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DESERT EVENING NEWS.

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TRUTH AND LIBERTY.

10 PAGES LAST EDITION

TUESDAY, MARCH 8, 1904. SALT LAKE CITY, UTAH.

FIFTY-FOURTH YEAR.

Apostle Teasdale Refused to Marry Clara M. Kennedy.

MRS. KENNEDY'S PLURAL MARRIAGE

Admitted She Was Told Apostle Teasdale Positively Refused to Perform Ceremony

WOULD NOT AUTHORIZE IT.

Could Not be Performed at All, as the Church Had Done Away With It.

APOSTLE LYMAN ON THE STAND.

He and Charles E. Merrill Admitted They Were Living With All Their Families at Present.

(Special to the "News.")

Washington, D. C., March 8.—The Smoot hearing today progressed rapidly. During the morning session four witnesses were examined and two of them, Mrs. Kennedy and her mother, were excused from further attendance, paid their fees and discharged. The committee was late in getting together as usual. Even Atty. Taylor failed to appear until 10:40, and there were only five members of the committee in their seats when Mrs. Kennedy again took the stand. That the ordeal she had gone through was a severe one was apparent to every person in the room and when at last she was permitted to join her infant and her mother in the room of the sergeant-at-arms, her cheeks were wet with tears and her face was flushed to a crimson hue. Her testimony today brought out the fact that she did not tell the man who married her that her husband already had one wife, nor was she advised that anyone else told her of the fact. She made an admission which somewhat overcame the damaging character of her statements of yesterday, which was to the effect that her mother had told her that Apostle Teasdale had positively refused to perform a marriage ceremony between Johnson and herself and had declared that such a thing could not be done.

CHARLES E. MERRILL.

Before Mrs. Matthews took the stand Charles E. Merrill was called upon and, as was the case with President Smith, surprised the committee with the frankness he displayed in answering all questions. The only important fact elicited from him was that the ceremony which united him to Chloe Hendricks was performed by his father, Apostle Merrill, in 1891, and that he had a wife living at the time to whom he was married in 1888, but of which marriage his father might not have been aware, as his wife of 1888, Annie D. Stoddard, was at the time living with her parents on a farm and had borne him no children.

MRS. KENNEDY'S MOTHER.

Mrs. Matthews, who followed Mr. Merrill, swore that during her residence in Diaz, Mexico, she became acquainted with Johnson, who subsequently married her daughter, in Juarez, about two years before that marriage. During one year of that time she had repeatedly urged Apostle Teasdale to marry her daughter to Johnson, but he had invariably replied that such ceremony could not be performed, as it was against the law of the Church. After describing the manner in which her daughter accompanied Johnson and his first wife to Juarez, Mrs. Matthews declared that her daughter had never told her of her marriage and she had no knowledge of it from any source. "They were gone 10 days," said Mrs. Matthews. "They drove up to the door one morning and Johnson stayed a day and night and my daughter followed him the following morning. I never asked if they were married."

APOSTLE LYMAN ON THE STAND.

Francis M. Lyman was the fourth and last witness during the morning session. Like other members of the Church, Mr. Lyman answered the volley of questions fired at him without apparent hesitation in every instance. He freely admitted his polygamous relations and made no attempt to excuse his admitted violations of the law except when he declared that he was born in 1840, and from the time he was five years of age had been raised in the atmosphere of polygamy and that he has always felt in his heart and soul that the principle of polygamy was true.

MRS. KENNEDY'S TESTIMONY.

Knew Apostle Teasdale Refused to Perform Plural Marriage. [By Associated Press.] Washington, March 8.—Mrs. Clara Mabel Kennedy resumed the stand today in the Senate Red Smoot case before the senate committee on privy council and elections. Mr. Worthington, in the defense continuing cross-examination of the witness, and inquired as to the reasons for her marriage being consummated at Juarez, Mexico, and in Diaz, where she lived. She said she knew of no reason and had no information regarding an attempt to have the marriage performed elsewhere. She said she did not tell anyone that she was to whom she was to be married.

ALLOWANCE FOR WITNESSES IN SMOOT CASE.

(Special to the "News.")

Washington, D. C., March 8.—Witnesses in the Smoot hearing learned today for the first time just what they are to receive in the way of fees. Mrs. Matthews and Mrs. Kennedy were each allowed railroad fare, meals, sleeping car fare, portage and thirteen days at \$3.00 a day each. They arrived only on Sunday, but under the law enacted since the Clark investigation they were entitled to five days' pay each in lieu of mileage formerly allowed. This will be the basis of payment for all other witnesses.

had another wife, and so far as she knew those performing the ceremony did not know the marriage was to be a plural one.

Later, Mr. Worthington asked Mrs. Kennedy if she did not know that application had been made to Apostle Teasdale and that he had refused to conduct or to authorize the plural marriage.

"What did he say?" asked Mr. Worthington.

"He said it could not be done, as all that had been done away with," said Mrs. Kennedy.

INCONSISTENT STATEMENTS.

Mr. Worthington called attention to the inconsistency of the statements and he asked why she had said she did not know a request had been made to another person.

"I don't know how I happened to say that," said the witness. Continuing, she said with some emotion, "It was not pleasant for me to think about those things, and I tried to put them aside. I tried to forget all I could about it."

In response to further questions from Mr. Taylor, the witness said her mother told her of the request of Apostle Teasdale and that she had no other knowledge of the attempt to get him to perform the ceremony.

APOSTLE MERRILL'S SON.

Charles F. Merrill, a son of Apostle Merrill, was then called to the stand. He said he was the son of his father's third plural wife and is himself a polygamist.

In answer to questions concerning his own marriage, Mr. Merrill said he was married first in 1887 to a wife that had died in 1888 and that he married "his legal" wife, Chloe Hendricks, in 1891, and had five children by her. He married another wife in 1888, the ceremony being performed in the Logan temple by M. C. Edwards.

He has had four children by that wife, the oldest of which is 9 years and the youngest 2½ years. Their mother's name was Anna B. Stoddard.

"The marriage to my legal wife in 1891," said Mr. Merrill, "was solemnized by my father."

There was nothing but the marriage ceremony, when you married the woman whom you call your legal wife?" was asked.

"I was, although she had no house. She stayed at the home of her father and her mother and I lived with my mother," answered the witness.

In answer to questions from Chairman Burrows Mr. Merrill said he has now two wives and is cohabiting with both.

Senator Foraker asked the witness, "Is not the woman you married in 1888 your legal wife?"

"No, sir," Mr. Merrill explained that when he married in 1888 he had a wife living, and that he understood that under the laws that marriage was not legal, and that therefore his marriage in 1891, after the death of his first wife in 1889 made his last marriage a legal one.

MARRIAGE CEREMONY.

Senator Overman asked for a description of the marriage ceremony in 1888 and the witness declared that he could not remember how it was performed, except that he went to the temple in Logan and it was performed there. In response to a question by Senator Dubois, Mr. Merrill said there was no marriage certificate issued, no record or any documents of any kind so far as he knew. He said there was no music, no prayer and no questions that he could remember.

"There was nothing but the marriage ceremony," he said with emphasis. "Well, tell us about that," several members of the committee demanded.

"I cannot repeat it," said the witness. "You must make me say that you do not know the ordinary marriage ceremony in your church?" asked Senator Hoar severely.

"Yes, I know that," answered the witness.

"And was not that what was asked?" he was asked.

The witness said it was. He was told to give the substance of it. He said he and his wife lay up and joined hands. "They made me say you promise something, did they not?" inquired Senator Hoar.

"Yes, sir."

ITO GOING TO KOREA ON SPECIAL MISSION.

He Carries An Autograph Letter From the Mikado to the Emperor—Mobilization of Japanese Troops Continues—All is Tranquil at Port Arthur—Aigun Cossack Rifles Leave For Tsitsihar, Manchuria.

Tokio, March 8.—The Marquis Ito is going to Korea on a special mission for the emperor, the purpose of the trip not being understood here by those outside of high official circles. The Marquis Ito will carry an autograph letter from the mikado to the emperor of Korea. He will depart on the 15th instant and will be absent about three weeks. Count Tsuzuki, secretary of the privy council; Gen. Usagawa, Admiral Sakamoto and Viscount Higashizō will accompany the marquis on his trip.

Shanghai, March 8.—The mobilization of Japanese troops proceeds regularly but much slower than expected. On landing in Korea and Manchuria the Japanese forces will be divided into four armies. The points of concentration selected by the Japanese general staff are not yet known.

Port Arthur, March 8.—Vice Admiral Makaroff, the ice-breaking specialist of the Russian navy, arrived at Dalny yesterday and is expected here today. Complete tranquility prevails throughout this district and nothing has been seen of the Japanese.

Blagoveshensk, East Siberia, March 8.—The last detachment of the Aigun Cossack rifles has left here for Tsitsihar, Manchuria. The Japanese remaining here will be sent to Stretensk.

ing and is still an apostle of the Church, but that he is very feeble.

Mr. Merrill said he had a father with six wives and that he had 20 brothers and 17 sisters. He was asked how many nephews and nieces he had and said he did not know, but thought there were more than 100.

"My father lives with his first wife and comes to the home of my mother probably not more than once a month," he said. "My father is a very busy man," the witness supplemented.

Mr. Merrill thought three of his brothers had married plural wives and that two of his sisters had married into polygamist families.

MRS. KENNEDY'S MOTHER CALLED.

The prosecution called to the stand Mrs. Emma Matthews of Marysville, Utah, mother of Mrs. Clara Mabel Kennedy. Mrs. Matthews said she had been a member of a "Mormon" family for 25 years and is a "Mormon" herself. She has been a plural wife, but is not now.

Mrs. Kennedy is the child of Mrs. Matthews' first husband and was born before Mrs. Matthews became a "Mormon." Mrs. Matthews said Mrs. Kennedy is 28 or 27 years old and had gone to Diaz with her parents 16 years ago.

MOTHER HAD NO OBJECTION.

Mrs. Matthews said that while living at Diaz she had known Mr. Johnson for two years prior to his marriage to her daughter and that she had had no objection to her daughter becoming his plural wife. She remembered well the marriage of Johnson to her daughter and fixed the date definitely in May, 1894.

"He just asked me if I was willing that he should marry my daughter and I said yes," said the witness. "She wanted to wait until she was 18, but he was not willing. She saw both Mr. and Mrs. Johnson, the first wife, when they and the daughter who was to become the second wife, left for Juarez."

"You knew they were going to Juarez?"

"Did you know your daughter was to be married then to Johnson?"

"I did not."

"Where did you suppose she was going?"

"I did not know."

"Then you did not see her married?"

"I did not."

"Has she ever told you that she was married to Johnson then?"

"She has not; I never asked her."

These questions were put by Mr. Taylor, when he concluded Mr. Worthington asked a number of questions by which the fact was brought out that Apostle Teasdale had advised her against allowing her daughter to come a plural wife on the ground that it was against the law of the Church.

Mrs. Matthews also gave some facts concerning her own history in response to questions by members of the committee. She is a native of England and while living a widow in that country had become converted to "Mormonism" about 1855 by George Barber, missionary of the "Mormon" Church. She afterward came to Utah and married Barber, becoming his third wife. She had, she said, embraced "Mormonism," knowing that it incited polygamy, but when she became a plural wife, she was not told that polygamy was against the law of the land.

MR. MERRILL RECALLED.

Mr. Merrill was temporarily recalled and questioned by Senator Dubois, who said:

"Mr. Merrill, do you still uphold the doctrine of polygamy?"

"No, sir," was the reply. "But you practice it?"

"I do."

"How do you reconcile the two statements?" one of the committee asked.

The witness did not reply but a number of the committee illustrated by saying he was like the man who was for prohibition but against the enforcement of it.

APOSTLE LYMAN TESTIFIES.

Francis M. Lyman, a member of the Twelve Apostles of the "Mormon" Church and the prospective successor of Mr. Smith as president of the Church, was the next witness. He was born 64 years ago and became an Apostle in 1890.

"Are you a polygamist?" Mr. Taylor asked, and the witness replied frankly "Yes." He said that he had had three wives and that of them two are still living.

By his second wife, to whom he is married.

(Continued on page two.)

NO SUBPENAS SENT OUT FOR ANY JOSEPHITES.

(Special to the "News.")

Washington, D. C., March 8.—A statement published this morning says that some members of the Reorganized Church of Jesus Christ, stationed in Colorado have telegraphed Chairman Burrows that Joseph Smith, Jr., never promulgated the doctrine of polygamy, and that they have been summoned to testify. No such summons have been sent out, and Col. Ransdell, sergeant-at-arms of the senate, says that subpoenas will not be sent.

HARRISBURG'S WORST FLOOD.

Harrisburg, Pa., March 8.—Harrisburg today faces the worst flood in its history. Weather Observer Demain predicts that the stage of water in the Susquehanna will exceed that of last Friday. The situation all along the river is critical and residents of lowlands are moving to higher ground. The river is gradually rising and probably will continue to rise for 24 hours.

River conditions above this city are hourly becoming more alarming. The great gorge in the north branch of the Susquehanna at Sunbury is still solid. In the west branch the ice is running thick on a nine-foot flood. At Wilkesbarre the ice moved for two hours this morning and then surged solidly and remained stationary. The river at that point has risen nearly 11 feet in the last 24 hours.

At Williamsport the river is rising one inch an hour and at Lockhaven it went up nearly 1 foot in 24 hours. The gorge at Tunkhannock started to move last night and the river rose six feet in 20 minutes.

Conditions are slightly improved below Harrisburg, except at High Spire and Middletown, at which points the water is higher than at any time. At Middletown the suffering is greater than in any other portion of the flooded region. The Y. M. C. A. building has been transformed into a temporary hospital.

Trenton, N. J., March 8.—The water in the Delaware river has fallen several feet since last night and the river is now almost entirely clear of ice.

Reading, Pa., March 8.—The flood in the Schuylkill river at this point and north of Reading has spent its force and the water is receding.

Easton, Pa., March 8.—The river at this point shows a rise of about six feet. Danger warnings have been sounded all along the river lowlands. Much damage was done up the Lehigh valley last night.

Wilkesbarre, Pa., March 8.—The water in the north branch of the Susquehanna river is still rising and is the highest since 1902, when the entire city was flooded. All of the lowlands are under water and the towns on the west bank of the river are cut off. Railways are completely cut off from communication with the city and some of the anthracite mines in the vicinity are flooded.

At Burwood and Westmore the residents were compelled to leave their homes in boats.

Pittsburg, March 8.—For the third time in five weeks the rivers passed the danger line today and submerged the lowlands. Little damage was done as the residents along the river fronts were prepared.

OVER THE CUTOFF.

First Freight Train Made the Trip Today—Frank Cannon Home.

(Special to the "News.") Ogden, Utah, March 8.—The first freight train to cross the Ogden-Luella cut-off started from Luella at 10:30 this morning and is expected to arrive in Ogden at 3 o'clock this afternoon. The train consists of 35 cars of tea, direct from China, and going east. If the run is successful a regular schedule will be inaugurated.

Mrs. Jane Devereaux, a highly respected resident of this city, died last night at the home of her daughter, Mrs. Thomas A. Norden, 7 Warren avenue, of general debility. The deceased was 73 years of age and had been a resident of Utah for the past 28 years, living the greater part of the time at Salt Lake, at which point the remains will be shipped tomorrow afternoon. Mrs. Devereaux leaves five sons and five daughters as well as a host of friends to mourn her demise.

Ex-Senator Frank J. Cannon, editor of the Utah State Journal, returned this morning from an extended business trip in the east. Mr. Cannon is well and hearty and says his visit was in every way successful.

INTERESTING RELICS.

General Manager G. T. Odell of the Consolidated Wagon & Machine company has three interesting relics in the shape of deeds for transfers of three lots of real estate in Ogden, the dates of transfer being Sept. 25 and Oct. 4, 1861, or before Ogden City town site had been patented. The local population at the time was not over 1,500, and there was but one store in the place, the one conducted by John Doe. One of the witnesses of the transfers was William F. Critchlow, a relative of E. B. Critchlow of this city, and Thomas George Odell, the party making the purchases, was the father of Manager G. T. Odell of this city. The considerations of the deeds were two yoke of oxen and two wagons. There was no cash involved, as owing to its scarcity, barter and sale were mostly the medium through which transfers of real estate were made.

House Proceedings.

Washington, March 8.—When the house met today, Speaker Cannon ruled on a point of order made by Mr. Mann, of Illinois, during the conference on the legislative, executive and judicial appropriation bill. It pertained to the matter of carriages for officials of the government. The conference had inserted the words "or official" after the word "personal." These words were not put in by either house. The speaker sustained the point and the bill was sent back to conference.

RUSSIA REJECTS PORTE'S CONDITIONS

Had They Been Accepted the Black Sea Fleet Would Have Passed the Dardanelles.

NEGOTIATIONS WERE RENEWED.

Little Likelihood of Sultan Yielding—He Will Demand a Heavy Price For Concessions.

BRITISH DIPLOMACY IS ACTIVE.

Is Urging a Strict Observance of the Treaty of Berlin—Germany May Be Biding Her Time.

Berlin, March 8.—The porte has thus far met the request of the Russian ambassador to Turkey, M. Zinoviev, to permit the Black sea fleet to pass the Dardanelles by naming conditions wholly unacceptable to Russia. One of these conditions naturally is that Russia shall break off or evade the fulfillment of her agreement with Austria respecting the Balkans, give the sultan leave to settle the controversy by his own methods, and assist Turkey, should Austria or other powers dispute the sultan's decision. Russia rejected these proposals as preposterous, but she renewed her request to which there seems little likelihood of the sultan yielding, as British diplomacy is active at Constantinople in urging on the porte a strict observance of the Berlin treaty. France, so far as can be perceived here, has not seconded Russia in this matter. Such a step as permitting the Black sea fleet to pass through the Dardanelles would be regarded diplomatically as a breach of neutrality to it, being aimed at the maintenance of the status quo, is not so considered. Russia's diplomatic weight at Constantinople has been somewhat reduced by the occurrence in the far east. The porte will give nothing without a heavy price. Germany expresses no opinion on the subject. The most that Germany will do in the presence of a bargain between Russia and Turkey for the release of the Black sea fleet would be to maintain silence, neither advising nor assisting either party. The government here is looking ahead. It can conceive of a time when it will be Germany's advantage to have a portion of the Russian navy locked up. Austria and Italy are not moving at Constantinople where all the powers therefore except Russia and Great Britain are quiescent.

Russia would not use the Dardanelles now if she could, in the opinion of experts here, because her Black sea fleet is not ready for a far eastern campaign, and if it were ready, Russia would wait until her Baltic fleet is thoroughly equipped. It is believed that Russia could not hope to succeed in naval success without the Baltic, Black sea and Mediterranean squadrons uniting and proceeding east together as otherwise they would be destroyed piecemeal.

Sunday School Delegates Sail.

New York, March 8.—Between 700 and 800 delegates to the world's Sunday school convention, to be held at Jerusalem April 18, 19 and 20, sailed today on the specially chartered vessel Grosvenor Kurkirk of the North German Lloyd line for a seven days' cruise of the Mediterranean.

The delegates will meet the American party in the Mediterranean and in all between 1,200 and 1,400 delegates will attend the convention. With the party from America are a number of missionaries returning to their respective fields of labor in the orient.

PATENT FOR W. M. FERRY

It is for a Heating and Ventilating Apparatus.

(Special to the "News.") Washington, D. C., March 8.—A patent for a heating and ventilating apparatus has been issued to William M. Ferry of Park City, Utah.

LOCAL MANAGER.

Charles O. Harris of the Independent Telephone Co. Arrives in City.

Charles O. Harris of Rochester has arrived in this city to act as local manager for the Independent Telephone company. He will start in immediately to work up a subscription for his company as the new switchboard has arrived and workmen begin this week setting it up. The board will accommodate 12,000 telephone connections. The entire plant of the company is very complete.

EDWARD APPEL'S SANITY.

Edward Appel, the 16-year-old boy who was arrested by the police several days ago, was partially examined as to his sanity this afternoon by Deputy County Clerk Elardge and Drs. Mayo and Odell. It was thought advisable to postpone further examination until Friday, when the case will be finally disposed of.

GROVER HAS SMALLPOX.

One case of smallpox was reported to the board of health today. The name of the patient is L. Grover, aged 20 years. He is a student and boards at 235 north Second West street. He was taken to the quarantine hospital this morning.

THE FLEET ONLY SHOWED ITSELF.

Japs Did Not Bombard Vladivostok All Day Long Monday.

INHABITANTS IN HIGH SPIRITS.

Crowds Promenade the Streets—Many Suspected Japanese Have Been Arrested.

St. Petersburg, March 8.—There is no truth in the statement that the Japanese fleet bombarded Vladivostok all day long yesterday. According to the latest information the fleet simply showed itself and sailed away without firing a gun. One reason for the appearance of the Japanese in northern waters advanced here is their probable desire to regain possession of the island of Sakhalien which was ceded to Russia by Japan. It is pointed out that the whole of northern Japan will be threatened with famine if the food supply derived from the island of Sakhalien is cut off. Nine-tenths of the exports go to Japan, in addition to which Japanese boats have been carrying on piratical fishing along the coast, which has exhausted the fish supply of the Amur estuary. The native tribes there are suffering from hunger and typhus. The Russian government will prepare a gunboat flotilla on the Amur to provide protection to the fisheries as soon as the river is free from ice.

The wife of Admiral Stark, the former commander of the Russian fleet at Port Arthur, has returned here from Lake Arthur. She is very indignant and denies the report that the admiral and his officers were ashore attending a ball at the time the Japanese attacked the Russian squadron. Madame Stark