It is Homes That the Advertisers Wan to Get Into. The "News" is the Home Paper of the Community.	DESE	RET EVENING N	EWS.	The Saturday and Semi-Weekly News Reach 150,000 Readers. Spec- ial Rates Accorded Advertisers in These Two Issues.
Paper or the	-	TRUTH AND LIBERTY.		
10 PAGES-LAST EL	DITION	MONDAY, MARCH 7, 1904. SALT LAKE CITY, UTAH.		FIFTY-FOURTH YEAR.
Prest. Jo	os. F. Sn	nith Tells I Government	t Of The	Church.
SENATOR SMOOT Is mentioned.	Church, again on the stand for the de- fense, the second week of the investi- gation of the Smoot case opened today before the senate committee on privi- leges and elections. Senator Dubois put into the record the census figures for Utah taken in 1890, to show that in- stead of only three or four per cent in polygamy as Mr. Smith had said in re- nly there were about 23 <sup>14</sup> per cent of	Believed to Be in Vicinity of the Mouth of the Tumen River, Covering Move-	found on the Auditorium stage, and this has given rise to the suspicion that both theaters were set on fire by an incendiary. In response to a request from the local fire department aid was sent from the Elmira state reformatory. Elmira Heights and Horseheads, and at daybreak the fire was under control. D. C. Robinson, owner of the Lyceum theater, is the heaviest loser, his dam- age being estimated at \$70,009. The	ROSE SMILES AT Death Penalty
It Develops That he Never Dis- cussed Prest. Smith's Family Affairs With Him.	the "Mormon" population of an age en- abling them to be polygamists who were in that State in 1890. Senator Du- bois gave it as his opinion that there has been no material reduction in the number of polygamists since 1890. Mr. Worthington conducted an exam- ination of Mr. Smith to ascertain the progress undergone in cases of excom- munication. The witness explained the	ment of Troops—Earlier Movement of Russians Into Northeastern Korea, Proves to Have Been Much More Than a Diver- sion—All Quiet at Vladivostok.	theater was insured for \$25,000, Steamer Sunk in Collision. Baltimore, Md., March 7.—In a col- lision today off Fort MeHenry, between the Norwegian ship Siberia, Capt. Ja- robsen, from Baracca, with a cargo of bananas, and the Norweglan steam- ship Simon Dumois, Capt. Nieuwiar.	With an Air of Unconcern he Say "All Right I'll Take the Shot."
MR DUBOIS VERY ANXIOUS. He Wants to Make it Appear That The Percentage of Polygamists Is Very Large.	son have to be brought and passed up-	Sung. The earlier Russian movement into northeastern Korea was regarded as a diversion, but it now appears that a considerable force participated. It is thought that	from Eanes, the former was sunk. The latter was damaged and returned to port. British Trade Returns. London, March 7.—The board of trade returns for the month of February show that imports increased \$17,749,500, and the exports increased \$5,597,000. The increase in imports includes foodstuffs to the value of \$8,343,180 and	TO BE EXECUTED APRIL 22 Sentence Will be Carried Out Within The Exterior Walls of the State Prison on That Date.
POWER OF THE FIRST PRESIDENCY The Weiler Case Cited to Show That it is Not Nearly So Great or	prayer and consultation on matters generally relating to the Church. The futile effort by President Brig- ham Young in 1875 to have Bishop Ja- cob Weiler, removed from the leader- ship of a ward was related by Mr. Smith to show that the presidency does not exercise power over the wishes of the people and that the members of the Church by the freedom of their vote in	<ul> <li>the Russians may occupy and fortify some strong position on the Tumen river.</li> <li>Reports regarding Russian movements in northwestern Korea are meager and unreliable.</li> <li>The force north of the Yalu is being increased, but it is doubted if any considerable number of Russians have crossed that river.</li> </ul>	cotton to the amount of \$3,429,435. Among the exports the only notable increase was cotton fabrics \$4,251,585. Berlin Bankers Fail. Berlin, March 7.—The failure of Brendel & Co. a banking house of minor importance, was announced to- day. The firm was established in 1878.	AN APPEAL IS NOT PROBABLE
Extensive as Claimed. (Special to the "News.") Washington, D. C., March 7.—The sec- ond week of the Smoot hearing began	reality form the power of government. Several other like instances were re- lated for the same general purposes. REVELATION OF JAN. 19, 1841. Mr. Worthington read the revelation by Joseph Smith, Jr., Jan. 19, 1841. naming Brigham Young as president, and all the members of the High Ccun- cli and the Apostles. In this revelation was a command to accept the nomina-	Vladivostok, March 7.—Last night passed quietly. The inhabitants and troops are in unusually high spirits. A strict search is being made throughout the town for Japanese. Tokio, March 7.—The Japanese cabinet will meet tomorrow to finally consider	The difficulties of the concern are at- tributed to the embezzlement and speculations of a clerk who has ab- sconded. Gold for South America. New York, March 7.—Gold to the amount of \$1,250,000 will be taken from the sub-treasury today for shipment.	men as to Wife's Fate. With an 'ironical smile on his fac Frank Rose, who on Christmas da murdered his young wife in their room at 48 west Third South street, face Judge Morse in the criminal division of
this morning with the seekers lined up of curious sensation seekers lined up on the north side wall. There were not quite as many ribbons, feathers and millinery confections on exhibition, ow- ing to the fact that the morning opened with drizzling rain, which by 10 o'clock had developed into a steady downpour. The humidity of the atmosphere was	tions or to reject them in general con- ference. Mr. Smith declared that even in the original revelation naming the successor to the first president it was in the power of the members to accept or reject. Mr. Smith in reply to an in- quiry said Reed Smoot became an Apostle April 9, 1900. "Right here let me ask you when your last child was born," asked Mr.	the program of financial legislation made necessary by the war which is to be submitted to the special session of the diet. It is understood that it has been decided not to introduce legislation affecting the tobacco monopoly. Seoul, [Monday], March 7.—The Russian soldiers operating in the vicinity of	to South America. Export engage- ments to that country already aggre- gate \$1,750,000. SEEKS PASTURES NEW. Murray Hotel Keeper Leaves a Number Of Unpaid Bills Behind.	the district court this morning an heard the death penalty passed upo him for his infamous crime. He aj peared to be the least concerned perso in the court room, and after sentence had been passed upon him, he said with an air of bravado, "All right," and the resumed his seat.
perhaps responsible for the interfaces of the committee in getting together as it was nearly 11 o'clock before Chair- man Burrows called the committee to order. But the rain did not interfere with the crowds. The Capitol guides have added the committee room on privileges and elections to the list of at-	your last child was born, asked and Worthington. "I don't know whether that has any bearing on the case," said Mr. Smith. "but I believe it was on the day Mr. Smoot became an Apostle." "Then there has been none since," said Mr. Worthington. "No, sir." "Then, so far as you and Mr. Smoot were concerned, you were in harmony?" remarked Mr. Burrows.	Anju are committing all manner of excesses, maltreating the native women and per- petrating robbery upon every opportunity. Korean soldiers attacked a body of the invaders on Friday last, the 4th instant, and succeeded in killing thirty of them. It is reported that as the result of a collision between Russians and Korean soldiers at Kang Ge the Russians were driven beyond the Yalu river.	The sudden disappearance of Mrs. Klenchen, proprietress of the Loomis hotel, Murray, is the cause of much concern among a number of merchants of that town. Mrs. Klenchen and hus- band left the old home for pastures new about two weeks ago, and noth- ing has been heard of them since. The couple had a preity stormy time of it	"TLL TAKE THE SHOT." About 100 persons were in the cour room to hear the sentence and the fem nine sex was well represented in the crowd. Ros, when asked if he had ar legal cause to show why sentence should not be passed upon him, replied in the negative. When asked which
tractions which is seems to be the first seers; in fact is seems to visitors. In the on the list to present to visitors. In the	DIDN'T DISCUSS POLYGAMY.		while they tarried in that burg, fight- ing like cat and dog on different occa-	manner of death he preferred he repli- without hesitation, "Ill take the shot

CAME IN HANDCUFFED

Mr. Worthington inquired whether at any of the joint meetings of the first

not to betray the position of

orrider at 10:30 o'clock there were by actual count 36 men and women under the pilotage of Capitol guides, craning their necks in a vain attempt to see the principal witnesses who were gathered around counsel,

Among the visitors were no less than three bridal couples.

Wedged firmly against the jamb of the door was a negro at least six feet tail, who was the first colored man who has yet succeeded in getting his head inside the door. The atmosphere of the room itself was like that of the Black Hole of Calcutta, The "entilation is atrocious, and still the women seemed less worried by the bad air than any of the men gathered inside,

The absentees this morning were Senators Hoar, Depew, Beveridge, McCo-mas, Clark and Bailey. The only senator present not a member of the committee was Millard of Nebraska, The house was represented by Congressman Howell, who is constant in his attend. ance upon all sessions.

#### CARLISLE ABSENT.

Ex-Senator Carlisle was again conspicuous by his absence, He met Mr. Tayler early in the morning at the hotel and had quite a long chat with him, but he did not come to the Capl-

The morning session, which lasted less than an hour, was the dullest yet. There were no "incidents" whatever which could be construed as sensational,

President Smith took the witness chair immediately after the committee was called to order and within six feet of him an artist (solt up a position and made a rapid sketch of the head of the Church as he sat leaning forward that he might more easily understand the purport of the questions propounded. Before Mr. Worthington could put the first question Mr. Dubels asked permission to submit some figures from the gensus of 1890 relative to the number of "Mormons" living in polygamy at that time. He reiterated his former statement as to the percentage and gave it as his opinion that there has been no material reduction in the number up to the present time.

#### METHODS OF GOVERNMENT.

The questions of Mr. Worthington in the way of cross-examination were directed with the idea of securing the insertion in the record of more detailed accounts of the methods of government of the Church, and in particular to show that the Apostles act as did the Apostles of old in the promulgation of the dectrines of the Church and not in any manner as a governing body. Weller, Parowan, and Sanpete cases were referred to as showing that conferences of wards and stakes control the selection of Bishops. It was also brought cut that at the semi-annual and annual conferences of the Church the people as a whole vote regularly upon the question whether or not the First Presidency and Apostles shall be sustained. showing that it is within the power of the conferences twice a year to depose the entire governing body and Apostolic advisers, Mr. Smoot's connection with the affairs of his associate was referred to when the statement was made that he never at any time discussed the family affairs of the pres-ident with Mr. Smith,

PREST, SMITH ON STAND. He Testifies Regarding the Organ . ization of the Church. [By the Associated Press.] Washington, March 7 .- With Pr

presidency and the Apostles, the ques-tion of polygamous cohabitation had been discussed. Mr. Smith said it had not in either advisory talk or in regard to the taking of the action to prevent the practise. He declared that when Mr. Smoot became an Apostle, the status of most of the polygamists had

been fixed many years before. In answer to question by Mr. Worth-ington and Senator Burrows, Mr. Smith said Senator Smoot had never advised for or against continuance of polygamous cohabitation.

EDMUNDS LAW CONVICTIONS. In returning to convictions, Mr. Smith said there had been none since the manifesto of 1890; that all of the conmanifesto of 1890; that all of the con-victions under the Edmunds law were While Utah was a territory. Senator Dubois referred to Mr. Worthington as counsel for Mr. Smith. "I protest," said Mr. Worthington. "I am not the attorney for the wit-

ness. If I were the examination would have been far different."

A list of the first judges elected since Utah was a state showed that the for-mer territorial judges were chosen without exception, and that all of them had formerly sent "Mormons" to prison

for polygamous cohabitation. The pur-pose of this was to deny the inference that the "Mormon" Church dominates the courts. Mr. Worthington read the list of sen-

ators and representatives elected from Utah since the manifesto in 1890 to show the percentage of "Mormons" to The witness was asked in Gentiles. regard to each "was he a 'Mormon' or

Gentle?' In regard to Frank J. Cannon, who was elected to the senate Mr. Smith

"He was classed as a 'Mormon,' but he was a poor one." Recess until afternoon.

# A JOSEPHITE PROTEST.

It Denies That Joseph Smith Jr. Received Revelation on Polygamy Washington, March 7 .-- Chairman Bur-Washington, March 1.—Channah Mar Div-rows of the senate committee on priv-ileges and elections, has received from E. F. Shupe, president, and A. E. Ta-bor, secretary of the Eastern Colorado conference, Re\_organized Church of Jesus Christ of Latter-day Saints, a telescond donying the testimony of Jotelegram denying the testimony of Jo-seph F. Smith, president of the "Mor-

mon" Church, that Joseph Smith, Jr., was the originator of the doctrine of polygamy. Chairman Burrows has caused subpoenas to be issued for Messrs. Shupe and Tabor. The tele-gram to Senator Burrows declares as untrue the statement of President Smith that revelations commanding polygamy were first given to Joseph Smith, Jr. It asserts that Brigham Young alone is responsible for that "pernicious doctrine," and that the polygamy religion was introduced first by Brigham Young in 1852, nearly "nine years after the death of Joseph Smith,

who never had but one wife. The telegram continues: "Statements to the contrary are false. Ask Smith to show any children from any of the alleged plural wives of the first Joseph Smith. The courts have decreed that the Utah "Mormon" Church is not like the church organized by Joseph Smith and that the first "Mormon" Church's successor is the Re-organized Latterday Saints, headquarters at Lamoni, Iowa, consisting of a thousand honorable members who do not believe in, nor practice polygamy. The "Mormon" covenants were changed in 1856, and what purported to be the polygamy revelation was inserted. The original book does not contain such a doctrine book does not contain such a doctrine. If you will examine section 42, Book of Mormon, page 116, you will find it condemns polygamy in the strongest

UNITED MINE WORKERS.

terms.

# Question of Accepting Offered

Wage Rate Left to Locals, Indianapolis, Ind., March 7 .- The United Mine workers in national con-

March 15 and the result will be counted at the national headquarters in this ctiy March 17. The voting on the prop-osition will be done by the miners of Indiana, Ohio, western Pennsylvania Maryland, Michigan, western Kentucky central Pennsylvania and West Vir-ginia. These are the districts whose scale expires April 1. President Mitch-

ell, in his circular to the miners referred to the proposition authorized in the resolutions and will strongly urge the acceptance of the proposition. It has been rumored here today that if his advice is not taken he will tender his resignation as president of the organization. After adopting the report the miners' convention adjourned sine

The action of the miners was taken in executive session after a discussion lasting two hours. The report of the special committee appointed to consi-der and make recommandations on the situation, was read by its president Mitchell. The report was adopted by sections. The committee, after saying 'We, your committee, appointed for the purpose of drafting for presentation to the convention a general policy for the direction of the organization in the crisis that now confronts us," gives mi-nute directions as to the manner of conducting the vote by the locals.

### MURDERER ESCAPES.

#### With Two Revolvers He Forced Jailer to Let Him Out.

St. Joseph, Mo., March 7 .-- Mark Dunn, convicted of the murder of a wealthy farmer named Fenton, and sentenced to be hanged March 11, escaped from jail today. Dunn got possession of two revolvers that were smuggled into jail and forced the death watch to submit to being bound with wire he had used in making baskets.

He held the watchman prisoner all night and forced him to call the jailer soon after daybreak. When the failer appeared Dunn threatened to kill the death watch unless the jailer him out through the wheel. The jailer, to save the watchman, did as ordered. Then the murderer forced the jailer and his brother, a deputy sheriff, to enter the jail, locked them in and escaped with the key.

#### Trophies from the Variag.

ese fleet has not been sighted from Port Arthur for over a week and pos-Tokio, March 7 .- A number of troohies from the Russian cruiser Variag. including one gun, have reached the navy department and have been forwarded to the Japanese imperial court. The crown prince will accompany the emperor when the court removes from to Kioto after the adjournment of the diet.

### Cement Finishers Strike.

Chicago, March 7 .--- Eight hundred ement finishers employed by the ce-nent Contractors' association, struck ment today for a wage increase of 10 cents an hour

### JAPANESE WARLOAN.

#### Word "America" Was Used Erroneously in Translating.

New York. March 7 .--- Regarding the statement made yesterday in a Tokio dispatch to a Paris newspaper, to the ffect that American subscriptions to the Japanese war loan March 1, amounted to \$29,500,000, shows that there was a mistranslation and that the word American was used erroneously. The corrected statement reads: "Subscriptions to the war loan opened March 1, now amount to \$39,500."

#### Two Trains Collide.

Jefferson City, Mo., March 7,--A local freight on the Missouri Pacific railway collided today with a through freight on the same road four miles east of Jefferson city. The local freight was but slightly damaged and the erew es-caped. The caboose and several cars

vention today voted to refer the final decision as to accepting the wage scale offer of the operators to the locals. The vote of the locals will be cast on Nevis and Charles Weyant were killed.

the batteries. RAMIRAHAMENI LAH squadron consisted of a battleship, four armored cruisers and two unprotected POLITICAL EFFECT. cruisers.

Such is Russia's Interpretation of

That of Vladivostok on

Sunday.

MAY HAVE COVERED A MOVE.

No Change in Port Arthur Situation

-Police Offer Rewards for Appre-

hension of Japanese.

St. Petersburg, March 7 .- Although

the prevailing opinion in military cir.

cles continues to be that the bombard-

ment of Vladivostock Sunday was for

the purpose of locating the guns of the

batteries and to ascertain whether the

Russian squadron was in port, some

shrewd observers believe it indicates a

move by land and sea against the city.

The Novoe Vremya advances the the-

ory "that the bombardment was order.

ed for political effect on the Japanese

It is considered especially unfortunate

that the Japanese did not go close

enough to Viadivostock to establish the

identity of their ships, leaving the

question whether they were a division

of the Port Arthur fleet in doubt. - It is

not believed, however, the Japanese would dare to divide the latter, which

would involve the risk of a sortle by the Russians and their playing havoo

sibly is trying to lure the Russians out.

and wall fell in the yard, killing the

In the quarter of the city called the

"dirty corner," a shell fell on the house of Col. Shukoff without exploding. It traversed a bedroom, destroying a

stove, and penetrating the wall. It finally burst near the regimental safe,

which was standing in the court yard

A sentry guarding the safe was covered with mud but was not injured. Evi-

dentiy fearing an outbreak of fire, the sentry shouted: "Help! Save the reg-imental colors," which were in the

out by the colonel's wife and the sol-

Five sailors were slightly wounded by

the explosion of a shell in the court yard of the Siberian naval barracks.

Outside of the casualties no one was

These ultimately were brought

woman previously referred to.

with the Japanese flotilla. The

### IN THE SENATE. Credentials of Senator-Elect Chas.

# Dick Are Presented.

Washington, March 7 .-- In the senate today bills were passed authorizing bail in certain criminal cases on appeal in the Indian Territory and validating certain conveyances of the Northern Pacific Railroad company. Mr. Foraker presented the credentials

of Senator-elect Charles Dick to suc-ceed the late Senator Hanna, both for the unexpired term ending March 4, and for the full term of six years beginning at the latter date. The credentials were read. Mr. Dick was not present to take the oath. The naval appropriation bill was then taken un

Mr. Patterson offered an armour plate amendment, against which Mr. Hale said he should make a point of order after Mr. Patterson had discussed the amendment. The amendment provides that if the secretary of the navy cannot procure armour for the vessels au-thorized at prices which in his judgment are reasonable, he is authorized and directed to expend so much of the \$12,000,000 appropriated for armour as may be necessary to erect a factory for the manufacture of armour

Mr. Patterson asserted that since 1898 the government has been letting its armour contract to a combination that has fixed the price and determined the bidding. He reviewed the armor plate controversy, declaring the Carnegie and Bethlehem companies "to be in league and members of the steel trust.'

#### House Proceeding.

Washington, March 7,---Mr. Over-street, chairman of the committee on postoffices and postroads called up in the house today the privileged report of that committee on the Hay resolution calling for certain information regard-ing the use of "influence" my members of the house to secure increases in salaries, etc., of postmasters. By unaninous agreement action on the resolu-tion was postponed until Wednesday when there will be three hours' general debate on the motion to table the resolution. This was done that the report of the committee on the resolution might be printed and read by all members of the committee.

### No Merger Decision. Washington, March 7 .- There was no merger decision in the supreme court

### Dr. E. R. Heath Dying.

today.

land.

Kansas City, Mo., March 7 .- Dr. E. R. Heath, a noted explorer, is dying at his home in this city, following a stroke of apoplexy. Dr. Heath is a feilow of the Royal Geographical Society and belongs to a German association of kindred purpose. He is consul for Bolivia and for Guatemala, and consul general for Honduras and for Nicaragua. Heath discovered a stream in South America, one of the sources of supply of the Amazon, which was named the Heath river. Bolivia granted him a concession of several million acres of

#### FIRE IO ELMIRA N. Y.

### Said to Have Been Started by an

Explosion in Lyceum Theater. Elmira, N. Y., March 7 .- The fire that was discovered in a cigar factory under the Lyceum theater last night did dam-age of \$200,000. At 12:30 the Lyceum theater had been entirely gutted and the blaze had spread to the adjoining buildings. Flying sparks spread the flames to the Realty building, in which killed or injured and there was no l is located the Auditorium theater and

outbreak of fire anywhere in the city. The fact that the Russian batteries did not reply to the Japanese bombard-ment was due partially to the slight chance of hiting the energy's warships is located the Auditorium theater and this too proved a total loss. The fire is said to have been started by an explosion of natural gas in the Lyceum theater building, but according to some the instant of at such a long range and partially to to another report a burning rag was ton, the once famous baritone,

Springs, where the woman claims to have considerable property. She It is now thought that the attacking about 35 years of age and red haired. and on this clue the officers are working to secure her apprehension, and incidentally the settlement of old accounts.

here from Colorade

They came

# DEATH OF GEO. WALTON. Pioneer Resident ot Mill Creek a Vic-

## tim of Appendicitis.

George Walton, an old-time resident of Mill Creek, died at his home on Fourteenth South and West Temple streets, on Saturday, March 5, of appendicitis. Mr. Walton had been ailing for about five days but his condition was not considered critical until a short time before his death.

The deceased was born in Whitton. Herefordshire, Eng., Feb. 5, 1832, and came to Utah in 1853, settling in Mill reek, where he has resided ever He was a faithful Latter-day Saint, a devoted husband and father and a good citizen, and his death is a distinct loss to the community. He leaves a wife and 15 children.

The funeral will be held from the Mill Creek ward meetinghouse tomorrow, Tuesday, at 11 a. m. Friends are invited.

# POSTMASTERS APPOINTED.

### (Special to the "News.")

Washington, D. C., March 7 .- Postmasters appointed, Utah-Gisborn, Tooele county, George N. Bunch, vice R. E. McSherry, resigned. Idaho-Basalt, Bingham county,Em-ma Firth, vice Marion Korr, resigned,

WAS WITH "BLUEBEARD."

#### Stage Director of "The Silver Slipper Tells of Chicago Horror.

W. T. Carleton, stage director of "The Silver Slipper" company, held a corresponding position with "Mr. Bluebeard" at the time of the Iroquois horror in Chicago, and was one who narrowly escaped with his life.

The recollection of the event is anything but pleasant to Mr. Carleton, and his sent. he has concealed the fact of his connection with the "Bluebeard" show; so effectually, in fact, that until now no newspaper on the "Slipper's" route

seems to have learned it. The information got out in a peculiar way last Saturday and Mr. Carleton was accosted for an interview.

"Interview be ----," he exclaimed, "I am so sick and tired of that subject that I almost wished I had never got

out of the theater." Mr. Carleton did finally answer a few questions, however. He was standing out in front, watching the show-fre-quently a custom of stage managers during matinees. He had just put two new people into the "Pale Moonlight" specialty and had gone to the auditor um on this occasion to watch their work. Suddenly he noticed the oft times-mentioned "fringe of flame," and the next thing he realized was an at tempt to lower the asbestos curtain, H started back on the stage, making hi way as swiftly as possible through the dark, and then he saw the curtain stop

half-way up. "It seemed that before I took another step the audience was in pandemoni-um," said Mr. Carleton. "It was r perfect panie. I was caught in it, unable to reach the stage. I was half shoved, half pulled and half thrown out through one of the exits, but luckily was not severely hurt. I gathered m senses and rushed around to the stage entrance after that, and did what h could to help out. That is all. It is

The prisoner, securely handcuffed, was brought into the room by Deputy Sheriff Cowan. He wore the same dark suit which he wore during his trial and had a white slik handkerchief tied around his neck. Upon entering the court room he took a seat beside his attorneys, Kinney & Christensen, and engaged in conversation with them until court was convened. He stated to a "News" representative that he was feeling good and that he was glad this was his last trip to the court room. District Attorney Elchnor, who conducted the prosecution, was present during the proceedings, but Assistant County Attorney Smith was not in the room.

MURDERER STANDS UP.

When Judge Morse called the case of the State vs Frank Rose, he instructed the defendant to stand up. Rose immediately complied with the instruction of the court and stood with his hands clasped behind him and looked the judge square in the eye while sentence was passed upon him. "Mr. Rose, you have been charged in the information of the district attorney," continued Judge Morse, "with the crime of mur-der in the first degree. To that charge you refused to enter a plea and the court ordered a plea of not guilty en-tered for you. You were tried by a jury and found guilty as charged in the information, and have appeared this morning to receive the judgment of the court. Have you any legal reason to show why the judgment of the court should not be passed upon you at this time

"No, sir," was the reply of the pris-

"Under the laws of this state the pen-alty for the crime of which you have been convicted is death. The law also provides that you may choose the man-ner of your death, whether by hanging or shooting, which do you prefer?'

TO DIE APRIL 22.

"I'll lake the shot," was the unhesi-

"It take the shot, was the unless tating answer of Rose, "It is the judgment of the court that you, Frank Rose, be taken in charge by the sheriff and confined in some secure the sheriff and confined in some secure place until Friday, April 22, between the hours of 10 o'clock a, m. and 2 lock p. m., at which time you shall, within the exterior walls of the state orison, be shot until you are dead."

"All right," said Rose, as he resumed

BACK TO THE COUNTY JAIL.

A few minutes afterwards he was taken in charge by Deputy Sherift Cowan and was taken from the courtroom and back to the county jail. The people crowded out of the room and followed him to the elevator and some attempted to enter the elevator with him, but were denied admittance by the elevator operator. Rose will probably be taken to the state prison this afternoon or tomorrow, when the death warrant will be issued by Judge Morse. He will then be placed under a death watch until the date of his execution.

#### APPEAL NOT PROBABLE.

It is not probable that his attorneys will take any further action in the case, so an appeal to the supreme court or an application for commutation of sentence at the hands of the state board of pardons will not be made and with the execution of the condemned man upon the date set by the court.

Yesterday the condemined man wrota out a statement to the public in regard to his case which he requested the newspapers to publish. In the letter he states that he feels justified for his act and still has no regrets. He says that the fate of his wife is a lesson to all adulterous women

ROSE'S LETTER TO THE PUBLIC. Rose's letter to the public follows in

March 6, 1904 .- Citizens and Friends: As tomorrow, Monday, March 7, is the day set for me to go before the judge, to hear my death day set. I wish to extend my thanks to all whom I think have done justice by me. First the of-ficers, both police force and sheriff

QUIET AT PORT ARTHUR. Port Arthur, March 7 .-- There is no change in the situation here. The day is fine. The police have posted placards on the walls offering a reward for infor-mation as to the whereabouts of the Japanese and threatening trial by court martial to any person found guilty of concealing them. Outside of killing a woman and wounding a few men yesterday's bom-bardment of Vladivostok by the Japanese fleet did no material damage. The wooden cottage of an artisan was the only building wholly destroyed. It was pierced by a shell from a 12-inch gun, which after traversing the roof

house.

diers.

diet.

