

"The horse may starve, waiting for the grass to grow!" and your store may grow lean if you wait until you are ENTIRELY READY to advertise it adequately.

DESERET EVENING NEWS

TRUTH AND LIBERTY.

If you are building a house to sell don't wait until it is finished before advertising it. You might as well have the first cash payment in hand by the time painters and decorators are through.

10 PAGES—LAST EDITION.

MONDAY, JANUARY 16, 1905. SALT LAKE CITY, UTAH.

FIFTY-FOURTH YEAR.

Sensational \$17,000 Bounty Steal in Salt Lake County

SEVERAL ARRESTS HAVE BEEN MADE.

Among Those in Custody at County Jail is Ex-Deputy D. B. Davies.

THEY WANT HIM TO DISCLOSE.

Was Taken in Charge by Sheriff Emery on Saturday Last and Matter Kept Secret.

GOVERNOR CUTLER TAKES ACTION

Frauds That Have Been Perpetrated To Receive Legislative Investigation at Once.

A steal of \$17,000 in Salt Lake county in three months is a pretty big swindle. And yet the frauds will amount to that much—perhaps more. Several arrests have been made. But the names of but two of the apprehended men have been given to the public. Sheriff Emery desires that they be suppressed for the time being, and every effort to do so has been observed. However, the disclosures are so sensational, the charges so grave and the persons involved so well known that some of the particulars leaked out late this afternoon.

One of the men who is in the toils is ex-Deputy Clerk D. B. Davies, who served as such during the administration of John James as county clerk. It was Mr. Davies' duty to deal with the bounty men as they brought the skins of wild animals into the office to be received and to get therefor the money which the law said was theirs. Sheriff Emery took Davies into custody on Saturday, and he has been in the county jail ever since. It is not yet known how deeply involved the young man is, but it is stated that he is in all probability knows the names of other implicated persons. Accordingly, he is being put through what is known to the officers as the process of "sweating." In the official hope that he will disclose the identity of the guilty parties provided that he knows them. However, one official says that he may simply have been extremely careless, rather than criminally inclined. Up to a late hour this afternoon, young Davies had been kept entirely away from the reach of newspaper men, so that it was impossible to get a statement from him. The other man known to be under arrest is Charles Jones, who was taken into custody in Ogden Saturday last, and an account of which appears in page 5 of this issue of the Deseret News. The names of the other suspects said to be in custody could not be learned at the time of going to press, but it is learned that James Gorman, Ed. Cooke, George King, John Casey, and John Ward, are among those who are under suspicion of belonging to a gang of professional state bounty swindlers.

The whole case will be of marked public interest and much anxiety and curiosity will exist until the full facts are known and the names of all guilty persons disclosed and prosecution follows. Just how many will be implicated in the wholesale transaction, robbery of the public treasury, cannot be determined until the investigation has gone to the limit calculated. Most diligent effort was made this afternoon to obtain an interview with ex-County Clerk John James, out of whose office the checking up was done, but the gentleman was said to be making investigations on his own account, and consequently could not be located. His version would be interesting from the fact that he probably would have been able to throw some light upon it, although it is said that no man has been so overwhelmingly surprised at the boldness and success of the great steal as himself. The same astonishment in modified degree exists in the office of the county commissioners.

GOVERNOR CUTLER ACTS.

A flurry was created in the senate this afternoon upon the reading of a special message from Gov. Cutler, requesting the senate to investigate and put a stop to the gigantic bounty frauds which, he stated, could be easily proven to exist in this state. He referred to his message in which he stated that bounty claims to the aggregate of \$30,000, in addition to the \$25,000 appropriated to pay such claims, had accrued against the state, a large number of claims in excess of \$30,000 were on file. Without naming the county, he included in the message the record of the clerk of Salt Lake county for October and November of last year, containing items of single individuals claiming to have killed wild animals within sixty days prior to the date of the certificate to an extent that would be physically impossible. The governor cited a case in which an individual had sworn that he had killed animals to the value of nearly \$1,300 within thirty days.

The senators smiled broadly at the preposterous figures were read. Upon the conclusion of its reading the message was referred to the committee on appropriations and claims, for immediate investigation and report.

PAYMENTS ARE STOPPED.

Bounty payments were this afternoon stopped by County Clerk Eldredge who declares that under no circumstances can any man get a certificate for skins

TO PAY DIVIDEND ON COMMON STOCK

The Utah Sugar Company to Glad-den the Hearts of Stock-holders.

PAYMENT FOR MARCH 31.

Board of Directors Met This Morning And Decided to Pay 5 Per Cent Per Annum.

GOVERNOR CUTLER TAKES ACTION

Frauds That Have Been Perpetrated To Receive Legislative Investigation at Once.

The board of directors of the Utah Sugar company this morning declared their first dividend on the company's common stock, putting the stock on a five per cent basis, or 14 per cent, payable quarterly, the first disbursement to be March 31, 1905, to stockholders of record March 17, 1905; the stock books will be closed on this date and reopened April 2, 1905.

The action of the board has been anticipated for a long time past, and this fact, with the present stiff prices for refined sugar, has combined to advance the stock steadily on the local market. It stood at \$4.50 two weeks ago; advanced to \$5.25 Friday, \$5.45 Saturday and stands at \$6.00 under the declaration of the dividend.

U. S. SUPREME COURT.

C. W. Morse, R. W. Young and Wm. McCarty Admitted to Practice.

(Special to the "News.") Washington, D. C., Jan. 16.—Upon motion of Waldemar Van Cott, Chas. W. Morse, Richard W. Young and Wm. McCarty of Salt Lake were admitted to practice in the United States supreme court.

VOTE FOR PRESIDENT TO BE COUNTED WEDNESDAY, FEB. 8

Washington, Jan. 16.—Soon after convening today, the house agreed to the senate resolution designating Wednesday, Feb. 8, as the day upon which the electoral vote for president and vice president shall be counted, the proceedings to take place in the hall of the house of representatives.

GRAND LODGE OF ELKS.

Completes Their Work at Buffalo And Depart.

Buffalo, N. Y., Jan. 16.—The officers of the grand lodge of the Benevolent and Protective Order of Elks have completed their work here and departed. The purpose of their visit was to find out the attitude of the local lodge toward the annual re-unions to be held here during the week of July 10, and to select grand lodge headquarters. The hotel accommodations were found ample and the grand trustee Robert W. Brown of Louisville, expressed himself as well pleased with the work of the local re-union committee. Mr. Brown also said the preliminary step in regard to railroad rates had been taken and he had no doubt that these rates would be satisfactory.

Lewis Nixon in Naples.

Naples, Italy, Jan. 16.—Lewis Nixon arrived here yesterday on board the Hamburg-American liner Deutschland, from New York. His name is not on the passenger list. Mr. Nixon is proceeding overland to Paris, where it is reported he will hold a conference with a Russian agent regarding the pedobonds.

A Fire in Chicago.

Chicago, Jan. 16.—The fire that started in the beef storage warehouse of Schwarzhild & Sulzberger last night, was still burning today, although under control. The firemen cut holes in the sides and roof of the building, a six-story structure, and their efforts to find the fire, and although dense volumes of smoke and ammonia fumes poured out of these apertures, no flames were visible. The fire was in the second story, which was packed between the double walls of the building. Fourteen firemen were overcome by the ammonia and were carried out by their companions. All will recover. The loss is estimated at \$150,000.

COOK COUNTY BUILDING.

Fire Damages It to the Extent Of Fifty Thousand Dollars.

Chicago, Jan. 16.—Fire broke out today on the top floor of the county building here. For a while destruction of the entire building seemed threatened. The flames, however, were confined to a portion of two upper floors and the roof. The damage is estimated at \$50,000. Court rooms were chiefly involved in the damage. Records, however, were safe in vaults. Smoke drove practically all occupants out of the county building and from the city hall adjoining. Three painters at work in the county building were seriously burned in an explosion of the material when the fire started.

No Religion Classes in Public Schoolhouses

First Presidency of the Church Issue Instructions Saying That They Must Not Be Taught There—Must Assemble in the Ward Meeting Houses or Other Suitable Buildings.

The first Presidency of the Church today issued the following instructions upon the much mooted question of religion classes being taught in the district schoolhouses:

To the Presidents of Stakes, Bishops of Wards and Superintendents of Religion Classes:

In answer to inquiries that have been made relative to our attitude in relation to the holding of religion classes in public school buildings, we deem it proper to put forth the following statement. To begin with, we wish it distinctly understood that we are not in favor of, but are emphatically opposed to, denominational teachings in our public schools. We are proud of that splendid system of schools, and do not desire that they should be interfered with in any way whatever. For religious and devotional training, other institutions are provided, by our Church as well as by other churches, and we cannot too strongly urge that the two systems continue to be kept entirely separate and apart.

The religion classes instituted by the Church in Jesus Christ of Latter-day Saints are designed as auxiliaries of our Church schools, in which, along with the usual branches of learning, the principles of the Gospel are inculcated; the object being to lead to, not take from, the education received in secular institutions; moral, devotional

and faith-promoting training that cannot, and must not, be included in the curriculum of the public schools; but which the Saints desire their children to receive.

In a number of settlements these classes have been held in public schoolhouses, especially where the population is largely Latter-day Saints, but there has been no intention to introduce religious teaching in the public schools, nor has it been so introduced. The use of the school buildings was merely for the sake of convenience, and to facilitate the assembling of the classes, many of whose members were students in the schools. The question involved was submitted to the State Superintendent of Schools, also to the Attorney-General, and they were requested to give their opinions upon the matter of holding these classes in the school buildings after the schools were dismissed. Those officials were of the opinion that the statutes gave trustees the right to let the schoolhouses for other than school purposes when it would not interfere with the regular school work. Our instructions to those in charge of the religion classes have always been to allow sufficient time to intervene between the dismissal of the schools and the opening of the classes, so as to avoid any infringement upon the regular school work, and give all a chance to withdraw who did not desire to attend the classes.

The State Superintendent of Schools has since expressed the view that the statute on the subject of letting school

buildings for other than school work is unconstitutional, and that the use of school buildings for other than school purposes is not lawful. We are not at all surprised that the public schools should be endangered by the religion classes. While we regard this fear as groundless, and are not conscious of having done anything by instructions previously given, or otherwise, to imperil in the least the independence of the schools, we do not wish to cause our fellow-citizens any uneasiness upon this score, and we desire, as ever, to be in harmony with the statutes of our state and nation. We therefore advise the workers in the religion classes to withdraw from the public school buildings, wherever they are being used by them, and hold such classes in other places that may be available.

We sincerely hope that this will not retard or hinder the good work being done in these classes. We desire to encourage the religion class workers to continue their praiseworthy efforts to teach our children the saving principles of the Gospel of Christ and likewise how to "pray and walk uprightly before the Lord." The bishops should use their best endeavors to provide suitable places wherein these classes can meet and to make them more than ever an aid to the spiritual and moral education of the children of the Latter-day Saints.

JOSEPH F. SMITH,
JOHN R. WINDER,
ANTHONY H. LUND,
First Presidency.

GENERAL STRIKE OF GERMAN MINERS

Their Delegates at Essen This Afternoon Formally Declared for One.

IT WILL BE INQUIRED INTO.

Government Appoints Commissioners For That Purpose—Result In Doubt.

Essen, Germany, Jan. 16.—Delegates representing a large part of the disaffected miners decided at a meeting here this afternoon on a general strike regardless of the partial concessions offered by the mine owners. The miners' leaders, among whom the report was circulated that the emperor and the government were anxious to settle the strike, were not affected thereby. They aver that the strike can only be settled by justice. The Socialists control the miners' action.

Association of Mine Owners, notwithstanding the efforts of an important minority, rejected the demands of the strikers this afternoon.

The coal strike probably will be settled by the mine owners yielding a small part of the workmen's demands now thus allowing them to win a moral victory with the understanding that the other portions of their demands will be considered and agreed to later if possible. The move made by a general prolonged strike dismissed the industry and the government sought to bring about a compromise. The strikers were not eager to fight to a finish in mid-winter, the extreme cold throughout Germany having affected the strikers' spirits. Therefore the feeling has suddenly become general that it is better to accept a moral victory with some small material gains than to persist in the strike without any actual settlement, but the mine owners and the strike leaders are appreciably near a provisional agreement. All the houses stores in the strike districts are closed by police order at 6 o'clock in the evening.

The government has appointed commissioners under the chairmanship of Herr von Velsen, chief inspector of mines, to inquire into the grounds of the strike and supply Her Molter, minister of commerce and industry, with complete material for passing judgment thereon, so that he may be able to interpose to authoritatively interpose in the strike.

Visayans Leave St. Louis.

St. Louis, Jan. 16.—The entire population of the Visayan village at the world's fair left here today on two special trains for Seattle, Wash., from which place they will sail for the Philippines on the steamer Minnesota.

Crouse Building, Utica, Burned

Utica, N. Y., Jan. 16.—The Crouse building, this city, was totally destroyed by fire today, entailing a loss of more than \$150,000. Heaviest loser was G. W. Head & Co., wholesale grocers, \$70,000.

JEALOUSY CAUSES MURDER.

Norfolk, Neb., Jan. 16.—Andrew Nelson, aged 20, a farm hand, murdered Miss Carrie Jacobson, 19 years old, and then killed himself near Neligh, Neb., early today. Miss Jacobson was asleep with her mother and when the latter arose to kindle the fire for the morning, Nelson crawled into the room and blew off her head with a shotgun, turning the weapon on himself, and instantly killed. The bodies were found later lying together. Jealousy was the cause of the tragedy.

Temperatures.

Chicago, Jan. 16.—7 a. m. temperatures: New York, Philadelphia, 20; Boston, 18; Washington, 18; Chicago, 8; Minneapolis, 2 below; Cincinnati, 14; St. Louis, 12.

JAP ARMY ENTERS PORT ARTHUR.

Gen. Nogi With His Staff Entered First and Took His Stand in New Town Public Square.

PROCESSION FIVE MILES LONG.

It Was Three Hours Lasting the Saluting Base—Treatment of General Stoessel.

Headquarters of the Third Japanese Army, Jan. 14, via Tien Tsin, Jan. 16.—The victorious Japanese army yesterday formally entered Port Arthur. Gen. Nogi with his staff entered first through the old town and took his stand in the public square of the new town. The army was represented by one regiment from each brigade.

The procession, which was five miles long, was three hours passing the saluting base, after which the troops passed out of the city through the new town. The correspondents then visited the captured city for the first time. The old town buildings were badly smashed by shells, but in the new town the damage was slight. All the shipping in the harbor was badly damaged by shell fire, the warships being practically useless, owing to the injuries they had sustained by the shells.

Proposals for the surrender of Port Arthur were first made Dec. 29 at a council of war. Gen. Stoessel was in favor of surrender but some of his general officers and the troops were not consulted.

TREATMENT OF STOESELL.

Tokio, Jan. 16, 11 a. m.—Gen. Nogi has written to the governor of Nagasaki the following: "As to the treatment of Gen. Stoessel you will be advised by the proper authority, but it may not be out of place to point out that Gen. Stoessel is now neither a prisoner of war nor an enemy, but a foreign gentleman who meritoriously served his country and moreover so honorably performed without unnecessary delay the complicated task of transferring the forts and munitions of Port Arthur that he deserves to be accorded full military honors and I commend him to your consideration."

A WOMAN PRISONER.

Tokio, Jan. 16, 11 a. m.—It is reported that a Japanese gendarme discovered a woman about 20 years old, disguised among the Russian prisoners brought to Nishina. She was much embarrassed by the exposure, and is now located in special quarters.

DENVER ELECTION FRAUDS.

Two Judges Got Six and Three Months Respectively.

Denver, Jan. 16.—The supreme court announced its judgment today in the case of six election officials tried on charges of contempt in connection with the election on Nov. 8 in Denver precincts over which the court had assumed jurisdiction. Guy W. Wheeler and Charles E. Repe, election judges, were found guilty of refusing to allow Republican watchers to examine the registration books and of permitting persons to vote on registrations from vacant lots and were sentenced to jail for six and three months respectively. Geo. W. Hubbard, special constable, was sentenced to jail for one month for preventing Republican watchers from examining registrations. James Rowan and Charles Munford, judges, were fined \$25 each for permitting a man to vote from a vacant lot. Eugene Cummings, policeman, accused of interference in the election, was discharged.

R. G. Shaw's Residence Burned.

Brookline, Mass., Jan. 16.—Fire has destroyed the "Rock," the beautiful residence of Robert G. Shaw, second the well-known polo pony player and prominent clubman, in South street, this town. Mr. Shaw's two children had a narrow escape from burning. They were rescued by their father. The loss, which includes the destruction of many valuable paintings and trophies of the hunt and race course, is estimated at \$50,000.

MAN KILLED BY A PASSENGER TRAIN.

A. E. Johnson, a Laborer, Hit by Rio Grande Engine Last Night.

NEAR BECK'S HOT SPRINGS.

Body Was Thrown Fifty Feet After It Was Sent Through a Picket Fence.

A. E. Johnson, a laborer, aged about 45 years, was instantly killed by a northbound Rio Grande passenger train between 11 and 12 o'clock last night, about 25 feet south of the Beck's Hot springs. His body was not found until 10:30 this morning, when an engineer on an incoming train saw the body lying near the track and reported it to the railway officials. The latter notified the police and sheriff's office, and officers at once went out to the springs to investigate.

Sheriff Emery and Deputy Sheriff Smith drove out in a buggy but left the body until the arrival of the patrol wagon with Captain Burbridge, Driver Armstrong, Officers Sperry and Taylor and a "News" reporter.

Johnson's body was lying face downward on the west side of the track, and was horribly mangled. The bones of his right leg were mashed to a pulp and his face and head were terribly cut and smashed in. Johnson was poorly clad. His clothing was old and worn, and his shoes were absolutely useless in protection to wet and cold.

He had evidently been walking northward when the train struck him. He was either blind or had lost his way, so he benumbed from cold and exposure, that he did not see or hear the rapidly approaching train.

He was struck just south of the entrance to the Beck's Hot springs, and his body was hurled for fully 50 feet. He struck the fence and tore two pickets off, after which the body rolled several feet. In all probability he was killed instantly.

No report of the accident was received by the railway officials until the body was found this morning, and every effort is being made to determine just when he was struck and why the engineer did not see him.

As soon as the police learned of the affair, Acting Coroner Dana T. Smith was notified and instructed the officers to bring the body to town and take it to an undertaking establishment. The remains were taken to Joseph William Taylor's place, and it is probable that an inquest will be held as soon as the county attorney can inquire into the facts.

On the body was found some papers, a novel, a razor and some receipts. From the papers it was concluded that the man worked as a laborer on the Great Northern in Montana, and had recently visited Bozeman. He had also been in Kansas, Utah, but beyond this nothing could be learned about him.

NIEDRINGHAUS CASE.

Report of Committee on It Not Ready for Submission.

Jefferson City, Mo., Jan. 16.—The house committee appointed to investigate political contributions reported by Chairman T. K. Niedringhaus, of the Republican state committee, caucus nominee for United States senator, did not prepare its report in time for the opening of the session of the house today, as the transcript had not reached here from St. Louis.

Bruchesi to Have a Bishop.

Rome, Jan. 16.—The pope, acknowledging the growing importance of the arch diocese of Montreal, has granted the request of Archbishop Bruchesi to have an auxiliary bishop and has nominated Yotique Racicot, now vicar general of Montreal, to the office.

SENATOR BURTON GETS A NEW TRIAL

U. S. Supreme Court Dismisses Writ of Certiorari to Circuit Court of Appeals.

DISTRICT COURT REVERSED.

Payments to Him Were Made in Washington—Opinion by Justice Peckham.

GOVERNOR CUTLER TAKES ACTION

Frauds That Have Been Perpetrated To Receive Legislative Investigation at Once.

Washington, Jan. 16.—The case of Senator J. R. Burton was decided by the United States supreme court today, dismissing the writ of certiorari to the circuit court of appeals for the Eighth circuit and reversing the verdict of the district court for the Eastern district of Missouri on the ground that the payments to Burton were made in Washington. The district court was therefore reversed and the case remanded for a new trial.

The opinion was handed down by Justice Peckham, who took up the various counts and recited the conclusions as well as the divisions of the court as follows: "First, the question of the construction of the statute upon which the indictment was framed is the first to arise. Upon that question a majority of the court (Mr. Justice Harlan, Mr. Justice Brown, Mr. Justice McKenna, Mr. Justice Holmes and Mr. Justice Day concurring), are of the opinion that the facts alleged in the indictment show a case that is covered by the provisions of the statute while the chief justice, Mr. Justice Brewer, Mr. Justice White and the writer of this opinion dissent from that view, and are of the opinion that the statute does not cover the case as alleged in the indictment.

"Second, assuming that the statute applies to the facts stated in the indictment, a further question arises upon the general merits of the case, whether there was sufficient evidence of guilt to be submitted to the jury, and a majority of the court (the same justices concurring) are of the opinion that there was, and are not prepared to say that the indictment is defective. As to the sixth, seventh, eighth and ninth counts of the indictment, the court finds that the averments were paid were not true, the checks were never cashed, and the money was not paid to the defendant. The majority of the court (the same justices concurring) are of the opinion that the defendant was not guilty of the offense charged in the indictment, and are of the opinion that there was no evidence whatever upon which to find a verdict of conviction.

"Continuing, the decision says: 'In the case at bar the proof was not disputed. The checks were passed to the credit of defendant unconditionally, and without any special understanding. The custom of the bank to forward such checks for collection is a plain custom to forward for collection for itself.

"The only liability of defendant was on his endorsement. All this made a payment at Washington, and as a result there was a total lack of evidence to sustain the sixth, seventh, eighth and ninth counts of the indictment. The court should have, therefore, directed a verdict of not guilty on those counts.

"This is not a case of the commencement of a crime on one side and its completion on the other, but that under the statute the court in either district has jurisdiction. There was no beginning of the offense in Missouri. The payment of the money was in Washington. The offense was no commencement of that offense when the officer of the Rio Grande company sent the checks from St. Louis to defendant. The latter did not thereby begin an offense in Missouri."

The court also found error in the refusal of the district court to charge as required when the jury came into court and announced its inability to agree. The failure to charge as required was because the presiding judge considered the points were obstructions of law, but it afterwards appeared that the jury in fact was unable to agree. On this point the decision says:

"Balanced as the case was in the minds of some of the jurors, doubts existed as to the defendant's guilt in the mind of at least one, it was a case where the most extreme care and caution were necessary, and it was not the legal rights of the defendant should be preserved. Considering the attitude of the case as it existed when the jury returned into court for further instructions, we think the defendant was entitled, as a matter of legal right, to the charge asked for in regard to the previous requests to charge, which had been granted by the court under the circumstances stated, and it was not a matter of discretion whether the jury should, or should not, be charged as to the character of those requests. A slight thing may have turned the balance against the defendant in this case, and the jury should have been instructed to that effect.

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The trial under the indictment charging Senator Burton with receiving a cash payment at St. Louis with procured immediately at that place. The department of justice has not yet considered the question of the trial place of the indictment, alleging payments in this city. It is possible the statute of limitations may operate against it.

JUDGE MINER ON UTAH CONDITIONS

Testified to Senator Smoot's Good Character and to His Prominence Politically in 1890.

POLYCAMY IS DECREASING

So Rapidly That He Believed Utah in Ten Years Would be Better Than Any State in Union.

ELIAS A. SMITH ON WITNESS STAND

Denied That at Dissolution of People's Party Certain Persons Were Instructed as to Their Future Politics.

(Special to the "News.")

Washington, D. C., Jan. 16.—The second week of the hearing of Senator Smoot's side of the question as to his right to occupy a seat in the senate began this morning with three senators, Burrows, Overman and Dubois, in their seats. The bright sky and a clear atmosphere outside brought to the Capitol a great many ladies and the seats reserved for them were filled as well as any day in the past. Among them were a dozen new faces, but the old lady with a white pouf and a tortoise shell lorgnette was early in her accustomed seat. Throughout the day the evidence brought out was simply accumulative as to the character of the "Mormon" people and the sentiment of the Gentiles as well as the "Mormon" against disturbing family relationships which have existed since before 1830.

Judge Morse testified as to the investigation of the grand jury in the spring of 1903 and authenticated a copy of a report made to him by that jury. He had heard little or nothing of polygamy practices in Salt Lake county prior to the Smoot investigation. Senator Smoot was absent at the opening of the afternoon session for the first time and only one member of the committee, Burrows, conducted the investigation. The most important testimony brought out was a statement by Judge Morse that while perhaps a majority of the people of Utah favor the prosecution of those who are living in polygamy no individual feels called upon to take the initiative. In answer to a question by Senator Burrows he expressed the belief that an amendment to the federal constitution prohibiting polygamous cohabitation would serve to break up the practice of such cohabitation.

(By Associated Press.)

Washington, Jan. 16.—Judge James A. Miner of Salt Lake, formerly of the supreme court of Utah, was recalled today as a witness in the Smoot investigation before the senate committee on privileges and elections. He testified as to Mr. Smoot's good character and to his prominence politically in 1890 when Judge Miner went to Utah. He said that Mr. Smoot was regarded as one of the coming men and one who had always stood for the enforcement of the laws. Polygamy is decreasing so rapidly, said the witness, that he believed Utah would be better in ten years than any state in the Union. "There is no more polygamous or unlawful cohabitation in Utah than there is in New York or the District of Columbia," he added.

Chairman Burrows questioned Judge Miner concerning the extent polygamy is practiced among the heads of the Church. He said it was not generally understood, before this investigation, that they were conducting the practice of polygamous cohabitation, but that the testimony given had thrown further light on the subject.

HON. ELIAS A. SMITH.

Elias A. Smith, of Salt Lake, cashier of the Deseret Savings Bank, was the next witness. He is a "Mormon" and was a member of the People's party (the "Mormon" party) until it was dissolved in 1895. He denied that at the meeting held for the dissolution of this party instructions were given by the Church that certain persons should be Democrats, certain other Republicans and some independent in politics. He said that every person was free to follow his own inclination. Mr. Smith asserted that the "Mormon" Church does not control any business organization, although it does own stock in many concerns. Many companies alleged by other witnesses to be "Mormon" concerns, he mentioned, and the witness denied in every instance that the "Mormon" Church holds a majority of the stocks.

NINE OF THE CONSTABULARY KILLED IN SAMAR.

Washington, Jan. 15.—Lieut.-Gen. Chaffee, chief of staff, today received a cablegram from Gen. Corbin, commanding the Philippine division at Manila, saying that he has received the following dispatch from Brig.-Gen. Carter, commanding the department of the Visayas, dated Tacloban, Jan. 14: "Lieut. Avery, one Philippine scout and two native employees, were wounded in action at Dolores river, Jan. 14. Private Austin, hospital corps, was wounded and nine constabulary were killed in action near Maslog, Samar, Jan. 8. Lieut. Avery and Private Austin arrived here today." The officer referred to in the above dispatch is First Lieut. Morton L. Avery of the Philippine scouts.

(Continued on page 2.)