

DOCTOR JIM MUST SERVE TEN YEARS

Supreme Court Says None of One
Hundred and Seventy Errors
Was Prejudicial.

McWHIRTHERS HAD NO CHANCE

To Say Money Was Won Would be to
Say Eighth Commandment is a
Delusion—Story of the Case.

The supreme court yesterday afternoon handed down a decision which upholds the judgment of the district court, and says that James Donaldson must go to the penitentiary for 10 years. Donaldson was convicted of grand larceny, and sentenced to serve 10 years in the penitentiary, by Judge Armstrong, the charge against him being that he had conspired with the famous McWhirther case. The present decision of the supreme court is in answer to an appeal taken from that

Dr. Lyon's PERFECT Tooth Powder

Cleanses, preserves and
beautifies the teeth, and
Purifies the breath
A superior dentifrice
for people of refinement

Established in 1866 by
J. H. Lyon, D.D.S.

act is done is not to be looked to to determine its criminality, but that the name by which it is known controls. The objection that the act proved did not constitute the crime of grand larceny, and that no conspiracy was proved to have existed between the gamblers, cannot be sustained.

COLLEGE TO HOLD ROUND-UP.

At the Agricultural College of Utah, commencing Jan. 11 and continuing for a period of two weeks, classes will be held for the benefit of farmers, dairymen, fruitgrowers, etc., various subjects to be handled for the benefit of those engaged in these and kindred pursuits. The following demonstrations will be held during the "round-up" on the days noted:
Monday, Jan. 11—Heavy horses,

UTAH WOOLGROWERS NAMED AS DELEGATES

Interest in Storage Plan Increasing—
To Discuss Cost of Grazing on
National Forests.

That interest in the wool storage plan among the woolgrowers of this state is growing, is evidenced by the fact that a complete delegation to the national convention to be held at Monticello Jan. 14, 15 and 16 has been named, and that most of the delegation will attend, if not all, seems now to be a settled fact. Many other questions of interest to sheep raisers will be discussed at the convention, prominent among which will be that of cost of grazing imposed by the forestry department of the government.

Delegates from this state to the Potomac convention have been named as follows:
Salt Lake—E. H. Callister, C. B. Stewart, A. H. Callister, John E. Austin, E. J. Jeremy, Thomas Jones, Daniel Mackay, Seth T. Rigby, B. F. Saunders, Edna Bennett, A. S. Erickson, Mrs. Elizabeth Hunsinger, A. M. Goss, Edwin Bennett, I. D. Richards, John C. Mackay, J. S. Peery, David Smith and E. J. Kearns.

Other Sections—A. G. Fell, Ogden; H. J. Phillips, Heber; A. E. Richards, Hennefer; J. S. Fawcett, H. P. Thorson, Bear River City; C. D. White, Beaver; J. H. Reader, Vernal; C. M. Peterson, Geneva; John Blythe, Yost; C. H. Arthur, Thompson; N. S. Nielson, Mountain View; John L. Stealy, Mount Pleasant; Honore Dussere, Price; Walter Steadman, Sandy; Paul Droubay, Erda; J. W. Clyde, Heber; J. L. Sevy, Panguitch; P. T. Stevens, Paradox, Colo.; M. Wilford, Parowan; David Morgan, Provo; R. L. Anderson, Mant; John R. Allen, Draper; George Daybell, Charleston; B. F. Fitzgerald, Draper; Thomas Well, American Fork; Walter James, Black Rock; Henry Moss, Woods Cross; W. S. Hanson, Collinston; C. S. Carter, Vernal; Jonathan Heaton, Ranch; M. A. Smith, Heber; Enos Bennett, Vernal; Harry Ballard, Thompson; I. E. Freeman, Hiverton; Hatch Brothers, Woods Cross; Nielson Brothers, Bluff; H. P. Clegg, Tropic; J. S. Osler, Nephi; W. R. Dennis, Heber; N. P. Aagard, Fountain Green, and James Murdock, Heber.

You would not delay taking Foley's Kidney Remedy at the first sign of kidney or bladder trouble if you realized that neglect might result in Bright's disease or diabetes. Foley's Kidney Remedy corrects irregularities and cures all kidney and bladder disorders. F. J. Hill Drug Co., ("The Never Substitutors.")

YOUNG MOTHER DIES.

(Special to the "News.")

Pocatello, Ida., Jan. 7.—Mrs. Eleanor Barron Harrison died here at an early hour this morning, shortly after giving birth to a girl baby. She was 22 years of age, and was the wife of Leroy Harrison, a local optician and jeweler. The family are prominent members of the church, Mr. Harrison being state superintendent of the Y. M. M. I. A., and is a son of E. L. Harrison, a local jeweler. The baby is alive and doing well. Arrangements for the funeral have not been completed.

If you will take Foley's Orino Laxative until the bowels become regular you will not have to take purgatives constantly, as Foley's Orino Laxative positively cures chronic constipation and sluggish liver. Pleasant to take. F. J. Hill Drug Co., ("The Never Substitutors.")

DEATH OF MRS. MARY GATES.

Well-known Utah Woman Passes Away
At Early Hour Today.

Mrs. Mary Gates, wife of Jacob Gates, passed away at the residence of her daughter, Mrs. H. J. Young, 225 Eleventh South street, at 2 o'clock this morning. Deceased was an early pioneer woman of Dixie, southern Utah.

CLEGG ON TEMPERANCE QUESTION

Utah Legislator Gives His Views for the "News."

Editor Deseret News,
Dear Sir—You ask in your letter of Dec. 14, first:

"Do you consider temperance legislation beneficial, and if so, do you favor prohibition or local option for this state?"

Answering this question, will state frankly that I have not given the matter as yet such careful thought that would warrant me in expressing an opinion.

Your second question is:
"Are you in favor of an enactment of further measures for the closing of saloons, pleasure resorts, and places of amusement on Sundays, or do you consider the present Sunday laws sufficient if enforced properly?"

In reply to this question will say that I am most heartily in favor of closing saloons and theaters on Sundays and am also in favor of closing pleasure resorts which bring in a bad influence on as have a tendency to produce immorality. I am of the opinion that our present laws, if strictly enforced, would close saloons on Sundays, but as to pleasure resorts and theaters we need new legislation.

Section 4233, Compiled Laws of Utah reads as follows:
"Every person who on Sunday gets up, exhibits, opens or maintains, aids in getting up, exhibiting, opening, or maintaining any bull, bear, cock, or prize fight, horse race, circus, gambling house or saloon, or any barbarous and noisy amusement, or who keeps, conducts, or exhibits any theater, melodrama, dance cellar, or other place of musical, theatrical or representative performance, spectacle or representation, where any violent, lewd, or intoxicating drinks are bought, sold, used, drunk, or given away; or who purchases any ticket of admission, or directly or indirectly pays any donation fee to or for the purpose of witnessing or attending any such place, amusement, spectacle, performance, or representation, is guilty of a misdemeanor."

From the above section it would appear that only theaters conducted where "wines, liquors and intoxicating drinks are sold, used, given away or drunk" are prohibited. This section, in my opinion, should be amended so as to include theaters among circuses, horse races, prize fights, etc., which are in the list of things prohibited on Sunday.

While referring to this question of theaters I will state that I would be pleased if a law would be passed creating some commission which would have the power to inquire into any theater or performance that is put before the public before it is allowed to be presented. The Salt Lake public, in my opinion, are often misled by the trashy exhibitions which would never be permitted to go before the public and rob the people of their money and time if they had to comply with a required test of merit. Of course the difficulty in such law would be to get a commission which would have the ability, honesty, and judgment to say what ought to be and what ought not to be allowed to be presented to the public as a matter of right the people ought to

and prior to coming to Salt Lake reside in Provo for a number of years. Deceased was an estimable woman who was universally loved for her charitable qualities and inclination to the sick and afflicted generally. She was born in Bristol, England, Feb. 1844, and was the mother of Mrs. H. J. Young, Mrs. Knight, Dr. Claude W. Gates and Arthur W. Gates. The funeral will be held from her late residence, 225 Eleventh South street at noon Saturday.

NOBLE WOMAN AT REST.

Funeral Services Over the Remains of
Mrs. Margaret Buchanan.

Simple yet solemnly impressive, were the services held Wednesday afternoon in the Fifth ward assembly room, over the remains of Mrs. Margaret Buchanan. Sympathizing relatives and friends filed the hadd to its capacity, while an abundance of beautiful floral emblems



bore mute testimony to the esteem in which the deceased woman was held. Bishop S. M. T. Seddon of the Fifth ward presided.

The singing was by the ward choir and special soloists, the former under the leadership of Fred C. Reeves, and the selections rendered were those indicated by the deceased prior to her demise. As an opening hymn the choir sang, "Sister Thou Wast Mild and Lovely." Prayer was offered by Elder William A. Cowan. The choir further sang, "What Voice Salutes This Starlit Earth" with solo by Miss Leone Richardson.

Elder Joseph W. McMurrin of the First Council of Seventies was the first speaker. He referred to his long acquaintance with the family and his relationship thereto, and spoke of Mrs. Buchanan as one who by her acts had fully demonstrated her devotion to the principles of righteousness.

The other speakers were Elders Robert Patrick, George E. Burbridge, Hugh Watson, Prest. William McLachlan, Thomas C. Nuttall and Bishop Seddon, all referring to the sterling qualities of the departed and concurred in the belief that she was fully entitled to a crown of glory in the world beyond. They spoke of her interest in the young people as shown by her work among them, and expressed the conviction that she had left her mark and had builded a monument of integrity that would endure through the ages. The speakers admonished the family to follow in the footsteps of their noble mother.

During the services members of the Primary association, of which the deceased was an officer, rendered "My Redeemer Live." "I Know That My Redeemer Live" was sung with much feeling by Mr. Jno. D. Bowers, while Mrs. Mabel Poulton Kirk sang "Angels Ever Bright and Fair." As a closing selection the choir rendered the hymn "Thou Dost Not Weep to Weep Alone." The benediction was pronounced by Elder Alexander Burt.

A long cortege accompanied the remains to their final resting place in the city cemetery, where an impressive feature of the service was the automatic lowering of the casket, while the choir touchingly rendered, "We Lay Thee Softly Down to Sleep." The grave was

dedicated by Elder George E. Burbridge. The pallbearers were: George E. Burbridge, Thomas C. Nuttall, James and Alexander Cowan, H. H. Winter and F. J. May, all old-time friends of the departed.

There is no case on record of a cough, cold or influenza developing into pneumonia after Foley's Kidney and Tar has been taken, as it cures the most obstinate deep seated coughs and colds. Why take anything else? F. J. Hill Drug Co., ("The Never Substitutors.")

ANNUAL CHURCH MEETING.

The annual meeting of the Phillips Congregational church was held last evening, when officers were chosen for the ensuing year. The reports presented showed that the church enjoyed an unusually prosperous year, 43 new members being received, and the various departments of the church showed a growth. The following officers were chosen: Clerk, Joseph H. Browne; treasurer, H. W. Smith; trustees, A. E. Payne, L. H. Page, Merced E. Caffall and J. H. Browne; deacons, R. W. Parker, George H. Brown, W. R. McCartney and James Scobee; deaconesses, Mrs. L. H. Page and Mrs. C. A. Walker; superintendent of Sunday school, L. H. Page.

FIREMEN TO PRESENT BILL.

There was a meeting yesterday afternoon of the executive committee of the

State Firemen's association, at which it was decided to present a bill to the legislature providing that a certain sum of money received by the state from insurance companies be given to the firemen's relief fund.

Alex Baker, president of the local association, has called a meeting for Jan. 23 for the purpose of deciding whether or not the association shall incorporate

under the laws of Utah. Capt. Ayland is president of the state association.

Pimples and skin eruptions are caused by poisonous substances in the blood. Hollister's Rocky Mountain Tea removes skin diseases, makes healthy complexion and purifies your blood. 35 cents, Tea or Tablets. Goddard-Hill Drug Co.

KEITH O'BRIEN

A big shipment of Notions
which has just arrived makes
our Notion Stock again complete.

"The Paris."

OUR GREAT ANNUAL CLEARANCE SALE
CONTINUES TO DRAW BIG CROWDS!

FRIDAY GREAT BARGAIN DAY

AN EXTRA SPECIAL FOR THE DAY will be
THE GREAT SHIRT WAIST SALE. \$1.95
Waists from \$3.50 up to \$4.00 ... \$1.95

In this particular lot of waists you'll find the greatest variety. There are waists of all materials, dozens of different styles, all sizes.

ROUSING SKIRT SPECIALS

Beautiful Panama and Voile skirts, all handsomely trimmed; several different styles to select from.				
<table style="width: 100%; border: none;"> <tr> <td style="border: 1px solid black; padding: 2px; text-align: center;">\$4.75 Skirts, FRIDAY, \$2.45</td> <td style="border: 1px solid black; padding: 2px; text-align: center;">\$5.75 Skirts, FRIDAY, \$3.45</td> <td style="border: 1px solid black; padding: 2px; text-align: center;">\$6.50 Skirts, FRIDAY, \$4.45</td> <td style="border: 1px solid black; padding: 2px; text-align: center;">\$7.50 Skirts, FRIDAY, \$5.45</td> </tr> </table>	\$4.75 Skirts, FRIDAY, \$2.45	\$5.75 Skirts, FRIDAY, \$3.45	\$6.50 Skirts, FRIDAY, \$4.45	\$7.50 Skirts, FRIDAY, \$5.45
\$4.75 Skirts, FRIDAY, \$2.45	\$5.75 Skirts, FRIDAY, \$3.45	\$6.50 Skirts, FRIDAY, \$4.45	\$7.50 Skirts, FRIDAY, \$5.45	

BIG SALE LONG COATS

\$12.00 Coats, All Day Friday, \$6.95

We place on sale today fifty coats at the above prices. There are in the lot fancy mixtures, plain black, brown, tan and navy. A good range of sizes, tight and semi-fitting back. You'll have to be on hand early.

Margett's Removal Sale

We are forced to move. Everything in our stock must go.

1-2 Off on Pictures and Fancy Goods.

Mr. Merchant, take advantage of the above offer.
We save you from 20 to 40 per cent on all

"OFFICE SUPPLIES"

Ledgers, Day Books, Copying Paper. Nothing Reserved.

Margett's Book Store,

7 MAIN STREET, Bell Phone 2076.

FOLEY'S KIDNEY CURE

Will cure any case of Kidney or Bladder Disease not beyond the reach of medicine. No medicine can do more.

FOR SALE BY F. J. HILL DRUG COMPANY, SALT LAKE CITY.

Today the price bars are down at Leyson's and every article in this great establishment (with 3 exceptions) is offered at discounts from regular plain figure prices ranging from 20 to 50%.

This sale will not last long and when the price bars are again put up they become impregnable.

Phone 65 for the correct time.

Leyson's
JEWELERS
236 MAIN ST.
SALT LAKE CITY.



"DR." JIM DONALDSON.

of the lower court, on the ground that there had been shown not enough evidence to convict of grand larceny, and on some 170 exceptions taken to errors noted by the attorneys for the defense. Samuel A. King and S. R. Thurman are the attorneys who represent Donaldson, and the decision of the higher court contains some food for reflection to them in the matter of submitting so many errors.

The McWhirther case, briefly stated, is one which made history in the city at a very rapid rate during the latter part of September, 1906, when Alex and William McWhirther, two Scotch tourists en route to Los Angeles, fell into the hands of Larry and Jack O'Brien, W. H. Parrent, W. W. Bell and James Donaldson, at the Antler rooming house, whether they had been "stuffed" by Larry O'Brien.

Once in the trap in the rooming house, a little game of stud poker was first used as the separating method, to get the money from the traveling Scotchmen, and when \$2,000 or thereabouts had been taken by this means, and there was no more to be had that way, the bunco men adopted the more direct method, known as the "rocky mountain" gambling system, which consists of holding the victim up at the point of a gun and relieving him of his money.

In this manner something more than \$2,000 additional was taken from the McWhirthers, the robbery amounting to more than \$10,000 all told, after which the principal actors disappeared. Donaldson was brought back here from the Arkansas Hot Springs, and Bell and Parrent also returned accompanied by officers, the former from Kansas City and the latter from Portland, while the O'Briens have been successful in remaining at large and unknown, as to whereabouts to this day.

George Sheets, the present head of the detective force on the pay roll of the city, then chief of police, was tried on a charge of conspiracy. Bell testified that he gave him \$2,000 to keep his hands off the affair, but there was not enough evidence to convict, and Sheets was discharged.

As to the insufficiency of evidence, the court says:
"To say that the taking of money, under the circumstances of this case, does not constitute larceny, would be to say that the commandment, 'Thou shalt not steal' is a delusion and our statute a delusion."

"We would indeed lose sight of the substance and follow a mere shadow if we held that the money was won by the defendant at a game of cards in which all the players risked their money and the best hand won. It is clear to us that the Scotchman never had a chance to win, and that he was the only one of all the players that actually risked anything or could lose a game."

To hold, therefore, that such a game constitutes merely gambling and that the offenders are punishable only for that offense, would be to hold that the intent with which an

types, feeding and disease.

Tuesday, Jan. 12—Light horses, types, feeding and light horses.

Wednesday, Jan. 13—Dairy cattle, types, judging, feeding and disease.

Thursday, Jan. 14—Beef cattle, types, judging, feeding and disease.

Friday, Jan. 15—Hogs and poultry, types, judging, feeding and disease.

Saturday, Jan. 16—Sheep, types and feeding. Demonstration of meat cutting.

Monday, Jan. 18—Peace and stone fruits, pruning, cultivation, pests, lime sulphur spraying.

Tuesday, Jan. 19—Apple care, pruning and spraying. Pruning and spraying demonstration.

Wednesday, Jan. 20—Irrigation, markets and packing of fruits.

Thursday, Jan. 21—Arid farming and soil fertility.

Friday, Jan. 22—Sugar beets and potatoes; machinery demonstration.

Saturday, Jan. 23—Alfalfa and forage crops.

A HORRIBLE HOLD-UP.

"About ten years ago my brother was 'held up' in his work, health and happiness by what was believed to be 'hopeless Consumption,' writes W. R. Lipscomb, of Washington, N. C. 'He took all kinds of remedies and treatment from several doctors, but found no help. He was then cured by Dr. J. H. Grippie, Asthma and all Bronchial affections. 50c and \$1.00. Trial bottle free. Guaranteed by Z. C. M. I. Drug Dept. 12-14 South Main St., Salt Lake City.

CHAS. H. STEVENSON DEAD.

Illness of Ten Years Brings Final Release to Well Known Man.

After a lingering illness, Charles Henry Stevenson died at an early hour this morning at his apartments in the Security Trust building from bronchitis. For 10 years he had been a sufferer from the complaint, and for the past two years he was an invalid.

Mrs. Charlotte C. Stevenson, widow of deceased, is society editor of the Republican. Since the family removed to this city, 19 years ago, she has been called upon to part with a daughter, a son and, lastly, her husband. The daughter, Mrs. John Van Brunt, a bride of a few months, died in 1903, and the son, Paul West Stevenson, aged 21, the former home of the family was in Michigan City, Ind., and the couple married there in 1890. Mr. Stevenson was a member of St. Paul's Episcopal church, and the funeral will be held there at a date yet to be announced.

S.S.S. FOR RHEUMATISM

Rheumatism is caused by an excess of uric acid in the blood, which gradually gets into the circulation because of indigestion, constipation, weak kidney action, and other irregularities of the system which are sometimes considered of no importance. This uric acid causes an inflamed and irritated condition of the blood, and the circulation instead of nourishing the different portions of the body, continually deposits into the nerves, muscles, tissues and joints, the irritating, pain-producing acid with which it is filled. Rheumatism can only be cured by a thorough cleansing of the blood, and this is just what S. S. S. does. It goes down into the circulation, and by neutralizing the uric acid and driving it from the blood, effectually and surely removes the cause. S. S. S. strengthens and invigorates the blood so that instead of a weak, sour stream, causing pain and agony throughout the system, it becomes an invigorating, nourishing fluid, furnishing health and vigor to every part of the body and relieving the suffering caused by this disease. S. S. S. being a purely vegetable blood purifier, is the surest and safest cure for Rheumatism in any of its forms. Book on Rheumatism and any medical advice desired sent free to all who write.

THE SWIFT SPECIFIC CO., ATLANTA, GA.