NO CONVICTIONS FOR POLYGAMY

President Smith Declares that No Mormons Have Been Punished for Violations Since the Manifesto in 1890.

APOSTLES ONLY HAVE POWER IN CHURCH AFFAIRS

Authority of "The Fifteen" Does Not Extend to General Affairs, the People Who Have Votes Governing.

WASHINGTON, March 7.—With President Joseph F. Smith, of the Mormon Church, again on the stand for the defense, the second week of the investigation of the Smoot case opened to-day before the Senate Committee on Privileges and Elections.

Senator Dubois put into the record the census figures for Utah taken in 1890, to show that instead of only 3 or 4 per cent. in polygamy as Mr. Smith had said, in reality there were about 23 1-4 per cent. of the Mormon population of polygamous age who were living in a state of polygamy in 1890.

Senator Dubois gave it as his opinion that there had been no material reduction in the number of polygamists since 1890.

Mr. Worthington conducted an examination of Mr. Smith to ascertain the process undergone in cases of ex-communication.

The witness explained the manner in which the church is divided into divisions of wards and states and the machinery of the organization through which charges against any person have to be brought and passed up.

He said the apostles have nothing to do with the judicial affairs of the church. They preach the gospel and send missionaries to other fields.

"The Fifteen" Rule Church.

The President, the apostles and high counsellors forming what is known as "The Fifteen" meet once a week, for prayer and consultation on matters generally relating to the church.

A futile effort by President Brigham Young in 1875 to have Bishop Jacob W. Weyler removed from the leadership of a ward was related by Mr. Smith to show that the Presidency does not exercise power over the wishes of the people and that the members of the church by the freedom of their vote in reality form the power of government. Several other like instances were related for the same general purpose.

As to Senator Smoot.

Mr. Worthington read the revelation by Joseph Smith, jr., Jan. 19, 1841, nominating Brigham Young as President, and all of the members of the High Council and the Apostles. In this revelation was a command to accept the nominations or to reject them in general conference. Mr. Smith declared that even in the original revelation naming a successor to the first President it was in the power of the members to accept or reject.

Mr. Smith in reply to an inquiry said Reed Smoot became an Apostle April 9, 1900.

"Right here let me ask you when your last child was born?" asked Mr. Worthington.

"I do not know whether that has any bearing on the case," said Mr. Smith, "but I believe it was on the day Mr. Smoot became an apostle."

"Then there has been none since?" asked Mr. Worthington.

"No, sir."

"Then, so far as you and Mr. Smoot are concerned, you were in harmony?" remarked Mr. Burrows.

Mr. Worthington inquired whether at any of the joint meetings of the first Presidency and the Apostles the question of polygamous cohabitation had been discussed. Mr. Smith said it had not, either in an advisory talk or in regard to taking official action to prevent the practice. He declared that when Mr. Smoot became an Apostle the status of most of the polygamists had been fixed many years before.

In answer to questions by Mr. Worthington and Senator Burrows Mr. Smith said Senator Smoot had never advised for or against continuance of polygamous cohabitation.

In relation to convictions, Mr. Smith said there have been none since the manifesto of 1890; that all of the convictions under the Edmunds law were while Utah was a territory. Senator Dubois referred to Mr. Worthington as counsel for Mr. Smith.

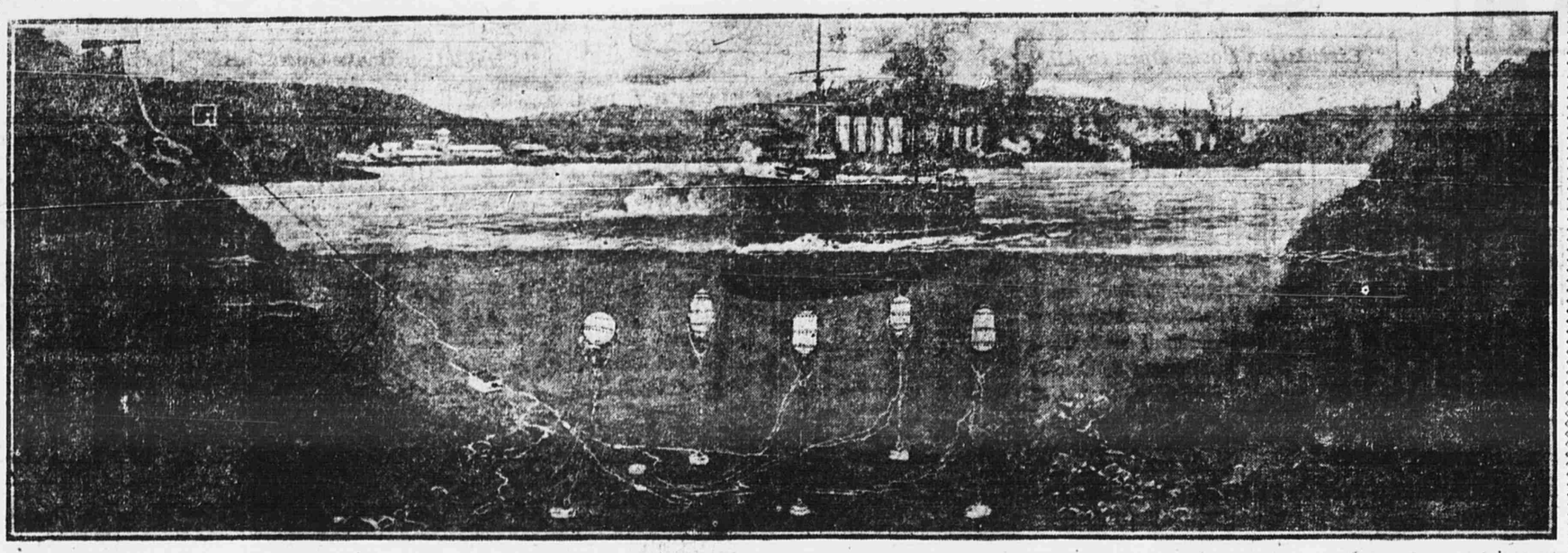
"I protest," said Mr. Worthington. "I am not the attorney for the witness. If I was the examination would have been far different."

A list of the first Judges selected since Utah was a State showed that the former territorial Judges were chosen without exception and that all of them had formerly sent Mormons to prison for polygamous cohabitation. The purpose of this was to deny the inference that the Mormon Church dominates the courts.

Mr. Worthington read the list of Senators elected from Utah since the manifesto of 1890 to show the percentage of Mormons to Gentiles. The witness was asked in regard to each: "Was he a Mormon or a Gentile?" In regard to Frank J. Cannon, who was elected to the Senate, Mr. Smith said: "He was classed as a Mormon, but he was a poor one."

When the examination of President Smoot was concluded in the Smoot hearing Mrs. Clara Mabel Kennedy was called to the witness-stand. She testified that she was married nine years ago in Mexico to Mr. James Francis Johnson, who had a wife living at the time.

HOW VLADIVOSTOK HARBOR IS MINED SO AS TO PREVENT THE ENTRY OF THE JAPANESE FLEET



The mines are laid near the entrance to the harbor. They are fitted with what is known as a contact head. When the warship or other vessel touches this contact head the explosion follows. Should the enemy's ship manage to just miss the mine it can be exploded by an observer on shore, who has a switch connecting him with it by wire. Port Arthur is also thickly mined in the same way.

MRS. HUNTINGTON WINS MONEY SUIT

Widow of the Millionaire Railroad Man Gets Judgment for $761,928 in a Contest for Funds Loaned on Notes.

(Special to The Evening World.)

WHITE PLAINS, March 7.—The action of Mrs. Arabella D. Huntington, widow of millionaire Collis P. Huntington, against Sylvester H. Kneeland to secure money loaned by her husband to the defendant, resulted in Justice Keogh handing down a decision to-day granting Mrs. Huntington a judgment of $761,978.32.

The suit was originally brought to recover $534,044.46, being the amount loaned on notes, and Mr. Kneeland put up property in Yonkers and Greenburg as security, which will be foreclosed.

The money sued for represents principally two large notes, one being for $593,921.25 loaned on May 28, 1897 and renewal with interest, making a total of $551,950.30.

Mrs. Huntington is occupying her big mansion at Throggs Neck.

CANDY

SPECIAL FOR MONDAY.
French Peanut Caramels....Lb. 10c
Chocolate Coffee Cream Walnuts.....Lb. 15c

SPECIAL FOR TUESDAY.
Cocoanut Cream Kisses.....Lb. 10c
Chocolate Covered Butter Creams.....Lb. 15c

Loft 54 BARCLAY ST. COR. WEST BWAY. 29 CORTLANDT ST. COR CHURCH

NOTABLES NAMED IN POSTAL REPORT

Favors in Post-Office Leases and Salary Increase Due to Influence at Washington Presented to Congress.

WASHINGTON, March 7.—Congressman Overstreet, Chairman of the Committee on Post-Offices and Post Roads, called up in the House to-day the privileged report of that committee on the May resolution calling for certain information regarding the use of "influence" by members of the House to secure increases in salaries, &c., of postmasters.

By unanimous agreement action on the resolution was postponed until Wednesday, when there will be three hours' general debate on the motion to table the resolution. This was done that the report of the committee on the resolution might be printed and read by all members.

Mr. Overstreet said the committee has felt that there has been no violation of law in these recommendations for increased clerk hire and rent. He did not think there was any instance in the cases cited in the report which reflects upon members, and that the only motive was to promote the interests of their constituents, and they trusted public officials to discharge their duties.

Continuing, Mr. Overstreet said that in view of the overwhelming sentiment that the committee was keeping something from the light the committee recommend that they show to the country by the exhibit accompanying the report that there has been a complete exoneration of members of the House. Instead of there being a reflection upon the members Mr. Overstreet said their honor and respect will be enriched.

They Own Buildings.

Some of the transactions involving members of Congress recorded in the report are held to be technical violations of the statutes, others are pronounced by members who have read the report as clearly censurable, while in the majority of cases it is held that members in making their recommendations to the department expected nothing not in harmony with the rules and practices of the department.

Three cases are set forth in which members of Congress own buildings which are leased to the Government for post-office purposes.

The details of these cases are given by Fourth Assistant Postmaster-General Bristow, in a communication to Chairman Overstreet, as follows:

"Section 3,739 of the revised statutes provides:

"No member of or delegate to Congress shall directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States by any officer or persons authorized to make contracts on behalf of the United States.

"The statutes further provide:

"All contracts or agreements made in violation of this section shall be void.

"Yet in the face of this statute Beavers has made contracts with members of Congress for the rental of premises, either in their own names, the names of their agents, or some members of their families."

Three Prominent Cases.

"Geneseo, N. Y.—The post-office at this place was located in 1886 in a building owned by the Hon. J. W. Wadsworth. At that time Mr. Wadsworth was not a member of Congress. It was advanced from third to second class July 1, 1901. While it was a third-class office, no contract was made for the lease of the building, but the postmaster was allowed $290 per annum for rent, with an allowance of $60 for fuel and light, making $350 in all.

"When the office became second class a lease was made, dating from Oct. 1, 1901. At this time Mr. Wadsworth was a member of Congress.

"It does not appear from the report of the inspectors and information secured by the department that the rental is excessive, or that the allowance is in any way more than should have been made.

Lawrence, Kansas—The post-office premises at this place were leased from Hon. J. D. Bowersock many years prior to his election as a Member of Congress in 188, at an annual rental of $1,500. That lease expired April 1, 100. On Dec. 16, 189, Mr. Bowersock submitted a proposal to renew the lease for a term of five years at same annual rental.

"After a conference with officials of the First Assistant Postmaster-General's Office, Mr. Bowersock withdrew his proposals, submitting one from his daughter, Mrs. Hortense B. Hill, and the lease was executed in her name on terms before mentioned. The record shows the title to premises in question are vested in Mr. Bowersock. The annual rental is the same that it was for many years before Mr. Bowersock was elected to Congress, and the post-office has been located where it now is for about thirty years.

"Station A, Winsted Conn.—The Post Office premises at this point are owned by Hon. George Lilley, M. C. Original lease, which was made befoe Mr. Lilley was elected to Congress, expired April 1, 103. The entire block in which the office is located was then leased by Mr. Lilley to Charles S. Newcomb, and the lease to the Post Office Department was made in his name, though the title to the block before mentioned appears to remain in Mr. Lilley. The rent is practically the same as under the former lease.

"In none of the above cases does it appear that the Government has paid an excessive rental."

Many Notables Named.

Most of these charges come under the head of "influence," but in many cases the report cites instances where leases stand or stood in the name of the elected official.

One hundred and sixty-one instances are mentioned where members of Congress figure in requests for increase in clerk hire in excess of the amount to which the office was legally entitled by the volume of business done.

Prominent among the Senators whose influence was "good" in the Post-Office Department are mentioned Cullom, Beveridge, Quay, Overman, McComas, Pritchard, Hansbrough, McLaurin, Kittredge and Kearns.

New York State is represented in the list of secured increases by Gov. Odell, Congressmen Payne, Sherman, Alexander, Ketcham and Vreeland.

In other states, Congressmen Dick and Grosvenor, of Ohio; Hemenway, of Indiana; Hill, of Connecticut; Butler, of Pennsylvania; Swanson, of Virginia; Cushman, of Washington; Gibson, of Tennessee; Griggs, of Georgia; Cousins, of Iowa; Smith, of Michigan; McCleary, of Minnesota; Burkett, of Nebraska; Gardner, of New Jersey—all secured favors from the Post-Office Department.

Speaker Cannon, of the House, and ex-Speaker Henderson are also named in the presentment.

A Guaranteed Cure for Piles.

Itching, Blind, Bleeding or Protruding Piles. Your druggist will refund money if PAZO OINTMENT fails to cure you in 6 to 14 days. 50c. *.*

ATTACK PLANNED BY LAND AND SEA

(Continued from First Page.)

ence on the horizon of a hostile fleet, and of the prospect of an attack during the day, but the people remained tranquil.

RUSSIAN TROOPS SENT SOUTH OF VLADIVOSTOK.

TOKIO, March 7.—It is believed that the Russian Vladivostok squadron is now in the vicinity of the mouth of the Tumen River engaged in covering the movement of troops from Possiet Bay to the valley of Tumen.

Russian scouts are reliably reported to have penetrated south as far as Kiung Sung. The earlier Russian movement into Northeastern Corea was regarded as a diversion, but it now appears that a considerable force participated. It is thought that the Russians may occupy and fortify some strong position on the Tumen River. Reports regarding Russian movements in Northwestern Corea are meagre and unreliable. The force north of the Yalu is being increased, but it is doubted if any considerable number of Russians have crossed the river.

COREANS ATTACK AND KILL THIRTY RUSSIANS.

(By Associated Press.)

SEOUL, March 7.—Corean soldiers attacked a body of the invaders on Friday last, the 4th instant, and succeeded in killing thirty of them.

It is reported that as the result of a collision between Russian and Corean soldiers at Kang Ge the Russians were driven beyond the Yalu River.

The Russian soldiers operating in the vicinity of Anju are committing all manner of excesses, maltreating the native women and perpetrating robbery upon every opportunity.

CHOSE PRISON TO ESCAPE HIS WIFE

The Result, However, Is that Kleibs, Although He Has Remarried Here and Bought a Farm, Must Be Deported.

Judge Lacombe, in the United States Circuit Court to-day, handed down an opinion in the habeas corpus proceedings of Albert G. E. Kleibs, whose deportation was recently ordered by the Immigration authorities and who admitted that he committed a technical forgery and served two and one-half years' imprisonment in Germany. Because of this fact, notwithstanding that he had purchased a farm in this country, married a Hoboken woman and legally declared his intention to become a citizen, he must return to his native country.

"This is a peculiarly hard case," writes the Court, "but it is not perceived that there is any theory upon which the petitioner can be discharged."

Judge Lacombe, after reviewing the case, concludes:

"The circumstance that he had arrived here by water on a former occasion in August, 1900, and remained in the United States four months, during which time he bought a farm and took out his first papers, and that since his second arrival he has married here, makes his case a hard one, but does not relieve him from the operation of the statute."

Kleibs, according to his own admissions, had a wife in Germany, whom he could not rid himself of, and knowing she would not remain the wife of a convict, committed forgery and then fled to Canada, where he surrendered himself to the authorities. He was extradited to Germany and sentenced to two and one-half years' imprisonment, during which time Kleibs's wife secured a divorce. Kleibs then came to this country, altering his Christian name to Edmund so that he might pass the immigration authorities.

He then went to Hoboken, where he married. To his wife he confessed the story of his past, and she told a fellow-boarder. Later when Kleibs left the boarding-house after a disagreement the boarder informed the landlady, who, in turn, told the authorities. Kleibs's arrest followed.

The Old Man's Comment.

(From the Pennsylvania Punch Bowl.)

Mr. Corting—I had the blues when I came to-night, but now I feel like a new man. Your very presence is like medicine.

Miss Love's Small Brother—Father says she'll soon be a drug on the market if she don't get a husband."

CANNOT TIE UP BIG TERMINAL

Justice Leventritt Refuses to Grant an Injunction to Stop Work of Removing Buildings from Pennsylvania's Property.

Justice Leventritt this afternoon denied the injunction asked for by eight of the ten house-wrecking firms to restrain the other two from going on with the work of removing the buildings from the site of the new Pennsylvania Railway terminal station, Seventh to Ninth avenue, Thirty-first to Thirty-third street.

The injunction was asked for on the ground that all the wrecking firms had entered into an agreement not to bid above a certain figure for the work and to divide the profits, and that the George W. Jump Company and the F. M. Hastings Company had broken the agreement, made better bids and got the contract to remove certain of the buildings.

These two claimed that this agreement was not a valid one, and Justice Leventritt took that view, expressing it in very forceful language. He said:

"The injunction must be denied because those asking for it do not come into court with clean hands. The papers disclose what comes very close to a conspiracy, and in any event, amounts to such fraud on the rights of the Pennsylvania Company that a court of equity will leave its hands off.

"The aggregate of the highest bids for the four blocks under this arrangement was only $17,000, and these the Pennsylvania Company rejected. The combine then passed a resolution not to call upon or in any way propose to the company for the work. But the two defendants subsequently withdrew and bid independently and got the contract.

"In refusing the injunction," says the Judge, "the Court is not animated by any desire to protect the defendants. The are as guilty as the plaintiffs and are simply in the more fortunate position of being defendants in a suit arising out of an agreement which the Court regards as conceived in iniquity."

The losing plaintiffs are Charles H. Southard, the Byron W. Green., jr., Company, George E. Reeber, Van Krekeler & Son, F. W. Seagrist, jr., Meyer Hellman, the Thomas Krekeler Company and Canter & Krekeller Company.

KAISER HAS A BAD COLD.

Unable to Attend the Funeral of Count Von Waldersee.

BERLIN, March 7.—Emperor William is suffering from a severe cold and will not attend the funeral of Field Marshal Count Von Waldersee, which has now been set for Thursday. The Crown Prince Frederick William, if sufficiently recovered from his cold, will represent the Emperor. Otherwise Prince Eitel Frederick, the Emperor's second son, will represent His Majesty.

The weather all over Germany is most unusually severe.

IN DEATH GRIP HE IS HIT BY TRAIN

Trolley Conductor Running Ahead to Signal Car at Crossing Is Caught in Tracks and Killed as Passengers Look On.

Michael Dunger, twenty-four years old, a conductor employed by the Public Service Corporation, in Hoboken, met with a horrible death to-day while passengers on his car looked on.

The trolley tracks cross the Erie tracks at Seventeenth street and Willow avenue, and it is the duty of conductors of trolley cars to get off at that point and see if a train is approaching. Dunger got off his car and ran ahead to see if a train was in sight.

As he reached the crossing one of his heels got caught between the rail and the planking that runs close to it and he was unable to free himself.

A coal train was approaching rapidly and Dunger made frantic efforts to release his foot, but without avail. The engineer saw the man's danger and reversed his lever and whistled for brakes but there was not sufficient time to stop the train, and the locomotive struck Dunger and passed over his body, mangling it.

Passengers on the trolley car who had hastened to rescue the conductor were too late to save him.

Dunger's home was in Waterbury, Conn.

O'DWYER CHIEF JUSTICE.

Justice Edward Francis O'Dwyer was selected by his fellow-Justices to-day to preside over the City Court bench in place of the late Chief Justice Fitzsimons.

The selection of Justice O'Dwyer was decided upon at the last moment. Justice John Henry McCarthy, because of ill health, withdrawing gracefully in favor of O'Dwyer, whose term expires at the same time with his own—Dec. 31, 1907.

Chief Justice O'Dwyer lives in Harlem, neighbor to Justice McCarthy and the late Chief Justice Fitzsimons, and to his predecessor, Chief Justice Simon Ehrlich. O'Dwyer, then a young man, was appointed by Gov. Flower in 1895 to succeed Ehrlich, who had died. He was elected in 1896 for a full term of ten years.

ODELL GETTING BETTER.

But Governor Is Still Confined to Executive Mansion with Grip.

ALBANY, March 7.—Gov. Odell is still confined to the executive mansion by his attack of grip, but is steadily improving. Some of the most important correspondence was taken over to him to-day.

He is expected to be able to come to the Capitol to-morrow.

SHIPPING NEWS.

THE TIDES.

	High Water. A.M.	High Water. P.M.	Low Water. A.M.	Low Water. P.M.
Sandy Hook	11.49	12.09	5.47	6.02
Governor's Island	12.14	1.32	6.20	6.38
Hell Gate Ferry	2.07	8.23	7.52	8.10

PORT OF NEW YORK.

ARRIVED.

Aurania ..... Palermo
Alene ..... Kingston
Gordon Castle ..... Durban
Hellig Olav ..... Copenhagen
Niagara ..... Havana

INCOMING STEAMSHIPS.
DUE TO-DAY.

Londesborough, Sunderland. City of Macon, Savannah.
Fontabelle, St. Croix. Aurania, Gibraltar.
Llandaff City, Swansea. Comus, New Orleans. El Paso, Galveston.
Denver, Galveston.

OUTGOING STEAMSHIPS.
SAILED TO-DAY.

Egyptian Prince, Argentine. Hamilton, Norfolk.

Scherer FOTOGRAFER

PHOTOGRAPHS from the tiniest miniature to a life-size portrait

1269 BROADWAY NEW YORK
1162 BROADWAY NEW YORK
22 W. 23RD ST. NEW YORK
534 SIXTH AVE. NEW YORK
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H. O'Neill & Co.

"Edwin C. Burt" Shoes. | We Are Exclusive Agents for the | "Jouvin & Cie" Gloves.

Magnificent Values in Women's New Spring Suits and Jackets.

We offer for Monday several Suits and Jackets (just the thing for Early Spring wear), at prices that will bear the most critical comparison—we confidently state that they cannot be easily matched—for example: (Third Floor.)

WOMEN'S WALKING SUITS—Military shapes, coats trimmed with fine flat hussar braids, new model skirts—Tuesday.... $16.75
Value $20.00.

WOMEN'S WALKING SUITS—Lancer model, handsomely trimmed with silk braids, matched with panne velvet, new plaited flare skirts—an exceedingly smart suit—in all colors and black—Tuesday..... $24.75
Value $30.00.

And a special extra value.

WOMEN'S FRENCH VOILE SUITS (like illustration)—In bolero effects, handsomely trimmed, new compromise 1830 model skirts, made all over silk—Tuesday..... $25.00
Value $35.00.

Women's New Spring Jackets.

WOMEN'S COVERT and BLACK CLOTH COATS—all richly lined with silk—smart shapes made on new full long front model—Tuesday..... $10.00
Value $15.00.

WOMEN'S COVERT JACKETS—Made of extra quality foreign goods; also black broadcloth lined with silk—several new models—Tuesday..... $19.75
Value $25.00.

Features of Much Interest in Our Millinery Department,
Now occupying the entire Second Floor, Front.
MAGNIFICENT DISPLAY OF FLOWERS, FOLIAGE, &c.
UNRIVALLED COLLECTION OF READY-TO-WEAR HATS.
The finest assortment in the city of UNTRIMMED HATS.
All of which are being daily added to by importations from abroad and original ideas from our own workrooms.

Extraordinary Offering of One Dollar Wool Dress Materials at 69c Yard.
(Special Table—First Floor.)

7,500 Yards
VIGOUREAUX SUITINGS—Made in Bradford, England, this fabric is stylish and seasonable, light weight and finished like a voile—in all the finest Spring colors.

300 Pieces
VICTORIA VENETIAN CLOTH—52 inches wide, made from the very finest pure wool and a rich silky finish without the slightest particle of gum filling on the surface.

At 69c Yard

Both these fabrics were made to sell at $1.00.

Sixth Avenue, 20th to 21st Street.

OH! THAT BACKACHE.

The simplest, easiest and most effective remedy for this most common complaint is an *Allcock's Porous Plaster*. Millions have been cured of back trouble during the past half century by this wonderful, healing, strengthening and pain relieving plaster.

REMEMBER—*Allcock's Plasters* are guaranteed not to contain belladonna, opium or any poisonous ingredients. They are made of healing vegetable gums which soothe, strengthen and cure.

Stop the Ache with an Allcock's POROUS PLASTER
The original and only genuine porous plaster.

Monday's Wants.

1,906

Advts. in This Morning's WORLD. More than 1,000 Helps. Look for Work in THE WORLD.

Situations—		Wanted to Purchase	10
Female	69	Auction Sales	7
Male	174	Amusements	44
Help—Female	602	Financial	11
Male	480	Pianos	41
Houses, Rooms & Apartments	142	Instruction	11
Boarders	24	Medical	16
Real Estate	93	Horses and Carriages	16
For Sale	51	Miscellaneous	53
Business Opps.	43		
Personals	5		
Lost and Found	3	Total	1,906
Summer Resorts	4		

Laundry Wants—Female.

EXPERIENCED marker & assorter to take charge of branch laundry. 423 Lenox av.

SUNDAY WORLD WANTS WORK MONDAY WONDERS.