

Consequently the Case Against Desperate Convict is Being Again Tried.

### TALESMEN STOOD SIX TO TWO.

Clasbey and Raleigh Hung Firm in Favor of Acquittal-New Jury Secured.

After being out since yesterday afterneon before 5 p'clock, the jury in the cose of the state vs Henry Waddell, the state prison convict who was tried for assault with a deadly weapon with intent to commit murder, alleged to have been committed upon Guard Naylor at the time of the prison break, returned into court this morning and informed Judge Morse that a verdict had not been reached, and that there were no prospects of one being reached. Upon motion of Dist. Atty. Eichnor,

the pourt discharged the jury, Atty, Metraw for the defense agreeing thereto. A new jury was drawn at once and the case was tried over again. The first jury stood six for conviction and two for acquittal. The two had held out for acquittal and hung the jury for so long are J. T. Clasbey and A. E. Raleigh. No amount of argument could induce the men to change their verdict and consequently no verdict was reached.

was reached. The new jury sworn to try the case is composed of P. M. Lyman, Henry Wil-son, A. Hanauer, Jr., T. H. Smart, Jr., Ell L. Price, S. J. Dangerfield and E. D. Simper. The witnesses examined for the state are Deputy Warden Wright, Guards Naylor and Wilcken. The state then rested its case and the court took a recess until this after. court took a recess until this after-moon when the same prisoners who were brought into court yesterday afternoon will again testify in behalf of their fellow convict. They all stated yesterday that they were with Wad-dell when the shot was fired at Naylor, and that they did not see the defend-ant fire a shot for the reason that his gun would not work.

#### WANTS PROPERTY BACK.

#### Cecella Anderson, Aged Lady, Files Suit In the District Court.

Cecilia Anderson, an aged lady years of age, filed suit in the district court today against August Nelson to set aside a deed to a parcel of land in this county, containing 34 acres, ex-ecuted by plaintiff in favor of John J. Olson, the step-father of defendant, on Jan. 29, 1895, on the ground that the heirs of Olson have failed to cary out the agreement of sale in which Olson bound himself and heirs. It is alleged that the land was conveyed to Olson in

Constipation, Headache, Biliousness, Heartburn. Indigestion, Dizziness, Indicate that your liver is out of order. The best medicine to rouse the liver and cure all these ills, is found in

Russian offenders.

Nevertheless she made much of Kautu-cha Masiova and in its very despica-

bieness demonstrated her versatility anew. Alexander Von Mitzel, is a prom-

sing young actor of fine appearance

and proved a very good Prince Dimitri.

This was the part that won new laurels for the late Joseph Haworth, whom Sait

Lakers learned to admire in "Corian-

"Resurrection" goes for three more performances, tonight, and tomorrow

The sale of seats for the Mary Man-

nering engagement, beginning at the Salt Lake theater on Friday evening, will commence on Thursday morning.

Patrons who went to the Grand last

night with the object in view, of seeing a dynamite explosion and other lurid

happenings as per lithographs were

doomed to disappointment, for early in the first act it became apparent that "The Brand of Cain" was nothing

"The Brand of Cain" was nothing more or less than the sterling old English drama, "The Middleman," and

well presented at that. The company is the same which made such a favora-

Night in June," and is working its way east from the coast. With the excep-

tion of one or two momentary lapses of memory on the part of W. J. Hoimes.

who otherwise acceptably portrayed the

CLASS VALEDICTORIES.

University of Utah.

Utah, will represent their respective

impression here recently in "A

fternoon and night.

Hood's Pills

o, about five years ago. Mrs. Holmes w owns three controlling corners on forth State street and all in the paved district; the new and palatial Holmes hotel at Eagle Gate; the Emery flats at the corner of State and First streets, and the corner just purchased of the Home Trust Co, at the corner of State and North Temple, near the new La-fayette school. The premises will be renovated, répaired and enlarged, new wide porches added and another handsome terrace added to the south. The ground covers 96 feet frontage on State by 86 feet on North Temple street.

TO CUREA COLD IN 1 DAY. Take Laxative Bromo Quinine Tablets. Druggists refund money if it fails to cure. E. W. Grove's signature on box. 'Sc.



#### One Third of an Iuch of Rain Fell in Short Time.

The rains descended and the floods role of Cyrus Blendarn, it was a very satisfactory presentation. Mr. Neweil, came last night, and today the name of the town is mud. One-third of an inch precipitation was registered at the local government station, but the fall was heavier in the eastern part of the city. There were several light showers this bly two exceptions, is up to the stand. morning, but the skies cleared at noon. and the sun came out warm and pleasant. Pocatello had a quarter of an inch of rain last night; so did Boise and Portland and Spokane had nearly half an inch. But unfortunately, the rain did not extend much below this city, for there was no fall at Modena, and there was none at Grand Junction. People ence is already assured. in this city from the southern part the state feel a little discouraged at this, as rain is very much needed down there. A high barometric pres-sure is pushing in from the northwest, but the local weather office looks for rain or snow tonight, with a moderately cold wave. The sun crosses the equator next Monday at noon, the occurrence being known as the Vernal equinox.

# MORE NEW STAKES.

#### Meetings Looking for Their Organization Called for Next Week.

The following notices issued by the First Presidency of the Church today, are self-explanatory:

classes as valedictorians at the com-All members of the Priesthood of the mencement exercises to be held at the Church of Jesus Christ of Latter-day Salt Lake Theater the first week in June. This was decided upon at a meeting of the faculty last night, when the committee appointed for this purpose recommended the students named. Saints residing in the Fourth, Fifth, Sixth, Seventh, Twenty-fifth, Twentysixth, Thirtleth, Thirty-second, Cannon, Brighton and Pleasant Green wards are requested to meet in the Assembly Hall in Salt Lake City, Monday, March The committee consisted of Profs. Mer-21, at 7:30 p. m., for the purpose of considering the organization of a stake comprising these wards. Also on the following Thursday, March 24, at the same place, at 7:30 p. m.; all members of said Church residing in the above mentioned wards will meet to complete the organization.

DESERET EVENING NEWS: TUESDAY, MARCH 15, 1904.

Three

Crown

QUALITY

HIGHEST

tured. They were then marched to the depot and loaded into two coaches. As the specal train departed the Citizens inmates doubtless give an accurate rep. resentation of the crueity inflicted upon But turning from the play to Miss Walsh and her support, which is cap-Alliance fired volleys of shots in the air A. H. Floaten, a former alderman and able throughout, it is but the statement of a fact to say that "Resurrection" largely "plays" itself. In other words, while there is opportunity in it for some strong effects they come naturally in the unfolding of events and leave or

A. H. Floaten, a former alderman and proprietor of the largest store in Tel-luride, is one of the victims. The mob battered down the door of his house and as he resisted he was struck over the head and forced into submission. Mr. Floaten is a leader of the Socialist party. provide no chance for an audience to see the ever-popular Blanche in one of party. Another of those evicted is Stewart B. Forbes, secretary-treasurer of the Telluride Miners' union. those flery and tempestuous climaxes which have placed her conspicuously among the leading actresses of the day

# BUSINESS NOTES.

Today's local bank clearings amount-ed to \$529,549.86, as against \$606,177.95 for the same day last year.

The Deseret Savings bank directory declared a 3 per cent dividend this morning, payable immediately, and which will disburse \$3,000.

Two new corporations filed copies of their articles of incorporation in the secretary of state's office today. The Bamtrough Irrigation company of South Weber, Davis county, capital stock \$10,000, divided into \$0 shares of the par value of \$125 each. C. H. Poll-is provident: B. B. Bauman vice prosiis president: B. F. Bowman, vice president; J. H. Cook, secretary and treasur-

The Mt. Pleasant Liquor company of Provo, capitalized at \$1,000, divided in-to shares of the par value of \$1 each. Victor Dallin is president; D. H. Loveless, vice president; Roy Jaques, secre-tary and treasurer.

# DALY-WEST STILL WEAK. But no Sales Were Made This Afternoon

-La Reine Active.

While Daly-West continued in a as the old potter, made an excellent im. weak condition during the late calls on pression and received three curtain calls. While Mr. Newell is not E. S. the Mining Exchange this afternoon it Willard, he is a capable actor. The balance of the cast, with possidisplayed a slight tendency to improve towards the close; the last bid made ard, and the company is one of the best that has appeared at the Grand this for it was \$30.60, while the closing offer was marked up at \$31.50. The company season. It deserved a better house than that which greeted the initial performwas never in a better condition than it is now. With today's dividend out of this afternoon and the engagement closes this evening, when a good audithe way it was learned authoritatively that the treasury still contains about \$300,000. The sharp declines of the past Mrs. Fiske, who opens at the Grand day or two are unwarranted, when it s considered that in the mine there are tomorrow night, has arrived and is at the Knutsford. She gives but two perore reserves which assure a continua-tion of the present dividends, at the formances, Wednesday and Thursday nights. "Mary of Magdala" is the play in each case. The house is almost enpresent price of metals for a good many years to come. The rec-ord made last year was a most gratifying one and presented a show-ing anything but discouraging. There tirely sold out and the rush for seats continues unabated. ing anything but discouraging. There is no good reason for the drop except forced selling, which naturally, would tend to frighten. That local holders are not, is evidenced by the fact that no stock was sold at today's prices. Lower Mammoth was recorded the first transfer this afternoon, followed by a small block of Butler-Liberal. The sales were: Lower Mammoth-100 at 38; 100 at 37; 200 at 374; 100 at 374. Miss Goff and Mr. Worlton Appointed by Miss Nellie Goff and Mr. Fred D. Worlton, students at the University of

Lower Mammoth-100 at 38; 100 at 37 00 at 37<sup>1</sup>/<sub>3</sub>; 100 at 37<sup>1</sup>/<sub>3</sub>. Butler-Liberal-50 at 10<sup>1</sup>/<sub>3</sub>. La Reine-6,500 at 5; 1,000 at 5<sup>1</sup>/<sub>2</sub>. Little Chief-1.000 at 3<sup>3</sup>/<sub>3</sub>; 1,000 at 3<sup>3</sup>/<sub>4</sub>. Martha Washington-2,000 at 4<sup>3</sup>/<sub>4</sub>. New York Bonanza-1,000 at 9<sup>4</sup>/<sub>2</sub>. Wabash-100 at 3<sup>4</sup>/<sub>4</sub>; 1,000 at 4<sup>3</sup>/<sub>2</sub>. Yankee Consolidated-100 at 51<sup>3</sup>/<sub>4</sub>.

brokers, were:

Atchison Pfd Baltimore &

hicago

Baltimore & Ohio Canadian Pacific

Erie Illinois Central Louisville & Nashville Manhattan L Metropolitan St. Ry.

Mexican Central .... Missouri Pacifie .... New York Central .

ennsylvania

National Lead

Standard Oil

Northern Securities Pacific Mail

People's Gas ..... Pressed Steel Car ... Pullman Palace Car

Sugar Tennessee Coal & Iron United States Steel United States Steel Pfd Western Union

Alton

Chicago & Alton Pfd Chicago & Northwestern Chicago & Northwestern Pfd Colorado Southern Denver & Rio Grande Denver & Rio Grande Pfd Erie

MISCELLANEOUS.

Amalgamated ..... 45%

United States ..... 211/2

NEW YORK CLOSING STOCKS

Utah ...... 34

Con. Mercur .....

Daly-West .....



# Spices Is another way to say PERFECTLY PUPE SPICES. Avoid imitations by insisting that this trade mark A WINDOW FULL

See our west show window. We offer an easy road to comfort. Notice the new

OF COMFORT

INE

A NUT

CHEWING

CANDY

VIBRATING COUCHES

H. Dinwoodey Funiture Co.

consideration of the payment of \$1,000 and upon the further consideration in writing that he and his heirs would support plaintiff in a reasonable manduring the remainder of her life. Olson died in 1896 and the property was distributed by the court to his wife, and she later transferred the property to her son, the defendant in this case without any valuable consideration. Since the death of Oison, his wife and the defendant have failed to properly provide for plaintiff according to terms of the agreement, and she has been dependent upon the charity of her friends. The defendant has offered to pay her \$5 per month for her support. provided that she will release all claim to the property. This amount she avers is not sufficient for her support for the reason that she is sick a good deal of the time and needs medical attention. She therefore asks that the deed of conveyance to the proprty be declared null and void, and that the title to the same be quieted in Ver. She also asks that defendant be restrained from dis-posing of or incumbering the property pending the determination of this suit.

#### ANOTHER WIFEBEATER.

#### Mrs. Emma Welham Accuses Her Husband of Gross Cruelty.

Suit for divorce has been filed in the court by Emma Welham Edward Welham on the district Emma Welham against grounds of cruelty and failure to They were married in this city on Nov. 8, 1897, and have two children the custody of which plaintiff seeks, It is alleged by Mrs. Welham that on sev eral occasions her husband has struck her with his clenched fist and serevely bruised her.

#### MRS. SMITH FREED.

#### Court Grants Her Petition for Separate

Maintenance-Husband's Testimony. At the conclusion of the testimony in the separate maintenance case of Josle Long Smith against Charles Smith, yesterday afternoon, Judge Hall order, ed defendant to pay his wife one-half of his earnings for her separate sup-port, the money to be paid either to the clerk of the court or to her attorneys, Stewart & Stewart on the first of each Stewart & Stewart, on the first of each ness stand most of the aftrnoon in his dwn behalf and stated that for the past 15 months he had earned an average of \$54 per month, of which amount he had paid \$32.50 per month on his wife's doctor bills, \$10 per month rent and had lived on the balance of it. He denied that he is worth \$20,000, and stated emphatically that he does not own a dol-lar's worth of property. After his tes, timony was concluded the court made the order as stated above requiring defendant to pay his wife alimony.

#### BRUBACK ESTATE.

#### Whil Admitted to Probate Shows Property Valued at \$60,000.

will of Theodore Bruback, de ceased, has been admitted to probate by Judge Hall and Josiah Bar. nett and J. J. Daly were appointed ex-scutors of the estate under bonds in the sum of \$110,000. Mrs. Bruback was appointed guardian of the two minor children of decensed. The estate consists of personal property valued at \$60,000 and real property the income from which amounts to \$4,500 annually.

#### REAL ESTATE DEAL.

#### Mrs. Emery Holmes Purchased Another Corner on State Street Today.

The most important real estate transaction of the year in the residence distriction of the year in the residence distriction of the year in the residence distribution sold to Atra.
by the Home Trust & Savings company. This institution sold to Atra.
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All members of the Priesthood of the Church of Jesus Christ of Latter-day Saints, residing in the Fourteenth Fifteenth, Sixteenth. Seventeenth. Nineteenth, Twenty-second, Twentythird. Twenty-eighth, Twenty-ninth and Center wards, are requestde to meet in the Assembly Hall in Sait Lake City, Tuesday, March 22, 1904, at 7:30 p. m., for the purpose of considering the organization of a stake, comprising hese wards. Also on the following Friday, March

25, at the same place, at 7:30 p. m., all members of said Church will meet to complete the organization

JOS. F. SMITH, JOHN R. WINDER, ANTHON H. LUND,



At last the desire of many Salt Lake Theator-goers has been gratified. They have seen Tolstoy's "Resurrection," one of the big dramatic sensations of recent years. They will now think about it. And as they think they will wonder if the awful picture they have gazed upon is not too dismal, too degrading for general exhibition; whether it is not sufficient to know that the evils portrayed, exist; that men and women fall, in real life just as they do in the wholly fictitious; that they sink quite as low in the under stratum of social misfortune as do the characers of this remarkable tale of Russian fe. To display all this before a mixed sudience, particularly before young men and women may be the preaching of an eloquent sermon; a warning to the wayward, but need it be flaunted n such vivid and shocking fashion? As the post says:

Vice is a monster of so frightful mien As to be hated needs but to be seen; Yet seen too oft, familiar with its face We first endure, then pity, then embrace

If "Resurrection" does not teach this Story then it teaches nothing at all You learn the leason while you shudder and you shudder while you learn the lesson. It is a theme that was conceived in gloom, born in misery and depicted in gloom, born in misery and depicted in sin and suffering. Not since the portrayal of Ibsen's "Ghosts" in this city a couple of months ago has a Salt Lake audience feit as "clammy" as the one which saw "Resurrection" ast night. And speaking of Ibsen, one is impelled in this connection to com-pare his productions with those of Tol. stoy. In so doing the conclusion forces itself upon you that in the matter of depth of thought, literary ability and dramatic finesse, the great Norwegian laywright is clearly the superior of his illustrious Russian contemporary, While we have gasped at the merciless manner in which the latter lays bare manner in which the latter lays bare the evils of modern society he neverthe-less cuts out the cancer with greater skill and less offensiveness than does Tolstoy. His language, too, is cleaner, stronger, brighter. Of course, Tolstoy's story has its moral, but his characters fairly grovel in the mire of human de-pressive before the mire of human depravity before they "reach the end," as the prince says. When the end final, comes the awful nightmare of it all envelops you in an atmosphere from which you fain would escape. But it

ill, Stewart and Marshall and the reort was ratified by the entire faculty. Miss Goff is a resident of Salt Lake and will graduate from the arts course with the degree A. B. this year. She will represent the college graduates, while Mr. Worlton will represent the normal class. The latter is a resident of Lehi and an exceptionally good speaker. He won the M. I. oratorical contest of the Alpine stake two suc-

cessive years. The interest on the normal scholar-ship presented by Hon. Heber J. Grant, and which will amount to about \$20 this year, will be awarded to some worthy student to be arread student to be agreed upon by Profs. Talmage and Toronto, while the inter-est on the alumni scholarship, which will amount to between \$30 and \$35, will be given to a normal student to be de-

cided upon by Profs. Stewart Toronto and Rawlins. Prof. Bennion, principal McKnight and Miss May were appointed a com-mittee on the reception to be tendered

the graduates during commencement Atty. Frank Pierce, who is also one of the board of regents, began his series of lectures on mining laws this afterof lectures on mining laws this atter-noon. There will be about six lectures in the series and they will be given before the senior and junior engineers. The first examination for entrance to he oratorical contest will take place the first or second Friday in May. Ap-plications should be handed to either of the members of the committee, which consists of Messrs. Reese, Jensen and Parke.



Denver, March 15 .-- A special to the News from Telluride, Colo., says:

One hundred members of the Citizens' Alliance after a meeting last night, armed with Winchesters and revolvers, scoured the town and took into custody between 70 and 80 union men and sympathizers. In some instances doors to lwelling houses were forced and broken open. The men were herded in a vacant store room until 2 o'clock this morning when all those desired had been cap-

#### CANNON & CANNON, Agents, EUGENE M. CANNON, Attorney. 24 E. South Temple St.

Annual statement, for the Year ending December 31, 1993, of the condition of the HANOVER FIRE INSURANCE CO.

1,000,000.00 4,023,942,75

3,393,715.26 3,057,735,57 2,469.387.02

The amount of its capital stock is The amount of its capital stock paid up is The amount of its assets is The amount of its liabilities (including capital) is The amount of its income dur-ing the preceding calendar year The amount of its expendi-tures during the preceding caindar year The amount of losses paid during the preceding calen-dar year The amount of risks written during the year The amount of risks in force at the end of the year The action of the year 1,286.814.72 435,670,859.60 ..... 405.070.974.94

at the end of the year ..... 425,070,974.94 State of Utah, Office of the Secretary of State, ss. I. James T. Hammond. Secretary of State of the State of Utah, do hereby certify that the above named Insurance company has filed in my office a detailed statement of its condition, from which the foregoing statement has been pre-pared, and that the sold company has in all other respects compiled with the laws of the State relating to insurance. In testimony whereof. I have hereunto set my hand and affixed the great seal of the State of Utah this 29th day of Feb-ruary, A. D. 1904.

**BOSTON MARKET.** 

Bid. Asked.

3014

Tuesday, March 5. 1904.

45%

31

3414





RIBBONS

TOWELS

WAISTS

4c

I Oc

880

One-and-half-inch Fancy Silk Rib-

bons, Lace House price 15c, Wed-

nesday 9 to 10, per yard .....

An All-Linen Towel 20-36 inches.

Lace House price 20c, good value at 25c, Wednesday 9 to 10 a. m., 4 to a customer, only (each) .....

New Spring Stock, never shown, in White Madras, Pique and Vesting Wash Waists, intended to be sold at

# Lace House Bakrupt Stock

# One Hour **A SALE WITHIN A SALE**

In order to get you started in your shopping early during this Sale, and thus distribute the crowd more evenly through the day, we shall make exceptional early shopping bargains

One Hour Only, AT 9 O'CLOCK Wednesday Morning,

28c

'9c

### HOSE Ladies' High Grade Cotton Hose, white split feet, never sold for less than foc a pair, from 9 to 10 a. m...

GLOVES

Ladies' English Street Gloves in Tans and Reds, exceptionally good value at \$1.50 a pair, Wednesday from 9 to 10 a.m. ......

# MUSIC

All the latest Music, instrumental and vocal, selling at 50c and 60c, for one hour Wednesday, 9 to 10 a. m..

CORSETS The famous W. B. Corsets, \$3.50

value, all new styles, Wednesday, 9 



We do not intend to allow you to lose interest in this sale. As we find goods that are not moving out fast enough, we shall continue to cut prices until they do go. If the price was not low enough syesterday-come today-it may be to your interest. After closing hours each evening we shall systematically go through every stock and cut prices when they fail to sell.

# Lace House Bankrupt Stock.

Annual statement, for the Year ending December 31, 1903 of the condition of the Aachen & Munich Fire Insurance Co.

c name and location of the company, Auchen & Munich Fire Insurance Company, Aix La Chapelle, Ger-many. many.

Name of U. S. Manager, J. A. Kelsey, 46 Cedar St., New York, N. Y. The amount of its statutory denosit is 210,000.00 219,000.00 1,092,747.96

691,360.85

932.288.37 820,458.19

ing the preceding calendar year. The amount of its expendi-tures during the preceding calendar year. The amount of losses paid during the preceding calen-dar year. The amount of risks written 467,582.58

Reading Rock Island Rock Island Pfd Rock Isl Rock Isl St. Paul St. Paul Southern Pacific Southern Railway Union Pacific Union Pacific Pfd MOB LAW REIGNS Wabash Wisconsin Central IN TELLURIDE. Amalgamated Copper American Car & Foundry American Lecomotive American Smelting & Refining Am. Smelting & Refining Pfd Brooklyn Rapid Transit Colorado Fuel & Iron International Paper National Lead

