

## TWO AND ONE-HALF YEARS FOR SMITH.

Captain of Signal Corps N. G. U.  
Sentenced to a Term in  
State Prison.

## GUILTY OF ROBBING THE MAIIS.

He So Pleaded and Was Sentenced  
At Once—Started Term This  
Afternoon.

To serve in the Utah State prison, two years and six months, at hard labor. This was the penalty today sentenced upon former Captain Andrew A. Smith, upon term for the crime of robbing the mail, and removing their contents, while employed as a clerk of the Salt Lake city postoffice.

Captain Smith appeared before Judge Marshall in the United States District court this morning, to plead on the charge of robbing the mails. He entered the plea of guilty, and sentence was pronounced at once. This afternoon, accompanied by Deputy U. S. Marshal Smythe, he left for the penitentiary to begin the serving of his sentence.

The case is a well known one, and when the arrest was first made there were hundreds of friends of the popular officer who refused to believe him guilty. However, the straight testimony of the officers who set the trap in which he was caught, and his own confession, in which he acknowledged all that was charged, and gave as the reason for his thefts, that while he did not need the money, he simply could not resist the temptation to try open letters, finally forced his friends to the conclusion that he had allowed perhaps unthinkingly of the consequences, a condition to come about, that will take him a lifetime to offset.

**ONE YEAR FOR TEW.**  
In striking contrast to his sentence was that passed today upon Arthur Tew, guilty of a similar offense. He was sentenced to serve one year in the county jail, and to pay a fine of \$50, and costs of the prosecution, the sentence to be extended during the failure of the prisoner to pay the fine and costs.

**COUNTERFEITER SENTENCED.**  
A. McCarthy, guilty of passing counterfeit coins, was sentenced to 10 months in the county jail, and to pay a fine of \$50, and costs of the prosecution, the sentence to be extended during the failure of the prisoner to pay the fine and costs.

**GAIDNER GOES TO JAIL.**  
John A. Gaidner, found guilty yesterday of selling liquor to the Indians at White Rock and the Utah agencies, received a sentence of 10 months in the county jail, with a fine of \$100 and costs of the suit.

**COURT NOTES.**  
Wednesday Andrew Christensen, who today pleaded not guilty to the charge of having in his possession and passing counterfeit coins, will appear for trial. It is alleged that Christensen furnished the materials and induced young Grant and McCarthy to enter the business that sent them to jail for long terms.

This morning Incomparables Indian "Ward" Justice, and his wife and children, because he had to slumber in a "sleep house," was released and told to return to his camp fire and his papoose that has given him so much concern while here. His first question was "train, when will you go?" He was told after one more sleep, and settled once more into the growing and sullen condition which has been characteristic since he went broke and became footless in Salt Lake's streets.

With him to the reservation go Quintana, Ned, Unaska, Coconut, and Tabby Weep White, all Utes, and heavily laden with calendars, Christmas cards, and whatever else they could collect from the stores without cost in coin.

**JUDGMENT AFFIRMED.**  
Supreme Court Decides Mrs. Nichols Get Damages.

The second appeal of the case of Nancy J. Nichols against the Oregon Short Line Railroad company, appellant, has resulted in the judgment of the lower court being affirmed. The supreme court handed down a decision today in the case affirming the judgment of \$8,128.50 rendered in favor of plaintiff for injuries received in a railroad wreck near McCammon, in Idaho, on May 1, 1900.

On the first appeal the case was reversed and a new trial granted. Upon the second trial judgment was rendered for the above amount. One of the assignments of error relied upon in the appeal was the action of the trial court in overruling the objection of defendant's attorneys to the appearance of Judge H. S. Tamm of the city court, as counsel for the plaintiff. The contention was raised that during his term of office as judge of the city court his right to practice in other courts is suspended. The court in its opinion holds that the city court is a court of limited jurisdiction the same as a justice court and its judges have just as much right to practice in other courts than their own as have justices of the peace.

It was also contended by appellant that the verdict was excessive but the supreme court held that the amount of the verdict is wholly within the province of the trial court. The opinion was written by Justice Baskin and concurred in by Chief Justice Baskin and Justice McCarthy.

**RECEIVER SOUGHT.**  
One Asked for the Western Vinegar & Pickling Co.

The Kauer Pickle company today filed suit in the district court against the Western Vinegar & Pickling company, A. J. Morse, W. E. Ferber, W. J. Brown and F. E. McGuffin, asking that receiver be appointed to take charge of all of the property of defendant company and wind up its affairs. It is alleged that the company has become insolvent and that plaintiff recovered judgment against it in the district court on Dec. 3, 1904, but that the judgment is as yet unsatisfied. It

is also asked that a restraining order be issued to prevent the other defendants from disposing of any of the property of defendant company which may be in their possession.

## COURT NOTES.

Judge Stewart today rendered a decree in favor of plaintiff in the case of Roy Jones against David Kosh, quieting plaintiff's title to lot 1, block 3, Park Place addition.

C. B. Dugger appeared before Judge Lewis in the criminal division of the district court today and entered a plea of not guilty to the charge of criminal assault, alleged to have been made upon a 13-year-old girl.

The bond of William Brown, who is charged with kidnaping a Rio Grande car at Crescent on Oct. 11, was declared forfeited today by Judge Lewis on account of the defendant not appearing for arraignment according to an order of the court.

The will of Mary A. R. Carrington, deceased, was filed for probate in the district court today, together with the petition of Henry R. Carrington and Mary C. Hosick, asking that W. T. Ginter be appointed executor. The estate consists of real and personal property valued at about \$5,000. There are three heirs to the estate. The petition will be heard by Judge Hall on Friday, Dec. 16.

In the case of H. Christensen against David Reid, Judge Lewis today rendered judgment in favor of defendant. The action was brought in the justice's court to recover some personal property which it was alleged had been unlawfully taken from plaintiff. Judgment was rendered in favor of plaintiff in the lower court, and an appeal was taken to the district court with the result that judgment was rendered for defendant.

In the case of the state of Utah against John Doe Sparks and Frank Edgington, charged with burglary and petit larceny, the defendants were arraigned before Judge Lewis today, and Sparks entered pleas of not guilty to both charges. Edgington pleaded guilty to the charge of petit larceny and was sentenced on Dec. 17. The defendants injured the chicken coop of J. A. Williams at 1177 Third street on the night of Nov. 24 and stole chickens valued at \$13.

The supreme court today handed down an opinion affirming the judgment of the lower court in the case of John T. White against the Century Gold Mining & Milling company, appellant. The action was brought by plaintiff for the development of its mine and was to be repaid out of the first profits of the mine. Several dividends were paid but plaintiff's claim was not paid, hence suit was commenced to recover the same and \$100,000 was rendered in favor of plaintiff for \$12,010.12. The opinion affirming judgment was written by Chief Justice Baskin and concurred in by Justices Baskin and McCarthy.

**A WIRELESS MESSAGE**  
Received in Salt Lake. See page 7.

**TEMPLE NOTICE.**  
Logan Temple will close on Friday, Dec. 23, 1904, and reopen on Tuesday, Jan. 3, 1905.

**M. W. MERRILL, President.**

**WIRELESS MESSAGE.**  
First One Received in Salt Lake. See page 7.

**Amusements.**

Business took an upward bound at the Theater last night, due no doubt to the New York reputation of the "Runaways" and the elaborate billing about town. The evening was one of hilarity. Nothing more laughable in the shape of a compressed tablet of comedy could be imagined than the work of Arthur Dunn, who, backed up by the assistance of Jimmie Powers, and Jefferson D'Angelo, in one, he was well seconded by a big company of specialty people, first among whom ought to be mentioned Miss Earle, who as the comic opera queen without a peer to sing, did some vigorous work in acting. The chorus, dancing, costuming and the light effects all deserve mention before some of the principals, who ought to go out and take a few vigorous lessons in cultivating the acquaintance of the key they are singing in, and this applies to nearly all from the prima donna down to the comedian. Everything went with a rush and bang, especially the work of the general, Mr. Harvey, a clever comedian, Mr. McComb, the bookmaker, and Miss Martin, the army nurse. Mr. Whitbread as the naval hero was 10 per cent voice and 90 per cent wood.

The entertainment goes again this afternoon and evening and it is one that well repays sitting through.

**FIRST WIRELESS MESSAGE**  
Ever Received Here. See page 7.

**BURGLARS ABROAD.**

Two unknown sneakthieves awoke the family of Voecke Holt, at 548 west Second North street, shortly after last midnight, by trying the outside doors, and endeavoring to effect an entrance. Mr. Holt managed to frighten the thieves away, after the family had experienced a great scare.

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## "Best of the Good Ones."



## Baking Powder.

Why not use the best? We are confident that there is no baking powder manufactured anywhere that is purer, better, healthier or that will yield more satisfactory results than the Three Crown Brand.

The reputation of our company is back of every ounce—every can is guaranteed.

Our money refunded if you are not pleased.

FOR SALE BY ALL QUALITY GROCERS.

**Hewlett Bros. Co.**

**DOUGLAS WHITE HERE.**  
Is Head of Literary Bureau of San Pedro Passenger Department.

Former Manager Douglas White of the Walker Grand Opera House in this city, is at the Kautsford from Los Angeles. Mr. White is at the head of the literary bureau of the passenger department of the San Pedro route, and doing some extensive work advertising the scenic attractions of the line. He will accompany the first trains through from Los Angeles to this city, and is seeing that his road keeps green and fresh in the minds of the public generally. Mr. White was in charge of the famous Utah advertising car that was sent out in 1887, and which did such good work spreading abroad the news about the natural resources of this state.

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**RECEIVED A BOOK CASE.**

County Supt. B. W. Ashton Handsomely Remembered by Former Pupils.

The County Teachers' institute, which Supt. B. W. Ashton called to order this morning, did not continue as a regular session, and instead turned itself into a surprise party, in which Supt. Ashton was called upon to receive a beautiful Globe-Vernick book case, with writing desk and chair attached. The different sections of the expanding case came from different portions of those with whom Mr. Ashton has been associated as a teacher and friend. The first section came from Dr. S. L. Richards, father of boys who were taught by Supt. Ashton, while he lived in Sugar ward. Another section came from Preston Richards, a former student of Mr. Ashton's, and now superintendent of the Taylorsville school. The case was presented by J. E. Moss, during a program on which several musical numbers and recitations were the features. A response was made by Supt. Ashton, in which he thanked the donors for the spirit in which they had remembered him, at the end of his term as superintendent of schools. A concluding speech was made by John W. Smith, county superintendent-elect.

**TO CURE A COLD IN ONE DAY.**  
Take Laxative Bromo Quinine Tablets. All druggists sell them. If it fails to cure, E. W. Grove's signature is on each box, 25c.

**WIRELESS MESSAGE.**  
First One Received in Salt Lake. See page 7.

**ANNA BARTON HELD.**

Thirteen-Year-Old Girl Must Answer To the Third District Court.  
Anna H. Barton, a 13-year-old girl, was arraigned before Judge Diehl today on the charge of petit larceny. The court ordered her held to the district court to show cause why she should not be sent to the State Industrial school. It is alleged that she has caused her parents a great deal of trouble and that she is beyond their control.

**A WIRELESS MESSAGE**  
Received in Salt Lake. See page 7.

**TWO MORE SUBPOENAS.**

Hon. John Henry Smith and Chas. W. Penrose Served Today.

Two subpoenas were served this morning upon members of the council of the Twelve Apostles, who are wanted as witnesses in the Smoot case, which is to be resumed on Monday at Washington.

**WIRELESS MESSAGE.**  
First One Received in Salt Lake. See page 7.

**SHOPLIFTERS BUSY.**

Three Women Wearing Long Cloaks Added to Their Libraries.

Three women wearing long cloaks went into a prominent bookstore this morning, and when they left, a number of books were missing. Dealers in Christmas nicknacks and small wares generally will have to watch very sharply in order to protect themselves from robbery.

## LATE LOCALS.

S. M. Shattuck of the B. & O. in Denver is in the city on a business trip.

Mr. Shoemaker of the Colorado & Southern is off on a business tour of the northwest.

Bandmaster John Held is slowly but steadily gaining strength, and hopes to be up shortly.

Division Supt. W. B. Henderson of the Salt Lake route returned this morning from a trip down the line.

General Supt. Welby and General Freight Agent Derran of the Rio Grande are off today on an official trip over the road.

The Rock Island offices in this city received today, a consignment of large and convenient wall calendars for the coming year, so arranged that "the who runs may read."

Ward conferences will be held tomorrow night in the Twenty-sixth, Thirtieth and Thirty-second wards of Pioneer stake. A member of the stake presidency will attend each meeting.

The One Hundred and Tenth quorum of Seventy will hold its regular monthly meeting Monday, Dec. 12, at 7:30 p. m. in the Sixth ward assembly hall. A good attendance is desired.

J. G. Doolittle returned this morning from a week's trip through southern Idaho, where he found the weather about as it is here, and the American Falls people busy completing their big irrigating plant.

The young people's societies of the evangelical churches in this city, will hold a union social next Thursday evening, in the First Congregational church. An interesting program is being prepared.

The subject of Dr. Talmage's lecture before the students of the University Sunday school at Harvard hall at 12:30 p. m. tomorrow will be "The God of Israel." Prof. Mills will take as his topic "The First Chief Judge."

Miss Babcock read "Monium Beauregard" before the students and teachers at St. Mary's academy Friday afternoon. The audience was very enthusiastic. She will give a Shakespearean reading in Mantel Saturday night.

State Supt. of Schools Nelson has written to President Benjamin Wheeler of the University of California, extending him an invitation to attend the meeting of the State Teachers' association, to be held here in January.

Joseph W. Kilik, one of the big freight officials of the Reading road, is at the Wilson with his wife, en route across the country, and expresses himself as delighted with the scenery of the country. He predicts great things for the Clark road.

Third quorum of Seventy will hold its regular meeting at 7:30 p. m., Monday, Dec. 12, in the Fourteenth ward assembly hall. Business of importance requires a full attendance. C. B. FELT, Secretary.

The Real Estate association, with quite a number of invited guests, including water experts, are luncheon this afternoon, at the Commercial club, and discussing the pros and cons on the new absorbing question of a water supply for this city.

There are four prominent candidates for the vacant secretaryship of the National Livestock association, viz., Olney Newell, Cecil H. Withington, and F. B. Johnson of Denver, and F. W. Plato of Kansas City. The last named is claimed to have the best show and is likely to be elected.

The Scandinavian meeting in the Assembly Hall tomorrow, Sunday, is postponed on account of the funeral of Sister Elmina S. Taylor. The next Scandinavian Sunday meeting will be held on Christmas day, Dec. 25, at 10 o'clock a. m. President Anthon H. Lund will be the speaker.

Supt. of Schools Christensen announces that a manual training room is now being equipped at the Franklin school, and that it has been secured across the street from the building, and will be thoroughly equipped for manual training purposes. The interest in manual training is such in that district that it is probable that a night class will be started as soon as the room is ready for use.

**HEALTH OF CITY.**  
Twenty-Eight Births and Twenty-One Deaths Occurred This Week.

The weekly report of the city board of health for the week ending Dec. 9, shows 28 births of which 17 were males and 11 females. The death report for the same period numbered 21, of which 12 were males and 9 were females.

During the week there were 3 cases of diphtheria, 7 cases of smallpox, 5 cases of typhoid fever, 1 case of chickenpox, and 1 case of measles.

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**POSTMASTER FOR DAIRY, IDAHO.**

(Special to the "News.")  
Washington, D. C., Dec. 10.—William H. Flora is appointed postmaster at Dairy, Owyhee county, Idaho, vice E. A. Drummond, resigned.

**SNOW FELL.**

Slight Fall of the Beautiful Occurred This Morning.

There was a slight fall of snow this morning, and again early this afternoon; but there was no prospect of its continuance, as the low barometric pressure had passed to the east and north, and with another high area approaching from the west. The temperature is dropping, and will be colder tonight and tomorrow.

**Bank Held Up.**

Peoria, Ill., Dec. 10.—Two men held up the Peoria National bank yesterday in the downtown district at 1:15 this afternoon and made their escape in a buggy. Posses are in pursuit.

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**Entombed Men Dead.**

Eldorado, Ill., Dec. 10.—Rescuers today reached the four men who were entombed yesterday in the Eldorado Coal & Coke company's mine, and found them dead. The bodies were brought to the surface. The dead: Weed Wilson, John Jones, Charles Carpenter, Sibourland.

**American, \$2.50 to \$4.00.**  
**Hotel Kenyon**  
Barryman, \$1.00 to \$3.00.

## THE STORY OF SALT LAKE'S BUILDING RECORD

In 1904  
Will be fully told in  
the  
Christmas News.

**NOT ENOUGH EVIDENCE TO CONVICT MRS. CHADWICK**

Elyria, O., Dec. 10.—The Lorain county special grand jury today finished its investigation into the alleged case of L. Chadwick forged note case in connection with the Oberlin Citizens' National bank and has reported that there was not sufficient evidence to convict Mrs. Chadwick.

The case of President Beckwith and daughter Spear of the defunct Oberlin bank will go over to the regular grand jury.

**NO EXTRAORDINARY SESSION OF CONGRESS.**

Washington, Dec. 10.—No extraordinary session of Congress will be held next spring for a revision of the tariff. That has been decided definitely. The question of an extraordinary session next fall is in abeyance.

President Roosevelt announced this decision to several of his callers today. The president said he had abandoned any idea of calling Congress in to extraordinary session in the spring, as it did not seem practicable to hold a session for tariff revision at that time. He indicated, however, that he might call a session for next fall, although no absolute determination of that point has yet been reached.

In view of this decision the president told Representative Cooper of Texas that he had decided to make a southern trip next spring.

**FATALLY BURNED.**

Four Children Left in House by Their Parents.

Kirwin, Kan., Dec. 10.—The country home of Charles Smith has been destroyed by fire and four children under 12 years of age fatally burned. The parents had gone to town, leaving the children alone. The little ones attempted to start a fire with coal oil, when an explosion followed. One lived to tell the story.

**DR. VERNON SENTENCED.**

Postoffice Site Briber Gets Three Years.

Hannibal, Mo., Dec. 10.—Dr. J. B. Vernon of St. Louis, who was yesterday convicted of bribery in connection with the selection of postoffice sites in Missouri cities, was today sentenced to the penitentiary for three years. United States District Judge Adams overruled a motion for a new trial. The case of Charles L. Blanton of the United States treasury department, indicted on a similar charge, was continued until next May.

**Pioneer Oil Steamer.**

San Francisco, Dec. 10.—The British steamer Dakotah just arrived here from Shanghai, was formerly engaged in running petroleum cargoes in bulk from Black sea ports to India and Chicago. She is said to be the pioneer steamer of a fleet of oil carrying steamers to ply between the coast and the Orient. Before leaving with her first cargo she will have an oil burning plant installed. Her carrying capacity is 5,000 tons.

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## A BISSELL'S SWEEPER FOR CHRISTMAS.

Is a most appropriate present for the housekeeper. Something useful and inexpensive.

**\$2.75.**

**H. DINWOODEY FURNITURE CO.**

**ASK FOR McDONALD'S WHIPPED CREAM CHOCOLATES**

THESE ARE THE HEIGHTS OF PERFECTION  
SOLD IN 1/4 & 1/2 LB. PKGS. EVERYWHERE

McDonald's Whipped Cream Chocolates

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