

HOW APOSTLE LOSES CASTE

When Convicted of Polygamy He Loses His Official Standing.

JOHN HENRY SMITH IS ON THE STAND

Denies that Church as Such Takes Part in Politics, but Admits Personal Activity in Idaho.

WASHINGTON, Dec. 19.—The senate committee on privileges and elections developed nothing sensational in the Senator Smoot investigation. Interest was centered in the testimony of the witness, Apostle John Henry Smith, who was on the stand for two hours. Other witnesses were Isaac Birdsell, a Mormon, who said that his daughter was excommunicated because she would not obey a bishop's court which had deprived her of a piece of property to which she had the legal title, and William Balderson, editor of the Boise (Idaho) Statesman, who testified in regard to the political affairs in his state.

Apostle John Henry Smith of the Mormon church was recalled as the first witness today in the Senator Smoot investigation and was examined by A. S. Worthington, counsel for Mr. Smoot. Apostle Smith said he had known A. F. McDonald (who died during the present year), who was charged by one witness with having performed a plural marriage in Mexico. "It had come to the attention of President Lorenzo Snow that McDonald had been exercising the right to marry or seal persons in plural marriages," said the witness. "President Snow instructed me to call McDonald to account. I went to Mexico, but did not learn that any plural marriages had been performed. I never had heard of any president of the church authorizing plural marriages since the manifesto."

Denial was made by the witness that the Mormon church owned a majority of stock in the sugar manufacturing of Idaho. He was examined concerning his participation in politics in Idaho and his testimony chiefly was in contradiction of the testimony given by Charles H. Jackson, chairman of the democratic state committee, who testified Saturday. He emphatically denied that he had said there had been revelations that a certain political ticket should be supported.

As to Plural Marriages. Apostle Smith, however, admitted taking an active part in bringing about the repeal of the territorial test oaths which practically excluded Idaho Mormons from voting. He said he had made political speeches in Idaho in 1892, but appealed to the voters as a citizen and not as a member of the Mormon church. When Mr. Worthington concluded his cross-examination Senator Dubois asked Apostle Smith if an apostle could take a plural wife now and retain his standing. "Unless perchance he were handled by the laws of the country," was the response. "You mean that some gentle would have to make complaint?"

"No, sir. If submitted to his council I think it would deal with him. I know I would."

Pressed for a more definite answer, the witness said if the fact of a plural marriage should be demonstrated in the courts, an apostle contracting such a marriage would lose his standing.

As to Lillian Hamlin. Attorney Taylor, for the protestants, questioned Apostle Smith concerning his knowledge of the alleged marriage of Apostle Abram Cannon and Lillian Hamlin, charged by witnesses to have been performed by President Joseph Smith on the high seas, near Los Angeles, in 1890. The witness said he went to President Smith and asked him if he had performed such a ceremony, and the reply was that he had not. He admitted that if the president of the church had wanted to perform a ceremony of that kind he would be at liberty to do so. "But I believed in him absolutely," concluded the witness. Apostle Smith said he had made inquiry as to who performed the ceremony, but obtained no information on the subject. The witness said he had serious doubts whether Abraham Cannon had married Lillian Hamlin.

"Even what is the explanation you made to yourself as the status of your brother apostle and Lillian Hamlin?" he was asked. He said he had not concerned himself on the moral question, as Abraham Cannon was dead.

"If you knew President Smith had performed a plural marriage ceremony yesterday what would you do?" "I would go before a grand jury and give my testimony."

"Then your only interest would be to see that the guilty person was punished. What about the effect upon the church?" "The church would have to take care of itself."

"The witness said he would take no action."

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PEOPLE RULE THE CHURCH

Apostle Smith said there was much contention between members of the church on the subject of the legality of plural marriages until polygamy was prohibited by the church in President Woodruff's manifesto.

Chairman Burrows drew from the witness some statistics relating to the church, but no register of the total membership. In regard to colonization, Apostle Smith testified there is a large settlement in Mexico and that one-third of the population of Idaho and one-fourth of the population of Wyoming are Mormons. Other states and territories having large settlements were Nevada, California, Arizona, Colorado and New York, while Iowa has a large settlement of the Reorganized Church of Latter Day Saints, which drew away from the other church because it did not believe in polygamy.

Apostle Smith said the suspension of the practice of polygamy was the result of a revelation and that it would take another revelation to put it into force. "Then the president of the church might put polygamy in practice by receiving a revelation?"

"Not unless the people should receive it. Nothing is forced on the Mormon people," he replied.

TELETYPE OF CHURCH TRIALS

Isaac Birdsell, formerly a Mormon, now living at Elsinore, Utah, was sworn and was examined concerning a civil trial in a land case in which he and his daughter were defendants. The case was heard in the bishop's court in Elsinore, Utah, where Birdsell and his daughter were charged with unchristianlike conduct. James E. Leavitt brought the action to obtain possession of sixty acres of land which he is alleged to have purchased from Birdsell and his daughter. Birdsell and his daughter lost the case and it was decided against him also in the high court, the next higher church court, and appeal was refused by the office of the first presidency, the highest court.

Before an appeal to the first presidency was attempted the witness said his daughter was given notice to carry out the verdict of the church courts or the first presidency would take action by cutting her off from the church. Records in the case were introduced showing that Cora Birdsell, the daughter, was excommunicated in June, 1903. Mr. Birdsell said that the decision was made on his daughter that she neither ate nor slept nor drank and appeared to lose her mind. Her condition was brought to the attention of the president of the church, and her parents were told their daughter would be tormented and led by evil spirits until she had complied with the decision of the church in regard to the land, in which event rebaptism was promised her. Later she was rebaptized in the church, and then made the deed, conveying the land to Leavitt. The witness said his daughter sent word to him by her mother that she had been forced to deed away the property in question.

At the afternoon session Mr. Birdsell was cross-examined. He said he severed his connection with the Mormon church at the time his daughter was offered baptism. He would convey her property to Leavitt, but could not give the date.

William Burges of Paris, Idaho, was recalled by counsel for Mr. Smoot. He said that as a bishop of the Mormon church he never entertained a case involving the title of land, for the reason that presidents of the church have given instructions that bishops and presidents of the states should not hear such cases.

Apostle Smith was recalled and questioned by Chairman Burrows concerning the immigration from foreign countries. He had testified that from one-third to one-half of the converts to the church had come from Europe. The emigrants, he said, are usually placed in charge of an experienced man and brought over on steamships with which the foreign missionaries do business. There are about four sailings a year, he said. To Mr. Taylor he held he was present at the meeting at which Mr. Penrose was elected an apostle. The fact that Mr. Penrose was a polygamist was not mentioned or thought of, and he added: "That question does not enter into the election. It is settled in our country that the people must obey the laws of the land."

"Do you?" said Mr. Taylor. "Well, I try to."

"But you have not succeeded very well," asked Chairman Burrows. "Political Conditions in Idaho. Well, not so far."

Apostle Smith was then discharged and William Balderson, editor of the Boise (Ida.) Statesman and formerly connected with the Salt Lake Times, testified in regard to the political conditions in Utah about the time of the issuance of the Woodruff manifesto and in Idaho after 1890. Asked concerning the passage of a resolution calling a constitutional convention, which was believed by Senator Smoot to be for the purpose of repealing the Idaho test oath, he said during the session of the legislature Apostle Smith asked him if he thought the time had come when an amendment could be made to the constitution to eliminate that portion so distasteful to his secular friends.

Shortly afterward the resolution passed both house and senate without comment.

The witness said that polygamists living in Idaho have increased, despite the fact that there have been few plural marriages within the state. He said that up to the late campaign, both political parties in Idaho were disposed to go to Salt Lake to get a straight tip, as to which would get the Mormon support. Mr. Taylor asked if they got that tip and received the response: "Yes, but they never knew whether it was straight."

It was brought out by Mr. Taylor that the Idaho attorney general is reported to have taken a plural wife within the last two or three years.

Normon Religion in Schools. A. C. Nelson of Salt Lake, state superintendent of public instruction and a Mormon, was sworn. He is now making an investigation of the extent in which religion classes are maintained in the schools. Answers have been received, he said, from all county superintendents except three. Classes are held in about 30 buildings. These classes are assembled after the adjournment of the regular school day, which varies from 2:30 to 5 p. m. Mr. Nelson read a letter which he had sent to all school superintendents calling attention to a state statute prohibiting sectarian teaching in the public schools. So far as he had information, Mr. Nelson said the school teachers usually taught the religious classes. On cross-examination Mr. Nelson was asked if Senator Smoot had been present when matters relating to any of the religious classes had been mentioned.

"Well," answered the witness, "I remember meeting Senator Smoot and telling him I was about to begin my investigation and that I believed the use of school buildings for religious purposes was contrary to law."

BORG CHOSEN AS CAPTAIN

Athletic Board of State University Acts as Foot Ball Questions.

J. K. MORRISON SELECTED AS MANAGER

Nothing Done in Matter of Coach, as Board is Desirous of Keeping Booth if it Can Be Brought About.

LINCOLN, Dec. 19.—(Special Telegram.)—The athletic board of the University of Nebraska after a prolonged session tonight announced the election of Charles T. Borg as foot ball captain of the Cornhuskers for the season of 1905. J. K. Morrison, assistant manager for two years, was promoted to the managership. Borg has played at the center position on the Nebraska team for three successive years, during which time he has been generally recognized as the most consistent center the Cornhuskers have ever presented.

He is a graduate of the academic department, but is now taking his first year in the law school. The board devoted most of its time to a discussion of the schedule. Negotiations are in progress with both Minnesota and Michigan, and it is strongly probable that the Cornhuskers will play one of these teams next year, although no definite announcement is expected until after the holidays.

Several members of the board stated that they had been approached individually and on the subject of resigning their positions with Kansas university. The decision was that Nebraska would not give consideration to any proposition emanating from Kansas until it was officially presented by the Jayhawk board. Nebraska's position, in short, is that Kansas severed relations with Nebraska and Kansas must make the first overtures before the Cornhuskers will even entertain the question of resignation.

The election of a coach will hang fire until final word has been received from Booth, who is wanted first of all by the Nebraska board. Several of the members were disposed to endorse Secretary Clapp for corresponding with Hogan of Yale on the coaching of the department without the assent of the board, but Clapp's disclaimer of any hostility toward Booth reassured the board and the subject was passed.

EVENTS ON THE RUNNING TRACKS

Pawtucket Stumbles at the Post and Unseats Jockey Phillips.

NEW ORLEANS, Dec. 19.—For Pawtucket's stumble at the post in the first race, which unseated Jockey Phillips and Phillips' partner, the third race, the favorites would have had been the winners. The favorite, the third beaten favorite, had the worst racing luck, meeting with interference at every stage of the race. Weather clear, track good. Results: First race, five furlongs: Jake Sanders won, Rick second, Harpoon third. Time: 1:04. Second race, one mile: Le Resque won, Gayboy second, Jake Greenberg third. Time: 1:47. Third race, seven furlongs: Kittle Platt won, Moorish Daniel second, Trapper third. Time: 1:38. Fourth race, mile and twenty yards, handicap: Au Revoir won, Careless second, Monstank third. Time: 1:55. Fifth race, seven furlongs: George Perry won, Glendon second, Flora Levy third. Time: 1:28. Sixth race, mile and seventy yards: Auto-light won, Arab second, Toppie third. Time: 1:51. SAN FRANCISCO, Dec. 19.—Results at Oakland: First race, six one-half furlongs: Tilly Golden won, Bearskin second, Tar Baby third. Time: 1:32. Second race, futurity course: Bologna won, 119 Bullman, 119 second, Entre Nous (105 Jones, 7 to 1) third. Time: 1:31. Third race, mile and twenty yards, handicap: Burns won, Harka second, Mountebank third. Time: 1:41. Fourth race, one one-eighth miles: Meisterling won, Dusty Miller second. The time was 1:15. Fifth race, six furlongs: Myrtle's Pride won, Andrew B. Cook second, Ishtar third. Time: 1:28. Sixth race, seven and one-half furlongs: Dainty won, Honiton second, Toledo third. Time: 1:52. LOE ANGELES, Cal., Dec. 19.—Results at Ascot: First race, seven furlongs: Nantor won, Dorice second, Cragly third. Time: 1:28. Second race, five furlongs: Homelred won, Hilona second, Sportsman third. Time: 1:09. Third race, six furlongs: Kenilworth won, Tim Payne second, Judge Denton third. Time: 1:18. Fourth race, mile and sixteenth: Requirer won, Chub second, Harbor third. Time: 1:47. Fifth race, six furlongs: Cloverton won, Rex Tag second, Lauretta third. Time: 1:34. Sixth race, one mile: Potrero Grand won, Lanark second, Iris third. Time: 1:42.

CENTRAL CITY WINS AT BASKET BALL. CENTRAL CITY, Neb., Dec. 19.—(Special.)—The Central City High school basketball team won a victory over the list Saturday night by defeating the Central Nebraska college. The game was hard fought and the result was in doubt until the end. The Central City team was able to make greater gains with the ball and played it better than the college during a greater part of the game. Score: Central City 40, Nebraska college 34.

Hotel Clerks' Association. The newly organized Hotel Clerks' Association of Omaha held its first regular bi-weekly meeting at the Her Grand hotel last night, with about twenty members present. The purpose of the organization is for mutual aid and to take more concerted action against the profane local hotel. Practically all of the leading hotels of the city are represented in the association. Last evening's meeting was the first regular business meeting of the association since its organization four weeks ago. On the conclusion of the meeting last night a banquet was tendered the association by Rome Miller. The association meets every two weeks.

ORDINANCE STAYS IN EFFECT

Anti-Scalping Measure is Not Wiped Off Statute Books of the City.

Efforts of the ticket brokers to have the ordinance repealed last summer prohibiting dealing in non-transferable, signed, contract tickets sold at reduced rates, repealed, failed before the council sitting as a general committee yesterday afternoon. The repealing ordinance was ordered placed on file.

Commissioner McVann of the Commercial council said that body was against the repeal because it would injure the business interests. He asserted that without the ordinance at present in effect the railways will not give the city concessions in the way of merchants' rates and stop-over privileges, whereas Kansas City and St. Joseph would get the concessions because they have the ordinance among their laws. Attorneys Kelly and Sheen and J. N. Neely, the local representative of the Western Passenger association, were present, but Commissioner McVann's speech was sufficient, and the council decided against the brokers.

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WOMAN IN CLUB AND CHARITY

Judge W. G. Sears of the district court addressed the social science department of the Women's club yesterday afternoon on the property rights law of Nebraska as it affects women, some of its injustices and some of the changes desirable. Unfortunately, he was not provided with a copy of the present law and so could discuss its limitations in only a general way. He emphasized the injustice that results to the widow through the provision that gives her only the life use of one-third of the real estate in case the husband dies without a will and there are children. He expressed it as his opinion, based upon his experience, that where a man and wife had started out with nothing their joint accumulation was as much the result of the wife's ability to save as to the husband's ability to acquire and as she is equally responsible for the accumulation she should be allowed to control it in case of the husband's death.

He said further: "The chief reason for the opposition to granting further rights to women is that the men generally are ignorant of the law as it is and so of the injustice it works. If the members of the legislature knew more about it and thoroughly understood what it did, I think there would be little trouble in passing the new bill. The injustice of the present law meets the minds of nine out of ten men when it is once explained to them. It is only when a matter like this comes home to a person that he really gives it proper consideration as to the rights and I found not a single member of the last legislature that I talked to but said that if he were disposing of his property by will he would give his wife much more than the law gives her if he dies without a will." As the new bill to be introduced to the legislature this winter is not yet finished there could be no discussion of it, but the general club has postponed the program for its meeting of January 9 and at that time D. L. Johnson, who is preparing it, will present it to the club.

There was also some discussion of the new juvenile court law, and Judge Louis Berka and several members-elect of the legislature discussed it. A letter to the chairman of the department from Judge Ben Lindsey of the juvenile court of Denver expressed willingness to stop in Omaha about January 6 or 19 while enroute to and from Chicago. It was announced that it was thought advisable to have Judge Lindsey address the members of the legislature on the bill to be presented to them if that can be arranged, and it is thought that it can be, or to confer with the committee to which it may be rendered. Judge Berka favored that plan, saying that there was more need of an explanation before those who are unfamiliar with the system than there is in Omaha, as practically all of Douglas county recognizes its necessity. Representative-elect Nelson said that he thought that the unconstitutionality of such a law had gotten around this year and the system put into practical operation.

It was announced by a member of the department that a letter had been received from Miss Florence Kelly, secretary of the Consumers' League, expressing a desire to stop in Omaha and speak on the work of the league some time in the spring, when she intended to pass through Omaha.

The following timely remarks on women speaking in public by Miss Louisa B. Poppehast, corresponding secretary of the General Federation of Women's Clubs, appear in a recent edition of the Keystone. Each year, as women's conventions grow more frequent and the attendance grows larger, one is impressed with the necessity for women generally to train themselves in clear and direct speaking. The necessity to be heard in these assemblies, for the finest audience that the strongest logic is lost on an audience that does not hear. Two often women are careless in their enunciation, while one does not wish certainly effects in a meeting one should certainly expect clear, distinct tones of voice. If our women speak in large assemblies they should be so that all who should hear them can enjoy that opportunity without effort and with a certain degree of pleasure.

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