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DESERET EVENING NEWS.

The French say that "Nothing is a foolproof stocking without a leg" and that is about the only thing you cannot buy or sell through advertising.

10 PAGES—LAST EDITION

TUESDAY FEBRUARY 19 1907 SALT LAKE CITY UTAH

FIFTY-SIXTH YEAR

TRUTH AND LIBERTY.

Senator Smoot Addresses Senate in His Own Defense.

MAKES PLAIN HIS POSITION

Mr. Smoot Fully and Frankly Defines His Attitude Towards Polygamy.

IT WAS NEVER MANDATORY.

When Manifesto Issued, Only 2451 Plural Households in Church.

MORMONS ARE A LOYAL PEOPLE

He Has Never Taken Any Oath Inconsistent With His Senatorial Oath.

(Special to the "News.")

Washington, D. C., Feb. 19.—Senator Smoot was recognized by the vice president at exactly 11:30 and began his speech. About half the seats were occupied and there was a fair attendance of spectators in the galleries. The most intense interest was manifested in the remarks of Mr. Smoot. Every senator on the floor, including Messrs. Burrows and Dubois, swung his chair so as to obtain a better view of the speaker. Only one senator, Pettus of Alabama, neglected to listen attentively. He was busy writing a letter during the first ten minutes.

Mr. Smoot left his own desk and took a position in the main aisle, directly in front of the vice president. As he continued senators whose seats are on the outskirts of the chamber drew closer so as to more readily hear every word. As the senator proceeded one by one other senators entered in the chamber and the interest grew. Senators who were approached by pages with cards from the marble room sent out word expressing themselves during the continuance of Mr. Smoot's address. From time to time the doors leading into the chamber swung inward and members of the house entered and ranged themselves against the walls or on sofas at the rear and sides of the private chamber. Senator Smoot's enunciation was clear and his periods were carefully rounded. His voice reached easily to the most remote corners of the galleries and as he told of the services of the Utah light artillery in the Philippines his eloquent words caused the women in the galleries to lean over the railings to catch a better view of the speaker. That he made a deep impression upon every man and woman in the chamber was manifest. He finished exactly on the stroke of 12 and as he passed back to his seat he was warmly congratulated.

(By Associated Press.)

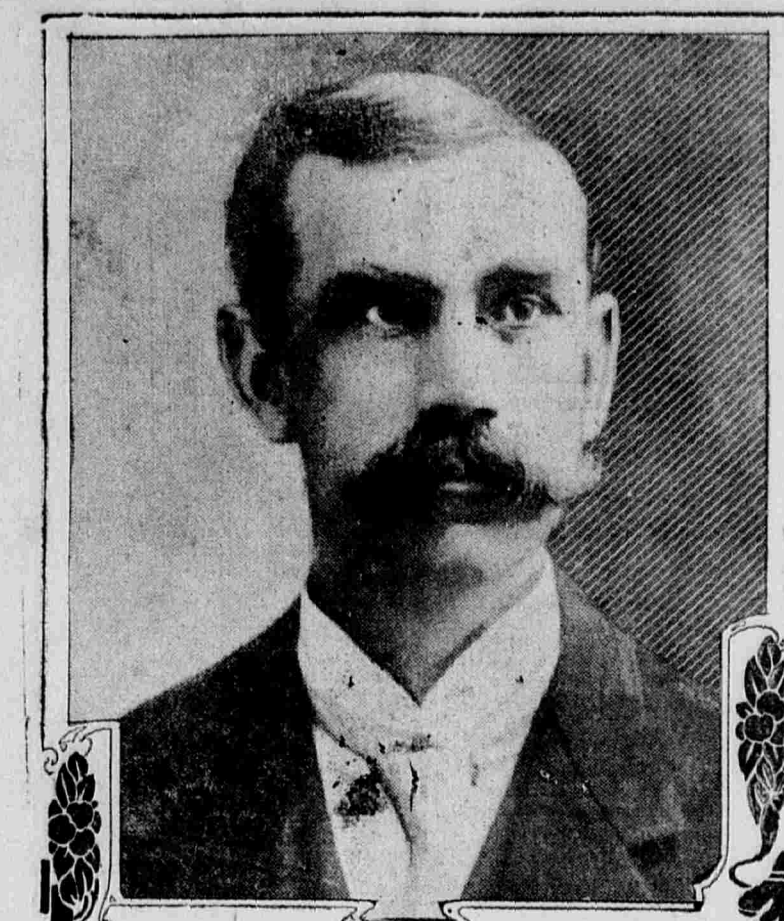
Washington, Feb. 19.—Senator Smoot made his long expected speech in his own case in the senate today. He read his speech, which was devoid of oratorical effort, and the senator's voice was at no time raised much above the conversational tone. There was only a fair attendance of senators, and the galleries were half filled. The meagerness of the audience was due to the fact that the senate met at the unusual early hour of 11. Mr. Smoot was warmly congratulated by many senators when he took his seat. He was followed by Senator Dillingham, who made an argument in support of the Utah senator.

Speaking in his own defense, Senator Reed Smoot addressed the senate today on the general subject of Mormonism. He condemned polygamy in the strongest terms, and declared emphatically that he had taken no oath inconsistent with that he has taken as senator.

Mr. President: In what I shall say to the senate I do not intend to analyze the voluminous testimony taken before the committee, or to make an argument thereon. The greater part of this testimony has been before the senate for more than two years, and all of it for nearly one year. It has been fully argued by the distinguished senators who have already spoken upon this question. My own testimony, covering more than 125 pages of the record, is before you, and I do not feel that I should trespass upon your indulgence in an extended discussion. Indeed, I should have been content to submit the case upon the record and speeches made by others, without saying anything myself, except that there are certain matters which can be known only by reading the record and that the senate is entitled to know my personal attitude upon the subject of polygamy and upon the subject of loyalty to this government. Upon these two matters I shall express myself briefly, but with entire candor.

"I AM NOT A POLYGAMIST."

"First, I desire to state, as I have before stated, to the senate and to the country, that I am not and never have been a polygamist. I have never had but one wife, and she is my present wife. There has been a more or less prevalent opinion that the doctrine of polygamy was obligatory upon the members of the Mormon Church, when in truth and fact no such obligatory doctrine has ever existed. The revelation concerning polygamy, as originally made and as always interpreted, is permissible and not mandatory. As a matter of fact, only a small percentage of the adherents of that faith have ever been polygamists. The vast majority of the adult members from its foundation to the present have been monogamists.



HON. REED SMOOT, Senior Senator From Utah Who Addressed the Senate in His Own Behalf Today, and Whose Case Will be Voted on Tomorrow.

lygamy was obligatory upon the members of the Mormon Church, when in truth and fact no such obligatory doctrine has ever existed. The revelation concerning polygamy, as originally made and as always interpreted, is permissible and not mandatory. As a matter of fact, only a small percentage of the adherents of that faith have ever been polygamists. The vast majority of the adult members from its foundation to the present have been monogamists.

POLYGAMY, HOW REGARDED.

"The Mormon people, however, regarded this doctrine—although permissible in character—as part of their religious faith, and when the law was passed denouncing its practice, the enforcement of the law was resisted on the ground that it was unconstitutional, as being an interference with their religious liberty. Appeals were taken to the highest courts of the United States, every phase of the subject was tested in the courts, and the law was upheld. Then the Church adopted the manifesto against polygamy, which was ratified by the general conference of the people, and thereupon the practice of polygamy for the future was abandoned.

THE MANIFESTO.

"This manifesto, adopted in 1890, discontinuing plural marriages, has been presented and discussed in Church conferences repeatedly, sent out into the Church book, 'The Articles of Faith,' and in many other publications issued by the Church, such as text books for the various quorums, manuals for the Mutual Improvement associations, Sunday schools, Primaries, conference proceedings, etc., and in that way has been much more widely circulated than the original revelation on marriage. Consequently, its text, tenor and purpose in prohibiting marriages violative of law are known to every member of the Church in every part of the world. But the practice which had prevailed in the period previous to 1890 left a heritage for the succeeding period that was a grave problem. There were in 1890 about 2451 male members of the Mormon Church who had polygamous families. That these were placed in a position of difficulty was recognized by all who were familiar with the conditions. The present conditions in reference to polygamous cohabitation have grown out of past conditions, and both must be considered together to fully understand the toleration exercised by most people of Utah, Mormon and non-Mormon alike.

STATUS OF PLURAL FAMILIES.

"The status of the men who had entered into the plural marriage relation before the issuance of the manifesto had been fixed before that time. There was no power in the Church or in the law to change that existing fact. What had been done had been irrevocably done. The only question was as to the future. What should be the attitude of the people toward the future relations of those who had entered into the polygamous status before the manifesto? This problem was a serious one.

"At that time all the machinery of the courts in the territory was in the hands of non-Mormon officials, who had been vigorous in the prosecution of polygamous relationships. These recognized the vexed nature of the situation and extended the olive branch, as it were. As a relief in this dilemma came an exercise of forbearance on the part of the prosecuting officers. The three assistant United States district attorneys for that period were E. B. Critchlow, Frank B. Stephens and William M. McCarty. Judge McCarty was inclined to continue prosecutions in some cases, but the United States district attorney refused to allow his accounts therefor, and he ceased. Mr. Critchlow wrote the principal protest in this case, and was one of its signers. All these and other government prosecuting officers testified before the committee to the cessation of prosecutions against then-existing polygamous relations, and of the general sentiment among the non-Mormon people that that was the best and quickest way to

A FORECAST ON TOMORROW'S VOTE

Utah Senator Will be Confirmed In His Seat by a Substantial Majority.

IS CONCEDED IN WASHINGTON.

Careful Canvass Shows That at Least Fifty Senators Will Vote For His Retention.

Even Senator Depew Who Has Been With Opposition Is Now on the Right Side.

(Special to the "News.")

Washington, Feb. 19.—That Senator Smoot will be confirmed in his title to his seat, by a substantial majority tomorrow afternoon, is generally conceded by every one in Washington today.

The "News" correspondent has predicted from time to time, during the present session, that at least 50 senators will vote to sustain Mr. Smoot. A carefully made canvass today shows that the total number of votes which will be recorded against him will not exceed 33 at the outside.

Among them, seven Republicans, including Burrows, Hansbrough and Dupont. The latter attempted to influence his colleague, Allee, through securing the adoption of an anti-Smoot resolution by the Delaware legislature, but it has had exactly the contrary effect when Mr. Berry of Arkansas was induced to speak on the Mountain Meadow massacre. In this it was believed that a trump card had been played but Berry and Clarke have each other most cordially. As soon as Clarke found that Berry had been dragged into the case he concluded to pull out, and has announced that he will not vote at all.

NUMBER OF POLYGAMOUS HOUSEHOLDS.

"At the time the manifesto was adopted there were 2,451 polygamous households in the Church. Careful statistics have been taken and preserved and will be found in the testimony, which show that this number has gradually decreased until there was at the time the testimony closed not to exceed 500 such households in existence.

CHURCH AUTHORITIES.

"There are 26 general authorities of the Mormon Church, including the first presidency, patriarch, apostles, first council of seventy and presiding bishops. In 1890 this list of officials was composed of 23 polygamists and three monogamists.

"The first presidency and council of apostles, prior to my selection as an apostle in 1900, was composed of 10 polygamists and five monogamists. In 1906, these same quorums comprised five polygamists and 10 monogamists. Of the 14 general authorities chosen since 1890, only two were polygamists, the other 12 monogamists.

NEW APOSTLES.

"Of the seven apostles chosen since April, 1900, when I was named, only one was a polygamist, the other six being monogamists. The only polygamist chosen an apostle since 1897 is now 70 years of age and entered into that relationship before the manifesto. At the time of his selection as an apostle his youngest child was 22 years of age. He has been a member of the Church for over half a century, performing faithful and distinguished church service during most of this long period. It was on account of this long and faithful service that I voted for him to be an apostle. Nothing would have induced me to have voted for him if he had been guilty of taking a plural wife since the manifesto.

"Of the 96 members of the presidencies of the 'stakes' (ecclesiastical subdivisions), in 1890, 47, or about one-half, were polygamists. Of 165 prominent Church officials in 1897, the increase in number being because of creation of new 'stakes,' only 16, or less than 10 per cent, were polygamists.

NEW POLYGAMOUS MARRIAGES.

"But, Mr. President, it is claimed that there have been new cases of polygamous marriages since the manifesto and this presents altogether a different question. I have no hesitation in declaring to the senate and to the American people that in my opinion any man who has married a polygamous wife since the manifesto should be prosecuted and, if convicted, should suffer the penalty of the law; and I care not who the man might be, or what position he might hold in the Church, he should receive the punishment pronounced by the law against his crime.

"The testimony taken before the committee tends to show that there have been some polygamous marriages since the manifesto. I believe sincerely, Mr. President, that such cases have been rare. They have not received the sanction or encouragement of the Church.

SEARCH FOR CASES.

"In respect to the thoroughness of the search made by the committee for such violations of the law, a witness before the committee testified that he had been employed since 1898 in hunting down such cases; that he had undoubtedly the closest information possible on this matter. This witness gathered and presented all the rumors and suspicions he could discover on the polygamous relations in the United States, Canada, Mexico, or elsewhere, and the whole number suggested, though not proved, is less than an average of two cases for each year since the manifesto, in all these communities, numbering over 300,000 people. In most of the cases such persons are and have been fugitives from justice and the alleged marriages have none of them been charged to have occurred within the jurisdiction of

(Continued on page two.)

and she identified each one. She took the letters in her hand one at a time and only glanced at each before she returned it to the attorney. When Mrs. Thaw had identified 36 letters, Mr. Delmas returned to the counsel table and brought forth a new package and the work of identification continued. In all Mrs. Thaw identified 42 letters. She was nearly half an hour at the task.

As the examination of the letters was concluded, Mr. Delmas turned to the witness.

MAY MACKENZIE.

"How long have you known May Mackenzie?"

"Since 1901."

"How long has Mr. Thaw known her?"

"Since 1904."

"Did you in May, 1906, relate to Mr. Thaw a conversation you had with May Mackenzie with reference to what she said to you regarding Stanford White?"

"May Mackenzie told me Stanford White had been to see her and that she had told him that Harry and I were getting along finely together. She said she thought it was so nice the way we loved each other. She said Stanford White had remarked, 'Booth, it won't last. I will get her back.'"

"Did Mr. Thaw say anything when you told him that?"

"He said he had already heard it from Miss Mackenzie."

"What was his condition when you told him?"

"The way he always was when talking of White, very excited and nervous."

"Did Mr. Thaw at the time of your marriage talk very much about the incident in your life connected with Stanford White?"

"Yes. He always talked about it. He would wake me often at night, sobbing. And then he would constantly ask me questions about this terrible thing."

"Did you visit May Mackenzie at her apartments in 1904?"

"Yes."

"While you were there did Stanford White come in? Did you tell Mr. Thaw of anything that then occurred?"

ANSWERED YES OR NO.

"Yes. Stanford White spoke to me several times and I always answered yes or no. He came over and started to sit on a bench in my hair. My hair was short, having been cut off at the time of my first operation. Then Stanford White tried to put his arms around me, and wanted me to sit beside him on the bed. I told him to leave me alone."

Mrs. Thaw said that Harry Thaw always attributed her illness, the nervous condition, to the second operation, etc., to Stanford White.

Mrs. Thaw also testified that Thaw had told her he was going to take up Stanford White's affairs with Anthony Comstock.

"I told him it would do no good, that White had many influential friends, and that he could stop it. I told him that afterward the people would not believe the things about White on account of his personality."

"Did you and Mr. Thaw discuss the test of other young women at the hands of Stanford White, and did you tell him certain names?"

Mr. Delmas objected.

Mr. Delmas reframed the question and Mr. Thaw said she and her husband had discussed a number of young women.

"Are they the same as mentioned in the codicil to Mr. Thaw's will?"

"Yes."

THE PIE GIRL.

"Did you and Mr. Thaw discuss the fate of the 'pie girl'?"

"Yes. It was in Paris in 1903. He asked me what other girls I knew of who had suffered at the hands of Stanford White. I told him I had heard of the 'pie girl.' A girl at the theater told me about it and that night when Stanford White came to my dressing room I asked him about it. He asked me where I had heard the story. I told him a girl had told me, and he told me all about it then."

"There was a stag dinner, he said, and this girl was put in a box with a lot of birds. She was very young—about 15 years, I think he said. He helped put her in the pie and fixed it. When the girl jumped out of the pie the birds ate all about the room."

At a dinner party at the St. Regis in 1904 when Mr. and Mrs. Thaw and another man were present, the guest told Mr. Thaw the story of the 'pie girl.' "He said," Mrs. Thaw continued, "that Mr. White and another man had trouble about it—trouble to keep it out of the papers. He said they went on their knees to the editor of the paper and finally had it suppressed."

"What newspaper was it?"

"The American."

"Did you and Mr. Thaw say?"

"He said he would investigate the story and see what truth there was in it."

"When did he next talk about the story?"

A GIRL'S STORY.

"The next time was in Pittsburgh when we were married. He told me that the girl was dead. He had investigated the story and that it was true. That afterward the girl married but her husband heard the story of her connection with Mr. White and that he cast her off and she died in great poverty and disgrace."

"Did you and Mr. Thaw often speak of these girls?"

"Yes. I could not tell you every place and every time we discussed it. He told me something ought to be done about the girls. I told him I could not do anything. He said I could help him. I tried to get his mind on other things, and then he would say I was trying to get out of it. He said Stanford White ought to be in the penitentiary; that he got worse and worse all the time and something had to be done."

"You may take the witness," said Mr. Delmas to Mr. Jerome.

The moment of waiting for the prosecutor's first question was interrupted by Mr. Delmas, who had a few more papers for the witness to identify.

LETTER TO COMSTOCK.

One of the papers identified was a letter from Thaw to Anthony Comstock. In it Thaw described the studio in the Madison Square Garden tower and said it was filled with obscene pictures, and should be raided. He also described the studio at 22 West Twenty-fourth street, which he said was "consecrated to debauchery" and was used by a gang of rich criminals.

The letter continued that the place was run by a gang of rich criminals, but was frequently visited by young men who did not know its character.

The letter called attention to still another house, saying:

"You may also abolish another place at 172 East Twenty-second street—a house used secretly by three or four of the same scoundrels."

"Now you may take the witness," said Mr. Delmas to the district attorney.

Mr. Jerome arose. "I will ask permission to reserve my cross examination of this witness until I can determine

whether a cross examination is helpful upon the issues raised in this case."

"We will assent to that," said Mr. Delmas, and Mrs. Thaw left the stand.

MRS. J. J. CAINE.

"Call Mrs. J. J. Caine," commanded Mr. Delmas.

Mrs. Caine is a petite, young woman with an abundance of brown hair worn pompadour. She was smartly attired in a dark brown suit and wore a toque of brown fur. Mrs. Caine had known Mrs. Evelyn Thaw and her mother for six years, and Thaw for three years.

"Where you in New York in 1903 and present when there occurred a conversation between Mr. Thaw and Mrs. Holman in which Mr. Thaw made a proposal of marriage?"

"I was."

"State what that conversation was."

"I was in the room when Mr. Thaw called. He told Mrs. Holman that he wanted to marry Florence."

"What happened after Mr. Thaw made this proposal?"

"I left the room."

"Did you accompany Mr. and Mrs. Thaw to a theater late in 1903 or early in 1904?" asked Mr. Delmas.

"Yes."

"Did Stanford White come in?"

"Yes. He came in and occupied a box opposite ours."

"What effect did this have upon Mr. Thaw?"

"He looked at the box; his face turned white and his eyes popped in a wide stare."

"How long did he look that way?"

"Until Miss Nesbit told him that if he did not stop she would take him from the theater."

"What happened next?"

"Mr. White got up and went out and we remained."

"You may have the witness, Mr. Jerome," said Mr. Delmas.

On cross examination Mr. Jerome asked Mrs. Caine several questions regarding the visit to the theater with Mr. Thaw.

"When next did you see Mr. Thaw?"

"Were you in the room?"

"No. I was in the bathroom adjoining the room where we were, and I could see and hear plainly."

"How did you happen to be in the bathroom?"

"When Mr. Thaw telephoned up to the room, Mrs. Nesbit asked me to go into the bathroom so I could hear what was said."

"Did she tell you anything about Thaw?"

"Not then."

"Did Mrs. Nesbit give any reason for asking you to go in the bathroom?"

ACTED AS EAVESDROPPER.

"She said she wanted to hear what Mr. Thaw said."

"What I am trying to get at is why she made this request that you act as an eavesdropper?"

Mr. Delmas was on his feet exclaiming: "I object and desire to note an exception on the ground of misconduct of the district attorney."

"Well," said Mr. Jerome, "it is usual."

"I protest and note another exception on the same ground," broke in Mr. Delmas.

"Well, all right, I'll go at it another way. Mrs. Caine, did you not consider it unusual performance when she said, 'I did not consider it at all'?"

"All that happened sometime before Mrs. Thaw told you that Thaw was interested in Florence, and when he telephoned up, all she said was to ask you to go into the bathroom and listen?"

"Yes."

"Did Thaw say first?"

"I don't remember."

"Well, what do you remember of the conversation?"

"He told Mrs. Nesbit about his desire to send Florence to Europe, and said if she would marry him he would settle enough on Mrs. Nesbit and Mr. Howard to keep them forever. Mrs. Nesbit said she would try to fix it so Florence would accept him."

"How long were you in the bathroom?"

"Only a few minutes. Mr. Thaw did not stay long."

"When you came out, what did Mrs. Nesbit say to you?"

"She said, 'I know, you see, his intentions are honorable.'"

"Had there been any discussion as to whether his intentions were or were not honorable?"

"What next did Mrs. Nesbit say?"

"She said she wanted me to help her to induce Florence to take Mr. Thaw as a husband."

JEROME INSISTENT.

Mr. Jerome pursued his questioning at great length. He endeavored to bring out the fact from the witness that upon the second trip Harry Thaw and Evelyn made to Europe, Evelyn's mother did not accompany them.

Mr. Delmas objected to this line of cross-examination, but Justice Fitzgerald upheld the district attorney, who declared he was not indirectly attacking the credibility of Mrs. Thaw.

Mr. Delmas noted many exceptions, declaring the movements of young Mrs. Thaw's mother could not constitute evidence against the defendant.

"Did Mrs. Evelyn Thaw tell you that her mother was not upon this second trip to Europe?" finally asked Mr. Jerome.

"No."

"Did you see Mrs. Thaw's mother in this country while her daughter was in Europe in 1904?"

"Yes, once here in New York."

"Did you discuss Miss Nesbit's whereabouts?"

"We did not."

"When did you next see Miss Nesbit or Mr. Thaw?"

"After they returned from Europe."

"Where did Mrs. Nesbit then live?"

"In Ninety-first street, most of the time, part of the time at the Gregorian in Thirty-seventh street."

The house in Ninety-first street was, the witness said, a private house. Besides the Nesbits and Mr. Thaw, she said, no one there but the maid.

"Did Mrs. Nesbit live for a time at the Cumberland?"

"Not that I know of."

"During the time you ever have conversations with Mr. Thaw?"

"Yes."

Mr. Delmas objected to her telling of these conversations and was upheld.

"During the two months you and Miss Nesbit were so much together, do you know where Mr. Thaw lived?" asked Mr. Jerome.

"No."

"You had read in the papers about the hotel Cumberland?"

Mr. Delmas objected.

Mr. Jerome explained to the court that he had a right to ask the questions in an attempt to show, if possible, that the witness had not told all she knew, or that she was mistaken.

After a wordy dispute between the lawyers, Mr. Delmas withdrew his objection and Mrs. Caine said she had read of the Cumberland.

"When this Cumberland episode occurred, where were you?"

"I was in the room, with Florence in Ninety-first street."

"No, she came to the store where I was working and I told her I was about to take an apartment and asked her to come and live with me. We looked up advertisements in the papers and found the Ninety-first street apartment and

STRONG SPEECH FOR MR. SMOOT

Senator Dillingham Shows That His Character Remains Unassailed.

NO EVIDENCE AGAINST THAT.

Insisted His Religious Opinions Are His Own and Constitution Protects Him in Them.

Many Signers of Petitions Labored Under Delusion That Utah Senator Is a Polygamist.

(Special to the "News.")

Washington, D. C., Feb. 19.—Senator Dillingham followed Mr. Smoot. He said that in view of the clear statement of that gentleman, it was hardly necessary for him to say anything, and as the question whether he should be excluded by a majority or two-thirds vote had been too ably discussed by Senators Hopkins and Knox to need of further comment.

He found upon looking over accounts of the senate that some \$25,000 has been expended in bringing witnesses to Washington, not one of these witnesses had a word to say against Mr. Smoot's private character, which had not only been non-assailed, but was conceded by every one who knows to be beyond reproach.