

Saturday Night the Real Estate Column of the "News" are Closely Studied by Those Interested in Buying or Selling Real Estate.

10 PAGES—LAST EDITION.

WEDNESDAY, SEPTEMBER 30, 1903. SALT LAKE CITY, UTAH.

It is Homes That the Advertiser Wants to Get Into. The "News" is the Home Paper of the Community.

HISTORIAN'S OFFICE.
Church of Jesus Christ
of Latter-day Saints.

DESERET EVENING NEWS.

TRUTH AND LIBERTY

FIFTY-THIRD YEAR.

Sensational Disclosures in Big Coal Land Contest.

FRAUD CHARGED; TEMPERS AROUSED.

Wholesale Accusations of Illegal Land Grabbing Made Against Utah Fuel Company.

BOOKS ORDERED INTO COURT.

General Manager Williams Said It Was Impossible, but Auditor Must Appear With Records.

HOW THE SCHEME WAS WORKED.

Witnesses Testify Under Cross-Examination That They Were Paid \$50 Each for Illegal Entries.

For the past few days in the contest room of the United States land office in this city there has been some very interesting testimony on the subject of the acquisition of coal beds and the methods employed by the big coal companies in securing the necessary lands at the minimum of cost. Incidentally the reason of the delay in the building of the Salina cut-off by the Rio Grande has been accounted for, while the public generally has been treated to some incidents not usually associated with court procedure. Unwilling witnesses have become very wretched under persistent cross-examination until yesterday afternoon it began to look as though a free for all fight between counsel and witnesses would wind up the proceedings.

The proceedings, however, eventually terminated for the time being until Oct. 2, when Auditor John F. Evans, under subpoena, is to appear with the books and vouchers of the Utah Fuel company, which, witnesses agree, contain the names of the agents employed by the company and the amounts paid by the big Gould corporation for services in the alleged illegal transactions. H. G. Williams, general manager of the Utah Fuel company was subpoenaed yesterday afternoon and on the stand stated that he could not produce the books, as they did not belong to his department, and that, furthermore, he had no control over them.

ELEVEN CASES.

In all there are eleven cases in contest in the land office, involving 1,760 acres of coal lands in Salina canyon, along the direct route of the cut-off projected by the Rio Grande road. Just as soon as the railroad is extended another mile from its present terminus, the lands will be worth \$20 an acre under the United States land laws, instead of \$10 an acre, as is now the case. All government coal lands within 15 miles of a railroad are worth \$20 an acre. These lands are at present situated some 16 miles from the railroad. The contestants affirm that as soon as the Utah Fuel company gets legal title to the lands in question that the construction of the cut-off will be rushed to completion, and not before.

COAL COMPANY IN IT.

The contestants in the cases, through their attorneys, L. H. Gray of Salt Lake, and Frank W. Beane, an Idaho land lawyer, affirm that the parties in the suits all made filings for the Rio Grande Western, or the Utah Fuel company, which is part and parcel of the Gould railroad. Under the law governing the taking up of government lands this is illegal. No one can legally take up land if approached by another person or corporation and induced to take it up for them.

WHO ARE INCLUDED.

Six of the cases have been tried, one is still pending and there are five more to be heard. The cases are: Tillie B. Boulden vs. Frank W. Beane; Mary Swasey vs. Jesse T. Badger; Tillie B. Boulden vs. Richard Campbell; Elizabeth Seely vs. James A. Brown; Christian Grace Larsen vs. W. H. Cowan; Celia Swasey vs. A. M. Brandt; E. J. Dair vs. O. L. Davis; E. G. O'Donnell vs. John Nelson; L. P. Kimball vs. James B. Caldwell; F. W. Murphy vs. Sadie E. Ford, and another case in which the party defendant has been told to either resign from his position with a certain corporation in Salt Lake. It is stated that he has elected to hold on to his job and let the coal lands go.

HOW FILINGS WERE MADE.

The contestants in the above cases affirm that the lands have been acquired illegally and were filed upon for the purpose of turning over the property to the coal company. In substantiation of this it is asserted that Boulden, Swasey, Larsen and Seely and all reside at Castlegate in Emery county and are connected either directly or remotely with the Gould corporation, while James B. Caldwell is chief claim clerk of the Denver & Rio Grande and John Nelson also occupies a clerical position with the same company in Salt Lake. The others, they affirm, were induced to file on the lands by the company who paid all expenses of fees, drawing up of papers, etc., and then handed over a remuneration in cash for services.

INTERESTING TESTIMONY.

Acting upon this theory and

ing solely upon cross-examination for witnesses there has been some very interesting testimony forthcoming, with some still more interesting yet to be produced.

As previously stated L. H. Gray and Frank W. Beane are the attorneys for the contestants. For the other side are Maj. Bird of the Utah Fuel company and Atty. M. P. Braffett as counsel.

ALL EXPENSES PAID.

Robertson yesterday and Monday testified that it was the custom of the officers of the Pleasant Valley Coal company in the past to induce individuals to take up coal lands quietly in their name and for a mere consideration transfer them to the coal company, every cent of the incidental filing, legal and other expense being borne from the fuel company.

GEOLOGIST IS IN IT.

Mr. Forrester rather reluctantly admitted under cross-examination that he had paid all the expenses of certain parties who had filed upon coal lands. Filing fees, acreage and everything he had paid. He stated that Mr. Orange Seely of Castle Dale brought men to him, and if Seely said they were his right he fixed things up. He testified that he did this in the usual way of business and although he advanced money upon Seely's say so he expected that the parties would ultimately pay him back. He affirmed that he did this on his own personal undertaking and would not admit that he was doing it for the coal company.

Other testimony was brought by R. G. Sleator of the Century Printing company; W. O. McClain, engineer in the McCormick block; Rose Toronto, a singer; Frank Rummel of McCormick's bank; Louis E. Kahn of the Rush Produce company; Fred Wach of Murray; H. T. Vincent, Mary Ann Vincent, his wife, and Phyllis Vincent, his daughter, and others to the effect that they were approached by certain parties and some of them taken down to the office of Maj. Bird, where they signed certain papers and filed on lands they had not seen, most of them received the sum of \$50 for their services. None of them paid a cent out for filing fees or incidental expenses and there the matter ended.

NEARLY CAME TO BLOWS.

It was during the examination of the witness W. A. Robertson yesterday afternoon that a very exciting scene happened that looked for a moment as though there would be a free-for-all fight in progress in the contest room in early progress.

Attorney M. P. Braffett handled the witness in a decidedly rough manner on cross-examination and made some remarks as to his moral record or lack of it, and incidentally wound up by asking whether or not it was the truth that witness was addicted to drink. Robertson at first was inclined to get up and argue the question physically but finally reverted to the effect that he had noticed Maj. Bird and Braffett frequent Hogle's saloon quite as often as the rest of the patrons. At this the outraged major jumped to his feet and threw back his coat. Some of the people in the contest room thought he was reaching for a gun and while everybody talked at once there was some shuffling of chairs. The incident closed, however, with an even score for both sides.

WILLIAMS DECLINES.

Following the testimony of Robertson, to the effect that there was a record kept by the Utah Fuel company of all transactions covering the acquisition of lands and that there were books and vouchers showing just who were employed for this branch of the business, the amount of their remuneration and other matters connected with the work, H. G. Williams, general manager of the Utah Fuel company, was subpoenaed to appear. Upon his coming in response and being ordered to produce the books he affirmed that such a thing was impossible for the reason that the books were not in his department and he had no control over them.

MUST PRODUCE BOOKS.

He was allowed to go after a few more questions were asked that were productive of non-committal answers and a subpoena was issued ordering John F. Evans, auditor for the company, to appear on Oct. 2 with the necessary records. Then the case went over to that date.

The case which is now being heard is that of E. J. Dair vs. O. L. Davies. The subsequent four cases in the order previously outlined are being brought, presumably by the Utah Fuel company in contest by way of retaliation on their part for the foregoing seven contests.

MAY BE WORTH MILLIONS.

While the value placed upon the land is only \$20 an acre it is contended that it is worth very much more and that in the aggregate it is probably worth or will be worth, with development, millions of dollars. The case is sure to be stubbornly fought, and will attract a great deal of interest as it proceeds. It is predicted that the hostilities thus far are but the beginning and some further sensations may be looked for.

Two Men Burned to Death.

Monticello, Ky., Sept. 30.—John Adams and Thomas Marsh were burned to death and Joseph Marsh fatally injured by an explosion of gas at an oil well here today.

UTAH'S BIG FAIR OPENS TOMORROW.

All Indications Point to a Superior Display and Record-Breaking Attendance.

A LARGE AND MAZY MIDWAY.

Business Houses Will Close at One O'clock for Derby Day and Employes Will Throng the Grounds.

WEATHER FORECAST.

The weather forecast for tomorrow, as made by L. Ludholz, temporarily in charge of the U. S. weather bureau, is—"While there will be local showers and cooler weather tonight it will be cloudy tomorrow, BUT THERE WILL BE NO RAIN."

It is now up to the weather.

It is the sentiment on the fair grounds today that providing the climate clerk behaves himself tomorrow and turns on the sunshine, the opening of the week's festivities at the Agricultural park will be marked by a record crowd. In order that everything shall go without a hitch, tomorrow from the time the gates are thrown open to the general public, President Empey and his aids were out bright and early this morning hustling up recruits to put finishing touches on things generally.

Last night Secretary Bateman moved his office force down to the grounds from the uptown office and they, too, were busy checking up exhibits, answering questions and generally giving correct imitations of the strenuous life.

BEST TO DATE.

A visit to the grounds this morning proved conclusively that the fair which opens tomorrow will be the best to date. Since last year the society has added a number of improvements of a lasting character, which will be appreciated. A large and commodious structure has been erected adjacent to the exposition hall, and this is devoted entirely to the display of fruit, which at this early hour already promises to be a heavy one. Covered structures have also been erected for the valuable sheep, and the poultry display also is located in warm sheds, while even the hogs are this year provided with quarters where they can get under cover in case of a storm or cold snap.

This morning it was as much as a man's life was worth to walk across the main pavilion, for decorators were dropping tack hammers in all directions, while rolls of bunting would reach out of space and envelope one's throat like a huge hand. Here and there, for working on the stalls of the Utah Sugar company, Z. C. M. L. Hewlett Bros., J. P. Paulson, Deseret News Book store, John Dack & Son and other exhibitors. Even early in the morning it could be seen that the exhibitors were out after the premiums in earnest. Tom Gill, who has captured several for Hewlett Bros. in the past, was doing a great deal of work on a pedestal up near the ceiling and at risk of life and limb was tacking up an emblem in gilt and color calculated to attract attention. Everybody was busy. Outside there was a solid phalanx of wagons and every driver was asking questions galore to the distraction of the attendants.

PLENTY OF AMUSEMENTS.

From a glance over the grounds it is evident that the fair this year will be long on amusements. A small mint has been sunk in the new grandstand and bleachers that have been erected west of the old grandstand. Both stands are elevated so that patrons in the paddock can go under-nath; the accommodations for the pool buyers are also an improvement upon anything heretofore in vogue in this state.

THE GAY MIDWAY.

But it is in the Midway where the fair will make a hit with those who do not desire to look at big pumpkins, choice fruit, stalled stock and freak products the live long day. The Midway is in verity a street, neatly graveled, with sidewalks and all. It extends from the entrance half way across the grounds in a northerly direction, terminating at the north end in a big oriental archway of the approved pattern. The entire street, flanked on both sides by substantial tents and booths, is provided with electric light to spare, and it is easy to picture the barkers and the crowds that will live it up for the next week.

THE ATTRACTIONS.

Just inside the archway is situated the office for the amusement managers and the representatives of the press, across the street being taken up by the famous "Barrel of Love." The attractions are both varied and numerous, and embrace in addition to several free shows, the Cicle Whirl, Chinese theater, Oriental dancers, Electric theater, Old Plantation, the famous Elsie's illusion, "Escape from Sing Sing," Poses Plastique, Dirty Maude, the Mud Eater, Prof. Kriss, palmist, Stadium, and variety entertainment, Vaudeville theater, the Mechanical World, depicting a city in full action, a five legged calf and a five legged sheep, doll rack, merry-go-round, Petrol, and other attractions. In addition there are some free attractions which embrace Steiner Bros., the cowboy feature of the "Hindling Bros." show, the Irvine trio of acrobats, a strong man who balances plover and other trinkets on his chin; a slide for life by a woman and some tumblers. As each booth displays huge canvases depicting the features in true show style and one and all are provided with barkers and nerve racking sound producers, the Midway promises to be one of the centers of attraction.

TIME OF OPENING.

Official opening of the State fair by President Empey called for 9 o'clock. Free open-air attractions, 1:30 p. m. Horse Races, 2:30 p. m.

MAN WAS STARVING.

Dan Green Might Have Died but for the Efforts of Salvation Army Workers.

A most deplorable case of destitution and neglect was discovered last evening by Salvation Army workers when they found a man named Dan Green lying on a filthy mattress in a dingy foul-smelling room in a negro rooming-house on the corner of State and Second South street, and but for the efforts of two Army women, and Dr. J. S. Withcher, the man would probably have died from starvation and disease. The Army women called Dr. Withcher's attention to the case about 5 o'clock last evening. They informed him that they had appealed to the police and other officials, but could not elicit their aid in the man's behalf. It was charged that both the city and county physicians were appealed to but neither would render any assistance, each claiming it was the other's case. It is said by an officer that City Physician Stewart said he could do nothing unless the man was a city prisoner or was suffering from a contagious disease.

QUIET REIGNS AT THE CANADIAN SOO.

Street Car Service Resumed Without Any Demonstration by Discharged Employees.

SEVERAL ARRESTS WERE MADE.

One Man Charged With Having Perpetrated a Riot, Others With Intimidation.

SAULT STE MARIE, MICH., SEPT. 30.—

Street car service in the Canadian Soo, which has been suspended during the disturbed conditions here incident to the closing of the Consolidated Lake Superior company industries, was resumed today without demonstration on the part of the discharged employees. Col. Buchanan, who arrived last night in charge of the detachment of troops from Toronto, today relieved Col. Elliott, of the local military and assumed command. A large crowd of unemployed laborers of the company stood about the scene of the riot at the company's offices but were orderly. One man, charged with having precipitated the riot, was arrested this morning. Additional troops from Toronto, numbering about 500, were ordered to the Soo after a train left over the Algoma Central railroad for Wildes Station to bring back the woodsmen who were left there Monday when the rioting broke out about the company's works. The train is in charge of 25 soldiers.

Later Alexander Brunton, who says he has been in the employ of the Consolidated Lake Superior company for three years, was arrested charged with intimidating and inciting to riot. With Charles Martin, who was arrested near the office of the company this morning, he was brought before Magistrate Quibell and remanded for trial on Oct. 5, when the cases of the other nine men who have been under arrest charged with offenses of a similar nature, will be heard.

Brunton is accused by the police of going to the International hotel, owned by the company, and ordering the manager to remove the women in front of a plan to burn the hostelry was carried out.

A LIVELY CHASE.

Deputy Sheriff Cowan Has a Merry Time Catching a Thief.

Deputy Sheriff Cowan had a lively chase after a thief yesterday morning on west Second South street. Cowan was passing the store of L. Levitt at 561 west Second South about 11:20 o'clock when he saw a man coming out of the store with four pairs of trousers under his coat. He started after the man, would chase suddenly and he would become affectionate and companionable. His friends had long been anxious about his mental condition.

His wife is a most interesting lady of unusual culture and refinement, and a devout religious nature. Her many friends in this state will sincerely sympathize with her.

JACKSON WENT GUNNING.

Paradise Man Takes Two Shots at a Band of Petty Thieves.

(Special to the "News.") Logan, Sept. 30.—The band of thieves who have been operating in a small way in this country, naturally, a few days, are now maneuvering near Paradise. They do not steal anything of great value but confine their depredations largely to stealing something to eat. They are now on the articles in the way of cream, vegetables, etc., from Frank Jackson of Paradise Tuesday night. As soon as he discovered his loss he borrowed a gun from a neighbor and went in search of the marauders. He came upon a small party of them and fired two shots in their direction but did not succeed in making a capture. They are believed to be nine in the party somewhere in the hills near Paradise and Sheriff Rigby has issued instructions to all the constables in the country to arrest and hold every stranger who cannot give a satisfactory account of himself.

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Liberty Park Tough Fined \$30 For Assisting a Prisoner to Escape.

Attorney Soren K. Christensen, in behalf of Linn Doolin, today appeared before Judge Morse and entered a plea of guilty for his client to the charge of assisting a prisoner to escape from a public officer. The court ordered the defendant to pay a fine of \$30, which amount was immediately paid by Doolin's attorney to the clerk of the court and the young man was ordered discharged.

Doolin was charged with assisting William Wilson in making his escape from Officer Leaker at Liberty Park on June 30. The officer attempted to arrest several of the boys who were with Doolin, whereupon they pounced upon him and were severely beating him when Leaker pulled his revolver and shot at them, with the intent to kill.

Doolin was tried before Judge Diehl on the above charge and found guilty. He appealed to the district court and today, through his attorney, entered a plea of guilty.

POSTMASTER AT KINGSTON.

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(Special to the "News.") Washington, D. C., Sept. 30.—Henry Sudweeks has been appointed postmaster at Kingston, Pitts county, Utah, vice W. O. Syrett, resigned.

Pensions granted, Utah—John Weller, \$5; Jesse S. Brown, \$12; Elmer J. Clark, \$10.

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The contract for carrying the mail from Alceve to Split Rock, Wyoming, has been awarded to M. W. Countryman, Split Rock.

VON BISMARCK IN A NEW LIGHT.

M. De Berwitz' Memoirs Show the Iron Chancellor as a Man Of Moderation.

WAS MERCIFUL TO AUSTRIA.

Against Strong Pressure He Refused To Despoil Her of Territory.

CASE OF FRANCE IN WAR OF 1870.

Tells of Wrath and Impotent Rage of Duc De Cazes When Told Derby Had Bought Suez Canal Shares.

LAST NIGHT'S RAINFALL.

At Bingham the Downpour Was the Heaviest for 16 Years.

Quite a heavy rain fell in the eastern parts of the city last night, while at Bingham the postmaster says the rainfall was the heaviest in 16 years. At the same time the precipitation recorded at the local weather station was but .02 of an inch. This shows what has been the effect of the unusual weather storms for the most part hug the hills, and circle around the central part of the city, where the weather station and instruments are located, so that the result registered there are often faulty where anything like a fair average is sought for. A suggestion has been made that a sub-station be established at Fort Douglas where the adjutant or some other capable officer can "keep cases" on the weather the same as at the Dooly block, and by striking an average between the two stations, a fair estimate of the prevailing meteorology can be ascertained.

THE MARKED PRECIPITATION OF 4.10

INCHES AT ABILENE, TEX. This would indicate that a large part of central Texas is under water.

VICTIM OF INSOMNIA.

Inability to Sleep Drove Dr. Willard To Self-Destruction.

Referring to the press dispatch announcing the supposed suicide of Dr. L. M. Willard, step-father of Hooper Young, whose trial and conviction on a charge of murder occurred in New York last winter, a gentleman who was acquainted with Dr. Willard states that for years he had been a victim of insomnia, and that his mind had been affected thereby. He was also fast losing his eyesight.

Dr. Willard came of a good family and was a very capable and successful physician. He was born in or near Philadelphia; at least, that city was his home in early life. Naturally he possessed a sunny, genial and kindly nature, but during the last year or two he at times acted strangely and was morose and unreasonable. His mood would change suddenly and he would become affectionate and companionable. His friends had long been anxious about his mental condition.

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NO MORE DIXIE WINE.

Hon. Thomas Judd Says Raisin Grapes Have Displaced Wine Grapes.

Hon. Thomas Judd, president of the state board of horticulture, arrived from St. George this morning to attend the state fair, and is at the Culbertson. Mr. Judd remarked that in accordance with the prevailing custom of the south country, wine grape growers are changing their vine vineyards into raisin grape vineyards. The reason for this is that the wine grape grower, where every man is his own wine grower, drunkenness was extending and the habit of drinking was becoming fastened on the people. So instead of the wine grape grower, who encouraged among the growers, with the result above stated, and now the famous Dixie wine is likely to become a thing of the past.

Mr. Judd spoke hopefully of the southern fruit outlook, and said the exhibit at the state fair would show plainly that progress was the word down in the southern part of the state. He reports Dr. Pike as holding his health in good shape.

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LANGUAGE AGITATION STIRS UNGARY TO THE VERY DEPTHS.

Buda Pest, Sept. 30.—After formally announcing his resignation of the premiership in the lower house of the Hungarian diet today, Count Hederwyasky asked the house to