

TRUE MORMONS

Apostle Smith Ready to Suffer Under Law.

ADmits HE IS POLYGAMIST

Mormon Leader Penrose Also Called in Smoot Case.

RECORDS ARE WITHHELD

President Smith's Orders Given Greater Respect Than Subpena—Committee Learns of Church in Politics in Idaho.

WASHINGTON, Dec. 17.—More important testimony was brought out today in the investigation of protests against Senator Smoot than at any time at the present session of Congress. The witnesses were Charles H. Jackson, chairman of the Democratic State Committee in Idaho; John Nicholson, chief recorder in the Mormon Temple at Salt Lake City; Charles W. Penrose, editor of the Deseret News and an apostle of the Mormon Church; William Budge, president of the Bear Lake Stake in Idaho, and Apostle John Henry Smith, of Salt Lake City.

Mr. Penrose was elected an apostle last July, and was called by Senator Smoot to testify. He admitted that the Senator was present and participated in the election of Penrose. Mr. Penrose testified that he is a polygamist, and was known to have been such at the time he was made an apostle.

The testimony of Mr. Jackson and Mr. Budge related to political affairs in Idaho, the former being a prominent politician and the latter active in protecting the interests of the church.

As an illustration of the local church issue in the last election, Charles H. Jackson, of Boise, Idaho, said the vote for Gooding, Republican candidate for Governor, ran behind the vote for Roosevelt in the Mormon counties, while the vote for Heitfeld, Democratic candidate for Governor, ran ahead of Parker in the Gentile counties and behind the vote for the Republican ticket.

The influence of the Mormons was shown, said the witness, by the fact that the Democrats and Independents were unable to get chairmen of political meetings held in Mormon counties without the aid of Mormons.

Revelation They Should Veto Ticket. On cross-examination Mr. Jackson said Apostle Matthias Cowley and John Henry Smith were among those who went into Idaho and told the people that there had been a revelation that they should vote the Republican ticket.

Questioned by Attorney Van Cott, representing Senator Smoot, the witness said he never had heard these apostles declare that they had such a revelation; that it has always been taken for granted there has been a revelation when a Mormon apostle appears in Idaho to direct political affairs.

Cross-examination brought from the witness that he knew only from general reports of these affairs, and that his statements made yesterday concerning sugar bounties had been based on the same information.

He asserted, however, that it is well known that the Mormons had asked the Legislature to pass the sugar bounty law, and when the Legislature refused to pass the bill, they had been asked to pass a resolution in Idaho, and the Mormons get everything they ask in Idaho, whether it is a resolution or a Democratic Legislature, he concluded.

Attorney Van Cott produced a table showing the election returns in Idaho in 1894, and attempted to prove that if the vote for Gooding had been thrown into Mormon counties had been thrown into Gooding, the Republican candidate, would have received still a plurality of more than 2000. Jackson combatted this statement by calling attention to the fact that in practically all of the Gentile counties there were Mormon settlements, which voted for Mr. Gooding.

The witness said he did not know whether Mr. Gooding had a Mormon; that he heard as many people say he is as say he is not.

Mr. Van Cott brought out the fact that there were about 50,000 Mormon voters out of a total of 50,000 votes in the state. He asked the witness if it were not true that although the Gentiles were in a large majority, and the Democrats out of an anti-Mormon plank in their platform and the Republicans refused to put in such a plank, the Republicans carried the state by a very large majority.

"That is a fact," responded the witness, but he added that the inference drawn by the attorney from the question was not justified.

"Jack Mormons" in Politics. Mr. Jackson contended that there were "Jack Mormons," or Gentiles, who are Mormon in politics and who are able to control elections.

An effort was made by Mr. Van Cott to show the Mormon delegates in the last Democratic State Convention had agreed to vote for an anti-polygamy resolution if the crime of adultery were included also. Mr. Jackson declared the reverse to be true, and, in fact, the Mormon delegates defeated the resolution.

Mr. Jackson, in answer to questions by Chairman Reynolds, told of the passage of a resolution by the Idaho Legislature calling for a Constitutional convention. He said the resolution created no comment and, in fact, its purpose was ignored until Senator Dubois had written a letter calling attention to the fact that such a convention could repeal the Idaho test against polygamy. Mr. Jackson said the resolution had been put through the Legislature on the advice of Apostle John Henry Smith.

Asked why the resolution was not submitted to the people, Mr. Jackson said the Attorney-General gave an opinion declaring the resolution was unconstitutional, and the Secretary of State refused to certify the resolution to be placed on the ballot.

Mr. Van Cott asked if the Attorney-General who rendered the opinion is not a Mormon, to which the witness answered in the affirmative. Mr. Van Cott brought out the fact that there were only nine Mormons in the Legislature which passed the resolution calling for a Constitutional convention, but Mr. Jackson added that members from counties where the Mormons held the balance of power were under Mormon influence.

John Nicholson, chief recorder of the Salt Lake City Temple, was recalled and examined in regard to the marriage records he was supposed to have destroyed in the State Senate and otherwise taking a leading part in church affairs.

Mr. Taylor put into the record a long opinion written by Mr. Budge on the subject of the right made by Senator Du-

bois for "an unwarranted persecution" of the church, and charged him with misrepresenting conditions in the state. Senator Dubois asked a great many questions regarding the various religious processes each have a book. Attention was called by Mr. Taylor to the testimony of August Lundstrom that he had been sealed to his wife at a ceremony performed in the temple, and the witness was asked where this ceremony had been recorded. He said it was in another book. More than 15 minutes was consumed by Mr. Taylor in a futile effort to draw from Mr. Nicholson the proper name of the other book referred to, and some reason why it had not been brought in response to the subpoena issued by the Senate committee.

Senator McComas then asked the witness, and likewise was unsuccessful. "You are the keeper of this other book, are you?" he asked.

"Well, not the particular one." "But you know where it is?" the Senator persisted.

"I suppose I do," was the response. "Then why do you not bring it?" "Because I did not want to."

Blessings in Form of Seal. Mr. Nicholson then gave a long explanation of the character of the book in an effort to show that the subpoena of the Senate to his wife could not be held to call for any records except those of legal marriages, which had taken place within the temple. He described the second book as a record of sealings of people who go into the temple, having been married outside, to receive a blessing. This blessing, he said, was in the form of a seal, and such records are not put in the marriage book.

"Are these records in the book you have here of the sealing of a man to a plural wife when he already has a legal wife?" asked Senator McComas.

"No," said the witness, and he added, "I am satisfied there never has been any such cases in the period covered by this book."

He repeated that the records which he brought with him are those of marriages of people who, under the laws, have a right to marry. The witness would not admit that the laws where to find the book of sealings of living people previously married.

Chairman Burrows attempted to ascertain where this book was kept and also some name by which it could be designated. The chairman asked a series of questions which were not answered freely, and in the end he settled back in his chair with the remark that he had no more questions to ask. A moment later, however, he returned to the attack.

"You admit that there are other records and that they are kept in the temple. I want you to tell us why you did not bring them."

"I had no authority to do so," said the witness. He then told Mr. Taylor that he could not bring the records without the consent of the president of the church.

After repeat an hour more of searching questions in which all members of the committee participated, Mr. Nicholson stated that the book of sealings could be identified by the name "Sealings of Persons Not Married in the Temple."

He gave also the names of his assistants, whose duties are actually to record the ceremonies in the books. He said, too, that the books could not be removed without the consent of the church president, and the head of the church could not give them up without a vote of the church.

Mr. Taylor took charge of the examination again, and bringing out the fact that the witness believes the records are still within the temple, asked:

Would Obedy Orders of Smith. "If you were told by President Smith not to bring the books you would refuse to touch them, would you?"

"Yes," said the witness. "And if the Sergeant-at-Arms of the Senate should call on you with a warrant and demand the books and arrest you, and put you in jail if you did not give them up, would you still refuse to give them up?"

Mr. Nicholson stated that the book of sealings he had brought with him, contained the record of 428 ceremonies. He said the book which he had not brought is not so large as this one, and does not contain more than half as many entries.

"Suppose," said Mr. Worthington, "a couple not married should apply to be sealed by you?"

"Nothing could be done," was the reply. Mr. Nicholson said that he was a polygamist, having two wives, but when asked if any children had been born to him, and whether he had ever heard of any children being born to other polygamists, he said he had never heard of any one making a protest against his election on the ground that he was a polygamist.

"Was it known that you were a polygamist?"

"I did nothing to conceal the fact, but I had never flaunted it," replied the witness.

In regard to general knowledge as to his polygamous relations, Mr. Penrose said Mr. Smoot would have the same knowledge, and that the testimony of President Joseph Smith before the Senate committee in Salt Lake City would verify him this information. It was shown that the election of Mr. Penrose as an apostle took place in July this year, since that hearing.

Has Three Wives. William Budge, of Paris, Idaho, testified that he has three wives, and that he has had three children born since the manifesto of 1890. All of his wives live in Paris, and he testified that he does not live with one to the exclusion of the others. Most of the children are grown and live in Idaho. Of these children he testified that one son is a Judge of the District Court, one daughter is a teacher in the State Senate and otherwise taking a leading part in church affairs.

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