TRUTH AND LIBERTY.

# 10 PACES LAST EDITION.

# "WOMAN'S DOCTOR" FACES THE COURT.

The Notorious Payne Before the Bar on a Second Murder Charge.

#### WAS MERVOUS AND CARE-WORM

Manifest That He Realizes the Serious. ness of the Offense on Which Conviction May Come.

MOTHER TELLS HER STORY.

Pathetic Narration of the Incident That Led to the Death of Alice Ferguson-Question of Bail.

In the criminal division of the city court, before Judge C. B. Diehl this morning, Dr. W. S. Payne appeared the second time as a defendant on the charge of murder; the murder of 17year-old Alice Ferguson.

There is some doubt as to whether the charge is murder in the first degree. or the second degree. After reading the complaint, Judge Powers, counsel for the defendant, said: "The complaint does not allege premeditation. From that I would take it that it is murder in the second degree, although is does allege with malice afore-

At any rate the complaint says murdet! On that the prosecution will have to stand or fall, and County Attorney Parley P. Christensen feels confident that the state will win this time.

Dr. Payne, accompanied by his wife, was brought from the county Jail by Deputy Sheriff Steele, He was soon for leved by Judge Powers. County Attorney Chrisiensen was already on the scene, as also were two stenographers, one for the state, and the other for the

Dr. Payne had a careworn appear auce, and as his young wife talked earnestly to him, he twisted his soft black fold hat nervously and gazed intently on the floor. During the taking of testimony, Mrs. Payne listened eagerly to every word that was uttered. The expressions upon her face indicated the emotion which she felt. Dr. Perne sat next to Judge Powers, and by spoke to his legal adviser of Mrs. Ferguson were in the m, seated side by side. All except the witnesses, officers out, attorneys and newspaper Judge Diehl, upon motion of

) for is the state was converned, here can be no doubt that the defend-nt will be held to the district cours, This afternoon at 3 o'clock, Judge Powers will ask for a reduction of bail, and will make some suggestions in sup-

he most important witness examined morning was Mrs. Anna Ferguson, mother of the dead girl. She gave her testimony in a low tone of voice and at times it was almost impossible to dis-tinguish her swansh.

tinguish her remarks.

Contrary to general expectation, Judge Powers was decidedly considerate in his cross-examination. He did not charge her, directly, with being an accomplice in the alleged crime, but tried to draw from her an admission that she was a party to it. He did get her to admit that she knew that the queration was daugerous and yet took neration was dangerous and yet took for daughter to Dr. Payne. She also dmitted that young Stephenson agreed

that he would pay the expense of the MRS, FERGUSON CALLED.

The first witness called was Mrs And Ferguson, mother of the dead Answering County Atty, Chris-a, Mrs. Forguson said that her iter was 17 years and 12 days old heter was It years and 12 days on the time of her death. I saw Dr. Payne on Aug. 2 at his said Mrs. Ferguson. "I went to office and asked him if he would be out a young girl who was in unit. He asked me how old the land the land asked her time she Fig. 1. The saked me how old the first was and the length of time she ad been in trouble, I told him and it said he would charge \$60. I made it appointment for the next day at 4 takes. I asked him if it would be afe and he said it would be perfectly afe, but that the patient would be NTY sick.

What further did he say?"
He told me that he had another lady The collapsed and this might be

I took Alice the following Mon-

and Thursday."
Who did you find there?" vas dene?"

he operation was performed each The county attorney then exhibited for Payne's grip and Mrs. Ferguson identified the same and also some of the instruments alleged to have been used. Mrs. Ferguson said the defendant also used medicine on each visit.

What effect did this have upon Alleger.

affected her breath her eyes and hade her cry and become very ner-

What was the condition of your daughter's health?

"What was her condition when she gave way and I had to take her away carriage,"

Christenson then exhibited the

Af. Christensen then exhibited the dead girl's waist and skirt. While signifying them. Mrs. Ferguson was visibly affected and shed tears.

"When we got home." said the witness. It took her in the house and laid her on the lounge. She felt better and sat on the porch. She became very sick the next morning. Friday in the afternoon she grew worse and I give her the medicine the doctor gave it. About 10 minutes before she died as we her whisky."

THE GIRL'S DEATH.

What hour did she die?" As near as I can tell, it was about 11.50. Friday, Aug. 11, 1905."
What undertaker took the body?"
"O Donnell."

You took your daughter east and

"Was any payment made to Dr. ayne for the operation." "Yes, I paid him \$50."

POWERS PROPOUNDS QUERIES. On cross-examination, Judge Powers asked: "When did you first learn of the girl's trouble?"
"About three weeks before she died."
"You of course kept watch of your daughter?"

No mother kept closer watch of her daughters than I did."You suspected something?"

"What did you do when you learned?"
"I talked two or three times with
the young man (Stephenson), and we
agreed what to do."

Did you give her anything?" 'Did you do anything during that

No you and the young man were thining for an operation?"
We were planning for some way out

"You did not plan for her marriage?"
"No, because she did not like the young man, and it would not have been right to compel her to marry him."
"Your talks with the young man were friendly?"

were friendly?"
"Well, I did not want him to think I

STEPHENSON AGREED TO PAY.

"Was it on his advice you took the girl to Dr. Payne""
"No, not to Dr. Payne, but he ad-vised me to take her to some doctor."
"And he agreed to pay all costs?"

'Did you tell Dr. Payne your name?" Mrs. Ferguson answering Judge Pow-ers, denied that she told Dr. Payne she had given her daughter certain medi-

"You know, do you not, that upon your second visit to the doctor's office, you exhibited a bottle of certain medie, d.d you not?"
I did not."

"On any occasion, did you?" Did you ever see a bottle of that

Did you ever see a bottle of that

kind in your daughter's hand?"

In your own hands?"
No, str.
Where did you see it?"

Did you see it in Salt Lake?" Had you ever been to the doctor

While you knew the operation was

extremely dangerous, you asked the doctor to perform it?"

"He did not solicit from you?"
"No. sir."
"What did you do during the opera-

Nothing: I sat in a chair." So then, if any crime was commit-ed, you had a part in it?" "No. sir: I do not consider I did any

"But you took the girl there?"
"Yes, sir,"
"He told you the trouble was of a certain duration?"

"Yes." Tou knew that, did you not?"
"Yes, sir."

DR. REED CALLED.

Mrs. Furguson was then excused, and Dr. F. F. Reed was called. He stated that on Aug. 10 he saw Mrs. Montana line tated that on Aug. It he saw airs. Forguson and her daughter. The later appeared to be very nervous, and n great pain. Dr. Reed said they can south from Dr. Payne's office.

Mr. Christensen asked: "Subsequent o that time, about the lath, did you to that time, about the lath, did you go to the Ferguson residence at my

"Yew, I did."
Dr. Reed identified the clothes the girl had on the first day.

"How do you fix the day as being the 10th of August?" asked Judge

I was waiting for a patient on that day. HACK DRIVER TESTIFIES.

F. S. Fowler, a hack driver, was the next witness. He testified that he hauled Mrs. Ferguson and her doughter from the Central block to their home. He said he took them to 222 west Second South. He said the girl looked like she was sunstruck. There was no cross examination.

CHIEF LYNCH CALLED.

Chief of Police W. J. Lynch was the next to take the stand on behalf of the

Chief Lynch identified Dr. Payne's grip and the instruments therein, and said he got them from the defendant's office upon information given by Mrs. "Did you take photographs of Dr.

The chief identified the pictures, and it this point Judge Powers usked: "Chief, don' you think you spoiled good photographer when you took in the profession?"

"I didn't think anything about it." By Mr. Christensen—"In your conver sation with the defendant, what did he

'He said he did not know Mrs. Forguson; that he would not talk to the officers because he did not get a square On cross examination Chief Lynch sold he did not know that County Attorney Christensen talked with the

DR. OSTERMANN.

Assistant County Physician James Optermann testified that he performed an untopsy on Miss Ferguson's body and found indications that a criminal operation had been performed.

STATE RESTS CASE.

At the conclusion of Dr. Ostermann's estimony. Mr. Christensen announced Judge Powers said he would probably not introduce any testimony, but wanted to be heard on the question of hail.

The matter will come up for that purpose at a late hour this afternoon.

#### OFF FOR MEXICO.

#### President Joseph F. Smith Will Dedicate Juarez Stake Academy.

President Joseph F. Smith and wife, Jeseph F. Smith. Jr., and J. W. Sumicerhays, left last night to attend the Juarez alake conference, which convenes at Colonia Juarez. Chinuahua, Mexico, Saturday and Sunday, Sept. 18 and 17. President Smith goes principally for the purpose of dedicating the Juarez stake academy, a fine structure recently completed by the Saints of that section, and now ready for educational work. The party go over the Sait Lake Houte to Los Angeles and over the Southern Pacific to El Paso, from which point they will visit the "Mormon" colonies, reaching them via the Sierra Maire & Pacific railway, which runs to Dublan. From there they will take a carriage to colonia. leaeph F. Smith, Jr., and J. W. Sumthey will take a carriage to colonia. Jaurez, 14 miles distant. They will be gone about two weeks.

TUESDAY, SEPTEMBER 12, 1905. SALT LAKE CITY, UTAH,

## Destructive Agricultural College Fire.

Mysterious Blaze Causes Damages That Are Estimated at \$70,000 - Just How the Conflagration Was Started May Never be Known, but Arson is Strongly Hinted At-Mechanical Arts Building Completely Wiped Out.

(Special to the "News.")

Logan, Utah, Sept. 12,-The mechancal arts building together with the machinery, tools and paraphernalla of the Agricultural college of Utah was practically wiped out by five at an early hour this morning. But for the fact | that there was a strong east wind blowing from the canyon, the entire college might have been razed to the ground.

There is no one here to give figures on the losses, but those who claim to be in a position to know, piace the damage at \$40,000 for the building and \$30,-000 for the contents.

The cause of the fire will probably never be known, and there is considers

able talk of argon. The building, which was gutted by the flames, is a brick two-story struce ture, with one-story wings on either side, and a T-shaped annex and wings in the rear. This structure stands on the brow of the hill, 100 feet south of he main building. All the appliances and machinery of this department of the school are kept in this building. The carpenter shop is located in the front two-story building, the iron work department in the south wing the forger in the center at the rear, while the ear wings are occupied by the furnace com and carriage shops. The north ront wing containing the offices and

imber storage coom. Some workmen had been engaged there during the day. There seems to be no definite idea or theory regarding the origin of the fire. Officer Benson, who was patrolling Main street at 12.45 a. m., noticed a light on the hill in the direction of the college. At first he thought it was a fire on the neumanian, but in a few minutes he saw that it was the college that was burning. He then rushed and rang the fire bell. A few seconds later Prof. Jardine, who lives north of the college campus, telephoned in an alarm to the city. By this time the east end of the building, consisting of the forge room and carpeter shops, was a mass of flames. The theory this morning is that the flames started in the east wing in the

INSURANCE SMALL.

Only \$5,700 Carried on Eurned Euilding and Its Contents.

While the loss is generally regretted, in Suit Lake and is regarded as being almost complete, it is not believed to be an heavy as the "News" dispatch would indicate. From the best information obtainable here it is stated that the loss occasioned by the burning of the Agricultural t'ollege Mechanic Atla building will not exceed \$50,600. However, that emount even is irreparable. Particularly is that true from the small amount of Insurance that was carried. There written by McCocnick, Cook &

ing the destruction of the hards and buildings of C. C. Plumel which are located just west of the college.

The fire department responded promptly and turned out in good shape, but with the low pressure in the college mains could do but little. Efforts were conventionally and the college mains could do but little.

President Kerr is out of the city and President Kerr is out of the city and it is as condingly difficult to get a correct estimate of the loss. Those most familiar with the affairs of the college place it at the figures already given.

The loss to the school is believed to be only temporary. The greater part of the walls is not badly shouged and those in the mails building can be quickly replaced. It is thought therestors, that while the school in this department is temporarily crippled that arrangements can be made to conduct the mechanical arts department in the basement of the mail building until the

Yellowstone Park Company, Now Forming, Will Build Two Roads, One Terminating At Victor, Idaho, and the Other Into the National Park-Will be

The company will build two roads, one gaing in a northeasterly direction on to park and the other which will leave the main line a few miles northwest of St. Anthony, passing through the town of Marysville, Ida. and on in a southeasterly direction into Teton valley, terminating at Victor. The Yeilowstone park line will be 75 miles in length and the Teton valley branch will be 60 miles, making 125 miles in the company will be president.

It is the policy of the Oregon Short Line separate the Composition time a sequential their can be no doubt that it will be a great paying proposition from the passes is ansolutely evoid of any other revenue aside from the park business. On the other hand the park business. On the park business. On the other hand the park business.

JAPAN LOSES A

# NOW YOU SEE IT. AND NOW YOU DON'T

How New York Life Insurance Co. Disposed of Assets Objected to By Prussian Government.

Negro Messenger Boy Used as a Dummy -- Company's Treasurer Tells All About It.

Life Insurance company disposed of arrets objected to as the Prumian gov-

The examination of Editional D. Run-leb. Trecourer of the New York Life-nsurance company was resumed. The canonal of the preferred clock of the bicago, Milwankoe & St. Pan rull-mal from the assets of the company to act for the Prussian government, which

silver in the United States for the calendar year 1904, has been made by the Director of the Mint Roberts. It is shown that

the Japanese ships having 63 killed and wounded. She approached nearer to the Russians than any other battleship.

The Mikasa was also the flasship of Admiral Togo after the great naval battle fought off Port Arthur of Aug.

18, 1804, on which occasion the Japan
of gold worth \$4,210,000; 12,484,200

fine ounces of silver of a company was also the flasship of total commercial value of \$7,240,894. The fine ounce cannot be and silver was \$11,455,894.

The Mikasa was also the flasship of Admiral Togo after the great naval battle fought off Port Arthur of Aug.

18, 1804, on which occasion the Japan-

# The Union Partific stock, Mr. Randolph said, was sold at different periods from 1893 to 1994. The question of syndicate operations was then taken up. Mr. Hughes drew Mr. Randolph's attention to the fact that stocks received by the New York Life as a bonus for underwriting were reported in the card index as a nonledged asset, while bonds received for underwriting appeared as an asset on the ledger. Mr. Randolph did not know why this was done. He presented Mr. Hughes with a pamphiel entitled

dex showing the record and sale of 2.0 shares of Erle for \$210,000 was introduced in evidence. This card, it was brought out, was the only record ket of this transaction. Cornelius

Mr. Hughes with a pamphlet entitled Participation in Syndicates by the New York Life Insurance Company for on Years' Base."
The net profit to the New York Life this pamphlet to have been \$2,399,695. This was offered in evidence my Mr. Hughes and was alleged to show that the New York Life had in that time

If it recognized custom in final-ial concessa to have dummy bonds, are sorry the mane of George Mar-ball has been brought into ridiente, in this transaction we carried it along to the company and made an addition-t the company and made an addition-t transfer of the Chicago & North-casters preferred slock from the life

these bonds. "Did you ever sell securities one day and buy them back the next to make a market?" asked Mr. Hughes.

#### Never," replied the witness. ---TO THE GRAND CANYON. Senator Smoot and Party Will Leave

On Friday to Explore It. Friday morning next an expedition which may mean much for the futur' of southern Ctab, or at least that part of it from Marysvale south, which is ow almost unknown country will leav last Lake. At the head of the part re Senator Reed Smoot and Congress man Joseph Howell of Utah. Senato leorge Sutherland is in full accord with purposes, but is not a member of for the reason that he has found

impossible to go.

The purpose of the trip is to view the tan side of Grand carryon and to conder questions vitally connected with he future of that country. Among bess is the matter of making an in-

In the party are Senator Reed Smoot, Congressian Joseph Howell, Postmas-ter Jumes Clove of Provo, and E. G. Woolley, a nephew of E. D. Woolley. river. Several more persons may join the party before it leaves, although this is not yet certain.

across on the agrial transway if it is completed, or if not over a ferry to the Cameron trail on the other side, which

in the Sevier river.

In the party of Arizona efficials which will meet the Utah party at the canyon are Congressional Delegate Smith, the attorney general, Judge Woan of the supreme court, and Traffic Manager. Norton of the Santa Fe callroad

#### PATENTS FOR WESTERNERS.

ents! Unh: P. B. Allan, Salt Lake City,

FIFTY-SIXTH YEAR.

# BEEN PROCLAIMED.

In Caucasian Districts of Zangezur and Jebrail Where Tartars Are Massacring Armenians.

#### NEITHER AGE NOR SEX SPARED

Mutilated Children Thrown to the Dogs-Survivors Forced to Join Islamism to save Lives.

#### ANTI-CHRISTIAN AGITATION GROWS

A Hundled Social Democrats Killed or Wounded in Conflict With Cos. sacks at Titles.

war has been proclaimed in the Caucasian districts of Zangezur and Jebrail, merians without distinction of sex or age. The country is swarming with hands of Tartars under the leadership of their chiefs. Many thousands of Turturs have crossed the Perso-Russian frontier and joined the insurgents in destroying Armenian villages. At the village of Minkend 300 Armenians werdaughtered. Dispatches say that mutilated children were thrown to the dogs and that the few survivors were forced to embrace Islamban in order to

save their lives. Naptha firms are cut off from the de-livery of oil fuel to the shipping com-panies which are now confronted with the necessity of suspending their ser-vices and discharging their employes, which would result in leaving thous-ands with no means of subsistence. The salt works at Baskumehak have been obliged to close owing to the warrity of fuel and this will paralyze the fishing industry.

ANTI-CHRISTIAN AGITATION.

Batoure, Baucasia, Sept. 12.—There is growing agitation among the local Mussulmans against the Christians. The authorities have seized documents

Ready for Business Next Summer.

Within a few days articles of incorporation of the Yellowstone Park Rails way company will be incorporated for \$125,000 and is to be formed for the purpose of continuing the St. Anthony branch of the Oregon Short Line through to the National park borders through to the National park borders and the National park borders and over the Maland inc.

The company will build two roads, one going in a northeasterly direction.

The company will build two roads, one going in a northeasterly direction.

The company will build two roads, one going in a northeasterly direction. ler refused and some revolvers were ired. A large force of Cossacks drawn up outside the building then fired a voiley into the crowd time and time again, killing 30 and wounding upwards of 70. In the ensuing panic many peray their comrades and the pursuing

#### ATTACK IN JAPAN UPON THE HARRIMAN PARTY

Simply Made a Target by an Excited, Crazy Mob, Says an "Old Diplomat."

Takio, Sept. 12, 1 p. m.-Some Amercan press comments attributing the ourning of churches as an insult to foreigners and an outburst of anti-foreign sentiment have been received here with profound regret and surprise. An Associated Press representative shines, whose name is withheld by re-uest. He said:

"Japanese youths and the lower lasses are peculiarly excludie, No use of rioring passed without collaters ing. The unfortnoste occurrence against the churches and American visitors is one of many similar instances. In a moment of excitement hather their relation is tangent with in first cause. "Rioters have no power of discrim-

#### RUMOR THAT KOMURA'S FAM-ILY HAS BEEN ASSASSINATED

Reme, Sept. 12.- The Tribuna teday sublishes a rumor from Tien Tsin to the effect that the family of Baron Kemura tike Japanese peace plenipos tentiary), now in America, has been assurely, and

that it originated in Then Tain would also tend to discredit it, as Tion Tain is not favorably located for the recept of Important news from Japan at first hand.

#### Importing Gold,

New York, Sept. 12.-11 was an-nounced today that Lezard, Freeros, bankers of this city, had engaged 31,-20s coo gold in London for import to New York. The gold was in South African bars and at the present rate of

# RAILROAD INTO THE TETON VALLEY

GREAT BATTLESHIP

The Mikasa Catches Fire-Maga-

zines Explode and Five Hundred,

Ninety-Nine Lives Are Lost.

SHE WAS TOCO'S FLAGSHIP

At Battle of Sea of Japan She Led

Fleet Into Action-Heaviest Loss

Tokio, Sept. 12, 2 p. m .- The navy de-

pariment announces that the battleship

Mikasa has been destroyed by fire and

the explosion of her magazine causing the loss of 599 lives including men of

other phips who went to the reacue.

The fire started from an unknown caure at midnight on Sunday night,

Sept. 10. Before the officers could be

rescued the fire reached the aft maga-

zine which exploded blowing a hole in

the port side of the vessel below the

water line and causing the ship to

An investigation is now being held

to determine the cause of the fire. The Mikasa was the flagship of t

Japanese mays, flying the flag of Vice Admiral Togo, the commander-in-chief

She was present at all the principal engagements during the war and was

damaged in action. At the battle of the Sca of Japan, she led the fleet in

to getion and her name was mentioned in connection with some of the most stirring events of this famous sea

fight. The Mikasa was one of the largest

and most powerful vessels in the largest and most powerful vessels in the Japanese navy. She was built at Barrow. England, and was launched in 1902. She had a displacement of 15,200 tons, her speed was 1815 knots with 16,431 indicated horse power. Her armoment consisted of four 12-inch, 14 6-inch, 20 inches.

12-pounders, 8.3-pounders, 4.2%-pound-ers and 8 millimeter guns. In the battle of the Sea of Japan

the Mikusa was the heaviest loser of the Japanese ships having 63 killed and

sink.

On Japanese Side.

THE FUCITIVE MOTORMAN

Police Watch Every Ferry and Railroad

Station, Even Sending in a General

Alarm for His Arrest.

New York, Sept. 13.—Policement watched every ferry and railroad station in this city last night, trying to cupture Paul Kelly, the fugitive motorman of the wrecked elevated railroad

eral police alarm was sent out calling for the arrest of Kelly on a charge of

Investigation of the wreck was tak-

m up today by the state railroad com-

their homes during the night, their injuries proving not to be serious. Of those in the hospitals, three were so

Steamer Victorian Floated.

Montreal. Sept 12.—The Allan line tur-bine steamer Victorian was fluited today, and is on the way to Quebe, where she will be placed to dry dack. The Victorian ran aground on Sept. 2.

OF PRECIOUS METALS

(Special to the "News.")

Washington, D. C., Sept. 17 .-

An approximate satimate of dis-

tribution by states and territor.

tes of the product of gold and &

UTAH'S PRODUCTION

train in which 12 persons were kill but had not found him today. A ge

#### se flagship also suffered the most, but ; continued in the fighting. On that oc-casion the Mikasa had four officers and 29 men killed, six officers and 29 men HUNTING FOR PAUL KELLY,

### MADE A FALSE, LYING LOAN.

badly injured as to make their recovery doubtful. They are William Engle, whose right leg was amputated: Ellan Miner of Nyack, N. Y., whose skull was fractured and leg amputated, and William T. Niebuhe, who also suffered Juries, and their condition might at any moment become critical. Seymour Ros who had a fracture of the skull, was

Mint Roberts. It is shown that the investigation of the insurance companies by the produced 392,900 fine ounces the charles is. Hughes, counsel for the of gold worth \$4,215,000; 12,484,200 investigating committee, endeavored to investigating committee, and accordance to Charles E. Hughes, counsel for the