit and confined my investigations before the grand jury in those cases.

And Judge McCarty further testified that the superior to whom he referred as stopping the prosecution for polygamous cohabitation was John W. Judd, a Gentile.

In 1897 some prosecutions for polygamous cohabitations against men who were married before the manifesto came before Judge McCarty as district judge of the State. The accused in those cases admitted their guilt and were punished by a fine only, upon agreeing to cease cohabitation with their plural wives. Judge McCarty testified that it was after these prosecutions he obtained the first emphatic expression he had observed as to the state of public opinion in Utah at that time regarding such prosecutions.

He said that he found the press was against the prosecutions; that the public prosecutor, whose attention he invited to the matter, refused to proceed. From this and other facts which came to his knowledge Judge McCarty reached the conclusion that the public sentiment of the State was against interfering with men in their polygamous relations who had married before the manifesto. (Vol. 2, 882 to 886; 889, 916.)

E. B. Critchlow, a Gentile lawyer, of Salt Lake City, who prepared the principal protests in this case and who, during the early sittings of the committee, assisted Mr. Tayler, counsel for the protestants, in presenting their case, testified as a witness on behalf of the protestants that after the manifesto of 1890 there was no inclination on the part of the prosecuting officer to "push these matters as to present cohabitation," "thinking it was a matter that would immediately die out;" that it was well known that Apostle John Henry Smith was living in unlawful cohabitation; that non-Mormons generally made no objection to it; that they were disposed "to let things go," and that that was the general feeling from the time of the manifesto in 1890 "down to very recent times—pretty nearly up to date or practically up to date."

Mr. Critchlow further testified that the non-Mormons were disposed to overlook the continuous polygamous cohabitation of those who had taken plural wives before the manifesto, because they—the non-Mormons—felt satisfied that there would be no more plural marriages; that the thing would work itself out in the future, and that where the polygamists had their wives in separate houses and simply kept up the old relations without the offensive flaunting of them before the public it had been practically passed over. (Vol. 1, 624, 625.)

Another witness called on behalf of the protestants was Orlando W. Powers, a leading lawyer of Utah, a non-Mormon, who was associate justice of the supreme court of the Territory of Utah in 1885 and 1886, and whose testimony in general shows his strong feeling against the Mormon Church. He testified that, speaking for those who fought the church party in the days when it was a power, they had felt and still feel that if the church would stop new plural marriages, those who had contracted such marriages before the manifesto would not be interfered with. After stating that the people who lived in the East had no understanding of the situation in this regard in Utah, Judge Powers added:

That condition exists. There is a question for statesmen to solve. We have not known what was best to do. It has been discussed, and people would say that such and such a man ought to be prosecuted. Then they would consider whether anything would be gained; whether we would not delay instead of hastening the time that we hope to live to see; whether the institution would not flourish by reason of what they would term persecutions. And so, notwithstanding a protest has been sent down here to you, I will say to you the people have acquiesced in the condition that exists.

Then the witness added that by "The people" he meant the Gentiles. (Vol. 1, 884-885.)

William J. McConnell, ex-governor of Idaho and ex-Senator of the United States from that State, when asked whether there was any public sentiment in Idaho in reference to prosecutions for simply unlawful cohabitation, as distinguished from new polygamous marriages, replied:

It was understood and agreed when we adopted our State constitution and were admitted to statehood, that these old Mormons who had plural families would be allowed to support their wives and children without molestation. It was agreed by all parties, Democrats and Republicans alike, that they should be allowed to drift along. We could, under the law, have prosecuted these people and perhaps have sent them to jail. We could doubtless have broken up these families, but we felt it better that these men should be allowed to support these old women and these children than to further persecute them (2; 522).

This witness was sharply cross-examined by Mr. Tayler and by the chairman on this subject, with the result that he made his testimony more emphatic (2, 524, 526).

On his redirect examination he further stated that he agreed to the foregoing testimony of Mr. Critchlow and Mr. Powers (2, 531, 532).

F. H. Holzheimer, a leading lawyer of Idaho, who was practicing his profession in Utah until November, 1902, testified that the issuing of the manifesto of 1890 brought about a very peculiar state of affairs, and that the question of how to take care of the problem was one which confronted the people of Utah, and which the witness did not think they have really solved.

He added:

The concensus of opinion at that time was that those who had contracted marriages prior to the manifesto should be left alone. It was not, however, believed that they should openly violate the law and unlawfully cohabit with their numerous wives. I will say this, that where that has occurred it has been mostly in isolated cases. There have been a number of cases where children have been born, but in no case that I know of has it been done openly. It is true it is against the law, but it has not been done in such an open, lewd manner as has been intimated nor has it been general. And because of the peculiar state of affairs it was the opinion that the whole thing would die out; that it was only a matter of a short time when the question would be entirely settled, because there would be no new marriages (2; 575-576).

Frank Martin, a lawyer of Idaho, testified that he believed those who were living in polygamous cohabitation in his State ought to be punished. But he added:

A majority of our people seem to think that the best way, as far as concerns those old fellows who contracted these relations before the manifesto, as long as they stop it and do not take any new wives, or as long as no new wives are taken, is to let it go, to let it gradually die out, to let the old ones die (2; 622).

James H. Brady, a Gentile of Idaho, who operates several irrigation canals in that State and owns a power plant at the American Falls, when asked what is the sentiment in Idaho regarding disturbing or leaving undisturbed the men who went into polygamy prior to the manifesto of 1890, answered:

To be absolutely frank in the matter, my judgment is that a majority of the men in Idaho would favor leaving those old men to live out their lives just as they have started in (2; 649).

J. W. N. Whitecotton, a lawyer who resides at Provo City, where Senator Smoot lives, and who is intimately acquainted in most of the Mormon counties in Utah, was asked what has been the sentiment among non-Mormons in Utah in regard to the men who had entered into polygamy prior to the manifesto of 1890, and answered:

Well, that is a pretty hard question to answer. The Gentiles in Utah have recognized that we have a very hard problem to deal with in that respect. It offers many embarrassing things. There has been a good deal said in this testimony—I have read it—about an understanding. I know nothing of any understanding in regard to that. But I do know this, that the people generally feel like they do not want to stir up this thing and set it to smelling any more. It has not a good odor.

And there is another thing that they have taken into account in the neighborhood where I am, at least. When we get out to punish this man who is living in polygamy, put him in prison, they take into account somewhat the consequences that will come to his family. Now, the women who went into polygamy in Utah went into it because, although I think under a delusion, they thought it was a religious duty, and they are bound by the obligation. They feel that way.

And under the rules of the church, as I understand them, a plural wife, if she is divorced from her husband, may not become the wife of another man, and those plural wives who have children are in a very precarious condition if they are to be entirely separated from the only protector they have. I think that the condition of these women and the children they have has probably entered as largely into the feeling of "let the matter slide along and not bother it" as any other factor.

On his further examination on this subject, the following occurred:

The CHAIRMAN. What is the sentiment in regard to those who contracted plural marriages before 1890 and are now living with their wives and having new children by them up to this time?

Mr. WHITECOTTON. The sentiment is that it is an awful condition.

The CHAIRMAN. That is a lawful condition?

Mr. WHITECOTTON. That is an awful condition.

The CHAIRMAN. Oh!

Mr. WHITECOTTON. Leave off the "l." And we wish we were out of it. We do not know how to get out of it.

The CHAIRMAN. What is the sentiment with respect to that class of people—approval or disapproval?

Mr. WHITECOTTON. They have the disapproval of the people generally, but that does not go to the extent of causing a man to shoulder the responsibility of setting the law in motion against that man.

The CHAIRMAN. So that that class of men are left without interference?

Mr. WHITECOTTON. They are left practically without interference. They have our regrets, but we do not know how to get at them.

Senator FORAKER. You have said that that is largely because of the regard the people have for the condition in which the plural wives and children would be left in case of a successful prosecution.

Mr. WHITECOTTON. Yes, sir. I think that (regard for plural wives and children) is the chief cause of withholding the hand of prosecution. Those women are human, and so are their children, and they are not much to blame, either, especially the children (2; 679-680).

Hiram E. Booth, a practicing lawyer of Salt Lake City and one of the leading managers in the State of the Republican party, upon being asked to explain why it is that, if the people of Utah, including a large part of the Mormon people, are so opposed to polygamy, those who are living in polygamous relations are not interfered with, said:

Well, my explanation of that is that the principal fight of the Gentiles has been to do away with polygamous marriages. While during many years there were numerous prosecutions for unlawful cohabitation, it was not for the purpose of punishment so much, those people who lived in unlawful cohabitation, as it was to bring about a cessation of polygamous marriages. That was the principle for which we strove, to stop people from marrying in polygamy. This was finally brought about in 1890 by the manifesto of the president of the church, which was affirmed, or sustained, as they call it, by the conference on October 6, 1890, and again in 1891. We did not accept that in good faith at that time.

That is, we were somewhat skeptical about it; but later we did. Now, there has been since that time a disinclination to prosecute men and women who live in unlawful cohabitation. One of my own reasons—the way I look at it—was this: My sympathy was with the plural wife and her children. By these prosecutions she suffered more really than the husband did. In nearly all of the cases I may say the plural wife is a pure-minded woman, a woman who believed that it was right according to the law of God for her to accept that relation, and that she can not be released from her obligations when they are once entered upon.

Mr. BOOTH. I should say, with Judge Powers and Mr. Critchlow, that the general sentiment among the Gentile people in Utah is a disinclination to prosecute those cases.

Mr. WORTHINGTON. If I understand you, when Senator Smoot was a candidate for Senator, and when he became an apostle, which was in April, 1900, things had settled down in Utah by the general acquiescence of the people that if there would be no new polygamous marriages the people who had entered into that relation before the manifesto should not be disturbed?

Mr. BOOTH. Should not be disturbed; no, sir.

Mr. WORTHINGTON. And that was the state of opinion there when he became an apostle?

Mr. BOOTH. That was the state of opinion when he became an apostle.

Mr. WORTHINGTON. And if he had gone against that state of opinion he would have been going against the public sentiment of the State, would he not?

Mr. BOOTH. Yes.

Mr. WORTHINGTON. Gentiles and Mormons?

Mr. BOOTH. Gentiles and Mormons. I would say in that respect that where polygamous relations were carried on in such a way as to outrage public sentiment, in those cases, of course, a prosecution would have been demanded (2; 714, 715, 723).

Arthur Pratt, who was deputy United States marshal in Utah from 1874 until 1882, and again from 1886 to 1890, and who probably arrested more Mormons charged with polygamy or polygamous cohabitation than any other man, said that he had heard Mr. Whitecotton and Mr. Booth testify on this subject, and that he agreed with them, for the reasons stated by them—not out of any pity or sympathy for the men, but out of sympathy and out of the suffering that would be entailed on the women and the children (2; 744).

E. D. R. Thompson, a non-Mormon, who has lived in Salt Lake City since 1889, never been a Mormon, and who has taken a leading part in Republican politics in that State, testified:

Well, the general idea has been that this condition of things would gradually die away by the lapse of time. It has been generally repugnant to most people who take any position as against the Mormons in this matter which would imply either prosecution or persecution. In other words, they did not care to be informers (2, 991).

Charles De Moisy (a non-Mormon), who is a commissioner of the State bureau of statistics of Utah, and has never been a Mormon, says, in regard to the sentiment among Gentiles in Utah as to the punishment of those who live in polygamous cohabitation where the marriages were celebrated before the manifesto, "I think there is a matter of indifference about it"—that he himself thinks—"the less said about those things the better" (2; 1003).

Glen Miller, a non-Mormon, who was United States marshal in the Territory of Utah for four and a half years, and had been a member of the State senate for two years after Utah had been admitted into the Union, when asked what is the sentiment of Gentiles in Utah in regard to prosecutions for polygamous cohabitation between persons who were married before the manifesto, answered:

Well, there has been a sentiment against that, as there has been against any informing against any of the infractions of law generally. They have felt that it was only a question of time that the practice would die out through the death of those who practiced it and the removal of that generation (3; 160).

John W. Hughes, who has never been a Mormon, and is the editor of a weekly paper in Salt Lake City, when asked the same question, replied:

Well, the sentiment has been right along that these old fellows that are in polygamy—to let them alone and they will soon die out. Very soon none of them will be left. The great point with the Gentiles is that there will be no new plural marriages (3; 163).

Mrs. Mary G. Coulter, a non-Mormon, whose husband is a physician in Ogden, testified:

Those of us who have witnessed the old-time antagonisms and who are living and working for the new growth and progress do not believe in inquisitorial methods. We believe that the work of education, the establishment of industries, the developing of the mining regions, the building of railroads especially, and the influx of people, owing to the colonization schemes which are succeeding there, will in time eradicate all of the old and objectionable conditions (3; 170).

POLYGAMY IN OTHER COUNTRIES—HOW DEALT WITH.

A situation analogous to that existing in Utah after polygamy had been forbidden by the law of the church, as well as by the law of the State, arises in countries where polygamy is lawful, when missionaries have converted polygamists to the Christian faith. The question then frequently arises whether polygamists shall be admitted to the church, and if so whether they shall be required to put away all of their families except one. In the argument of the case, counsel for the respondent has referred to certain publications by various Christian churches, showing the proceedings that have taken place in some such cases and the results. The Presbyterian and Reformed Review, vol. 7, for 1896, contains an article on "The baptism of polygamists in non-Christian lands" from which the following extracts are taken:

At the regular meeting of the synod of India, held in Ludhiana, November, 1894, among the most important questions which came before the synod was this: Whether in the case of a Mohammedan or Hindoo with more than one wife, applying for baptism, he should in all cases, as a condition of baptism, be required to put away all his wives but one. After a very thorough discussion, lasting between two or three sessions of the synod, it was resolved, by a vote of 36 to 10, to request the general assembly, "in view of the exceedingly difficult complications which often occur in the cases of polygamists who desire to be received into the church, to leave the ultimate decision of all such cases in India to the synod of India." The memorialists

add: "It is the almost unanimous opinion of the members of the synod that, under some circumstances, converts who have more than one wife, together with their entire families, should be baptized."

Not only is it thus the fact that more than four-fifths of the members of the synod of India believe that it may sometimes be our duty, under the conditions of society in India, to baptize a polygamist without requiring him first to put away all his wives but one, but when the missionary ladies present during the sessions of synod, desirous of ascertaining the state of opinion among themselves on this subject, took a vote thereupon, of these 36 ladies, many of them intimately familiar with the interior of zenana life for years, all feeling no less hatred of polygamous marriage than their sisters in America, all but three signified their agreement with the majority of synod, of which minority of three two had been only a few days in India and were therefore without any experience touching the practical questions involved. Nor is this large majority of our missionaries singular in their belief on this subject.

When some years ago the question was debated in the Panjab missionary conference, in which a large number of the missionaries and eminent Christian laymen of all denominations took part, ten out of twelve of the speakers expressed the same opinion as that held by more than four-fifths of the synod of India to-day. So the Rev. Dr. James J. Lucas, of Saharanpur, says that the brethren who maintained the lawfulness of not requiring a polygamist to put away any of his wives as a prerequisite to baptism "are not even in a minority in the missionary body in India."

A few years ago the Madura Mission voted in favor of baptizing such, provided they had contracted their marriages in ignorance and there was no equitable way of securing a separation. Their action was disapproved by the American board, but it none the less illustrates again what is the judgment of a large part of those who, living in India, are in most intimate relation to the living facts, and who are thus far better qualified to form a right decision than can be the wisest men at home.

* * * * *

Again, as bearing on the polygamist's duty, it should be noted that in the great majority of cases among the Hindus the second marriage is contracted because of the first wife having no children. So that when the general assembly requires the polygamist convert to put away all wives but the first, it requires him not only to signalize his conversion by violating a contract held valid alike by his Christian rulers and a large part of his Christian brethren, but to do this in such a way as shall inflict the greatest amount possible of cruel injustice and suffering, by turning out of his house that wife who is the mother of his children (who will naturally in most cases have to go with her) and denying to her conjugal rights of protection and cohabitation which he had pledged her.

The wrong involved is aggravated under the conditions of life in India, in that it will commonly be practically impossible for the wife turned off, whichever she be, to escape the suspicion of being an unchaste woman, and she will inevitably be placed in a position where, with good name beclouded and no lawful protector, she will be under the strongest temptation to live an immoral life. No doubt polygamy is wrong; but then, is not breach of faith and such injustice and cruelty to an innocent woman and her children also wrong? If there is a law against polygamy, is there not a law also against these things even more explicit and indubitable? In the case supposed both can not be kept. Which shall the man be instructed to break?

The general assembly of 1875 appears to have imagined that the injustice was done away by enjoining a man to "make suitable provision for her support that is put away, and for her children, if she have any." But this utterly fails to meet the case. For the breach of faith required remains, since the marriage contract, both according to Scripture and the law of all Christian lands, as well as of India, binds the husband not only to support, but equally to protection and cohabitation. But by the deliverance of 1875 all missionaries in non-Christian lands are directed by the general assembly to instruct the convert that, in order to baptism, he must keep the compact as regards the first particular, but break it as regards the others.

Moreover, the moral end sought will, even so, not be gained. The wife put away may live in a separate house and at a distance—but then polygamists sometimes keep different wives in different homes—and it will not be easy to persuade a Hindoo or Mohammedan community, especially if the man still continue to give her money as required by the assembly's law, that cohabitation really ceases.

In *India and Christian Opportunity*, a book published in 1904, the author of which is Harlan P. Beach, M. A., F. R. G. S., in dealing

with the general subject of "Problems connected with new converts," the author, at page 222, says:

1. *Polygamy*.—One difficulty in the way of receiving a professed convert, though affecting only a small percentage of candidates, is a most perplexing one; it is that of applicants who have more than one wife. As Hindoo or Mohammedan they have entered in good faith into marriage contracts with these wives, and if a man puts away all but one, what provision shall be made for the rejected, and on what principle shall he decide as to the one to be retained?

While it is a question easily answered in missionary society councils at home, it is a more serious problem at the front. Some good missionaries hold that where the husband is living the Christian life in all sincerity it is better to receive into the church such a candidate—though not eligible to any church office—than to require him to give up all but one wife and thus brand with illegitimacy his children by them, as well as occasion the wives so put away endless reproach and embarrassments.

In *India's Problem, Krishna or Christ*, which was published in 1903, the author of which is John P. Jones, D. D., of southern India, A. B. C. F. M., the author, in dealing with this question, says, on pages 289 and 290:

In the consideration of the problem many things must be kept in mind. None more important than the claims to a cordial welcome from the church of any man who, in true faith and Christian earnestness, seek admittance. If it be demanded of the man that he put away all but one of those wives taken in heathenism, then we ask whether it is Christian, or even just, to cast away one to whom he was solemnly and religiously pledged according to the laws of the land and with whom he has been linked in love and harmony for years and from whom he has gotten children? And if he is to put away one or more of his wives, which one shall it be? Shall it be the first wife?

Certainly that would not be Christian. Or shall it be the second wife who is the mother of his children and whom he probably married at the request of the first who was childless in order that he might raise seed unto himself? It is not easy on Christian grounds to decide such a problem as this, nor is it very Christian to put a ban upon any woman who, in accordance with their religion and their country's laws, has formed this sacred alliance with a man and has lived with him for years. Nor can it be right to brand with illegitimacy the children born of such a wedlock.

I would not allow such persons, received into the Christian church, to become officers of the church. But I can not see why there may not be an humble place in the church of God for such and their families.

Whatever may be our personal views as to the propriety of the conduct of the people of Utah, in thus practically overlooking the continuance of polygamous relations where those relations arose out of marriages celebrated before the manifesto of 1890, there can be no doubt that when Reed Smoot, in April, 1900, became an apostle of the Mormon Church, the great majority of the people of the State, non-Mormons as well as Mormons, had practically agreed that it would be unwise to prosecute those who are living in such relations, or to in anywise interfere with them, unless those relations were flagrantly obtruded upon public notice.

REED SMOOT NOT RESPONSIBLE FOR POLYGAMY.

The charge of the protestants in this case, in substance, is that Reed Smoot connived at and encouraged, thereby becoming responsible for, the polygamous relations of certain of the officials of the church and of other polygamists. There is no evidence to support this charge except the fact that he acquiesced without protest in what the people of Utah generally accepted as unavoidable. In his answer and in his testimony, on his oath, he has positively denied that he has ever advised any person to violate the law either against polygamy or against polygamous cohabitation.

No witness has been produced who has testified that he ever heard the respondent give any such advice, or in any wise defend such acts. The most anybody has attempted to charge is that he has, like others, both Mormons and non-Mormons, ignored the offense of polygamous cohabitation both in the church and under the laws of the State when such polygamous cohabitation was in consequence of plural marriages solemnized before 1890.

In view of the general situation and the fact that non-Mormons, even the most active opponents of the church, had by common consent adopted the policy of acquiescence as the wisest plan to pursue as to polygamous cohabitation, relying on time and the course of nature to cure the trouble, we do not think such passive acquiescence on the part of Mr. Smoot can be held to amount to such an indorsement and encouragement of polygamous cohabitation as to make him responsible for it.

POLYGAMOUS MARRIAGES SINCE 1890.

It is further charged that notwithstanding the acts of Congress forbidding them, and in defiance of the manifesto of 1890, polygamous marriages have been celebrated by the authorities of the church since 1890.

We have already shown that since the manifesto forbidding the celebration of plural marriages became the law of the church by being ratified at a semi-annual conference of the church, neither the president of the church nor any other officer thereof has the power to celebrate a plural marriage which would be any more binding under the law of the church than it would be under the law of the land.

Evidence relating to such plural marriages since 1890 could, of course, be competent in this case only as it might, with other evidence, tend to show that the respondent has advised such marriages, or in some way connived at or approved them.

On this point there is some evidence tending to show, but not in fact showing, that in the period of over fifteen years which has elapsed since the manifesto of 1890 was promulgated there may have been some fifteen or twenty cases in which a member of the Mormon Church has cohabited with a woman as his plural wife with whom he sustained no such relation prior to 1890.

In only one instance has the evidence shown the actual performance of the marriage ceremony and that occurred in Mexico. In that case it appears that a woman named Kennedy, in the year 1896, with her mother, on several occasions appealed to Apostle Teasdale, in Mexico, to marry her to a man who was already married and had a wife living, and that the apostle, whenever appealed to, refused to perform the marriage ceremony on the ground that it was forbidden by the church.

The parties then traveled in a wagon about 75 miles to an out-of-the-way place where, according to the testimony of the woman, Brigham Young, jr., another apostle, did marry her to the man in question. At the time this testimony was given Brigham Young, jr., was dead. No person testified to the ceremony except the woman who was married, and she stated that she did not tell Brigham Young that the man whom she was marrying had a wife living, and that so far as she knew he was not informed of that fact by any person.

There was no evidence offered tending to prove that the respondent had any knowledge of this alleged plural marriage until it came out in the testimony before the committee.

Among the cases of alleged plural marriage since 1890, referred to in the evidence, are those of two of the apostles, John W. Tayler and Mathias F. Cowley.

As to Apostle Tayler, L. E. Abbott gave testimony tending to show that it became public talk in or about 1902 that Tayler had then recently taken two plural wives. As to Apostle Cowley, the testimony is exceedingly indefinite as to whether he took a plural wife at all since 1890, and if so, when.

The respondent was examined as a witness in his own behalf, after the testimony with reference to the alleged recent plural marriages of these two apostles had been introduced, and on this subject testified that he knew nothing about the alleged marriages until the testimony relating to them was introduced here before the committee. He further said that he would ask that an investigation be made by the church authorities, and if it turned out that the charges were true he would not again vote to sustain them as apostles.

The taking of testimony in this case was closed and the case submitted to the committee after argument by counsel in February, 1905. But at the beginning of the present session, it being made known to the committee that it was desired to introduce further evidence on behalf of the protestants, the case was reopened and further testimony was heard on behalf of both the protestants and the respondent. The testimony was closed the second time on March 27, 1906; but, consulting the convenience of counsel for the protestants, the hearing by the committee of the final arguments of counsel in this case was postponed until April 12, 1906.

On account of these delays, for which neither the respondent nor his counsel are in anywise responsible, the case was not finally submitted to the committee for determination until after the final conference of the Mormon Church, which was held at Salt Lake City on April 6, 1906. At that conference it was made known that Taylor and Cowley had resigned from their positions as apostles in the preceding October, and that the resignations had been accepted. The conference approved this action, and also filled the vacancies thus created by new appointments.

We deem it unnecessary to go at length into the evidence relating to the other alleged plural marriages since 1890, for the reason that there is no evidence whatever in the record which even tends to show, as to any such plural marriage, actual or alleged, that the respondent had any knowledge that it was intended such marriage should be celebrated, or that he ever countenanced it in any way or that, since it took place, he has at any time or in any way expressed approval of it.

In 1890, when the manifesto was promulgated, there were in the Mormon Church, according to church statistics, in the United States some 2,451 polygamous families. In May, 1902, this number had been reduced to 897. How many are left and how many of them are in Utah it is impossible to say; but probably about 500 would be a fair estimate. Many of the heads of these families are of advanced age. The population of Utah at the present time is about 500,000.

These figures strongly tend to show that, as a matter of fact, new polygamous marriages in Utah, in any considerable numbers, can not have taken place since 1890. In further evidence of this fact, and as showing the state of public sentiment as to polygamous cohabitation, we insert here an extract from the Congressional Record of February

5, 1903, page 1729 et seq., showing a statement made by Senator Dubois, who is well known to have familiar knowledge of this subject:

[Congressional Record, Feb. 5, 1903, p. 1729, et seq.]

Mr. DUBOIS. * * * Various causes operated to cause the Mormons to abandon polygamy. There was a feeling among the younger members of the Mormon Church, and a very strong feeling, that polygamy should be done away with. So here was this pressure within the church against polygamy and the pressure by the Government from outside the church against polygamy.

In 1891, I think it was, the president of the Mormon Church issued a manifesto declaring that thereafter there should be no polygamous marriages anywhere in the Mormon Church. The Mormons were then called together in one of their great conferences, where they meet by the thousands. This manifesto was issued to them by the first presidency, which is their authority, was submitted to them, and all the Mormon people ratified and agreed to this manifesto, doing away with polygamy thereafter.

"The Senator from Maine (Mr. Hale) will recall that I came here as a Senator from Idaho shortly after that, and the Senator from Connecticut (Mr. Platt) will recall how bitter and almost intemperate I was in my language before his committee and on the floor of the other House in the denunciation of these practices of the Mormon Church. But after that manifesto was issued, in common with all of the Gentiles of that section who had made this fight, we said:

"They have admitted the right of our contention and say now, like children who have been unruly, we will obey our parents and those who have a right to guide us; we will do those things no more." Therefore we could not maintain our position and continue punishing them unless it was afterwards demonstrated that they would not comply with their promise.

After a few years in Idaho, where the fight was the hottest and the thickest, we wiped all of those laws from our statute books which aimed directly at the Mormon people; and to-day the laws on the statute books of Idaho against polygamy and kindred crimes are less stringent than in almost any other State in the Union. I live among those people; and, so far as I know, in Idaho there has not been a polygamous marriage celebrated since that manifesto was issued, and I have yet to find a man in Idaho or anywhere else who will say that a polygamous marriage has been celebrated anywhere since the issuance of that manifesto.

Mr. HALE. Then, it must follow from that, as the years go by and as the older people disappear, polygamy as a practice will be practically removed.

Mr. DUBOIS. There is no question about it; and I will say to the Senator, owing to the active part which we took in that fierce contest in Idaho, I with others who had made that fight thought we were justified in making this promise to the Mormon people. We had no authority of law, but we took it upon ourselves to assure them that those older men who were living in the polygamous relation, who had growing families which they had reared and were rearing before the manifesto was issued, and at a time when they thought they had a right under the Constitution to enter into polygamous relation—that those older men and women and their children should not be disturbed; that the polygamous man should be allowed to support his numerous wives and their children.

The polygamous relations, of course, should not continue, but we would not compel a man to turn his families adrift. We promised that the older ones who had contracted those relations before the manifesto was issued would not be persecuted by the Gentile; that time would be given for them to pass away, but that the law would be strenuously enforced against any polygamous marriage which might be contracted in the future.

As further evidence of the same character we call attention to the testimony of Judge Charles W. Morse, a member of the Methodist Church and one of the judges of the third judicial district of Utah. In May, 1903, by his direction, a special grand jury was convened at Salt Lake City for the purpose of investigating charges that new polygamous marriages were being celebrated. This grand jury was composed of Mormons and non-Mormons. Its report will be found on pages 867 to 870 of volume 3 of the testimony. In their report they say:

We have investigated thoroughly all such cases brought to our attention by the district attorney and by citizens who have appeared before us, which were reported

to have occurred within the jurisdiction of this court, and have not been able to secure evidence that a single case of polygamy has occurred in this district since Utah became a State. The rumors of the commission of this crime seem to have grown out of innocent circumstances, which in ordinary communities would have created no suspicion or scandal, but which here, probably owing to a feature of our territorial history, have been seized upon and the crime assumed without evidence, much to the chagrin and injury of innocent citizens, and greatly to the detriment of our State and its reputation throughout the nation. Those who prize the fair name of our State and the rights of our neighbors should hereafter be more careful to secure facts and evidence before charging this crime.

Judge McCarty, whose testimony has already been referred to, testified as follows:

Mr. WORTHINGTON. I am coming down to that question next. What is your observation there as to whether, as a matter of fact, the number of people living in polygamy has decreased since 1890 in Utah?

Mr. McCARTY. Oh, the change has been phenomenal.

Mr. WORTHINGTON. Phenomenal?

Mr. McCARTY. Yes; phenomenal. There are only a very few. In the little town in which I resided there for over twenty years there were a large number of polygamists. Oh, there must have been in the neighborhood of twenty of them, and I can not call to mind now but three of those old men who are living. They have all died or moved away. Two of them procured divorces, either a church divorce for a plural wife or a divorce in the courts for the legal wife.

Mr. WORTHINGTON. What town is that to which you refer?

Mr. McCARTY. That is Monroe.

Mr. WORTHINGTON. So that there polygamy is practically extinct?

Mr. McCARTY. Yes; and what can be said of Monroe can be said of most other towns in the State.

Mr. WORTHINGTON. Most other towns in the State?

Mr. McCARTY. Yes. (Vol. 3, 888, 889.)

THE MORMON CHURCH AND POLITICS.

As to the charge that the Mormon Church interferes in and controls political affairs in Utah, we find the facts established by the evidence to be substantially as follows: From the time the Mormons reached Utah, in the summer of 1847, until 1891 there were no political parties in that Territory in the sense in which that expression would be used in other parts of the United States. There grew up in the Territory of Utah during that time two parties, one known as the People's Party, which was comprised exclusively of members of the Mormon Church and was controlled by the leaders of that church, and the Liberal Party, which was composed of non-Mormons.

Owing to controversies concerning polygamy and other matters not in issue elsewhere in the United States, these two parties were not only composed, on the one hand, of members of a religious sect and on the other hand of those opposing that sect, but the controversy between the two parties was extremely bitter. It seems not to be controverted that until the year 1891 the People's Party was not only dominated by the church, but practically was the church. But after the manifesto of 1890, hereinbefore referred to, which forbade further polygamous marriages, many members both of the Liberal Party and of the People's Party conceived it to be to the interests of the Territory that the people should divide on party lines as they were divided in other parts of the country, and that the Liberal Party and the People's Party should be disbanded.

In the course of a few months this purpose was carried into effect. The great majority of the voters of the Territory of Utah, Mormons and non-Mormons, became either Republicans or Democrats, and political controversies in the Territory till 1896 and after that time in the

State have been waged, as a rule, on the lines of the national political parties.

While it is no doubt true that the habit which the church and the members of the church had followed for so many years prior to the breaking up of the old parties of voters receiving counsel from officials of the church in regard to the selection of candidates for office was not at once completely broken off, yet the evidence further establishes that the improvement in this regard has been very rapid and that, of late years, the Mormon voters of the State adhere more closely to party lines than the non-Mormons do. We think the evidence establishes the fact that since Reed Smoot became an apostle of the Mormon Church on the 6th day of April, 1900, the Mormon Church has not controlled or attempted to control elections in Utah.

It is claimed, however, that the church, by an instrument called the "Political Rule," has required of its members holding office in the church that before they shall become candidates for any political position they shall receive the consent of the church authorities; and that by this device the church has controlled the election of Senators of the United States.

This political rule will be found on pages 168 to 171, Volume I, of the printed report of the testimony before the committee. The meaning and effect of this instrument were very fully considered in the case of Moses Thatcher, who in 1896 was a candidate before the legislature of the State of Utah for election as Senator of the United States.

Thatcher, at the time, was one of the twelve apostles of the church, and he did not seek or obtain the consent of the church authorities to this candidacy. For this offense he was tried before a high church tribunal. The decision of this tribunal, the acceptance thereof by Moses Thatcher, and the acquiescence by the church authorities in the terms upon which he accepted the conclusion of the tribunal, will be found upon pages 563 to 573 of the same volume. Mr. Thatcher was a witness before the committee, and his testimony on this subject will be found on pages 1038 to 1040 of that volume.

The upshot of it all is that the political rule, as construed by these proceedings, left Thatcher, to use his own words, absolutely free as an American citizen, to exercise his rights as such, and left all the officers of the church absolutely free. In his acceptance of the decision of the council Thatcher expressly stipulated that in accepting it he violated none of the engagements theretofore entered into by him, "under the requirements of party pledges respecting the political independence of the citizen who remains untrammelled, as contemplated in the guaranties of the State constitution."

Indeed, in the political rule itself, it is expressly stated that if any officer of the church wishes to become a candidate for a political office, or to enter into any other engagement which will interfere with the duties of his church office, he may do so without soliciting or obtaining the consent of the church or its authorities by resigning his ecclesiastical position. The whole purport and effect of the rule seems to be that high church officials, filling positions which require them to give their time to their ecclesiastical duties, shall not enter into any engagements of any kind, political or otherwise, which require them to abandon or neglect such ecclesiastical duties, without first obtaining the consent of the authorities of the church.

Thus construed the rule seems to be a reasonable one; but whether reasonable or unreasonable it does not seem to us that it is within the province of the General Government to interfere with it or punish in any way the members of the church because of its promulgation.

The evidence in the case clearly establishes that Mr. Smoot, for some time before he became a candidate for the Senate and even before he became an apostle, was one of the leaders of the Republican party in the State of Utah; that he had been frequently spoken of either as a candidate for the governorship of the State or the Senate of the United States; that when he became a candidate for the Senate he was, in the words of some of the witnesses, the logical candidate for that office, and that he was elected by the votes of the Republicans in the legislature, Mormons and non-Mormons, and was opposed by the Democrats in that body, Mormons and non-Mormons. He says, in his testimony, that before formally becoming a candidate, he went to the first president of the church and obtained the consent of the Church to his becoming a candidate.

As already intimated, if that consent had been refused, it meant no more than if he became a Senator he must give up his apostleship.

There has been no evidence offered tending to show that any member of the Mormon Church has ever asked consent to become a candidate for any office and been refused.

THE ENDOWMENT OATH.

The only other charge made against the respondent which, in our opinion, merits attention was made in the protest signed by John L. Leilich, as follows:

That the oath of office required of and taken by the said Reed Smoot as an apostle of the said church is of such a nature and character that he is thereby disqualified from taking the oath of office required of a United States Senator. (1; 28.)

This same charge was in effect made in the protest signed by W. M. Paden and 17 others in the following clause as a deduction from previous statements, rather than a specific charge in itself:

We submit that however formal and regular may be Apostle Smoot's credentials or his qualifications by way of citizenship, whatever his protestations of patriotism and loyalty, it is clear that the obligations of any official oath which he may subscribe are and of necessity must be as threads of tow compared with the covenants which bind his intellect, his will, and his affections, and which hold him forever in accord with and subject to the will of a defiant and lawbreaking apostolate. (1; 25.)

In the sworn answer made by the respondent to these charges on this subject he says:

As to the charge that the respondent is bound by some oath or obligation controlling his duty and his oath as a Senator, the respondent says that he has never taken any such oath or in any way assumed any such obligations. He holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon which the State of Utah was admitted into the Union. (1; 31.)

During the examination of the first witness called by the protestants, Joseph F. Smith, a discussion arose in which Senator Hoar stated that he understood that the committee had reached a conclusion that there were two issues in the case—one whether Reed Smoot had practiced polygamy, which the Senator understood had been abandoned, and that the only other one was whether or not as an official of the Mormon

Church the respondent took an oath or obligation that was superior in his estimation and in its requirements upon him to the oath or obligation which he must take to qualify him as a Senator.

Thereupon Senator Dubois stated that both these contentions were set aside entirely and that it was not contended that they would be attempted to be proved by the attorneys representing the protestants. (1; 114.) In the course of further discussion a member of the committee having stated that he never knew until Mr. Tayler had stated it that he had abandoned the idea of proving that the respondent had taken an obligation that interfered with the obligations of his oath, Mr. Tayler replied:

I can not abandon that which I never occupied or possessed.

Senator Dubois added, "He never alleged it." (1; 115.)

On a subsequent day, Senator Beveridge, in order, as he stated, to correct what he thought was a mistake in the popular mind as to what were the charges against the respondent which the committee was considering, said that it had been charged that the respondent was a polygamist, which charge had been withdrawn, and that he had been charged with taking an oath inconsistent with his duty as a Senator, which Senator Beveridge understood Mr. Tayler to say was not a charge that had been withdrawn, but was such a charge as had never been made, and that, therefore, the issue upon which the committee would proceed from that time on, so far as the protestants were concerned, was whether the respondent was a member of a conspiracy.

Thereupon Senator Dubois again stated that no charge had been made against Mr. Smoot of taking an oath inconsistent with his oath as Senator except the Leilich charge, which had been abandoned and repudiated, and that the attorneys for the respondent "have been trying to force the protestants to issues which they themselves have never raised." (Vol. 1, p. 126.)

This was the state of the record when the testimony of Joseph F. Smith and several other witnesses had been taken, and the examination of Francis M. Lyman, one of the apostles, was progressing.

He was asked by the chairman to state what the "ceremony is in going through the endowment house." This being objected to by the counsel for respondent, the chairman said:

One of the charges is that Mr. Smoot has taken an oath or obligation incompatible with his obligation as a Senator. The object of this question is to ascertain from this witness, who went through the endowment house—of course, I know nothing about it—whether any such obligation is taken.

Counsel for the respondent having thereupon stated that they understood that that charge had been expressly disclaimed by counsel for the protestants, the chairman replied:

Counsel stated that they did not propose, as far as they were concerned, to offer any proof upon that question, but the chair did not understand that therefore the committee was precluded from showing it. (1; 436.)

A little later in the same session, Mr. Tayler, counsel for the protestants, again stated:

It is in respect of those two things around which all of this case gathers—polygamy and the direction of the people by the apostolate—and if those two were eliminated this hearing would not be going on here. (1; 463.)

After the chairman of the committee had ruled as above stated that the witness Lyman was required to answer the question, his examination on this subject proceeded as follows:

The CHAIRMAN. Will you please state what the ceremony is in going through the endowment house?

Mr. LYMAN. I could not do so.

Mr. WORTHINGTON. I object to that, Mr. Chairman, on the ground that it is inquiring into a matter prior to 1890, and I understood, or we were informed, that the committee had decided that would not be done.

The CHAIRMAN. One of the charges is that Mr. Smoot has taken an oath or obligation incompatible with his obligation as a Senator. The object of this question is to ascertain from this witness, who went through the endowment house—of course I know nothing about it—whether any such obligation is taken.

Mr. LYMAN. Is that the question you asked me, Mr. Chairman?

The CHAIRMAN. No; that was not my question. It was a statement to counsel.

Mr. WORTHINGTON. I had understood, Mr. Chairman, that that was expressly disclaimed by counsel here the other day.

The CHAIRMAN. Counsel stated that they did not propose, as far as they were concerned, to offer any proof upon that question; but the Chairman did not understand that therefore the committee was precluded from showing it. Is there any objection to the question?

Mr. WORTHINGTON. I do object to it for the reasons already stated; and, further, because it does not follow at all that because the witness went through certain ceremonies or took certain obligations, if you please, Senator Smoot took them.

The CHAIRMAN. That would not follow of itself. If nothing further than this can be shown, of course it will have no bearing upon Mr. Smoot at all. Read the question, Mr. Reporter.

The reporter read as follows:

The CHAIRMAN. Will you please state what the ceremony is in going through the endowment house?

Mr. LYMAN. I could not do so.

Mr. WORTHINGTON. I do insist upon my objection. I understood the chair to ask me whether I had any further objection.

The CHAIRMAN. The chair thinks it is permissible; and, as the chair stated, if nothing appears beyond this to connect Mr. Smoot with it, of course it will have no bearing upon the case. Can you state what that ceremony was?

Mr. LYMAN. I could not, Mr. Chairman; I could not do so if it was to save my life.

The CHAIRMAN. You could not?

Mr. LYMAN. No, sir.

The CHAIRMAN. Can you state any portion of it?

Mr. LYMAN. I might approximate something of it that I remember.

The CHAIRMAN. As nearly as you can.

Mr. LYMAN. I remember that I agreed to be an upright and moral man, pure in my life. I agreed to refrain from sexual commerce with any woman except my wife or wives, as were given to me in the priesthood. The law of purity I subscribed to willingly, of my own choice, and to be true and good to all men. I took no oath nor obligation against any person or any country or government or kingdom or anything of that kind. I remember that distinctly.

The CHAIRMAN. Of course the charge is made, and I want to know the facts. You would know about it, having gone through the endowment house?

Mr. LYMAN. Yes.

The CHAIRMAN. There was nothing of that kind?

Mr. LYMAN. Nothing of that kind.

The CHAIRMAN. No obligation or oath?

Mr. LYMAN. Not at all; no, sir. (1; 436,437).

After this had occurred, Joseph F. Smith was recalled, and on this subject was further examined by counsel for the respondent, as follows:

Mr. TAYLER. I wish to ask two questions. Mr. Smith, something has been said about an endowment oath. I do not want to go into that subject or to inquire of you what it is, but whatever oath or obligation has been taken by those who have been admitted to the church, at whatever stage it is taken, is the same now that it has been for years?

Mr. SMITH. It is the same that it has always been.

Mr. TAYLER. It is the same that it has always been?

Mr. SMITH. Yes, so far as I know.

Mr. TAYLER. No other oath is taken now than heretofore?

Mr. SMITH. I should like to say that there is no oath taken; that we abjure oaths. We do not take oaths unless we are forced to take them.

Mr. TAYLER. I understand. You understand what I mean—any obligation—

Mr. SMITH. Covenant or agreement—we do that.

Mr. TAYLER. Any obligation of loyalty to the church such as would be proper to be taken?

Mr. SMITH. Certainly.

Mr. TAYLER. That is the same now that it has always been?

Mr. SMITH. Yes, sir; that it has always been, so far as I know. I can only say that they are the same as they were revealed to me.

Mr. TAYLER. Exactly.

Mr. SMITH. And as they were taught to me.

Mr. TAYLER. You have known them for forty years or more?

Mr. SMITH. I have been more or less acquainted with them for a great many years. (1; 484.)

It will be seen that neither the witness Lyman nor the witness Joseph F. Smith declined to answer any question that was put to him with regard to this alleged covenant or obligation.

The next witness on the subject (who, like the two preceding witnesses, was summoned and examined on behalf of the protestants), was Brigham H. Roberts. After counsel for the protestants had examined this witness and announced that they had no further questions to ask him, the following occurred:

The CHAIRMAN. Mr. Roberts, there is another subject upon which I want to ask you a question. It has been stated here that the endowment house was taken down in 1890.

Mr. ROBERTS. I think earlier than that.

The CHAIRMAN. Well, at some time it was taken down?

Mr. ROBERTS. Yes.

The CHAIRMAN. Did you ever go through the endowment house?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. When?

Mr. ROBERTS. I think it was in 1877.

The CHAIRMAN. Have you been present at times when others have passed through the endowment house?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Frequently?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Is the ceremony that used to be performed in what was called the endowment house performed now?

Mr. ROBERTS. I think so.

The CHAIRMAN. Where?

Mr. ROBERTS. When?

The CHAIRMAN. Where, I say?

Mr. ROBERTS. In the temples, as I understand it.

The CHAIRMAN. How many temples are there in Utah?

Mr. ROBERTS. I believe there are four.

The CHAIRMAN. And the ceremony that used to be performed in the endowment house is now performed in the temple?

Mr. ROBERTS. Yes, sir.

Mr. WORTHINGTON. He says he thinks it is. He does not know.

The CHAIRMAN. Do you remember the ceremony?

Mr. ROBERTS. No, sir; I do not remember the ceremonies distinctly.

The CHAIRMAN. Do you remember any portion of it?

Mr. ROBERTS. Only in a general way, Senator.

The CHAIRMAN. Do you know, Mr. Roberts, of any change in the ceremony performed in the Endowment House and as it is performed to-day in the temple?

Mr. ROBERTS. No, sir.

The CHAIRMAN. The ceremony is the same. Now, will you state to the committee what that ceremony was, or is, as nearly as you can?

Mr. ROBERTS. Well, the ceremonies consist of what would be considered a series of ceremonies, I take it, of which I only have a general impression.

The CHAIRMAN. You have something more than a general impression in your own case?

Mr. ROBERTS. No; I think not.

The CHAIRMAN. How many days did it take you to go through the Endowment House?

Mr. ROBERTS. Well, part of one day.

The CHAIRMAN. Who were present at the time? Do you remember?

Mr. ROBERTS. I do not remember.

The CHAIRMAN. Can you tell the committee any portion of that ceremony?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Why not?

Mr. ROBERTS. Well, for one reason, I do not feel at liberty to do so.

The CHAIRMAN. Why not?

Mr. ROBERTS. Because I consider myself in trust in relation to those matters, and I do not feel at liberty to make any disclosures in relation to them.

The CHAIRMAN. It was then a secret?

Mr. ROBERTS. Yes.

The CHAIRMAN. Does this religious denomination have, as one of its ceremonies, secret obligations or covenants?

Mr. ROBERTS. I think they could not be properly called secrets. Of course they are common to all worthy members of the church, and generally known by them.

The CHAIRMAN. Well, secret from the world?

Mr. ROBERTS. Secret from the world.

The CHAIRMAN. The obligations and covenants, whatever they are, then you are not at liberty to disclose?

Mr. ROBERTS. No, sir; I would be led to regard those obligations as similar to those who perhaps have passed through masonic fraternities, or are members of masonic fraternities.

The CHAIRMAN. Then your church organization in that particular is a sort of Masonic fraternity?

Mr. ROBERTS. It is analogous, perhaps, in some of its features.

The CHAIRMAN. You say you can remember, of course, what occurred, but you do not feel at liberty to disclose it, and for that reason you will not disclose it?

Mr. ROBERTS. Not specifically. I do not wish, however, Senator, to be understood as being in any sense defiant in that matter.

The CHAIRMAN. That is not so understood, Mr. Roberts, at all.

Mr. ROBERTS. I do not wish to put myself in opposition or raise any issue here at all.

The CHAIRMAN. The reason you have assigned is accepted. The obligation, whatever it is, taken in the Endowment House, is such that you do not feel at liberty to disclose it?

Mr. ROBERTS. That is right.

The CHAIRMAN. Should you do so, what would you expect as the result?

Mr. ROBERTS. I would expect to lose caste with my people as betraying a trust.

Senator OVERMAN. Do all members of the church have to go through that?

Mr. ROBERTS. Not all members.

Senator OVERMAN. What proportion of them, and how is it regulated?

Mr. ROBERTS. It is governed chiefly by worthiness—moral worthiness.

Senator BAILEY. And is it somewhat a matter of degrees, as it is in Masonry? I believe they have several degrees.

The CHAIRMAN. Do you recall whether any penalty was imposed upon a person who should disclose the covenants?

Mr. ROBERTS. No, sir.

The CHAIRMAN. You do not remember?

Mr. ROBERTS. Beyond the disfavor and distrust of his fellows.

The CHAIRMAN. Have you ever been present at a marriage ceremony in the temple?

Mr. ROBERTS. Yes, sir.

The CHAIRMAN. Could you tell what that is?

Mr. ROBERTS. I could not, only in a general way. The ceremony is of some length. I remember performing the ceremony in the case of my own daughter when she was married, and, not being familiar with the ceremony, a copy of it was placed in my hands and I read the ceremony, but I could only remember the general terms of it.

The CHAIRMAN. If the members who have gone through the Endowment House, then, keep faith with the church they will not disclose what occurred?

Mr. ROBERTS. No, sir.

Senator BAILEY. Do you feel at liberty, Mr. Roberts, to say whether or not there is anything in that ceremony that permits a man—I will adopt a different expres-

sion—that abridges a man's freedom of political action or action in any respect, except in a religious way?

Mr. ROBERTS. No, sir.

Senator BAILEY. I do not quite understand whether you mean by your answer to say that you do not feel free to answer that or that there is nothing.

Mr. ROBERTS. I mean to say that there is nothing. (1; 740, 742.) * * *

The CHAIRMAN. I want to ask Mr. Roberts one further question. What is there in these obligations—I will not use the term "oaths"—that makes it necessary to keep them from the world?

Mr. ROBERTS. I do not know of anything especially, except it be their general sacredness.

The CHAIRMAN. Their general sacredness? Ought sacred things to be kept from the world?

Mr. ROBERTS. I think some sacred things ought to be.

The CHAIRMAN. Could you name one sacred thing in connection with this ceremony that should be kept from the world?

Mr. ROBERTS. No, sir.

The CHAIRMAN. Why? Because you can not remember?

Mr. ROBERTS. Well, I could not say that. I would not say that, Senator.

The CHAIRMAN. You do remember it, then—the sacred thing that you mean?

Mr. ROBERTS. Some sacred things I do.

The CHAIRMAN. But you can not state to the committee what they are?

Mr. ROBERTS. I ask to be excused from stating them.

The CHAIRMAN. But I can not understand exactly how the church organization has things that the world must not know of. I did not know but you could give some reason why.

Mr. ROBERTS. I do not think I could throw any light upon that subject.

The CHAIRMAN. All right; I will not press it. (1-743.)

* * * * *

Mr. WORTHINGTON. I would like to ask, Mr. Roberts, whether this obligation or ceremony to which you refer in the Endowment House relates entirely to things spiritual or whether it relates to things temporal also?

The CHAIRMAN. Would it not be better, Mr. Worthington, to let him state what the obligation is?

Mr. WORTHINGTON. Yes, so far as I am concerned, I would very much prefer it, but I understand the suggestion by Senator Pettus was that he was interpreting that which he would state.

Of course I do not know anything more about this than the members of the committee do, but I think it might very well be that a witness might be allowed to state, and might properly say, that he would answer here as to anything that related to any temporal affairs; but as to things which related to matters between him and his God, or which he conceived to be between him and his God, he would not answer here or anywhere else, and that would not be an interpretation, but would simply be taking the protection which I understand the law gives to every man—that as to things which do relate entirely to religious matters they are matters which he has a right to keep within his own breast.

The CHAIRMAN. Your question was whether these obligations related to spiritual affairs or temporal affairs.

Mr. WORTHINGTON. Yes; that was my question.

The CHAIRMAN. The trouble is he interprets a thing which is unknown and unseeable to us, and which he considers spiritual.

Mr. CARLISLE. What he considers spiritual we might consider temporal, if the matter itself was disclosed.

The CHAIRMAN. It seems to me that the witness having refused to state what the ceremony is, or what the obligations demand, ought not to be questioned and permitted to state what he thinks it did not convey, or what obligation it imposed, or what it did not impose. The committee can judge of that.

Mr. WORTHINGTON. Of course, we are here not representing the witness, but representing only Senator Smoot.

The CHAIRMAN. Yes.

Mr. WORTHINGTON. And it is the witness pleading a privilege and making the refusal, and not Senator Smoot or his counsel. We would like to have this question answered.

The CHAIRMAN. What is the question?

Mr. WORTHINGTON. The question is whether this obligation refers to things spiritual or things temporal.

Senator BAILEY. I do not think it makes any difference to the committee in the

end, or will affect its conclusions, whether that is answered or not. I am partly responsible for that line of questions, and I asked the first question myself because I really intended to insist, if it related in any way to the duties of a citizen, that the committee was entitled to know what that was, and if it did not, then I had no further interest in it.

The CHAIRMAN. Let the witness answer that question.

Mr. ROBERTS. May I have the question read?

The CHAIRMAN. Certainly.

The reporter read as follows:

Mr. WORTHINGTON. I would like to ask, Mr. Roberts, whether this obligation or ceremony to which you refer in the endowment house relates entirely to things spiritual or whether it relates to things temporal also?

Mr. ROBERTS. I regard them as relating to things spiritual, absolutely.

Mr. TAYLER. If we were in a court of justice, and insisted upon it, I think that opens the door so wide that the whole oath would come in.

The CHAIRMAN. I think so, too.

Mr. TAYLER. But I do not care to do it. (1; 745, 746.)

The next witness called on behalf of the protestants was A. M. Cannon. After his examination by counsel for the protestants was concluded he was further examined by the chairman of the committee on this subject, and his testimony was as follows:

The CHAIRMAN. Do you remember the covenant you took when you went through the endowment house?

Mr. CANNON. Oh, yes.

The CHAIRMAN. Could you state the ceremony?

Mr. CANNON. I would not like to.

The CHAIRMAN. Why not?

Mr. CANNON. Because it is of a religious character, and it is simply an obligation that I enter into to be pure before my Maker and worthy of the attainment of my Redeemer and the fellowship and love of my children and their mothers, my departed ancestry, and my coming descendants.

The CHAIRMAN. What objection is there to making that public?

Mr. CANNON. Because it is sacred.

The CHAIRMAN. How sacred?

Mr. CANNON. It is simply a covenant that I enter into with my Maker in private.

The CHAIRMAN. All the tenets of your religion are sacred, are they not?

Mr. CANNON. Sir?

The CHAIRMAN. They are all sacred, are they not—the teachings?

Mr. CANNON. All of those are sacred; yes, all of those things.

The CHAIRMAN. I do not quite understand why you should keep them secret.

Mr. CANNON. It is because it is necessary to keep them secret. If you will permit me, Mr. Chairman, we admit only the purest of our people to enter there.

The CHAIRMAN. People like you and the president of the church? I suppose the president of the church is admitted?

Mr. CANNON. The presidency of the church, if he continues in good standing, and our people whoever are in good standing and deemed worthy of the proper recommendations are permitted to enter there.

The CHAIRMAN. Do you enter into any obligation not to reveal these ceremonies?

Mr. CANNON. I feel it would be very improper to reveal them.

The CHAIRMAN. I say, do you enter into any obligation not to?

Mr. CANNON. There are sacred obligations connected with all the higher ordinances of the church.

The CHAIRMAN. In words, do you promise not to reveal?

Mr. CANNON. I feel that that is the trust reposed in me, that I will not go and—

The CHAIRMAN. I think you do not understand my question. Do you promise specifically not to reveal what occurs in the endowment house?

Mr. CANNON. I would rather not tell what occurs there. I say this—

The CHAIRMAN. I think, Mr. Cannon, you do not understand me. Do you promise not to reveal what occurs in the endowment house when you go through?

Mr. CANNON. I feel that that is an obligation I take upon me when I do that.

The CHAIRMAN. When you go through the endowment house do you take that obligation upon you in express terms?

Mr. CANNON. I think I do.

The CHAIRMAN. You know, do you not, whether you do or not? Why do you take that obligation not to reveal these things?

Mr. CANNON. Because we are—I do not want to be disrespectful to this committee.

The CHAIRMAN. I know you would not be.

Mr. CANNON. The Lord gave us to understand that we should not make common the sacred things that He committed to His disciples. He told them they must not do that lest they trample them under their feet and rend them.

The CHAIRMAN. Do you remember whether there was any penalty attached if they should reveal?

Mr. CANNON. I do not remember that there is any penalty.

The CHAIRMAN. None whatever?

Mr. CANNON. I do not remember.

The CHAIRMAN. Has there been any change in the ceremony of the endowment house since you went through in 1859, up to the present time, that you are aware of?

Mr. CANNON. No.

The CHAIRMAN. No change in the ceremony or obligations?

Mr. CANNON. No. (1; 791, 792.)

The next witness called by the protestants was Moses Thatcher. After counsel for the protestants had finished their examination of Mr. Thatcher, the following occurred:

The CHAIRMAN. One other question: The endowment house, I believe, has been taken down?

Mr. THATCHER. That is as I understand it. It has been taken down.

The CHAIRMAN. Has the ceremony of the endowment house been wiped out also, or is that performed now?

Mr. THATCHER. I am just trying to think whether I have been through the temple, in the light in which I went through the endowment house, to give you a correct answer on that, but my impressions are that the ceremony has not been changed.

The CHAIRMAN. You have seen the ceremony in the temple? You have witnessed it?

Mr. THATCHER. I think I have heard it.

The CHAIRMAN. And you think there is no change in it?

Mr. THATCHER. No, sir.

The CHAIRMAN. When did you go through the endowment house?

Mr. THATCHER. My impressions are when I married the wife of my youth—in 1861.

The CHAIRMAN. Will you state to the committee the ceremony in the endowment house? I do not mean the ceremony of marriage; but did you go through the endowment house when you became an apostle?

Mr. THATCHER. No, sir; it was not necessary.

The CHAIRMAN. You have been through the endowment house, then, but once?

Mr. THATCHER. Yes, sir.

The CHAIRMAN. Will you state to the committee the ceremony of the endowment house?

Mr. THATCHER. I think, Mr. Chairman, that I might be excused on that.

The CHAIRMAN. Why?

Mr. THATCHER. For the reason that those were held to be sacred matters and only pertaining to religious vows.

The CHAIRMAN. Are you obligated not to reveal them?

Mr. THATCHER. Yes; I think I am.

The CHAIRMAN. What would be the effect if you should disclose them? That is, is there any penalty attached?

Mr. THATCHER. There would be no effect except upon my own conscience.

The CHAIRMAN. That is all?

Mr. THATCHER. That is all.

The CHAIRMAN. But you are under obligation as a part of the ceremony not to reveal it?

Mr. THATCHER. Yes, sir; I feel myself under such obligation. (1; 1048, 1049.)

This was all the testimony on the subject of the alleged oath or obligation taken during the sessions of the committee held in the spring of 1904. The last session when testimony was taken during that spring occurred on the 2d of May, 1904. When the taking of testimony was resumed in December, 1904, counsel for the protestants produced and examined certain witnesses on this subject, the substance of whose testimony will now be stated.

J. H. Wallis, sr., who had been a Mormon but who had formally notified the bishop of his ward, seven or eight months before he was examined, that he no longer considered himself a member of the church, testified that on several occasions he had taken his endowments in the temple at Salt Lake City. When first examined he said that he did not know whether he had it exactly right; but that the substance of the so-called "oath of vengeance" is that those who took it promised and vowed that they "will never cease to importune high Heaven to avenge the blood of the prophets on the nations of the earth or the inhabitants of the earth." He added that if his memory served him, he thought that was about right, and that a passage of scripture is quoted from the Revelations, sixth chapter, ninth verse. (2; 79.)

The next day Mr. Wallis was recalled and testified that in repeating the obligation he had made a mistake; and that he should have said "upon this nation" instead of "upon the inhabitants of the earth." (2; 148.)

Two witnesses were called on behalf of the respondent to impeach Wallis. One of them Moroni Gillespie, who had been a member of the police force in Salt Lake City for eleven or twelve years, testified that he knew Wallis's general reputation for truth and veracity in the community in which he lived; that it was bad; and that he would not believe him under oath. Wallis had testified that he had never been arrested.

This witness testified that he was present in the police court on one occasion when Wallis was under arrest and plead guilty to the charge of drunkenness. Gillespie further testified that he had known Wallis for several years and that, in his opinion, he was not altogether of sound mind. (3; 317, 318.)

The other witness as to the veracity of Wallis was William Langton (2, 1022; 3, 143, 144). Neither his testimony nor that of Gillespie was contradicted or impaired in any way. His conclusion, from what he had seen of Wallis, was that the man was crazy. He further testified that, in his opinion, Wallis's general reputation for truth and veracity was such that he would not believe him on oath.

When Langton was asked by counsel for the respondent to give his reasons for thinking that Wallis was of unsound mind, objection was made by the counsel for the protestants and the objection was sustained (3; 144). But subsequently he was recalled and allowed to give his reasons, which he did at length (3; 445).

August W. Lundstrom, another witness for the protestants, testified that he had taken the endowment six times, and that the obligation in question was:

We and each of us solemnly promise and covenant that we shall ask God to avenge the blood of Joseph Smith upon this nation. (2; 151-153.)

He subsequently slightly varies this statement by saying that the prayer was: "We ask God, the Eternal Father, to avenge the blood of Joseph Smith upon this nation." (2; 161.)

Three witnesses were called on behalf of the respondent to impeach Lundstrom. One of them, F. S. Fernstrom, testified that he had known Lundstrom for about fourteen years, and Lundstrom's general reputation for truth in the community in which he lived was bad, and that he, witness, would not believe him under oath. On cross-examination by counsel for the protestants the fact was brought out that Lundstrom

had borrowed from his bishop part of a fund which the bishop had collected for the support of the poor, and that when asked by the bishop to return the money, Lundstrom refused to do it, saying that the church owed him a living. (2; 1012.)

One of these witnesses, C. V. Anderson, testified that he knew Lundstrom's general reputation for veracity in Salt Lake City, where he lived; that it was bad, and that the witness did not think he would believe Lundstrom on oath. (2; 1013.)

J. H. Hayward was the third witness on this subject. He testified that he had known Lundstrom for many years, the latter having been at one time in his employ; that he knew Lundstrom's general reputation for truth and veracity in Salt Lake City, where he lived; that it was bad, and that from his reputation the witness would not believe him under oath.

This evidence as to Lundstrom's reputation for truth and veracity was not rebutted in any way.

The third and last witness called by the protestants, during the sessions of the committee held in December, 1904, on this subject of the alleged obligation was Mrs. Annie Elliott, who testified that she had taken the endowments several times, and that during the ceremony "they told me to pray and never cease to pray to get revenge for the blood of the prophets on this nation, and also teach it to my children and children's children." (2; 189.)

On cross-examination this witness stated positively that she had never told anybody about this obligation; and that if Mr. Tayler was examining her from a memorandum informing him what her testimony would be, she did not know where it came from or how Mr. Tayler came to get it (2; 194). On her direct examination Mrs. Elliott stated that she was married in Denmark, and that her husband followed her to this country. Her examination by counsel for the protestants then proceeded as follows:

MR. TAYLER. Is he living now—that is, the husband whom you married in Denmark?

Mrs. ELLIOTT. No, sir.

MR. TAYLER. You lived with him until he died, did you?

Mrs. TAYLER. Yes, sir.

MR. TAYLER. Where did he die?

Mrs. ELLIOTT. Why, in Elsinore.

MR. TAYLER. In Utah?

Mrs. ELLIOTT. Yes, sir.

MR. TAYLER. When?

Mrs. ELLIOTT. In 1897.

MR. TAYLER. Did you, after his death, marry?

Mrs. ELLIOTT. Yes, sir; I married in 1899. (2; 184.)

On her cross-examination, after she had testified that she had left the church in 1897, the following occurred:

MR. WORTHINGTON. Was it before or after the death of your first husband?

Mrs. ELLIOTT. Why, it was after.

MR. WORTHINGTON. What time in 1897 did he die?

Mrs. ELLIOTT. He died in October. (2; 191.)

The value of the testimony of this witness may be judged by the fact that the husband who followed her to this country not only did not die in October, 1897, but was living at the time Mrs. Elliott gave the testimony in question; and was subsequently called as a witness on behalf of the respondent (2; 1015). He testified that she had

obtained a divorce from him about six years before he gave his testimony, which was in January, 1905. His testimony showed clearly that she knew he was living when she said he was dead.

On behalf of the respondent a number of witnesses were examined on this subject, and the substance of their testimony is as follows:

Hugh M. Dougall, who is a farmer and cattle grower, and is post-master at the town of Springville, in Utah, was expelled from the Mormon Church about 1874, and since then has not been in any way connected with it. He took his endowments when he was about 25 years old.

He testified that according to his recollection the obligation was, in substance, that those who took it importuned heaven to avenge the blood of the prophets and the martyrs on this generation, and that he did not remember the name of Joseph Smith being mentioned at all. (2; 759.)

Mr. Dougall was subsequently recalled, and asked by Senator Knox this question:

“Are you willing to say whether the vow obligated you to anything incompatible with your giving full and supreme allegiance to the United States or the State of Utah, or which obligated you to anything incompatible with your fully performing your duty as a citizen of the United States and that State?”

He answered: “Not one thing.” (2; 781.)

Alonzo A. Noon left the Mormon Church voluntarily about 1870, when he was 32 years of age, having taken his endowments when he was 28 or 30 years old. He stated that there was nothing in the ceremony about promising or vowing to importune heaven to avenge the blood of the prophets on this nation, and that there was nothing in the ceremony which in any way imported hostility to the United States or to the Government thereof. That he was perfectly clear about that.

He also said he did not remember that the name of Joseph Smith was used in the ceremony. He did recollect that there was in the ceremony a quotation from the Scriptures, and upon hearing read verses 9 and 10, chapter 6, of the Revelations, he said that it was something like that; that that was about the intent.

One of these verses, it will be remembered, was referred to by the witness Wallis.

The two verses are as follows:

Nine. And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held.

Ten. And they cried with a loud voice saying: How long, Oh Lord, holy and true, dost Thou not judge and avenge our blood on them that dwell on the earth. (774.)

Being asked whether there was anything in the obligation which indicated hostility to the Government, Mr. Noon said:

“The very reverse. I have never heard any people taught only loyalty to the Government of the United States.” (2; 775.)

Mr. Noon was recalled and asked the same question that had been propounded by Senator Knox to Mr. Dougall, and he answered the question in the same way. (2; 781.)

William Hatfield, who was a Mormon until he was 23 years of age, after which he drifted away from that church, when he was not quite 21 years of age took his endowments as a preliminary to his marriage. (2; 785.)

He said that neither he nor any others in his hearing took the obligation which Wallis had testified to, and that he did not at that time take any obligation or enter into any covenant, vow, or agreement of any kind inconsistent with his duties as a citizen of the Territory of Utah or of the United States. He was not cross-examined. (2; 793.)

John P. Meakin, who was a Mormon until he was 23 or 24 years of age, left the church because he did not believe in polygamy. (2; 796.)

He went through the Endowment House when he was 18 years old. He stated that he had no recollection at all of any obligation of vengeance or retribution, and that nothing took place at the time with reference to promising or vowing to importune heaven to avenge the blood of the prophets on this Nation, or to avenge the blood of Joseph Smith on anybody; that there was nothing took place which imported any obligation in opposition to his duty as a citizen either of the Territory of Utah or of the United States; that he was very clear about this. (799.)

He also said that there was nothing in the endowment ceremony about praying the Almighty to avenge the blood of the prophets on this generation. (2; 801.)

Elias A. Smith, cashier of the Deseret Savings Bank, in Salt Lake City, in answer to a question by the chairman, stated that he had conscientious scruples against divulging any part of the endowment ceremony (2; 854); but in answer to a question by Senator Foraker he said there was nothing in any obligation of the church which it imposed upon its members, in connection with marriage or any other occasion, inconsistent with fidelity as citizens of the National Government or to the State government. Mr. Smith persisted that while he had stated what was not in the obligation he did not feel at liberty to state what was in it. (2; 855).

Richard W. Young, who was a graduate of West Point and of the law school of Columbia College, New York City, and who had served in the Volunteer Army in the Spanish war, in the Philippines, and elsewhere, is a member of the Mormon Church, and is not a polygamist. (2; 950-952.) He was asked by the chairman if he had any objection to disclosing what took place during the endowment ceremony, and he replied that he considered himself under an obligation not to do so. (2; 969.)

He was asked later by counsel for the respondent if he had any objection to stating whether the ceremony included, in any form or shape, any invocation of vengeance or retribution against this nation. Senator McComas suggested that the witness should state the whole ceremony or nothing. Thereupon an extended argument was made, at the end of which the witness was asked by counsel for the respondent:

In that ceremony is there anything which relates to your duties or obligations to your Government or to this nation.

The chairman ruled that if the witness should answer this question he would be required to state the whole ceremony, and thereupon the witness declined to answer it. (2; 981-985.)

Reed Smoot testified positively that there is nothing in the endowment ceremony about avenging the blood of the prophets or avenging anything else on this nation or on this Government. (3; 183, 184.)

As already stated, the case was reopened during the present session of Congress for the purpose of allowing the introduction of further

testimony on behalf of the protestants, and four additional witnesses were produced with reference to the matter of the alleged obligation. No further testimony on the subject was taken on behalf of the respondent.

The four witnesses referred to were W. J. Thomas, J. P. Holmgren, H. W. Lawrence, and W. M. Wolfe.

The witness Thomas testified that he passed the endowment house in 1869. His examination on this subject was as follows:

Mr. CARLISLE. I have asked you about whether any ceremonies took place before the oath or obligation took place? If so, state what it was.

Mr. THOMAS. There were washings and anointings there.

Mr. CARLISLE. Describe to the committee what you mean by anointing. Was your whole body anointed or your arm anointed; and, if so, was anything said when that was done?

Mr. THOMAS. My head was anointed and my right arm. I do not remember anything else.

Mr. CARLISLE. Was anything said by the person who conducted these ceremonies at the time he anointed your right arm? Were you told what it was for?

Mr. THOMAS. Yes, sir; he spoke very quick and I couldn't catch it all, but I remember when he anointed my arm to make it strong, and the substance of it was that I would avenge the blood of the prophets—prophet or prophets. I believe it was the plural. (4; 69.)

* * * * *

Senator KNOX. You took this vow in what year?

Mr. THOMAS. In 1869.

Senator KNOX. How long did you remain in the church after that?

Mr. THOMAS. I remained in the church up until 1880.

Senator KNOX. That was eleven years; and you vowed to avenge the blood of the martyrs upon this nation, did you?

Mr. THOMAS. Yes, sir.

Senator KNOX. And your right arm was anointed to give you strength that you might do so. Is that correct?

Mr. THOMAS. That is the way I understood it.

Senator KNOX. What did you ever do in the line of keeping that vow? Did you ever avenge the blood of the martyrs upon this nation?

Mr. THOMAS. No, sir. I have enlisted twice to try and defend the nation.

Senator KNOX. Were you ever stirred up by the authorities of the church to get busy in that direction of avenging the blood of the martyrs upon this nation?

Mr. THOMAS. No.

Mr. WORTHINGTON. Do you know of any member of the church who did do anything in the way of using his right arm to avenge the blood of the prophets on this nation?

Mr. THOMAS. No, sir. (4; 71, 72.)

The witness Holmgren on this subject testified that he passed through the endowment house in 1889. His further examination on this subject is as follows:

Mr. CARLISLE. Do you remember the ceremonies that took place at that time?

Mr. HOLMGREN. Part of it.

Mr. CARLISLE. Are you willing to state the oath that was taken, or not? If you are not, I shall not press you.

Mr. HOLMGREN. What I understood and heard of it—sure.

Mr. CARLISLE. In the first place, what occurred?

Mr. HOLMGREN. In the endowment house?

Mr. CARLISLE. Yes.

Mr. HOLMGREN. There were a number of oaths and performances that were insignificant, I would say, until we came to the anointing room, and in that anointing room there was some language used that I am sorry I ever heard.

Mr. CARLISLE. Can you state what it was?

Mr. HOLMGREN. In anointing my arms, the gentleman used this language: "That your arms might be strong to avenge the blood of Joseph and Hyrum Smith." (4; 76, 77.)

The witness Lawrence, who was 70 years old at the time he testified, stated that he was a member of the Mormon church until 1869, and that he had taken or administered the alleged obligation in question a number of times. The following are the substantial parts of his testimony on this point:

Mr. CARLISLE. Mr. Lawrence, would you object to stating whether there is any oath, commonly called here the oath of vengeance, taken in the endowment house, and what it is?

Mr. LAWRENCE. Yes; there is.

Mr. CARLISLE. Can you state it in terms or in substance?

Mr. LAWRENCE. "You covenant and agree before Gbd and angels and these witnesses that you will avenge the blood of the prophets, the prophet Joseph Smith, Hyrum Smith, Parley P. Pratt, David Patton"—their names are mentioned?

Mr. CARLISLE. Was that the case when you took the endowment?

Mr. LAWRENCE. Yes, sir. I do not know whether they were all mentioned when I was there or not, but they have been mentioned when I have been there.

Mr. CARLISLE. You have passed through the endowment a number of times?

Mr. LAWRENCE. Yes; I have been there a number of times.

Mr. CARLISLE. You mean these names have been mentioned some of the times when you passed through? That is what you mean?

Mr. LAWRENCE. Yes, sir.

Mr. CARLISLE. You do not know whether they were all mentioned at the same time or not?

Mr. LAWRENCE. No, sir.

Senator DILLINGHAM. Do I understand the witness has given the whole of the obligation?

Mr. CARLISLE. I will ask him. Do you remember now whether there was anything said about vengeance upon the people or vengeance upon the nation, or what was said of that sort, if you remember?

Mr. LAWRENCE. I say it has been stated. I can not state it only as I understand it. The word "nation" was not mentioned where I was in regard to that vengeance, but the feeling has always been against the nation and the State for allowing that deed to be perpetrated. The word "nation" was not mentioned. It is a little ambiguous in regard to that.

Mr. WORTHINGTON. You say you are ambiguous or it was ambiguous?

Mr. LAWRENCE. It was a little ambiguous there who it should be executed on. The supposition is it should be executed on the perpetrators of the deed.

Mr. CARLISLE. Mr. Lawrence, I will get you to state, if you can, whether this covenant, or oath, or whatever it may be called, is always administered by the same person and in the same terms, or whether it is administered at different times by different persons, and whether it is in writing or merely oral.

Mr. LAWRENCE. It is administered orally by different persons at different times.

Mr. CARLISLE. It may be, then, that there is a different form of the oath?

Mr. LAWRENCE. It may be administered a little different. Of course the substance is about the same, but there may be some men who administer it a little different from others. I have no doubt that it is, from what I have heard.

Mr. CARLISLE. You may take the witness.

Senator KNOX. Was this vengeance to be executed by the person taking the oath, or vow, or were you to implore the Almighty to avenge the blood of the prophets?

Mr. LAWRENCE. As I say, it was a little ambiguous in regard to that. Of course you take an oath to avenge the blood of the prophets and teach the principle to your children and children's children.

Senator KNOX. I think you do not understand me. You stated a moment ago that there was some ambiguity in the oath as to whom the vengeance is directed against.

Mr. LAWRENCE. Yes.

Senator KNOX. Now, I am asking you who was to execute the vengeance. Was the person taking the vow or oath to execute it or were they to implore by prayer that God should take this vengeance?

Mr. LAWRENCE. Well, that was not inserted in it for the Lord to do it. They simply took upon themselves the oath to do it; but I say it is almost impossible for them to wreak vengeance, because those men that committed the deed have probably gone years ago.

Senator KNOX. My question was based on the exact language used by Professor Wolfe yesterday. He said that he heard the oath taken very recently, and that they vowed or promised that they would pray to Almighty God to avenge the blood of

the prophets. I think it is quite material, and I want to know what your recollection is about it.

Mr. LAWRENCE. That was not inserted in my day—that is, in regard to asking God to wreak this vengeance. (4; 108, 109.)

* * * * *

Mr. WORTHINGTON. Tell us about how many times you were present when this oath was administered?

Mr. LAWRENCE. I could not say. It would go into the hundreds, probably.

Mr. WORTHINGTON. Several hundred times?

Mr. LAWRENCE. Yes; or dozens. I would say from one to three years, probably.

Mr. WORTHINGTON. And on each occasion to a great many people I suppose.

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. On all the occasions when you heard it administered to others, or when it was administered to you, did you ever hear any reference to the nation of the United States as the object of vengeance?

Mr. LAWRENCE. During my administration the word "nation" was not used.

Mr. WORTHINGTON. Do you mean you administered the oath?

Mr. LAWRENCE. No, sir; yes, sir. I mean I officiated there with the rest of them.

Mr. WORTHINGTON. Then you both administered the covenant, and you heard others administer it?

Mr. LAWRENCE. Yes; sir.

Mr. WORTHINGTON. You administered it hundreds of times, and you heard it administered hundreds of times; is that right?

Mr. LAWRENCE. I was there off and on for one or two years.

Mr. WORTHINGTON. Did you administer it hundreds of times?

Mr. LAWRENCE. I will say yes. (4; 110, 111.)

* * * * *

Mr. WORTHINGTON. Now, I come back. During all the time you administered the oath, or heard it administered by others, did you ever hear the "nation" or the "United States," or the "Government of the United States" referred to in any way as the object of vengeance that was the subject of that covenant?

Mr. LAWRENCE. I will say that, at that time, it was not connected with the obligation. I will say this, that the Government has always been blamed for allowing that deed to be perpetrated.

Mr. WORTHINGTON. Don't let us depart from the ceremony. I want to find out what took place at the ceremony when you administered the covenant. Did you administer it always in the same language?

Mr. LAWRENCE. I tried to, sir.

Mr. WORTHINGTON. Where did you learn it?

Mr. LAWRENCE. I learned it from the church ritual, I suppose. It was what was given to me.

Mr. WORTHINGTON. Was it something that was in writing or was it in print?

Mr. LAWRENCE. No, sir; not in writing.

Mr. WORTHINGTON. It was communicated to you orally and you committed it to memory, did you?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. You do not remember who gave it to you?

Mr. LAWRENCE. I do not remember just now.

Mr. WORTHINGTON. It was given to you as the traditional oath of the temple, was it not?

Mr. LAWRENCE. It was given to me to use.

Mr. WORTHINGTON. You have said to Mr. Carlisle that there is no doubt that the language of the covenant was varied from time to time. Did you ever hear it given in any other form than that you have told us about?

Mr. LAWRENCE. Yes. I will explain that. I have said that there were different parties that officiated at different times, and from what I had heard they had changed it a little. Inasmuch as it was orally given, one man would administer it a little different from others.

Mr. WORTHINGTON. You know that by hearsay?

Mr. LAWRENCE. I know that by hearsay only. (4; 111, 112.)

* * * * *

Mr. WORTHINGTON. Referring to this ceremony, and the covenant of vengeance, as it is called, do you remember in that connection whether there was any passage in the Book of Revelations of the Bible?

Mr. LAWRENCE. Yes, sir.

Mr. WORTHINGTON. What is that?

Mr. LAWRENCE. That is used in connection with this as a justification for it.

Mr. WORTHINGTON. Can you give us the verse and chapter of Revelations?

Mr. LAWRENCE. I think it is a chapter from Revelations. It is probably chapter six. It is taken from Revelations. It is simply referred to. I will answer that that quotation is referred to.

Mr. WORTHINGTON. Was it not a part of the teaching of the church, when you were connected with it, that the Constitution of the United States is an inspired document?

Mr. LAWRENCE. Yes, sir. Do you want an answer to that?

Mr. WORTHINGTON. I have all the answer I care to have, sir. If there is anything you wish to add to take away from the effect of your testimony, you have that privilege, provided it is not a speech. Let me read the ninth and tenth verses of the sixth chapter of Revelations, and see if those—

Mr. LAWRENCE. "How long, Oh Lord?" It is just a quotation.

Mr. WORTHINGTON. I will read the two, and see if those two verses, or either of them, are the ones to which you refer:

"And when he had opened the fifth seal I saw under the altar the souls of them that were slain by the Word of God, and by the testimony which they held.

"And they cried with a loud voice, saying, How long, Oh Lord, Holy and true, dost thou not judge and avenge our blood on them that dwell on the earth?"

Mr. LAWRENCE. That is part of it in connection with this?

Mr. WORTHINGTON. We would like to have the whole of it. Just show us all that was referred to in your ceremony there.

Mr. LAWRENCE. "How long, Oh Lord, Holy and true."

Mr. WORTHINGTON. "Dost thou not judge and avenge our blood on them that dwell on the earth?"

Mr. LAWRENCE. I think that was the part connected with it—just that part.

Mr. WORTHINGTON. You say that was used as a justification of the covenant, in connection with it?

Mr. LAWRENCE. That was used as a justification of the obligation.

The CHAIRMAN. He did not say as a justification of the covenant.

Mr. LAWRENCE. I said that was used as a justification of the obligation. (4; 116, 117.)

It will be seen that all three of these witnesses flatly contradicted what seems to be the theory of the protestants, that the obligation in question involved a promise on the part of the party going through the ceremony hostile to the United States or an appeal to the Almighty to inflict punishment on the nation.

The other witness on the point now under consideration is W. M. Wolfe. He testified that he had passed through the endowment house no less than twelve times, the first time being in May, 1894, and the last time in October, 1902. His examination on this subject then proceeded as follows:

Mr. CARLISLE. Will you state to the committee whether there is, as part of the ceremonies in the temple, any oath administered?

Mr. WOLFE. There are several oaths administered.

Mr. CARLISLE. Can you state what they are?

Mr. WOLFE. There is an oath of chastity, or, I might say, a covenant or law—a law of sacrifice and a law of vengeance.

Mr. CARLISLE. When you say a law of vengeance, what do you mean? Do you mean that there is any promise or pledge to avenge a wrong, or do you mean simply that there is some law read to you, or some rule read to you?

Mr. WOLFE. There is no covenant or agreement on the part of any individual to avenge anything.

Mr. CARLISLE. Just state to the committee what it is.

Mr. WOLFE. The law of vengeance is this: "You and each of you do covenant and promise that you will pray, and never cease to pray, Almighty God to avenge the blood of the prophets upon this nation, and that you will teach the same to your children and your children's children unto the third and fourth generations." At the conclusion the speaker says: "All bow your heads and say 'Yes.'"

Mr. CARLISLE. Was that done?

Mr. WOLFE. It was done.

Senator OVERMAN. Was that done every time, or just one time?

Mr. WOLFE. It was done every time I went through. (4; 7.)

Mr. Wolfe, for several years, and up to January last, was one of the professors in the Brigham Young College, at Logan, a Mormon institution. When asked on cross-examination whether charges of drunkenness had not been preferred against him in the institution, he said that no such charges had been made, to his knowledge, but that such charges might have been preferred against him. Upon being asked what he meant by saying that such charges might have been preferred against him, he answered that he meant that he had made himself liable to such charges for a period of possibly twenty years. (4; 24.)

He admitted that certain officers of the institution had had conversations with him in regard to his habit of drinking (4—25). He admitted that he had been required to resign his position in January last; but claimed that this was done because about that time he had given notice that he would no longer pay tithing. He admitted that officers of the institution had made objection to his habits of drinking, but said that they had never suggested his removal, or the desirability of his resignation until he had refused to pay tithes. (4; 26.)

As to Wolfe's testimony, the respondent offered considerable testimony in rebuttal. One of the witnesses on this subject was James H. Linford, the president of Brigham Young College. He testified fully as to Wolfe's habit of drinking for a considerable period prior to the time he was compelled to resign; and testified, in substance, that Wolfe's resignation was not demanded on account of his refusing to pay tithes, but because his habits of drinking had grown on him so that it was no longer possible to allow him to retain his position. (4; 261, 271.)

There was also filed on behalf of the respondent the affidavit of Joseph E. Cardon, the bishop of the ward at Logan, in which Wolfe lived. This affidavit was admitted as evidence by consent of counsel for the protestants, and by leave of the committee. In this affidavit the witness contradicts what Wolfe stated in his testimony with reference to a conversation with the witness on the subject of tithing.

Wolfe was also contradicted, in a very material part of his evidence, by four witnesses. He had preferred charges against one Benjamin Kluff, in connection with a certain expedition that had been made to Mexico, of which expedition Kluff was in charge, and Wolfe was a member. Wolfe testified that on that expedition he had seen Kluff living in marital relations with one Florence Reynolds, who is alleged to have been Kluff's plural wife, taken since the manifesto. Wolfe testified that, at the hearing of these charges before a church council, he had stated that he had seen Kluff and Florence Reynolds living in that relation.

By consent of counsel for the protestants, and by leave of the committee, there were filed the affidavit of the stenographer who took down Wolfe's statement, and the joint affidavit of the three members of the committee before whom he made his statement, all of them saying that he had not in any way referred to the fact that he had seen Kluff and Florence Reynolds living together, and that he did not in any way refer to the relations between those two people. (4; 302, 408, 409.)

Taking all of the testimony on this subject together, the overwhelming weight of it is against the contention that the respondent ever took any obligation of hostility to the United States. Seven witnesses

have in an indefinite way testified that the obligation included some kind of a promise or prayer indicating hostility to the nation, while 13 witnesses, about one-half of whom were called on behalf of the protestants, have testified positively and unqualifiedly to the contrary. All of the witnesses who have testified that the word "nation" was used in the obligation have been impeached as to their credibility, and no evidence has been introduced tending to sustain the veracity of any one of them.

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