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# DESERT EVENING NEWS.

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TRUTH AND LIBERTY.

WEDNESDAY, APRIL 6, 1904. SALT LAKE CITY, UTAH.

FIFTY-FOURTH YEAR.

10 PAGES—LAST EDITION

## Position Of The Church On Alleged Unlawful Marriages

### FINAL SESSION IS A NOTABLE ONE

Official Declaration of the Church On Matters of Vital Public Interest.

### THE AUTHORITIES SUSTAINED.

President Smith Expresses Regret Respecting Absence of Sick and Other Apostles.

### CONCERNING BUILDING MONUMENT

Epitaph Structure to be Reared to the Memory of the Prophet Joseph Smith.

The final meeting of the conference, and the most important, perhaps—drew a great throng to the Tabernacle this afternoon. The weather was fair and delightful, except for a stiff breeze, which had an unpleasant effect upon the large numbers who walked around the grounds before the meeting.

Briefly summed up the matters of importance and interest referred to in President Smith's statement giving the position of the Church with relation to the charges of illegality connected with marriages; the endorsement of the same in the resolution introduced by President Francis M. Lyman, and the preliminary steps that were taken in the direction of erecting a handsome and up-to-date structure on the old Deseret News corner, to be known as the Joseph Smith Memorial building. These resolutions are presented in full in this issue of the "News."

Shortly after 2 o'clock, President Smith called the congregation to order and announced "We Thank Thee, O God, for a Prophet," as the opening hymn. The congregation joined with the choir in the rendition.

The invocation was offered by Elder Andrew Jensen.

The choir then sang, "Though in the darkest hour, the light will come."

ELDER JOSEPH W. McMURRIN

of the first quorum of Seventy was the first speaker. His heart had been filled with joy in listening to the testimonies that had been borne during the conference. Not only so, but he felt equal joy in traveling from one settlement of Saints to another and beholding the prosperity with which they are blessed. He had been pleased to note that so many of those who were in the front ranks of the Church were the sons of men who have been valiant for the truth. He did not think that our youth are being weaned from the faith of their fathers. The Lord would not permit this to be done. He has promised that the latter-day work would not be given to another people. There is in this promise an implication that the descendants of the Saints necessarily would be inspired to carry on the work of their progenitors.

It was not by mere chance that there was such a collection of great men brought into contact with the young men of the Church. Daniel H. Wells, Orson and Parley P. Pratt, and others formed a group of great souls to back in the work which the Prophet Joseph was instrumental in bringing forth. No doubt these spirits were retained until the time when they again came forth. And so, the speaker believed, the race of great men in the Church would continue in our days. The Lord would bless the fathers and mothers among us with the fathers who would be faithful to God and the truth, and who would carry on the work of the Lord. As men and women are possessed with a natural patriotism for their native country, so only in a deeper sense, would our young people be patriotic to the Gospel, to the cause for which their fathers gave so much of their best energies.

There is something in being called to Zion. The children born here cannot get absolutely out of the spirit and the atmosphere which surrounded the Father. There would, he thought, be descendants of the founders of the Church to carry on the work which was so nobly begun by their fathers.

He admonished the Saints to order their lives in such a way that strumlings coming among us may not be able to point their finger at anything that will tell seriously against us. The Lord desires us to be as a city set on a hill, and it is his wish that ultimately we shall be seen by the world as we are.

ELDER RULON S. WELLS,

of the same quorum, was the next speaker. He felt that there had been an outpouring of the Holy Spirit during the conference. We cannot, he said, pay too much attention to the necessity of having an individual testimony of the Gospel; for this will be the only thing that can enable us to withstand the trying scenes through which we are passing. It is possible for every person to obtain a testimony of the truth, and this through doing the will of the Father. The first great law is love; and if we have the Gospel in our hearts, this love will manifest itself in our lives.

He spoke of the necessity of revelation in the Church. It is a vital principle of the Gospel, and all those who reject it reject the only means by which they can get a knowledge of God and His truth. Not only is this necessary to the leaders of the Church, but it is to the woman in the Church. Every man is a head of a family, and he is responsible for the welfare of the family. He is the head of the Church, and he is responsible for the welfare of the Church. He is the head of the family, and he is responsible for the welfare of the family. He is the head of the Church, and he is responsible for the welfare of the Church.

### A SCHOOL BOY KILLS HIS RIVAL.

Quarrel Over a Girl Pupil Finally Leads to a Cold Blooded Murder.

### FUED INFECTED WHOLE SCHOOL.

Climax Came When One Knocked the Other Down and He Drew a Pistol and Fired.

Chicago, April 6.—A quarrel over a girl, her companion at school, culminated in the killing of one 16-year-old boy by another. The victim was Jellek, and the slayer was Henry Schaeze. He was arrested and has confessed the killing, but declares he shot in self defense.

The boys became enemies when Schaeze escorted a girl pupil from school a year ago. The youths fought first, when Jellek declared the other had tried to "cut him out," as other pupils said, and in a fist battle behind the school building Schaeze was victor over Jellek.

After that time, it is said, the boys would quarrel every time they met. Jellek was shot in self defense. The slayer was Henry Schaeze. He was arrested and has confessed the killing, but declares he shot in self defense.

### PENN. REPUBLICANS.

Meet in Convention in Harrisburg and Name a Ticket.

Harrisburg, Pa., April 6.—Former Atty.-Gen. John P. Elkin was nominated unanimously for supreme court justice today by the Republican state convention. Gov. Samuel W. Pennypacker, James Elverson, of Philadelphia, O. D. Bleakley, of Franklin, and Francis L. Robbins, of Pittsburgh, were elected delegates to the national convention and instructed to vote for the nomination of President Roosevelt.

The selection of Mr. Elkin, whose name was the only one presented to the convention, is one of the most remarkable incidents in the history of Pennsylvania politics. He came to Harrisburg on Monday as a candidate, and was confident of the nomination of Gov. Pennypacker for the supreme bench. But the governor late yesterday declined the nomination. The party leaders then agreed to nominate Mr. Elkin and after the Philadelphia, Altoona, Lancaster and Dauphin county delegates caucused and agreed on Mr. Elkin, there was never any doubt of his nomination. The salary of a justice of the supreme court is \$10,000 a year and the term is for 21 years. Mr. Elkin is 44 years old and for years has been one of the Republican leaders of the state.

### General Conference of Josephites

Kirtland, O., April 6.—The fifty-first general conference of the Reorganized Church of Jesus Christ of Latter-day Saints, which is the largest of the Latter-day Saint sects, was in session here today. The conference is held annually and is one of the most important events in the life of the church. The delegates from all over the world are present, and the conference is a great gathering of the faithful.

### Skirmish With Bandits.

Malden, April 6.—In a skirmish between frontier guards and Chinese bandits April 2, at a point on the southern section of the railroad, three guards were killed and 19 bandits were killed and 20 were wounded. A force has been dispatched in pursuit of the bandits.

### Thos. McGovern, Nationalist Dead

London, April 6.—Thomas McGovern, a member of parliament for the West division of Cavan, Ireland, died today at Cavan.

### CUBAN EXTRADITION TREATY

Secy. Hay and Minister Quesada Sign it at Washington.

Washington, April 6.—Secy. Hay and Minister Quesada, the Cuban minister, today signed a treaty of extradition.

### Ex-Queen Isabella III.

Paris, April 6.—Former Queen Isabella of Spain is suffering from a severe attack of influenza, which causes anxiety on account of her advanced age. She was born in 1828.

### PROTESTS AGAINST PREST. SMITH'S DECLARATION.

Washington, April 6.—Senator Burrows presented to the senate today protests from more than 600 of the "law-abiding people of Utah" against the declaration of President Joseph Smith, of the "Mormon" Church, that they are "broad-minded enough to consent to 'shocking violations of law and public decency which he confesses to have committed.'"

## OFFICIAL STATEMENT BY PRESIDENT JOSEPH F. SMITH.

Inasmuch as there are numerous reports in circulation that plural marriages have been entered into contrary to the official declaration of President Woodruff of September 26, 1890, commonly called the manifesto, which was issued by President Woodruff and adopted by the Church at its general conference, October 6, 1890, which forbade any marriages violative of the law of the land, I Joseph F. Smith, President of the Church of Jesus Christ of Latter-day Saints, hereby affirm and declare that no such marriages have been solemnized with the sanction, consent or knowledge of the Church of Jesus Christ of Latter-day Saints, and

I hereby announce that all such marriages are prohibited, and if any officer or member of the Church shall assume to solemnize or enter into any such marriage he will be deemed in transgression against the Church and will be liable to be dealt with according to the rules and regulations thereof and excommunicated therefrom.

JOSEPH F. SMITH,  
President of the Church of Jesus Christ of Latter-day Saints.

### RESOLUTION OF ENDORSEMENT.

President Francis M. Lyman introduced the following:  
Resolved that we, the members of the Church of Jesus Christ of Latter-day Saints in general conference assembled, hereby approve and endorse the statement and declaration of President Joseph F. Smith, just made to this conference concerning plural marriages and will support the courts of the Church in the enforcement thereof.

## For a Joseph Smith Memorial Building.

Following is the full text of the resolution introduced at this afternoon's session of conference, by President John R. Winder:

"Whereas nearly sixty years have passed since the martyrdom of the Prophet and Patriarch Joseph and Hyrum Smith and no public building or monument has been erected to their memory,

Therefore, Be it Resolved by this General Conference of the Church of Jesus Christ of Latter-day Saints, That a suitable building or monument be erected to their memory; that the Trustee-in-Trust appoint a committee to prepare plans for the same, which shall be submitted to him, and when approved he will authorize the committee to proceed with the work and will furnish the necessary means from such funds as may be available for that purpose, and that a book be opened at the Presiding Bishop's Office to receive voluntary subscriptions from any who wish to donate.

The resolution was adopted and on motion the following committee was named to carry out the provisions of the same: President John R. Winder, President Francis M. Lyman, Bishop W. B. Preston, and Bishop George Romney.

## Scoffers In And About The Tabernacle.

County Attorney Westervelt Takes Photographs of "Representative" or "Typical" "Mormons" and the Tribune Pokes Fun at Old and Young Alike and Mourns Over Personal Appearances.

From drawing indictments that fail to taking photographs of conference visitors for a purpose not clear, is a long jump for a lawyer. But the question of distance didn't disturb County Atty. Westervelt on Sunday last. Nor did the fact that he had not secured the permission of his subjects out the least figure with the very peculiar way he had in hand. He made the leap, in fact he made several in his haste to get what he wanted.

Certain judges of good looks have stated that the county prosecutor is a handsome fellow. It is understood that he thoroughly approves of the work of the photographer. More than that, he is a collector of rare pictures. Venuses and Adonises are his delight, particularly Venuses. Next to this trait is his desire for the possession of types that are the antithesis of those mentioned. He thinks the place to get them is at a "Mormon" conference. How he gets them makes little difference. Get them first. Discuss the "how" and the "why" afterwards. That is his doctrine. The invasion of the grounds on to which his victims had gone for spiritual instruction was a matter of small moment. So, camera, or kodak in hand, he elbowed his way through the surging crowds until little openings were found. Then he commenced his observations; after that, his work.

This was observable during his nerve-racking errand. When a person or party of persons whose dress would indicate that it was not as up-to-date as his own, fell under his eagle eye that person or party immediately had the photograph machine leveled against him, and the dexterity with which the button was pushed, proved that people some times miss their vocations. It is believed that a glance at the young man's negatives will show that he would make a splendid photographer.

The man with the scraggiest beard, the woman with the quaintest dress was a veritable magnet for the kodak. It invariably found them, and when it did it worked like a Browning repeater. There are many guesses going the rounds as to the purpose these pictures are to be put to. It has been suggested that they were probably wanted for an anti-Mormon eastern newspaper syndicate as representing "typical" "Mormons." But George it is not a writer and is not known to have any connection with or interest in newspaper beyond that of a subscriber. He is, however, county attorney. But his temple block victims have committed no offense and it is unlikely that he needs their pictures as evidence in cases of prosecution. As indicative of the groove in which his mind runs it

was notable that when an old man of the "rural type" crossed his path, and accidentally or otherwise halted near a group of women, that they would be "shot" with the least possible delay, for fear that the opportunity would be lost forever. In this way Mr. Westervelt and the really charming companion who accompanied him is surmised, secured a large number of "typical" "Mormons." "Mormons" that can be used for sensational newspaper articles or to show to friends at home. In either case a brilliant piece of work has been done, and being done by a distinguished official, the public should not be kept in the ignorance of the facts. Mr. Westervelt, on being asked for an explanation, said he simply wanted them as "curios" or "relics" or something of that kind.

### TRIBUNE DERISION.

In keeping with methods like those employed by County Attorney Westervelt are the scribing, not to say burlesque descriptions in the Tribune, of conference visitors. Commenting upon the cosmopolitan character of the people, it concludes an opening paragraph with the statement that they possess one common characteristic, that there is one COMMON "note which brings its response," and that note is the "note of poverty and toil."

And then in half-witted tones it speaks of the nodding heads and beards at the Tabernacle services; of the brown, seamed faces of women whose forms "were bent in bearing children," and adds thereto this observation: "Superimposed on this original stratum, the Mormon faith are the newer generations—the children, grandchildren and great-grandchildren of the patriarchs, blending gradually into a COMMON TYPE OF RURAL AMERICAN."

The fact that the occasion is a solemn one; that the Tabernacle is a sacred edifice; that a great people are assembled in devout worship in no wise stays the hand of the ruthless scoffer who enters the building with hatred in his heart and departs with a sneering story about the noise made by the younger members of the congregation. In a palmed effort to be funny he philosophizes: "Those women who have babies, and every Mormon woman between the ages of 20 and 40 is supposed to be included in this category, take them to conference. Every Mormon baby holds as a tenet of its faith that it is entitled to natural refreshments, whenever the spirit moves. A general conference is one of the few places where the mother refuses to comply with the demands of her offspring, and the result is an infant's insurrection. In the midst of the most solemn invocation cries of protest, hunger and indignation will

drawn the words of the speaker and incite other small persons similarly afflicted, to their best vocal efforts. The original disturbers, not to be outdone, will redouble their exertions, and it is seldom that they fail to gain their demands and force their mothers to retire."

After this declaration about the offspring of the patriarchs becoming a new type of the rural, or country American, he ridicules the old men "wearing rusty, ill-fitting clothes from the settlement Casaca," who in their "pious attention were lulled into dreamland." He exaggerates and ridicules, too, the "mutton chop whiskers," the "Slavonic beards" and the absence of neckties. Dropping his aesthetic views on the attire for a moment, he takes a fling at the "old ladies with dark shawls about their shoulders, queer, foreign-looking caps and shriveled faces, who creep painfully to the Tabernacle and gaze in a rapture of faith through gold-bowed spectacles at the living oracles of God in the pulpit and who were much more successful in keeping awake than their lords and masters."

### ABOUT NECKTIES.

Tribune People Who Have Not Always Known What a Cravat Was.

To the Editor of the Deseret News:

I see by the Tribune that it does not approve of the style of dress that conference folk wear. Then their hair is not cut right, or the whiskers of the men are too long or too short. Well, the Tribune has tried its hand at a good many things of late and from what we hear in the outside counties it hasn't been very successful, so I presume it is getting ready to execute another flop—from politics to tailoring and hair cutting. But, eaking of the "absence of neckties" at the conference reminds me that it is not so very long ago that several Tribune men used to run at large without this improving but not absolutely essential adornment, chief among them being its owner, Mr. Thomas Kearns, now United States senator from Utah. It is clearly in the memory of several of his Park City and other Summit county friends when he came into camp and remained there for a long time without a necktie. But no one ever spoke of it as being to his disadvantage so far as I know. No one ever regarded it as a crime. However, I am credibly informed that he always wears a necktie now. Perhaps it is well that he does so, day and night, otherwise, his own paper might take him to task for consulting comfort rather than coquetting with fashion. SUMMIT COUNTY VISITOR.

Magistrate Lyle A. Dickery of Honolulu has resigned. There were two other magistrates and Carter thought that the work only required one.

William C. Coney, city editor of the Evening Bulletin, is dead after a brief illness. He was past Hawaiian and was the only member of his race actively engaged in the newspaper field. He was 60 years of age. At the time of his death he was secretary of the Republican territorial central and executive committees.

### ALL IS QUIET ON THE YALU.

Such is the Message Gen. Kuropatkin Sends to His Imperial Master, the Czar.

### HE ARRIVES AT NEWCHWANG.

Attack on Place by Japanese Anticipated—All Preparations Made To Receive Them.

St. Petersburg, April 6.—"All is quiet on the Yalu" is the report which Gen. Kuropatkin telegraphed April 5 to Gen. Kuropatkin who forwarded the message to the emperor.

The report added that an exchange of shots occurred between Russian cavalry and Japanese skirmishers near Wiju.

The Russians sustained no losses. Five Japanese were killed. The number of wounded is not known.

The stores of a Russian village near Yungampho, south of Wiju on the Yalu river, Korea, have been wrecked and burned by a detachment of Japanese infantry, numbering 300 men.

Gen. Kuropatkin also reported that opposite Turmitchon, on the island of Matuzoo, in the Yalu river, some Russian volunteers had a skirmish with a Japanese outpost from Wiju. There were no casualties on the Russian side. Six Japanese were killed.

### KUROPATKIN AT NEWCHWANG.

Newchwang, April 6.—Gen. Kuropatkin, commander-in-chief of the Russian military forces in the far east, arrived here today and reviewed about 4,000 troops on the parade grounds outside of the forts. One battery of horse artillery, several batteries of field artillery, parts of four regiments of Siberian rifles and detachments of Cossacks and regular cavalry participated in the review.

Russian secret service agents reported that the Japanese intended to attack Newchwang yesterday.

On account of the mining of the river and also in expectation of practise firing from the forts merchants are not using the lower reach of the river.

Gen. Kuropatkin, who has been in command here, who has been praised on account of the order and cleanliness prevailing at Newchwang, says he is now prepared for a Japanese attack which it is evident the other authorities also expect. The command of Gen. Kuropatkin embraces the Seoul peninsula west of the Liao river and also the troops in the districts south, including Kailou and north, including the railroad and Hai Chong.

The troops now here are of a better class than when the war opened.

Gen. Kuropatkin is opening a new hospital at Newchwang.

The relation of the Russian authorities to the foreign residents here are improving and the administration proposes to consult and co-operate with the foreigners for the protection of neutral lives and interests.

### RUSSIANS ENTRENCHING.

Shanghai, April 6.—It is not believed that the Russian troops between An Tung and Ch'u Tung (about ten miles north of the Russian border) are entrenching at several points on the Yalu and Tumen rivers. These entrenchments, however, are not yet completed, and if the Japanese succeed in forcing their way past one line of defenses it would give them a distinct advantage and make it more difficult for the Russians to concentrate and oppose them.

The ice on the Yalu is melting rapidly and the muddy roads make progress in military operations most difficult.

### A STAGE ROBBERY.

Lone Bandit Holds Up Stage Near Holt, Mont.

Kalispell, Mont., April 6.—The mail stage running between Holt and Big Fork, was held up by a lone bandit. The stage driver was alone and was compelled to give up the money and other valuables in his possession. Officers who are in pursuit of the bandit believe that a local character is the man wanted.

### ARRESTED FOR CONTEMPT.

Butte Mining Men Charged With Violating Injunction.

Butte, Mont., April 6.—C. W. Goodale, assistant attorney general of Montana and Boston & Butte properties, Wallace Corbett, foreman, of the West Colusa mine, J. P. Adams, superintendent of the Leonard mine, and Thomas Mitchell, a shift boss, were arrested yesterday on a warrant sworn out by Attorney General C. W. Goodale, charging a violation of injunction issued by Judge Hartney, and will be arraigned tomorrow.

Frank claims the defendants, working the Leonard, injured wastefully the Mine Healy shaft.

### SENATOR BURTON IS SENTENCED.

Given Six Months in Jail and a Fine of \$2,500 by Judge Adams.

### HE HAD NOTHING TO SAY.

His Offense Was Receiving Fees Illegally from the Rialto Grain and Securities Company.

### COURT SAYS VERDICT WAS JUST.

Evidence Abundantly Warranted and Judge Could Find No Reason For Disturbing It.

### IMPOSING THE SENTENCE.

St. Louis, April 6.—Senator Burton, accompanied by his leading attorney, Judge Chester H. Krum, came into the United States district court, at 12:29 o'clock. A case was being tried and Judge Adams granted a recess in that case to take the Burton case. Judge Adams summoned Senator Burton to stand up, and then spoke of the motions that had been filed for a new trial and for arrest of judgment. The court, after briefly reviewing the motions, overruled them both. The court then said to the defendant: "Have you anything to say as to why sentence should not be passed upon you?"

Trembling and evidently suppressing his emotions with a strong effort, Senator Burton stood leaning with both hands on a chairback as he said:

"Your honor will please allow me to respectfully decline to say anything."

The court then said: "In importance with the exception of a few persons interested in the previous case who had remained out of curiosity and the silence was almost oppressive as Judge Adams, in low, modulated tones, began delivering the sentence to be imposed."

### JUDGE ADAMS SPEAKS.

The court said: "After a fair and impartial trial by a jury of exceptional intelligence, you have been found guilty of the offenses charged in the indictment against you. A motion for a new trial in your behalf has afforded me an opportunity to carefully review and consider the evidence. As a result of this, I am satisfied that the jury reached the just and true result. The evidence abundantly warranted their verdict and I find no reason, either in the law governing the case, or in the proceedings attending the trial for disturbing it."

"Your conviction necessarily results in your punishment. In my opinion, is not confined to its effect upon you."

"Your exalted station in life and the character of your offending give unusual significance to your conviction. It demonstrates that the law of the land is equal to any emergency, and that it can be administered regardless of the personality or station of the accused. It also demonstrates to all the people that public office cannot be prostituted to self-serving purposes, and that public office is not a sure and safe passport to private life."

"The humiliation attending your conviction and the statutory disqualifications resulting therefrom, which forever incapacitate you from holding any office of honor or trust under the government, is in itself a heavy punishment for your offense and leave little in the way of severity which could be imposed."

"It is neither my pleasure nor purpose to impose any unnecessary punishment."

"I think the majesty of the law will be sufficiently vindicated and the welfare sufficiently safeguarded by imposing a single sentence, warranted, as it is, on any one of the six counts of indictments on which you were convicted."

### THE SENTENCE.

"This sentence will be that you be confined in the Iron county jail for a period of six months, and that you pay a fine of \$2,500."

At the conclusion of the sentence, Senator Burton, who had not taken his eyes from the court and who had scarcely moved as he supported himself by the chair back turned and sat down, with his head bowed and his eyes on the floor.

Atty. Judge Krum immediately filed a bill of exception in the case and offered a bond for \$10,000, which was accepted and court took a recess until 2 o'clock to resume the previous case. Senator Burton and Judge Krum then hurriedly departed from the courtroom. In the corridor Senator Burton stopped long enough to light a cigar and then walked to his hotel. He declined to discuss the sentence, but said he would depart tonight for his home in Kansas.

### WILL APPEAL CASE.

The case will now be appealed to the United States district court of appeals, the highest tribunal in the matter.

Senator Burton, who is senior senator from Kansas, was convicted after an exhaustive trial, in which various letters from him to the Rialto Grain & Securities company, the checks which he received in payment for his services in behalf of the concern before the postoffice and the testimony of numerous agents of the government were introduced.

Senator Burton's defense was that he was acting merely in the capacity of an attorney, and did not employ his senatorial influence in the work.

At the Southern hotel Senator Burton said to the Associated Press: "I have nothing whatever to say regarding the verdict. I must respectfully refer you to my attorneys on all questions concerning the matter."

Senator Burton then went directly to his room. Five minutes later Hugh C. Dennis, president of the Rialto Grain & Securities company, knocked on the door and was admitted and the two conversed together for some time.

(Continued on page two.)