

GOVERNMENT HAS NO JURISDICTION.

Will Not Prosecute Teamster Silas Smith, Who Shot Private Hassett.

COUNTY OFFICIALS TO ACT.

The Government Has Never Been Granted Judicial Control of Military Reservations in Utah.

Where does the jurisdiction of military reservations in Utah lie? There is a dispute on the question and because of it one murderer has been turned free without ever having been tried in a court of justice. Now Silas Smith, another murderer, is confined in the county jail under custody of the sheriff, while the United States court refuses to assume jurisdiction of the prisoner. What the state courts will do is not yet apparent, although the refusal of the government to take charge of the prisoner led to action on the part of the county attorney to gather up evidence and exhibit pending a suitable solution of the question of who shall prosecute.

In presenting the view of the government, Chief Deputy United States Marshal Smyth said yesterday: "We had a case here once like this, and a man was held in jail a long time awaiting trial. As soon as he appeared before Judge Marshall a decision was rendered that the court had no jurisdiction. We held him for a time, but the courts of the state to assume jurisdiction, but they failed to do so, and we released the man. He has never yet stood trial for his crime."

"The affair happened about six years ago. Out at Fort Duchesne a soldier killed another in the barracks kitchen with a potato masher. I went out and arrested the man. His name was Wallace and the case of the United States marshal to assume charge of the case. The case was brought to court at the time. Judge Marshall held that it was the duty of the Utah county courts, where the reservation is situated, to act in the case."

MILITARY LANDS OMITTED.

It appears that the jurisdiction of the two military reservations of Fort Duchesne and Fort Douglas was left without mention in the enabling act, and that since then it has never been established. The enabling act for Utah granted the state jurisdiction over everything save only the Utah Indian reservation. Later, when the new post-office site was chosen, a legislative enactment ceded jurisdiction of that property to the government, and had this murder occurred there the United States court could act. But the two military reservations have never been ceded to the government jurisdiction, and therefore the United States is making no effort to obtain custody of Silas Smith, who killed Private Albert Hassett and wounded Sgt. William Elsey at Fort Douglas Saturday night.

"The army officers, no doubt thinking jurisdiction here to be the same as in other states, consider that the United States court should act, and Sunday and yesterday requested the United States marshal to assume charge of the prisoner. This the marshal refused to do, for the reasons stated above."

COMPLAINT ISSUED.

A complaint has been issued by County Attorney Whitford against Silas Smith, charging him with murder in the first degree. One of the wounded men, Private Hassett, died as a result of the shooting, and Smith is consequently charged with murder. The complaint was sworn to by Deputy Sheriff Andrew Smith, and was filed in Judge Diehl's court late yesterday afternoon.

DR. TALBOT'S CASE.

Rev. Dr. Bodine Will be Chairman of Board of Inquiry.

Philadelphia, Dec. 27.—The Rev. Dr. Bodine, of this city, who will be chairman of the board of inquiry which will investigate the charges made in behalf of the Rev. Dr. Bodine, of this city, against Bishop Eliebert Talbot, of the Central diocese of Pennsylvania, said today that he was without any official information concerning the case. He said he is not aware of the grounds for the presentment against the bishop, excepting information he has gleaned from the newspapers.

"I have not received the papers in the case," said Dr. Bodine, "and am not certain that they will be forwarded to me. Should they be committed to my care, I do not know that I would have authority to make public anything concerning their contents. I will merely be the custodian of the papers until Jan. 30, when they shall be laid before the board of inquiry."

"It is the rule in such cases that the papers are sent to the eldest presbyter, who holds them as custodian until they are required. I understand that Dr. Dix is said to have sent the presentment to me—but I do not know that he has. Dr. Dix withdrew from the board because of the infirmities of age."

DR. BISHOP'S PETITION.

Colorado Supreme Court Hears Arguments.

Denver, Dec. 27.—After hearing argument today on the question of assuming jurisdiction in the application of attorneys for Dr. Michael Bishop, Denver candidate for the state senate, for a writ of mandamus to compel the state canvassing board to canvass the returns signed by a majority of the Las Animas county canvassing board, the supreme court took the matter under advisement. The time for completing the canvass expires tomorrow. The Democrats claim that it is the purpose of the state canvassing board to give certificates of election to Republican candidates in Las Animas and Boulder counties although Democrats were elected on the face of the returns.

Foreman Burned to Death.

Pittsburg, Dec. 27.—John Guy, foreman of bricklayers, was burned to death and five others seriously injured in an explosion today in furnace "J" of the Edgar Thomson plant of the Carnegie Steel company at Braddock.

CHADWICK RECEIVERSHIP.

Nothing Will Be Done in Case for Several Days.

Cleveland, Dec. 27.—Contrary to expectation, the inquiry in connection with the Chadwick receivership case was not resumed today. Receiver Lowery stated that nothing more would be done in the matter for several days. "We have definitely located the trunk and satchel that were taken from the



CLEANING

House is one of the duties that a weak woman looks forward to with dread. As a rule, she knows that she must pay for the over-strain with days or weeks of womanly suffering.

Doctor Pierce's Favorite Prescription makes weak women strong and sick women well.

\$500 REWARD FOR WOMEN

WHO CANNOT BE CURED.

Backed up by over a third of a century of remarkable and uniform cures, a record such as no other remedy for the diseases and weaknesses peculiar to women ever attained, the proprietors of Dr. Pierce's Favorite Prescription now feel fully warranted in offering to pay \$500 in legal money of the United States, for any cure of Leucorrhoea, Female Weakness, Discharge, Falling of Womb which they cannot cure. All they ask is a fair and reasonable trial of their means of cure.

"I took two bottles of your Favorite Prescription and am feeling well," writes Mrs. J. M. McKee, of Lowell, Mass., Cape Breton Co., Nova Scotia. "I had uterine trouble also pain in the back and discharge. After taking your medicine I was cured. You may publish this or not in any way you think best as I cannot speak too highly of Dr. Pierce and his medicine."

PER. Dr. Pierce's Common Sense Medical Adviser is sent free on receipt of stamps to pay expense of mailing only. Send at once one-cent stamps for the book in paper covers, or 10 stamps for the cloth-bound volume. Address Dr. R. V. Pierce, Buffalo, N. Y.

Holland House in New York," said Mr. Looser today, "and they will be brought here within a day or two. Aside from seeing unharmed, there is, I understand, little of value in either the trunk or the satchel." Continuing, Mr. Looser said:

"We had today intended to examine Henry Wuerst, the Dutch, O. jeweler, who holds about \$20,000 worth of Mrs. Chadwick's jewelry as security for a loan. Wuerst has made a full statement of just what he holds, however, and has expressed his willingness to surrender them whenever the loan is made good. The jewels will be appraised later, but the impression is that they are worth no more than the sum advanced by Wuerst to Mrs. Chadwick."

BESSIE BOUTON'S MOTHER.

Is Convinced Her Daughter is the Cutler Mountain Victim.

Syracuse, N. Y., Dec. 27.—Mrs. C. R. Kemter, mother of Mrs. Bessie Bouton, is thoroughly convinced that the victim of the Cutler mountain murder is her daughter. The last letter she received from the girl was written at the Albany hotel, Denver. She would not disclose the contents. She said the girl's name is Bessie, but she was known as Bessie. The woman's husband lives here. He is a mechanic of good reputation. The couple lived together only a short time and he has not seen her since the parting. For a time the young woman lived in New York.

MIDSHIPMAN'S FUN.

In Trying to Smuggle In Intoxicants Landed in Guardship.

Annapolis, Md., Dec. 27.—The naval academy authorities discovered that preparations for the drinking of a large amount of intoxicants during the holidays had been made by some of the midshipmen, the latter to be obtained through academy attendants. Watchmen were placed at the gates to inspect persons coming in and were successful in finding considerable quantities of liquor which were confiscated. A quantity of it was smuggled in, however, and several banquets were interrupted in different quarters. As a result the prison ship Santo is full of offending midshipmen and three have been recommended for dismissal.

RUSSIANS DEMAND AMMUNITION OF CHINESE.

Peking, Dec. 27.—The Russian officials here demanded of the Chinese foreign office yesterday the restitution of the 8,000,000 rounds of ammunition apparently destined for Fort Arthur seized by the Chinese authorities at Peking near here, four days ago. The Russians assert that the ammunition was intended only for the legation guard.

It is learned at the foreign office that the Chinese intend making a strong stand in view of the frequent attempts to smuggle arms and ammunition. The bales of wool containing the cartridges seized at Peking were consigned to a European agent at Peking who is now at Tien Tsin taking part in the investigation into the affair.

Aggie Garrison Took Poison.

St. Louis, Dec. 27.—Miss Aggie Garrison, of Detroit, aged 24 years, a former employee at the world's fair, died at the city hospital today from the effects of poison taken in a room at a hotel here. Her husband, Chittum, used 28 of Tremblay, Tenn., who was in the room at the time, is under arrest. Chittum admitted seeing the girl swallow the poison, but delayed calling a physician.

WITHOUT FOUNDATION.

Story that Holland Will Put Sabang at Russia's Disposal.

The Hague, Dec. 27.—The report that Holland will place Sabang, in the Straits Settlement, at the disposal of the Russian Second Pacific squadron, is devoid of foundation. It is learned in official quarters that Holland will observe the same strict neutrality in her colonies as at home.

"It is easy to give advice. How about yourself?"

TREE TEA SELECTED WISDOM The pure, good tea, sold in packages only. M. J. Brandenstein & Co. Importers, San Francisco.

GOVERNMENT IS AFTER PAPER TRUST

Suit Filed to Enjoin General Paper Company's Constituent Companies Doing Business Through It.

VIOLATES ACT OF CONGRESS.

Was Organized in Wisconsin in 1900—Attorney-General Moody Makes A Statement

St. Paul, Dec. 27.—Attorney-General Moody, for the United States, through Dist. Atty. Haupt and Frank B. Kellogg and James M. Beck, special assistant attorneys-general of the United States, today filed a petition in the United States district court in which he makes the General Paper company principal defendant and its numerous constituent companies part defendants in a suit to enjoin them and restrain them from doing business through the General Paper company as sales agent, in violation of the provisions of sections 1 and 2 of the act of Congress approved July 2, entitled an act to "Protect trade and commerce against unlawful restraints and monopolies."

The petition alleges that the defendants entered into an agreement to combine and control the sale of the product of the different companies through the General Paper company in that the General Paper company regulated the prices, sales and shipment and territory for the sale of the same, and after deducting operating expenses of the General Paper company, divided the surplus among the members of the corporations.

The petition recites that the General Paper company was organized under the laws of Wisconsin, May 29, 1900, with a capital stock of \$100,000, divided into 1,000 shares, which were distributed among and are now held by certain of the defendants named and that later the others were taken into the combine, naming them in the order in which they entered the trust, and goes on to state that the General Paper company became the exclusive selling agent for the defendants, with absolute power to control the output of the various mills, fix the price of all the paper sold and to whom and upon what terms and conditions the paper should be sold, and into what states and places it shall be shipped and what publishers and other customers each mill shall supply.

The petition alleges that in consequence of the combination all competition in the manufacture, sale and distribution of paper has been restricted and the price of all paper products greatly increased, particularly that of news print paper, which has been increased about 50 per cent. It further alleges that no dealers or newspapers or other consumers in the territory west of the Mississippi, with the exception of certain newspaper publishers in St. Louis and Chicago can purchase any paper except directly through the General Paper company and then only upon terms dictated by the latter.

The court is asked to declare the alleged combination unlawful, and that the defendants be perpetually enjoined from doing any act in pursuance of the same; that the General Paper company be enjoined from acting as sales agent for the other defendants, and that the latter be enjoined from continuing their arrangement with the General Paper company. The court is also asked to direct the defendants to come into court and answer all questions relating to allegations of the petition as may be necessary.

ATTY-GEN'S STATEMENT.

Washington, Dec. 27.—Attorney-General Moody tonight gave out the following statement regarding the suit instituted at St. Paul today by the federal government against the Paper Manufacturing companies:

"On the complaint of many newspaper publishers last spring that a combination in restraint of commerce existed among manufacturers of paper to control the distribution and sale of their products among the states of the Union, the department began an investigation of that subject, and to further the department in this respect the attorney-general appointed F. B. Kellogg of the St. Paul bar and J. M. Beck of the New York bar as special attorneys to collect the evidence and make a report thereon."

"These gentlemen, after an exhaustive examination of the matter simultaneously with that conducted by the department of justice, have reported to the attorney-general that in their opinion the facts assumed support the complaint and justify, in the public interests, the filing of a petition to enjoin the operations of the general paper company, a corporation of Wisconsin, which is the instrumentality through which the alleged combination to control the prices and distribution of those products in the western states is conducted."

"In this opinion the department of justice concurs. The attorney-general today directed that a petition be filed against the General Paper company and the 24 manufacturing companies located in the states of Minnesota, Wisconsin and Michigan, which it represents, to have such combination declared to be an unlawful restraint upon interstate commerce and a monopoly. The petition will be filed in the United States district court for the district of Minnesota as soon as the necessary papers can be prepared."

Atty-Gen. Moody and William A. Day, the assistant to the attorney-general, called at the White House tonight. They spent several hours in conference with the president, presumably discussing the proceedings instituted today against the paper manufacturers.

Chinese Naval Students.

Peking, Dec. 27.—A proposal is now before the emperor of China to send the students of the naval college to the British admiral at Shanghai for a course of instruction.

CABINET MEETING.

Hears Report on Number of Polygamous Postmasters.

Washington, D. C., Dec. 27.—President Roosevelt embraced the opportunity today to take up with the members of the cabinet many questions of detail in departmental administration. The semi-weekly meeting of the cabinet being longer than usual. At the conclusion of the meeting the members of the cabinet said in response to inquiries that little business of serious importance was considered.

After other members of the cabinet had left the executive offices, Atty-Gen. Moody discussed with the president some phases of the railroad freight rate questions. Both the president and attorney-general recently have devoted much time to that problem. The latter is giving particular attention to the legal side of the question, so that he

Knock dirt and blood-stains out of clothes with Fels-Naptha, the sure and quick cleaner. Soak. Rub little.

Fels-Naptha Philadelphia

may be prepared to advise with the president on the subject and with such members of Congress as may wish to consult him.

It is understood, too, to be the intention of the president and Atty-Gen. Moody to prepare and press the consideration in Congress of an "administration measure" dealing with the railroad freight problem. Such a bill, it is thought (to quote a number of the cabinet), "would be destined to defeat."

Both the president and the attorney-general, it is said, are proceeding on the assumption that the committee of Congress are amply able to prepare their own measures, although the president in conversation with senators and representatives has presented clearly his own ideas. At the conference today no definite conclusions were reached.

Postmaster General Wynne presented to the president a report prepared by the department in response to the resolution of Senator Dubois of Idaho regarding postmasters in other postal employes who may be lying in polygamy. The report will be transmitted to the senate when Congress reconvenes next week.

The report finds that there are four postmasters who have established polygamous relations. All these are at small places, and the relations, it is stated, have not been continued since the passage of the Edmunds law, the offense having occurred prior to that enactment. In view of this fact it has been determined not to take any action in these cases.

Electrocuted in Bath Room.

Lima, O., Dec. 27.—J. W. Griffin, one of the wealthiest oil operators in the city and vice president of the Lima Trust company, was electrocuted in his bath room here today, receiving a heavy dose of electricity. The contact was made by an iron register and an electric light chandelier. His fingers were badly burned.

Consecrated Bp. of Leavenworth.

Kansas City, Dec. 27.—Rev. Father T. F. Lillie of Kansas City at the cathedral here today was consecrated Bishop of the Roman Catholic diocese of Leavenworth, Kas. Rev. J. J. Glennon, archbishop of St. Louis, acted as consecrator and Rev. S. G. Messmer, archbishop of Milwaukee, preached the sermon.

HORSES FOR ARMY.

Thousand Wanted for Cavalry and Artillery in Philippines.

Seattle, Dec. 27.—Pacific coast stockmen will soon have an opportunity to bid on 1,000 head of horses to be furnished Uncle Sam's cavalry and artillery now stationed in the Philippines.

TEA

Moneyback means that the tea is good and well worth the money.

Can't mean anything else. Your grocer returns your money if you don't like Schilling's List.

FOLEY'S HONEY and TAR CURES Coughs and Colds PREVENTS Pneumonia and Consumption

Foley's Honey and Tar not only stops the cough, but heals and strengthens the lungs and prevents serious results from a cold.

There is no danger of Pneumonia, Consumption or other serious lung trouble if **Foley's Honey and Tar** is taken, as it will cure the most stubborn coughs—the dangerous kind that settles on the lungs and may develop into pneumonia over night.

If you have a cough or cold do not risk Pneumonia when **Foley's Honey and Tar** will cure you quickly and strengthen your lungs.

Remember the name—**Foley's Honey and Tar**—and refuse any substitute offered. Do not take chances with some unknown preparation that costs you the same when you can get **Foley's Honey and Tar**, that costs you no more and is safe and certain in results. Contains no opiates.

Cured After Physicians Said He Had Consumption.

E. H. Jones, Pastor M. E. Church, Grove, Md., writes: "About seven or eight years ago I had a very severe cold which physicians said was very near pneumonia, and which they afterwards pronounced consumption. Through a friend I was induced to try a sample of **Foley's Honey and Tar**, which gave me so much relief that I bought some of the regular size. Two or three bottles cured me of what the physicians called consumption, and I have never had any trouble with my throat or lungs since that time."

Three sizes—25c, 50c, \$1.00. The 50 cent size contains two and one half times as much as the small size and the \$1.00 bottle almost six times as much.

SOLD AND RECOMMENDED BY F. J. HILL DRUG CO.

Word to this effect was today received by Capt. F. A. Grant of the local army quartermaster's office. Specifications as to the kind of horses desired have not yet been received by Capt. Grant. These are expected by mail from the quartermaster-general within a few days.

CASTAWAYS PICKED UP.

Had Drifted About Cape Horn For Over a Week.

Los Angeles, Cal., Dec. 28.—Capt. F. R. Fall of the British ship *Lonsdale*, from Newcastle-on-Tyne, just arrived at Port Los Angeles, tells a story of picking up 25 castaways at sea who had been drifting about near Cape Horn for over a week. They had abandoned the British collier *Elvion*, which had burned at sea. The *Lonsdale* cruised around in the vicinity after picking up one boatload of eight men which had been drifting for six days, until the entire crew of 25 men were rescued. All but five of the men were left at Valparaiso.

THE POWER OF STEAM.

Many May See But It Takes Genius to Realize.

When James Watt saw the steam causing the kettle lid to jump up and down he said: "There must be power in that steam that it can life such a weight."

There was. Millions prior to him had seen the same phenomenon and regarded it as an unexplained mystery.

Recent scientific research has put its finger on the "cause" of Danduff, Failing Hair, and consequent Baldness, and has unearthed a tiny germ which eats the life from the roots of human hair.

Newbro's Herpicide destroys this germ and consequently restores the hair to its natural state. Sold by leading druggists. Send 10c. in stamps for sample to The Herpicide Co., Detroit, Mich. Z. C. M. J. Drug Co., Special Agents.

MONEY.

Hooper, Utah, Dec. 18, 1904. Mr. Luke:

Kind Sir:—I will write you a few lines to thank you for collecting that sum of money for me, and I have told others about it and they are intending to place some of their claims in your hands.

Yours truly, MRS. W. G. PARKER.

The above is one of many appreciative letters we are receiving from satisfied clients.

Send in your claims. Money comes to those who seek it. We are always ready. Are you? Why wait till tomorrow?

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DEAD

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Now is the time to get that old account off your books. Of course, you want to place them with the best firm. There are other collectors, but we believe we can handle your collections just a little better, as we have two branch and fifty associate offices. Correspondents throughout the civilized world.

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And you'll get more than your money's worth.

Some Winter Suits are likewise reduced.

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\$42.50 St. Louis and return.

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This Day In History.

DECEMBER 28th.

1786—Thomas Iving, statesman, born near West Liberty, O.; died 1871.
1804—Alexander Keith Johnston, noted Scottish geographer, born in Midlothian; died 1881.
1825—General James Wilkinson, soldier, died in the City of Mexico; born 1757. Wilkinson entered the patriot army as captain in 1775 and served Arnold in the expedition to Canada. He served as a staff officer during the war and became a general. Afterward he commanded in the Indian campaign of 1805 northwest. In 1809 he was made governor of Louisiana.
1829—Thomas Babington Macaulay, celebrated English historian, died; born 1800.
1800—Lord George William Armstrong, inventor of the Armstrong gun and a technical writer of note, died at Craigside, Northumberland; born 1810.
1901—Rear Admiral Francis Asbury Roe, U. S. N., retired, a veteran of the Civil war, died in Washington; born 1825.

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It's a poor man, indeed, who doesn't carry a Leyson watch.

'Phone 65 for the correct time.

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