

WILLIAM MORTON BEFORE THE COURT

Charged With Resisting a Public
Officer at Calder's Park
Last Summer.

JUDGE DECLINED TO QUASH.

Consequently the Case is Now in
Progress Before a Jury—Mr.
Sharp the First Witness.

The trial of the case of the state vs. William Morton, charged with resisting a public officer, is in progress before a jury in the criminal division of the district court today. It is charged that on June 13 at Calder's Park, Deputy Sheriff J. C. Sharp, Axel Steele and William Edwards attempted to arrest Morton for creating a disturbance and he resisted them and put up a hard fight, but was finally overcome and lodged in jail. He was then given a preliminary hearing before Justice Rider of Mill Creek, and was bound over to the district court.

The jurors who were sworn to try the case today are J. M. Stout, J. P. Olsen, H. H. Forbush, S. H. Worthen, G. D. Nebeker, J. S. Lindsay, Martin Mahnken and D. P. Kingsbury. After the jury had been secured and District Attorney Elchorn had called Deputy Sheriff Sharp to the stand, Attorneys McGurkin and Gustin, on behalf of defendant, presented a motion to quash the information on the grounds that it did not state a public offense and that the proceedings at the preliminary hearing were not properly endorsed upon the complaint, and so far as that document showed there had been no preliminary hearing at all. In arguing the first ground for quashing the information, Attorney McGurkin contended that inasmuch as the officers were attempting to arrest Morton without a warrant and for an offense which was not committed in their presence, he had a right to resist arrest and such resistance did not amount to a public offense.

Judge Morse overruled the motion to quash, and the testimony of Mr. Sharp was proceeded with.

KEEN VS. NIPPER.

Co-Partner in Sheep Business
Seeks to Recover \$19,000.

The case of Emma J. Keen vs. Thos. Nipper was on for hearing in the Federal court today. The plaintiff, who is a practicing physician, seeks to recover the sum of \$19,000 as her share of the profits arising out of an investment of \$5,000 in sheep and cattle. Nipper being a co-partner. From the testimony adduced this morning it appears that Nipper had made certain payments to Dr. Keen which she alleges settled in full every claim she had against him. But the plaintiff claims otherwise, hence the suit. This is the second suit instituted by Dr. Keen against defendant, a former action for \$5,000 having been dismissed.

JURY DISAGREES.

At 10:30 last night, after being out several hours, the jury in the case of Peter Adjukovich vs. Southern Pacific came into court and announced their inability to agree. They were therefore discharged. This is the case that has been on in the Federal court for several days, in which the heirs of Adjukovich sought to recover \$20,000 damages for his death while employed on the Luch out-off.

Smelting Company Sued.

S. M. Whitmore today filed suit in the district court against the United States Smelting company and the Bingham Copper and Gold Mining company to recover damages in the total sum of \$1,955 for injuries to plaintiff's crops and stock alleged to have been caused by the fumes and gases discharged from the smelters of defendant companies which settled upon plaintiff's property, located only one-half mile from the said smelters at Bingham Junction. It is alleged that plaintiff's crops and fruit trees were blighted and destroyed and his stock have been rendered unhealthy because of the said fumes and gases.

COURT NOTES.

Upon motion of District Attorney Elchorn, Judge Morse this morning set the case of the state vs. C. B. Burns and James Gordon for hearing on Wednesday, Dec. 9, and the case of the state vs. Thomas Winters was set for Thursday, Dec. 10.

Suit was filed in the district court today by the Prudential Insurance company of America against O. G. Snow, to recover \$12,137, alleged to be due on a promissory note executed by defendant on July 13, 1903, and payable 90 days after date.

A complaint was filed in the federal court yesterday charging C. R. Davis with having driven a herd of 1,600 head of sheep into and across the Uintah reservation forest reserve without permission of the proper authorities and in spite of warning to the contrary. An order for the accused to appear to show cause on Dec. 28 was issued by Judge Marshall.

SOCIAL AND PERSONAL.

Mrs. J. B. Cosgriff was hostess at a most delightful tea yesterday, the decorations and all details being beautifully carried out. A number of the intimate friends of the hostess assisted in entertaining and about 100 guests were present during the afternoon.

Mrs. E. E. Bailey, who has been visiting in California, has returned.

Mrs. Philip Speckart of Provo is in the city.

Major and Mrs. Eredon have returned from Colorado.

Judge W. A. Sherman is in Nevada for a short stay.

Miss Florence Holm of Ogden is visiting her sister, Mrs. Forrester.

Mrs. Cleson went to Ogden yesterday to attend the meeting of La Coterie.

Mrs. Henry Cohn left on Sunday for New York for a two months' stay.

Assistant General Passenger Agent D. S. Spencer of the Short Line is in Idaho on a business trip.

Schilling's Best is not some
times but always best.
At your grocer's.
Moneyback.

TRIED TO JUMP HIS BOARD BILL.

Important Arrest of Alleged Graft-
er at the Rio Grande Depot
This Morning.

WAS STAYING AT THE KENYON.

Law Book Agent Attempts to Pass
Drafts and Then Comes
To Grief.

Officer John D. Brown made an important arrest this morning when he took into custody a man who gave the name of Bert J. Forbes, on the charge of defrauding Don H. Porter, of the Kenyon hotel, out of \$150. When searched at the police station, the man had something over \$50 on him. He is being held pending a thorough investigation of his case by the arresting officer. It is claimed that the man is a professional gambler, and the police are highly elated over the arrest. According to the story told by the officer, Forbes has been staying at the Kenyon for several days. It is alleged that he represented himself as a representative of the American Law Book company of New York. Mr. Porter claims that Forbes secured various amounts of money from him on I. O. U.'s, and last night he presented a draft for \$150 on the New York company. The amount he had drawn was deducted and he was given a balance of about \$51. Mr. Porter became suspicious of the man and wired the New York firm to determine whether or not Forbes was what he represented himself to be. Word came back that the man was a grafter; that he should be arrested forthwith, and that the company would prosecute the case to the bitter end.

When this startling information was received, Mr. Porter lost no time in telling his troubles to a policeman. Officer Brown was detailed on the case and was given an imperfect description of the man. He learned that Forbes had made arrangements to leave town. Brown went to the Rio Grande depot this morning, and just before the train pulled out, located his man and placed him under arrest.

When informed of the charge against him, Forbes had nothing to say, about it, but appeared to be greatly worried about his effects. His money, watch and other articles were taken from him and he was locked up in the new jail. Later he was taken into the desk sergeant's office and is being held there pending the filing of a complaint. He will probably be charged with obtaining money under false pretenses or embezzlement.

A "HOT JOKE."

Dastardly Trick Played on a Drunken
Man in a Saloon.

To have a foot nearly burned off as a huge joke, and then to be arrested and accused of drunkenness and thrown in jail, is a pretty tough experience for a man to go through. At least there is one man who regards it as "tough," and that man is John Hamilton, a drunk, who came here from Butte recently.

He went into a State street saloon to get a drink, and while there, a crowd of drunken loafers took it into their heads to play a "joke" on Hamilton. One of the men saturated Hamilton's shoes with gasoline and then touched a lighted match to one of his feet. The shoe was ablaze immediately, and the crowd of loafers shrieked and laughed with glee as the unfortunate man danced around the barroom trying to extinguish the flames. Before he could tear the shoe from his foot, he was badly burned, and it may be necessary to amputate the member to save the man's life. Hamilton showed fight, and in the mix up that followed he received several injuries and was then placed under arrest for drunkenness. He swore that he was perfectly sober, but his declaration counted for naught as he was held for three days in jail. A physician was summoned to attend to the injured man, and unless the wounds show a decided improvement in the near future, the foot will have to be amputated.

A PITIFUL CASE.

Mrs. Elizabeth Nielsen, of 154 south Fourth West, was examined as to her sanity yesterday by County Clerk James, Dist. Atty. Elchorn and Drs. Mayo and Odell, and was committed to the state mental hospital at Provo. The unfortunate woman's condition is said to be due to ill health and worry over the loss of her children and over the conduct of her husband, who is said to be addicted to the use of liquor. It is said that recently while two of her children were sick with typhoid fever, her husband became intoxicated and was locked up in jail. The woman is in a very pitiful condition.

BIBLE IN PUBLIC SCHOOLS.

The use of the Bible in the public schools in this country is now being agitated by the alliance of the Presbyterian, Methodist and Unitarian churches, and communications have been sent to prominent educators throughout the United States asking their views in regard to the matter. State Superintendent Nelson has received a communication on the subject and is requested to submit his views to the committee in charge in time for the meeting of the alliance at Toronto, Canada, in January, 1904. The superintendent has not arrived at a definite conclusion on the subject yet.

Hood's Pills

Are prepared from Nature's mild laxatives, and while gentle are reliable and efficient. They

Rouse the Liver

Cure Sick Headache, Bileousness, Sour Stomach and Constipation. Sold everywhere, 25c. per box. Prepared by C. L. Hood & Co., Lowell, Mass.

TO COMMUTE THE DEATH SENTENCE.

Formal Application Filed With
Board of Pardons in Behalf
Of James Lynch.

WILL BE CONSIDERED DEC. 19.

Prisoner Has Been Thrice Sentenced
To Death for the Murder of Col.
Godfrey Prowse.

The formal application for the commutation of the death sentence of James Lynch to life imprisonment has been filed with the clerk of the board of pardons and will be considered at the meeting of the board on Saturday, Dec. 19.

Lynch was sentenced by Judge Booth to be executed on Friday, Jan. 8, 1904, for the murder of Colonel Godfrey Prowse in the Sheep Ranch gambling house in this city several years ago. He has been sentenced to death three times for the murder, but his appeals to the supreme court have stayed the execution.

Many city officials and prominent citizens have signed Lynch's petition for commutation and other signatures are being secured daily. Mayor Thompson's name is attached to one of the petitions. It is said that Governor Jacobs, who was badly injured in the prison break at the state prison, will favor a commutation for Lynch for the reason that Lynch interfered and prevented the other escaping convicts from killing Jacobs outright.

DUKE'S CASE ALSO.

At the same meeting of the board the application for the pardon of Harry T. Duke, the former Wells-Fargo bank employee who was convicted of embezzlement, will be considered. The application was made several months ago, but has been continued from time to time, and since the board has pardoned Robertson, who was convicted with Duke, the friends of the latter will endeavor to secure his pardon without further delay.

LATE LOCALS.

The Vermont building on State street is being tinted a bright ochre shade.

Today's local bank clearings amounted to \$34,273.38 as against \$35,393.19 for the same day last year.

Mrs. Nellie Penrose Whitney has issued a call for all primary children of the city to be at the Assembly Hall Friday afternoon at 4 o'clock.

Harry R. Wood, the well known traveling man, and formerly in business in this city, is at the Knutsford from Philadelphia.

Two cases of typhoid fever were reported to the board of health today. They are: Rosa Meyer, aged 3 years, 1333 Ninth East; the 2-year old daughter of A. Thompson, 35 Fuller avenue.

On Sunday evening next at 6:30 o'clock, Elder A. Milton Munser will deliver a lecture in the Twenty-fourth ward meetinghouse, his subject being: "Around the World Without Purse or Scrip."

Local coal dealers who handle Rock Springs coal are waiting to hear from the powers that be in Omaha as to what the final decision may be in the matter of price at the mine. A statement is expected this afternoon or tomorrow.

The embalmed remains of Mrs. Aurora Hodge remain in the morgue of Undertaker Evans, awaiting instructions from her brother, Dr. Daniel Hodge, as the latter has wired to hold the body until further notice. Nothing has been heard from the husband in California.

Frederick W. W. Riter of the Deseret Savings bank has been east, and what particularly attracted his attention was the immunity of western financial centers from panics in the eastern money markets. To this country has become too large for western banks to be thrown into convulsions every time Wall street has a fit.

The contractors are laying the concrete footings for the new Y. M. C. A. building. The footings intended for the city hall that was to have been built at that corner and was not, have been unearthed, and are strong and in excellent condition, but unfortunately they can no longer be utilized because not in the right position.

The county clerk of Salt Lake and the auditors of Salt Lake, Weber, Utah, Juab, Wasatch, Davis and Tooele counties have responded to the call from Secretary J. J. Thomas of the state board of equalization for assessment returns, and the secretary hopes that the remaining county officials will brace up and answer.

NEW YORK CLOSING STOCKS

Thursday, Dec. 3, 1903.

Atchafalpa	65 1/2
Atchafalpa pfd.	92
Baltimore & Ohio	78 1/2
Canadian Pacific	113 1/2
Chicago & Alton pfd.	94 1/2
Chicago & North Western	168
Chicago & North Western pfd.	210
Colorado Southern	12 1/2
Denver & Rio Grande	69 1/2
Erie	28
Illinois Central	139 1/2
Louisville & Nashville	107
Manhattan L.	140 1/2
Metropolitan St. Ry.	118 1/2
Mexican Central	10 1/2
Missouri Pacific	32 1/2
New York Central	111
Pennsylvania	117 1/2
Reading	44 1/2
Rock Island	25 1/2
Rock Island pfd.	62
St. Paul	141
Southern Pacific	46 1/2
Southern Railway	20 1/2
Union Pacific	76 1/2
Union Pacific pfd.	87 1/2
Wabash	20 1/2
Wisconsin Central	17 1/2

MISCELLANEOUS.

Amalgamated Copper	41 1/2
American Car & Foundry	19 1/2
American Locomotive	124
American Smelting & Refining	47
American Smelting & Refining pfd.	88 1/2
Brooklyn Rapid Transit	48 1/2
Colorado Fuel & Iron	27 1/2
International Paper	10
National Biscuit	35 1/2
Northern Securities	9 1/2
Pacific Mail	27 1/2
People's Gas	96
Pressed Steel Car	25
Pullman Palace Car	21 1/2
Standard Oil	142
Sugar	123
Tennessee Coal & Iron	32 1/2
United States Steel	11 1/2
United States Steel pfd.	34 1/2
Western Union	88 1/2

Amusements

Hermann is a wonderful conjurer and he can achieve marvels that make people sit still, rub their eyes and doubt the evidence of their senses. Only one thing he seems unable to perform, and that is to confuse audiences into his house. Yesterday afternoon the turn out was almost beggarly, and at night it was only a little better. Those in attendance, however, were well rewarded by seeing one of the cleverest exhibitions of sleight of hand performance that the town ever beheld. Some of the feats are old, but none the less wonderful, while the new performances are especially clever. The engagement ended last night.

At the Grand "Uncle Josh Sprucey" opens an engagement of three nights and a matinee, commencing this evening.

The Theater will be dark tonight, but tomorrow night comes that jolly comedian Jefferson De Angells in "The Toreador."

The advance sale for the "Bonnie Briar Bush" opens at the Theater tomorrow morning. A telegram received from the company in Denver yesterday, stated that the Saturday night engagement will have to be cut out, in order to enable them to reach San Francisco on time. The engagement here, therefore, will run from Monday Friday inclusive, with a Wednesday matinee.

Ward Entertainments.

The Thirty-third ward Sunday school will give a grand character ball in the ward amusement hall, on Eleventh street, between Fourth and Fifth South, tomorrow, Friday night, for the benefit of the five missionaries now out in the world preaching the Gospel. A large number of people are preparing costumes and the efforts promised to be highly successful. Take Second Street car.

Beginning Wednesday, Dec. 9, and continuing for four nights thereafter, a grand fair will be given in the Seventh ward, for which elaborate preparations are now making. There will be the usual fancy goods, with choice articles suitable for holiday presents, while each night an excellent program will be rendered, the affair to conclude with a grand ball Saturday night. The fair will be presided over by a queen, the vote for whom is as follows:

Kate James, 255; Margaret Thorn, 255; Eva Richardson, 250; Ross Thomas, 250; Olive Pixton Eardley, 250; Bortha Midgley, 240; Ellen Wallard, 210; Marie Callister, 170; Edna Carter, 160; Lillian Torne, 145.

Tomorrow night a dancing party will be given in the Twentieth ward annex, to which all people of good character are invited. The committee in charge of the affair consists of O. D. Renner, O. C. Reese, H. T. McEwan, Lin L. Simmons and Fred Brain, and an enjoyable time is assured all who may attend.

**TAKING CANDY
FROM CHILDREN
IS NO BIGGER
CINCH THAN THE
LANDLORD'S
HABIT OF
CONNECTING
WITH YOUR BANK
ROLL EVERY
RENT DAY.**

You'll never be happy or
contented until you cut loose
from paying rent and contract
with me to build you a snug
little home of your own. My
terms are often easier than
rent.

REAVIS,
HOME BUILDER.

78 W. Second South,
At the Sign:
"Whose Roof Is Over Your
Head?"

WHY PLUMBING COSTS SO MUCH.

Journeymen Explain That it is
Due to the Use of Hand-
Made Material.

WILL BE DIFFERENT HEREAFTER.

Matter Discussed Before the City Coun-
cil Last Night—Change in Rio
Grande Franchise.

The city council almost completed the consideration of the revised ordinance last night, when all but three chapters were gone over. The work will be completed on Friday night. Among the most important ordinances passed upon last night were the plumbing ordinance and the ordinance granting a franchise to the Rio Grande Western for its new depot and shops.

Upon the suggestion of Sup't. J. H. Young the council amended the franchise so as to omit the word "shops" from the section providing for the depot and shops to be completed within a specified time. It was explained by Mr. Young that the eastern bondholders objected to a limitation on the shops for the reason that it is the intention of the company to make room in the shops for an increase in machinery for years to come and hence they would not be technically completed until all the machinery had been installed. The amendment was adopted without opposition.

There was considerable argument on the plumbing ordinance as representatives of the plumbers and journeymen were present and engaged in the discussion. The plumbers convinced the council that the high price of plumbing was due, to a great extent, to the use of hand-made material instead of machine made articles. It was contended that the journeymen must be paid for the time he puts in on the hand-made goods and hence the plumbers must charge more for the job. The old ordinance provided for the use of hand-made materials, but the plumbers introduced an ordinance last night permitting the use of machine-made material, and it was adopted by the council with a few slight amendments. It was contended that the citizens will realize the benefit of the change by paying less for their plumbing than heretofore.

Several changes were made in the salaries of city employees last night. The salary of the clerk of the water-works was increased from \$800 to \$1,000 per annum. The plumbing inspector's salary was increased from \$1,200 to \$1,500 per annum. The salaries of the superintendent of water-works and the street supervisor remain the same at present, \$1,500 and \$900 per year respectively. The salaries of the store and timekeeper, the tankman at Parker's reservoir and the two tankmen at the Thirtieth East and Twentieth ward reservoirs also remain the same, \$720 per year. The salaries of the three tankmen at the high line and the three at the brick tank were reduced from \$750 each to \$720.

Councilman Robinson again attempted to fix a date for the council to meet as a committee of the whole to investigate the city cemetery. He moved that the matter be considered on next Monday night, but before a vote could be taken a majority of the council had left the city.

TO CURE IN ONE
Take Laxative Bromo Quinine Tablets.
Druggists refund money if it fails to cure.
E. W. Grove's signature on box. 25c.

BUSINESS NOTES.

A copy of the articles of incorporation of the Smith & Larsen Mercantile company of Linwood, Uintah county, was filed in the office of Secy. of State Hamilton today. The object of the corporation is to conduct a general mercantile business at Linwood. Its capital stock is \$5,000, divided into shares of the par value of \$10 each. F. W. Smith is president; Keith Smith, vice president; M. N. Larsen, secretary and treasurer.

AFTERNOON ON 'CHANGE.

Stocks Still Steady but the Trading
Proved Light.

But few sales were made at the afternoon call and prices remained about the same. May Day was decidedly the feature, 4,500 shares changing hands at figures around 8 cents per share. Con. Mercut, too, was a seller, reaching the

Drapery, Portiers, Lace Curtains.

Our stock in the above lines is simply magnificent. It contains a beautiful assortment of the richest and most artistic fabrics that are made. Our prices are reasonable—in fact they cannot be beaten.

H. DINWOODEY FURNITURE CO.

White and Fancy Vests.

The white or nearly white vest will be a great favorite this winter. Everybody will wear them on semi-dress occasions. The patterns are stripes, dots, plaids and figures, and they are as

Washable As a Pocket Handkerchief.

Handsome patterns in silk and worsteds for those who prefer them.

The White or Fancy Vest will be the thing this winter, and there will be more of them worn than there has been any season for years. The swell, smart and swagger things are here.

You can't pull through this winter, sir, without a white or fancy vest. All prices, \$1.00 to \$5.00.

BARTON & CO., 43 and 47 Main St.

Outfitters to Men and Boys.

highest price paid in several days. The sales on the regular call were as follows:

Ajax—500 at 5.	
Con. Mercut—300 at 92.	
Day-Judge—30 at 7.30.	
Tower-Mammoth—500 at 23; 100 at 30.	
May Day—400 at 7 1/2; 200 at 7; 600 at 8; 1,000 at 7 1/2; 1,500 at 7 1/2.	
Trade—60 at 6.	

BOSTON STOCK MARKET.

Closing quotations today as reported by Hudson & Sons Co., brokers, were:

	Bid.	Asked.
Amalgamated	41 1/2	41 3/4
Con. Mercut	90	95
Daily-West	35 1/2	36 1/2
Utah	23 1/2	24 1/2
U. S.	18 1/2	18 3/4

DIED.

BEAN.—At 467 Seventh street, in this city, Dec. 2, 1903, of diabetes, Elizabeth Bean, wife of William H. Bean. Deceased was born in Guernsey, Channel Island, England, April 3, 1835. Funeral notice later.

DELINQUENT NOTICE.

The Park City Gold & Silver Mining Company, Principal place of business, Salt Lake City, Utah, Notice.—There are delinquent upon the following described stock on account of assessments levied on the 7th day of October, 1903, the several amounts set opposite the

names of the respective shareholders as follows:

Name	No. Cert.	No. Shares.	Am't.
T. P. Cronan	502	1000	\$10.00
John A. Ekman	515	1000	10.00
John A. Ekman	516	1000	10.00
John A. Ekman	517	1000	10.00
John A. Ekman	518	1000	10.00
John A. Ekman	519	1000	10.00
Geo. Romney, Jr.	524	25000	250.00
Jos. Nelson	527	10000	100.00
M. A. Miller	528	2000	20.00
John W. Hughes	530	250	2.50
R. B. Miller	533	250	2.50
L. E. Camomile	544	250	2.50
Philip Maycock	567	5500	55.00
Emma Hodges	574	500	5.00
C. A. P. Orloff	578	500	5.00
C. A. F. Orloff	579	500	5.00
Irene Morris	581	1000	10.00
Irene Morris	582	1000	10.00
C. N. Dunsie	585	1000	10.00
R. J. Evans	596	4000	40.00
Leon Sweet	571	1250	12.50