

### Now Answer in Court.

anded by a police inspector. out 50 newspaper writers finally were imitted, the remainder of the space a the courtroom being reserved for the a talesmen summoned on the specia ry panel.

The trial began before Justice Fitzserald in Part one, trial term of the reme court, and was scheduled for 10:10. Before that time the police lines had been extended from the corridor diacent to the courtroom to include entire first floor of the criminal ourt hullding. The public had been amed in advance not to attempt to get into the court room and few ap-

The quarrels with the police preced-ing the trial were quickly forgotten when at 10 o'clock Mrs. William Thaw, mother of the defendant, appeared in the court room. Following her came the Countess of Yarmouth and Mrs. George L. Carnegie, her daughters. Mrs Evelyn Nesbit Thaw, wife of Har-ty, came next, and was closely followed by May McKenzie, the actress, to whose home Evelyn Thaw field on the night of the tragedy on the top of Madison Square Garden June 25 last. The party, of relatives was completed by Edward Thaw, Harry's brother, and George Carnegie, his brother-in-law. The Conness of Yarmouth wore a modest brown cloth gown, a brown fur hat and yell. Mrs. Evelyn Thaw was dressed all in gray, with a hat and yell of the same color. The quarrels with the police preced-

e same color. A.Atty, Jeroine appeared in court 529. At this time most of the same had arrived, and the room crowded

Was crowded. Jand the room Janice Flizzerald took his seat at 255 and the trial was on. There was a decided stir in court the trial was on. There was a decided stir in court the trial was on. There was a decided stir in court and the decide stir in court and the decide and Austin Flint. Are exorted into court and given seats adde the clark's rail, where they cou-riled with Mr. Jerome. These same foctors represented the district attor-ney when the Josephine Terranova trial was stopped in order that a test might and of her sanity. When the roll call of the jury panel was begin there were several absentees had the court imposed a fine of \$100 con

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nn. Dr. Mabin, a third expert, joined Drs. lint and McDonald. When the roll had been completed dr. Jerome moved that the trial pro-

ludge Pitzgerald admonished the

arry K. Thaw to the bar," should

Teprisoner appeared almost instant-b ken the jury room. He walked commat nervously at first, but when he aught sight of his mother and wife and the other members of his family, his somewhat solemn face lighted into a mik. He bowed as he passed to his east hade his counsel. Tass carried a plaid dister coat on his arm it was rather chilly in the courtoom and he threw the coat about Without territ.

out further ado, the task of

acting a furry was begun. Charles W. Bryson, an engineer, was frat talesman. He declared he had conscientious scruples against capi-punishment, but had formed an iterable opinion as to the defend-t full or innocence. rable opinion as to the defend-rult or innocence. anwritten law." He said: are is a so-celled algher law, on

Only | the scene of the accident in the patro

the scene of the accident in the patrol wagon. The body was at once re-moved to Evans' undertaking parlors and Justice Dana T. Smith was sum-moned to view the remains. It is not likely that any inquest will be held. According to the statement made to the police by Stirling, Snarr did not touch the wires, but in this respect Stirling is evidently mistaken, because the body shows that Snarr received a heavy shock in the lgt hand. The man must have touched a live wire and the shock threw him from the cross arm and he fell headlong to the ground, alighting on his head. Dr. Pinkerton and another physician answered the summons for medical assistance, but the man was dead before they arrived. The tragic taking off of the young man proved a most severe blow to his relatives and friends of this city. He is said to have been a man of good headth and sevenes from an avcellent

habits and comes from an excellent family. No arrangements have as yet been made for the funeral.

## COMING LECTURES.

B. H. Roberts and Prof. Edgar L Howitt to Speak Tomorrow Night.

The political science league of the University of Utah will be addressed Thurs day evening, in the U. of U. assembly hall, by B. H. Roberts, who will take for his subject, "The Sphere of Government."

ment." Prof. Edgard L. Howitt, director of the Archealog cal Institute of America, will speak in the auditorium of the Packard library tomorrow evening, on "Anclent America." The lecture will be illustrated by stereopticon pictures, taken by the lecturer last summer in Mexico. Prof. Howitt was for many years with the Smithsonian Institute; but is now con-nected with the department of the in-terior.

DUBOIS' SCHEME FAILS.

### Case to Oust Judge Alfred Budge Dis missed by Court.

(Special to the "News.")

Blackfoot, Ida., Jan. 23 .- The Duboi site scheme for the outsting of Judge Alfred Budge has failed, so far as the district court is concerned. The case was yesterday dismissed by Judge Stevens, for lack of jurisdiction in the vens, for lack of 'jurisdiction in the premises. The court held that the case should have gone to the supreme court. It is probable that an appeal will be taken to the supreme court by the persons who would have a religious test for those who would vote or hold office. The fact the Judge Budge is a Mormon is sufficient, in the eyes of "Ptomaine" and some of his followers, to debar him from holding the seat to which he has been elected and for which he is so pre-eminently fitted.

unwritten law; would you allow such a law to enter into your judgment?" Counsel for Thaw objected. Justice Fitzgerald said the witness had already replied that as to points of law he would be guided by the court. When the district attorney asked the talesman what were his ideas as to the various forms of insanity as an ex-cuse for the crime, the defense ob-jected.

The column of light, a shaft at first, grew in size and brightness for several hours. To those who have seen erup-tions of Mauna Loa, it told its own story. Somewhere near the summit of the great mountain, the molten lava had broken out in a fiery stream, form-ing first a cone and then hursting ing first a cone, and then bursting through the side of this, started as a river of fire and lava down the gently sloping side of the mountain. Then it

began its descent to the sea, a stream of liquid fire, forming its own banks as it moved, the lava on the outer edges cooling more rapidly than in the mid-dle of the stream, but ever forced on by the weight of the molten mass behind, hurled from the under world by titanic

In the distance, it is a spectacle only. Nearby there is the deep surging of the molten mass hurled in great billows from the depths below.

This wonderful spectacle was visible. as it has now been ascertained, for a distance of 100 miles in every direction, except where great cloud banks piled by

except where great cloud banks piled by the trade winds on some parts of the mountain's shoulder intercented the remained a pillar of glory until the first light of the dawn began to pale its splendors, to turn them, as the light in the east strengthens, into a pillar of smoke by day.

the east strengthene, into a phar of smoke by day. As yet no one has gone up to tha source of the outbreak. That source is distant from human habitation. The way to it leads up through jungle and , forest covering an incredibly rough and broken country, ever rising high-er as the mountain is ascended until the timber line is reached, and then over desolate and barren laws fields, rough and broken, full of holes and plt-falls, the remains of ancient outbreaks the dangers of these upper regions now made doubly dangerous by snow which covers the upper portion of the moun-tain and hides the dangers of the trait from view.

from view.

from view. But though no one has gone to the source of the lava flow, the lava flow it-self has come down to the view of men. Four days from the time of the out-

Four days from the time of the out-break, the stream of lava found its way into the sea. In a brilliant cataract of fire it plunged over a cliff into the wa-ters of the Pacific, at first hiding itself in a great mass of steam, and killing every living thing in the waters which it set a boiling. But as the area of the water heated by the molten lava in-creased there seemed to be less intense steam at the actual point of contact be-tween water and molten lava, but a greater area from which steam rises. The point at which the stream of lava reached the sea on the southerly coast of the island of Hawaii near the boun-dary between the districts of Kona and of the island of Hawaii near the boun-dary between the districts of Kona and Kau, only one stream has so far reached the sea. There are three or four streams. Whether they are all from the identical source or not, is not known. In reaching the sea, the lava stream crossed the government road which runs along the whole western and southern slope of Mauna Loa at an altitude of about 1,400 feet. Mauna Loa occupies the whole of the half of the island of Hawaii. If has been built by just such lava flows as

been this. built by just such lava flow

### WAR ON SLOT MACHINES.

WAR ON SLOT MACHINES. Butte, Mont., Jan. 23.-A determined crusade is on in this city sganst nickel-in-the-slot machines. Four of-fenders who were brought before Dis-triet Judze Georze M. Bourauln ves-terday plealed guilty, and were fined sums ranging from \$150 to \$200 each. The next fluce, the judge intimated, would be porce. Charges against six others for conducting slot machines are pending in the courts.

al importance occupied the attention of the American National Livestock as-sociation at its sessions today. As the outcome of its deliberations new mea-sures will be brought before the congress of the United States with an in sistent demand for prompt action on them. One of the most important re-sults of the convention will be a movesuits of the convention will be a move-ment to compete railroad companies to furnish suitable and sufficient facili-ties for the transportation of livestock Gifford Pinchon government forester who brought from President Roosevel a message to the convention announc-ing that "government control of the public ranges is one of the fixed poli-cles of the administration," addressed the convention today on the proposition of leasing the public domain for grazing purposes.

A GREAT BATTLESHIP.

## House Naval Committee Probably Will

### Recommend One.

Washington, Jan. 23 .- It is practically assured that the house committee or naval affairs will recommend the construction of another gigantic battleshin struction of another gigantic battleship in addition to the one decided upon at the last session. As the result of a par-tial canvas made by members of the committee they are convinced that the house will approve an additional battle-ship as recommended by President Roosevelt and Secy. Metcalf. Chairman Rose of the committee said teday that he avects the new lowner

today that he expects the naval appro-priation bill will be reported to the house before the end of the present week.

### FLOOD SITUATION IMPROVES.

Louisville, Ky., Jan. 23.-There was a decided improvement in the flood situaction today, the river beginning to fail soon after midnight. The decline will be about one foot today. Thereafter a fail of from 2 to 3 feet daily is ex-

### WARREN'S ELECTION RATIFIED.

Cheyenne, Wyo., Jan. 22.-In joint session today the legislature ratified the re-election of Francis E. Warren as United States senator.

### DEER IN CITY LIMITS.

North Ogden Residents Killing Animals Driven Down From Mountains.

### (Special to the "News.")

Ogden, Jan. 23 .- Wild deer are con ing within a short distance of North ogden and are mixing with cattle along the foothills. The animals are almost Ogden and are mixing with cattle along the foothills. The animals are almost starved because heavy snowstorms have covered all vegetation in the hills shutting off their food supply. Sheriff Sebring at Ogden has been notified that the deer are being shot. Several were killed Menday evening and two more were killed last evening. Deputy Sheriffs Wilson and Clark have traced venison to several honnes if North Og-den and parties guilty of breaking the law by shooting deer are to be prose-cuted. Several small herds of the ali-mals have been seen near Ogden. An engine pulling a trainload of su-gar beets on the Ogden & Northwestern jumped the track yesterday on account of a broken rail. The crew jumped into the deep snow along the tracks and es-caped injury. Conductor Charles Story fell between the engine and car, and although struck and pushed for some distance by a brakebeam, was not in-jured. That he was not crushed to death is considered a miracle.

right of way, fully 100 feet from the track. The smoking car suffered most, and it was here that Hoskins was

As soon as possible word was sent to Deeth, and within 30 minutes four phy-sicians with assistants were sent from Elko. Everything was done to make the passengers as comfortable as pos-sible, but owing to the intense cold sev-eral suffered severely. At 5:30 this morning a special train

At 5.30 this morning a special train was made up at Deeth and proceeded at once to Reno where further arrange-ments will be made. The cause of the accident is not known at present, but it is supposed to be due to a broken rail. The delay to traffic will not exceed 10 hours.

Following within ten days of a wreck on the Southern Pacific, Western ex-press No. 5, westbound on this road was ditched a mile east of Deeth, Nevada, 194 miles west of Ogden, shortly before midnight last evening. The en-tire train of eight cars was hurled from before midnight last evening. The en-tire train of eight cars was hurled from the tracks, turning turtle at the bot-tom of a steep embankment. A man riding on the blind baggage, S. Hos-kins, was killed, and a number of pas-sengers injured. The railroad officials assert that none were hurt at all seri-ously. Superintendent Buckingham's office in this city bad received no com-plete report up until noon today. Chief dispatcher Wright left Ogden with a wrecking crew early this morning and will remain on the scene until the de-bris has been cleared up. The acci-dent is not believed to have done much damage to the tracks, and no long in-terruption of traffic is expected. The train was going at a speedy clip, being four hours late. A report sent into headquarters attributed to the ac-cident to a broken brake-beam, but later information indicates that a spring hanger dropped on to the road bed and as the train was traveling at a high speed threw the cars from the rails. The two day coaches were thrown a distance of 200 feet, and it is a miracle a number of passengers were not killed.

a number of passengers were not killed. The engine did not leave the tracks: the first baggage car did, however, folthe first baggage car did, however, foi-lowed by the second baggage coach, diner, two day coaches, tourist sleeper and two Pullman sleepers. The in-jured passengers were taken to Wells, Nevada, where medical attention was in readiness. The latest reports says bo passenger was so badly hurt that he cannot continue his journey. A number of Salt Lakers are on No. 5. S. Hoskins, the dead man, was evi-dently a laborer. In company with D. J. Roberts he left Ogden yesterday, having purchased an agreement ticket from a labor contractor in the Junction City to go to Bews, to work on the Western Pacific. It is believed he sof off at cobre and then climbed upon the blind baggage of the express. He comes off at Cobre and then climbed upon the blind bagrage of the express. He come-from filinols or some neighboring state but his home is unknown. An efforr will be made to locate D. J. Roberts, his companion, who may be able to furnish the desired information about Hoskins. The Southern Pacific had a wrock at Gartney 10 days ago, greatly indicate to have a predict account. similar to last night's accident. A broken rall threw six cars off the trac's killing three persons and injuring over two dozeu passengers and members of

## the train crew.

# PATENTS FOR UTAH PEOPLE.

Special to the "News.") Washington, D. C., Jan. 23.—Patents issued to residents of Utah.-George W. McCall, Price: hed spring tightener: Joseph F. Sandberg, Smithfield, beet harvester,

pany was originally iscorporated as the Minneapolis & St. Cloud Railroad com-pany under a special charter granted by the territorial legislative assembly in 1856. Section 3 of this act provides In 1856. Section 3 of this act provide that "the capital stock of the corvora-tion hereby created shall be \$2,000,000and the directors of said corporation may with the consent of the holders of may with the consent of the holders of a majority thereof increase the capital stock thereof to such sum as may be necessary or convenient to carry into effect all the rights and privileges here-by granted thereto, not exceeding \$20,-con on

"There is no authority here to is sue stock in any event in excess of \$30,000.000. But this charter was amended by the state legislature in 1865 by an act which, among other things, provided that said company "shall have power to create and is-sue in such manner and on such terms as it may deem expedient one or more classes of preferred stock, and to make such agreements as it may deem proper with the respective holders thereof, as to the dividends thereon

"This is the provision relied on to give the defendant the right to issue stock without limit. In my judgment it does not do so

"The court holds that the doctrine that subsequent enactments could re-peal the law of 1887 governing the company's stock issues does not hold

company's stock issues does not hold since those subsequently passed spe-cifically state that they shall in no wise repeal any existing laws govern-ing the issue of stock. The court's decision sustains every point raised by the state. There were no questions of fact before the court, they being admitted, and while tech-nically there should be a further trial on hearing for an order making the injunction permanent. It is thought by the attorney general's department that the next move will be an appeal that the next move will be an appeal to the supreme court to determine the constitutionality of the law and the correctness of Judge Hallam's ruling,



### Samuel Newhouse Acquires Three More Pieces of Property on Lower Main.

The Tuttles closed up this noon Mr Newhouse's option on the R. E. Miller I shaped plece of property which runs around the Federation of Labor hall at the northwest corner of State and Fourth South streets, the consideration being 320, 600. The Tuttles are taking up this atide-ncon, two more options for Mr. New-house, in the vicinity of the federal build-ing, amounting to over a quarter of a million dollars.

## BIG WOOL DEAL.

### Wood Livestock Company Sells 700,000 Pounds at 23 Cents.

The Wood Livestock company, it is a certained, has sold its next year's wool clip, amounting to about 700,000 pounds, fo eastern parties, at a little over 23 cents

eastern parties, at a little over 25 cents the entire transaction amounting to \$50,-00, The company secured 25% cents last year, so that the present transaction indi-cates that the level of prices for the com-ing season will remain approximately as high as during the last selling season. If was feared in wool circles, after the last cilo was disposed of that the prices obtained at the time could not be secured again, but the Wool company sale, which is practically consummated, indicates a I of good prices for the western woolgrowers.

against the measure, while Park, Miller, Johnson, Clegg and Brinkerhoff, express themselves as open to conviction, and anxious to hear more about the bill,

### WANTS TO STUDY.

Senator Miller took the somewhat philosophical stand that he was there not to have preconceived opinions, but to study conditions, and what he but to study conditions, and what he most wanted now was to hear a great deal on the subject. "I would like to see mass meetings held," he de-clared, "and opinions interchanged on the subject. Then what I conclude is best for the state, being careful not to do anything that would harm the general welface of the needed conthe general welfare of the peaple, can be expressed in my vote. Right now what we need is information about the measure and not opinions. The one stand I am willing to take positively is in favor of giving the bill a free and full hearing."

### AGAINST THE MEASURE.

Senator Johnson of Plute said: On general principles I am opposed to a general principles I am opposed to a railway commission, especially at this time, as I do not wish to hamper the railways in our state in the way of ex-tension and betterment of the regions in which they now are or may here-after go. But I propose to give this and all other measures a full and fair consideration. consideration,

## WOOL SELLING NOW ON.

### Eastern Firms Have Bought Six Million Pounds Already.

lion Pounds Already. Never was there a prettier fight car-ried on among eastern wool buyers than there is to be waged for this sea-son's clip. All large eastern houses have agents in the Utah-Idaho field at the present time and in the neighbor-hood of 6,000,000 pounds of wool form these two states has been contracted for siready. This year's prices are to be high, as wool is now hiringing be-tween 20 and 23 cents per pound. The scramble among the railroads for con-signments will be greater than ever. Utah's annual crop of wool is about 10,000,000 pounds and Idaho's 18,000,000 pounds. With a dozen agents in the field long before the season is near, all indications point to a great year for poinds, with a dozen agents in the field long before the season is near, all indications point to a great year for wool raisers. The demand for Utah-Idaho wool is growing yearly. Marcus Harris is looking out for the B. Harria Wool company of St. Louis: R. L. Or-chertt is buying for a number of east-ern woolen mills; Eisman Bros. of Bos-ton are represented by Jesse Goodfel-low; R. L. McKellar and Joseph Strang, the Koshland, are busy hi western Idaho and other big eastern companies have buyers in the field. The J. D. Wood company is reported to have sold its annual ellip-in the western borhood of 650,000 pounds-to a Boston firm. If sales keep up at present rain the season's output will be bought be-fore it is taken from the sheep. fore it is taken from the sheep.

### WORK IS PROGRESSING.

### Salt Lake Route's Improvements at Milford Assuming Shape.

Milford Assuming Shape. J. H. Burtner, district freight and passenger agent of the Sait Lake Route, has returned from a trip of in-spection down the line. "Work on the improvements at Milford are progress-ing in good shape," he said this morn-ing. "Among the railroad buildings now being erscted and welt along in construction are a round house, re-pair shops, coal hins and chutes, an ill residences for railroad men and the families, Extensive yards are bein