

ANSWER TO UTAH ONLY

President Smith Questions Congress' Right to Fry Into Private Affairs.

TELLS OF A NUMBER OF POLYGAMISTS

Head of Mormon Church Manifests Much Feeling and Says He Will Not Abandon Families for the Law.

WASHINGTON, March 5.—Admission drawn from Joseph F. Smith, president of the Mormon church, respecting his convictions of violations of the law forbidding polygamous cohabitation again constituted the feature of the proceedings today before the senate committee on privileges and elections against Senator Reed Smoot of Utah.

The witness, angered by the persistent efforts of some members of the committee to obtain from him every detail, turned on congress and charged that body with interfering, without authority, in his private domestic affairs and usurping the powers of the Utah courts, which alone, he said, possessed the right to hold him to account for his conduct.

While the witness had been taken in hand by the defense for purposes of cross-examination the members of the committee in reality consumed the greater portion of the time, and matters were brought out along the line followed by the prosecution in the three first days of the hearing.

Some of the testimony proved of sensational character. The hearing will be continued at 10:30 Monday morning.

Calling President Joseph E. Smith of the Mormon church to the stand today, Attorney A. B. Worthington resumed cross-examination for the defense in the investigation before the senate committee on privileges and elections in the case of Reed Smoot of Utah.

Mr. Smith said in recollection is that when the Utah commission was created in 1882 and undertook to administer the laws of the territory 12,000 polygamists were excluded from voting. "As the women vote in Utah," he said, "and as it requires two women to one man to form polygamy it is clear that polygamists would not be more than 4,000."

Senator Dubois exercised a right to question the witness on this point and said the population then was about 230,000, and of that number there were about 50,000 Gentiles. He wanted excluded from consideration the number not inclined to enter a state of polygamy. He said President Smith's statement of the percentage in polygamy included suckling babes and children and that he objected to having Mr. Smith's statement go before the country unchanged.

After a further statement of the number of polygamist families in Utah, Mr. Smith read from an interview he gave to a representative of the Associated Press in 1902, showing the following: "In 1902, at the time of the late President Woodruff's manifesto, there were 2,411 such families. In October it was found that this number had been reduced to 1,241."

By death, 750; by removals beyond the confines of the republic, 1,300; by divorce, ninety-five; leaving at that time 1,141. It is now ascertained that the original number has been reduced by 1,524, or 63 per cent, leaving only 587 still living, and a great majority of them are of advanced age.

Senator Dubois asked if any United States officials now took statistics on polygamy and the witness replied in the negative. "Then," said Senator Dubois, "these figures are only church statistics."

As to other officers. Mr. Worthington asked regarding Mr. Smith's son, Hiram Smith, and was told that he is 32 years old and has a wife and children, but is not a polygamist. He is one of the twelve apostles.

The first counsel now is John B. Winder. He and his fellow counselors and two apostles have been appointed since Mr. Smith became president. He said he could not say whether these men are cohabiting with more than one wife, but that "they are reputed to be the husbands of more than one wife."

In regard to John Henry Smith, a cousin, Mr. Smith said their families are intimate and "I am strongly inclined to be of the opinion that he is cohabiting with plural wives."

Referring to Senator Bailey's questions yesterday in regard to the manifesto, Mr. Worthington read from a sermon of President Woodruff, delivered a year after the manifesto against plural marriages, in which President Woodruff declared that he was moved, and 10,000 Latter Day Saints were moved, by the speech of God to abandon the custom of plural marriages. Sen-

ator Bailey contended that it was in obedience to the demand of the law or the consequences of the law that proved the revelation. Continuing, he said:

"For my part, I don't have much faith in a doctrine that doesn't get a revelation commanding a change of conduct until there is a statute compelling it."

"All that, of course, is a matter of opinion," said Senator Foraker.

"I don't think it is a matter of opinion, either," said Senator Bailey. "I myself, have been compelled to submit to certain laws, and I don't believe in the law, and violate law at that. But how far I would have submitted if I had received a revelation from God to do something else, I am not prepared to say. I think the whole thing was more a matter of law than of revelation."

"When the laws were passed, which were not in harmony with the teaching of our church," said Mr. Smith, "we held that they were unnecessary. Of course, our own rules commanded that we obey the constitution of the land, but we fought the validity of the new laws from the lowest to the highest court and when it was settled by the supreme court of the United States that plural marriages could no longer be indulged in, of course we were inclined to obey."

Witness Visibly Affected. "But we had a revelation on our own statute books in regard to plural marriages and it just because it obeyed that law, and to obtain certain blessings that could not be received without obeying it. Whether we should obey the law of the land or continue to practice the law of the church was a serious question."

"We hold that the president of the church is entitled to receive revelations inspired by the Almighty God. President Woodruff sought guidance from the Lord and the Lord made it manifest to him that it was his duty to stop plural marriages. He proclaimed that revelation and it was submitted to the entire church and thus became binding, and from that day to this the law of the land has been kept so far as plural marriages are concerned. But there is a great difference between taking a plural wife contrary to law and in taking care of the wives taken before it was a violation of the law."

"I would not desert my wives. I would not abandon my children. I will run my risks before the law."

President Smith's voice shook with emotion. He showed more feeling than he had at any previous time exhibited, and he leaned forward and said: "But it is the law of Utah that I am answerable; it is the laws of my state that have the right to punish me. The courts of Utah are of competent jurisdiction. Congress has no business to interfere with my private affairs. If the officials of my state do not see fit to call me to account for my conduct, I cannot help it. Congress has no right to interfere. It has no right to pry into my marriage relations and call me to account."

Chairman Burrows at this point questioned the witness. He asked: "You say you would not abandon your wives or your children. Why do you consider it necessary to have issue from your plural wives in order to clothe and care for your children that had been born before unlawful cohabitation became a crime?"

"Because my wives are like all other women. It is necessary to maintain peace, harmony and good will between myself and my good wives. That is the kernel in the matter. That is why I have chosen not to obey the laws of my state prohibiting polygamous cohabitation."

Sentinel Quotes Scripture. "The church gave me my wives, and I do not think the church would be consistent in taking them," said Mr. Smith in answer to a question as to why he did not agree to the Woodruff manifesto.

"The Lord giveth and the Lord taketh," quoted Senator Bailey from the scriptures. Continuing, the senator said it appeared odd in taking them," said Mr. Smith.

"Not the ordinances," said Mr. Smith. "Well, the law, then."

"No, the rule," said the witness. "The rule after all is the law for conduct," said Senator Bailey.

"I was only trying to emphasize what the revelations are. I don't know as much about the nice distinctions in religion as you do about the law, but it appears that both the rule of the church and the law of the land forbade polygamous cohabitation, and you as the head of the church violated both."

"I will not quarrel with the senator about that," the witness replied. Later he said that in reply to Senator Overman, Mr. Smith said that the revelation of the manifesto

of 1890 had not been published in the latest edition of doctrine and covenants, but that this was an oversight and would be corrected.

Replying to Chairman Burrows, Mr. Smith said that he does not teach polygamy. "I am not openly and obviously practicing polygamous cohabitation."

"How could you better teach polygamy than by practicing it?" Mr. Burrows continued. The reply was: "I am not practicing polygamy. I am practicing polygamous cohabitation, which is not polygamy. Polygamy is plural marriage and I have taken no plural wives since the manifesto of 1900."

Replying to a question from Senator Overman, Mr. Smith said that the pamphlet containing the manifesto did not state in terms that it was a revelation from God, but that the statement was made that it was published by authority of the church, which was sufficient. It then appeared that the manifesto had not been put in as evidence, and Mr. Taylor then introduced it with other documents.

A few minutes before the time for adjournment arrived, a photographer appeared in the room with a huge camera, and was about to focus it upon the committee and its distinguished witnesses, but Senator Dillingham made strenuous objection. Chairman Burrows stated that no photograph of the committee or of the room would be taken without the consent of the committee. The photographer then folded up his apparatus.

The committee then adjourned until Monday.

APPEAL FROM SALT LAKE. Prominent Mormons Petition Leading Citizens Regarding Smoot Matter.

CHICAGO, March 5.—Citizens of the Zion Co-operative Mercantile institution of Utah, hearing of the Smoot case and sent out from Salt Lake City, have been received in Chicago. The full text of the circular is as follows: From the Zion Co-operative Mercantile institution, Salt Lake City, Utah. Gentlemen: Once more the country is being disturbed by an anti-Mormon agitation, the purpose of which is to deprive Reed Smoot, a senator from Utah, who was duly elected and sworn to his office, of the disturbance created at the time by overzealous and unscrupulous persons. It is contended by his opponents that Senator Smoot is not, and never has been, a polygamist; that nothing can be alleged against him except that he is an apostate from the Mormon church.

The hostile public sentiment has been fomented by a series of sectarian misstatements, and the same persons have excited religious circles until appeals to their reason, and Christian tolerance have been in vain.

Senator Smoot is a director in this institution, and his name is on the list of representatives of the state of Utah in the national congress. It is the duty of the senators from your state, to strengthen them in resisting the forces of republicanism and to receive due consideration and it would be in the interest of republican principles, of civil and religious liberty and of this entire nation as well as the state of Utah, we are, gentlemen, yours respectfully,

JOHN R. WINDER, JOHN HENRY SMITH, WILLIAM H. MONTGOMERY, HENRY BINGHAM, THOMAS G. WEBBER, JOHN CARLSON, JOHN R. BARNES.

When You Have a Bad Cold. You want a remedy that will not only give quick relief, but will relieve the lungs and keep expectoration easy. You want a remedy that will counteract any tendency toward pneumonia. You want a remedy that is pleasant and safe to take. Chamberlain's Cough Remedy meets all of these requirements and for the speedy and permanent cure of bad colds, stands without a peer.

Farmers Dispose of Wheat. HURON, S. D., March 5.—(Special.)—Much wheat has been marketed at this point and at all stations on the Chicago & Northwestern system and the Great Northern during the past week. The increase in price prompted a majority of farmers to dispose of their surplus from last year's crop. A goodly number have already signified their intention to increase their wheat acreage the present season. There is yet much wheat in the hands of farmers, a large proportion of which will not be disposed of until after seeding time.

Minority Wants to Probe Democrats on Postoffice Committee's Say Investigation Was Not Sufficient. OTHER BRANCHES MAY BE AFFECTED. Report on Postoffice Appropriation Bill Gives Occasion for Referring to Alleged Conditions in that Department.

WASHINGTON, March 5.—The report on the postoffice appropriation bill, containing a summary of the contents of the bill made public at the time of its completion, was filed in the house today. The report is accompanied by a statement of the views of the minority signed by Representatives Moon, Griggs, Coward, Finley and Klutz. Mr. Moon also submitted views of his own, condemning railway mail subsidies and the provision in the bill for the lease for fifty years of postoffice facilities of the New York Central railway in New York City.

In the minority report proper an investigation is urged. The conclusions of the Bristow investigation are made a part of the report, which is declared to be a disclosure of startling corruption in the division investigated and a method of doing business naturally conducting to fraud. The report then states that this investigation was confined largely to one division and it is impossible to say whether or not the same corrupt methods obtain in other divisions. The business intercourse between the divisions makes such a condition possible, it says, and some system of checks is advocated so that fraud could not easily be accomplished. The minority report concludes on this subject:

In view of the interesting report mentioned on the terms of payment fixed in the bill as it passed the house, it has been shown by excellent authorities that the land is worth an average price of at least \$5 an acre, at the lowest, and some of it is worth as much as \$25 per acre. The president is inclined to adhere to the suggestion in the bill as to the disposal of the land at or by sealed bids to the highest bidder, but he may relinquish that idea should the senate fix a minimum price for the land that is appreciably higher than in the house bill and anywhere near the value of the land. Mr. Sherman intimated that a compromise price of \$5 or \$6 an acre might be agreed upon. In such an event he thought the president might sign the measure.

Tells Washington of Woodcraft. A. R. Talbot of Lincoln, head consul of the Modern Woodmen of America, delivered very interesting address last night at Masonic temple in this city upon his pet subject, "Woodcraft." Several members of congress from Nebraska, who are members of the fraternal organization, were present to assist in welcoming the Nebraskan to Washington.

Representative Burkett's little daughter, the eldest of three, who fell and broke her collar bone, was yesterday subjected to a very serious operation. The bone not having properly united, it was found necessary to break it again and unite it with silver cords. She stood the trying ordeal with fortitude and today was reported as convalescing well.

Congressman Kincaid today recommended Walter C. Lyons for postmaster at Harlan, Cherry county, vice H. S. Myers, resigned. Representative McCarthy had inserted in the Indian appropriation bill today a paragraph permitting Stephen Blackman, a Santee Indian, to purchase not to exceed five acres of land from the agency tract of the Santee reservation at a cost to be fixed by the secretary of the interior. Blacksmith, having taken the name of his agency tract and has improved several acres, and not desiring to be evicted from his present location he has asked the government to sell him the property upon which he lives. As this permission must be secured by congressional action Representative McCarthy succeeded in inserting the amendment as above.

Extends Time for Bridge. Representative Walter I. Smith today introduced a bill to extend the time which is to be allowed the Omaha Bridge and Terminal Railway company to rebuild its bridge across the Missouri between Council Bluffs and Omaha to January 1, 1905.

Senator Dietrich, who for the last year has been earnestly endeavoring to secure a transfer for Carl Egge of Omaha from the railway mail service to the rural free delivery service, was informed today by the fourth assistant postmaster general that Egge had been appointed rural route inspector of rural free delivery service.

Captain J. Killian of Columbus, now in the Philippines, with several other officers who entered the army from Nebraska an anticipated coming home in May of this year. Under the new War department regulations, just promulgated, Captain Killian and the officers above mentioned will be compelled to remain a year longer in the Philippines.

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REED GETS THE JUDGESHIP

Iowa Federal Court for Northern District is Filled by the President.

WASHINGTON, March 5.—The president today sent to the senate the following nominations: United States Judge—Henry Thomas Reed, northern district of Iowa. Postmaster: Idaho—Mary A. Wall, Blackfoot. Territory—James E. Elliott, Dunsmuir.

Kansas—Joseph H. Smith, Downs. Montana—Charles D. Howell, Havre. Nebraska—William Roger, Seward. South Dakota—William Kennedy, Sisseton. Washington—Henry A. Rathven, Marysville.

SEND FOR WITNESSES

(Continued from First Page.)

for Chicago, believing that only two warehouses should exist, one in the east and one in the middle west, and if positively necessary, one on the Pacific coast. It was the duty of the district of Chicago man for Chicago against the world. When the vote was taken, however, there was an overwhelming number of ayes in favor of continuing the warehouse at Omaha, and a few planisimio noes, and the amendment went in.

Roosevelt is Resolute. Representative James Sherman of New York, chairman of the Indian affairs committee of the house, had a conference with the president today regarding the opening to settlement of 40,000 acres of land in the Rosebud reservation. The president informed Mr. Sherman that he was opposed unreservedly to the terms of payment fixed in the bill as it passed the house. It has been shown by excellent authorities that the land is worth an average price of at least \$5 an acre, at the lowest, and some of it is worth as much as \$25 per acre.

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ARE YOUR KIDNEYS WEAK?

Thousands of Men and Women Have Kidney Trouble and Never Suspect It.

To Prove What the Great Kidney Remedy, Swamp-Root, Will Do for YOU. Every Reader of The Bee May Have a Sample Bottle Sent Absolutely Free by Mail.

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