

WANTED A FIGHT AND GOT IT HARD.

An Abusive Peddler Gets a Severe
Trouncing.

STRUCK BY AN ATHLETE.

Taken to the Police Station He Sought
More Trouble and also Got That
—Promised to be Good.

J. A. Adams, a dangerous and desperate character, who has given the police and sheriff no end of trouble, now occupies a cell in the city jail, nursing a badly bruised eye, awaiting trial on the charge of vagrancy. It appears that about 10 o'clock this morning Adams accosted Frank Stephens and E. C. Wainwright on East Temple street and tried to sell them a ring. He was quietly informed that they did not want the article, but he persisted in his efforts to make a sale and finally became abusive. Seizing Wainwright by the arm Adams dared him to go up an alley and fight, calling him numerous vile names. Wainwright made repeated attempts to shake the fellow off, but it was no use. Adams was "spilling" for a row and he got struck him a terrific blow on the mouth and another on the eye, which sent Adams to the pavement as though he had been felled with a club.

Officer Simpson was soon on the scene and placed the would-be fighter under arrest. At the police station Mr. Wainwright said:

"I didn't want any trouble with the man, I have never seen him before, but he abused me until I became tired of it, and I fought him, and did it deliberately."

Wainwright was instructed to be on hand tomorrow afternoon to enter a complaint against his assailant. Wainwright is the young athlete who was injured by a fall from a trapeze some time ago and was compelled to have his leg operated upon.

The man Adams is the fellow who gave Officer Peck the tussle of his life when the latter arrested him about four months ago. He was also with the gang that in the Temple lodging house, when one of the gang pulled a gun on Chief Pratt. He has but recently been released from the county jail where he was sent by Justice Sommer to serve sixty days for stealing some articles of clothing from a man named Parley's car.

He made a vicious lunge at Officer Simpson this morning when the latter searched him; but when Desk Sergeants Pratt and Smith and Patrol Driver Armstrong clambered onto various parts of his anatomy Adams howled and promised to be good.

TRUSTEE APPOINTED.

Creditors of David Nicol Meet and
Name George B. Greenwood.

The creditors of David Nicol, bankrupt of Murray, met at the office of Referee Baldwin this afternoon and elected a trustee to handle the affairs of the estate. Attorney George B. Greenwood was chosen to fill the place, and on qualification will proceed to immediately wind up the affairs of Mr. Nicol.

ENTITLED TO HIS SEAT.

Roberts' Expulsion Would be an Un-
warranted Act by Congress.

If Mr. Roberts were to be expelled simply because he believes in "Mormonism," says the Denver News, the act would furnish a dangerous precedent, under which Methodists, Baptists, Catholics or some other denomination might be expelled at some future time. The proceeding against him, however, is based on his being an actual polygamist. Even to refuse him a seat on this ground, the News continues to regard as a dangerous precedent, because there being no national statute against polygamy as applied to the States, or as affecting the qualifications of members of Congress, his expulsion would be an arbitrary act of power not warranted under the general authority given each house of Congress under the Constitution. This power, being without limit, should be exercised with extreme caution. It is entirely competent for Congress to make a rule that no man who has red hair shall be admitted to a seat. While this would be carrying the power to an extreme, it illustrates how careful Congress should be in this matter. In the absence of any law or rule as to polygamists, either as to sitting in Congress or holding federal offices, Mr. Roberts is entitled to a seat. All future contests of this kind should be prevented by enacting a law that no polygamist shall hold a federal office of any kind or character.

JURORS ARE SELECTED.

Jury Commissioners Thomas V. Williams and Arthur H. Parsons completed their labors today, and this afternoon filed with the clerk of the Third district the names of 672 male citizens, residing in Salt Lake City. From this list will be selected by the clerk of the court as necessary demands.

JUDGE TIMMONY'S COURT.

Attorney George Southerland represented S. M. Whitmore, who was arrested on the charge of making connections with the sewer without permission, and entered a plea of not guilty. Inspector Spencer of the street department testified that the defendant had applied for a permit to make the sewage connection but it was denied him because the city had not accepted of the work done in the sewer where the alleged connection was made. The defendant, Mr. Whitmore, stated that when he applied for a permit to do the work the inspector promised to inspect the work but did not do so. In cross-examination witness admitted that he made the connection, and prior to doing so was ad-

vised by Mr. Erskine not to do the work as it was a violation of the law. The court held that inasmuch as the sewer was practically completed the defendant had a right to make the connection, and the defendant was discharged.

THE CASE AGAINST WALTER VAN DYNE

and Lewis M. Linck, charged with fighting, was being heard when the "News" report closed.

PERSONAL.

P. J. Quealy of Kemmerer, Wyoming, is at the Knutsford.

Orange Seely is up from Castledale and is stopping at the Walker.

Mr. and Mrs. C. E. Brubaker have gone to Lexington, Mo., for a visit.

A. C. Smith of Mountainhome, Idaho, takes his State will to the next Presidential election.

Edward W. Clarke, a member of the Tribune's local staff, leaves for Butte on Thursday. He will take a position on the Miner, which will thereby gain a painstaking and conscientious worker.

The Knutsford register shows S. B. Hack, New York; Mrs. J. H. McNulty, A. Willey, Chicago; Miss Smith, W. T. Smith, Elko, Nev.; Charles R. Michelson, Mountainhome, Idaho; A. E. Richardson, Chicago.

These parties are at the Kenyon: C. H. Heath and wife, Fort Dodge, Iowa; J. G. Hammond, New Haven Pa.; Harry Herrick, Chicago; Mrs. E. W. Clark, W. Miller, Ophir; T. J. Duddleson, Pocatello; C. D. Slocum, Mr. and Mrs. Charles H. Wise, Boston; Henry Paul, Denver.

L. C. Hamilton, formerly a real estate man of this city, and now in business at St. Joe, is visiting with relatives here. He says the population of St. Joseph has been increased by 20,000 people within the last eighteen months by the incoming of four great packing establishments, and that the next census will show the local population at 100,000.

Why Not?



There is no reason why you should not use Hewlett Bros. Co. Three Crown Baking Powder, Elxtracts and Spices. All these goods are sold at lower prices than imported brands and guaranteed to give perfect satisfaction, or money refunded. Your grocer sells these goods and will be pleased to fill all orders.

Hewlett Bros. Co.

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WITH THE JUSTICES.

The case of embezzlement against H. R. Watrous has again been continued by Justice Sommer. It will be heard next Saturday at 10 o'clock.

GUARDIAN FOR AN INSANE MAN.

Attorney L. R. Rogers has petitioned Judge Hiles to appoint William D. Riter guardian of the estate of John Wall, an incompetent. Wall was recently committed to the asylum. In his petition Mr. Rogers sets out that the Supreme Court last month affirmed a judgment of the trial court by which Wall is entitled to \$4,515 from the Niagara Mining and Smelting company of Idaho. It is claimed by petitioner that a guardian is necessary to look after the unfortunate man's interests.

TO CURE THE GRIPPE IN TWO DAYS

Take Laxative Bromine Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

POLICE POINTERS.

John Lindsay evidently mixed drinks last night, for he was so hopelessly intoxicated that to maintain his equilibrium was simply impossible. Officer Burt kindly volunteered his services and assisted John to the old rookery, where he would be free from snares and pitfalls.

An unknown colored man entered L. M. Linck's saloon last night and in some mysterious manner caused Walter Van Dyne, headquarters clerk of the Ninth cavalry, to engage in a fight with Linck. Linck was the better man of the two, and the inevitable happened. Van Dyne was checked out bodily, and both quarters were arrested and taken to headquarters. Linck furnished bail, but the cavalryman remained in jail.

SUICIDED AT WELLSVILLE.

Aged Man Hangs Himself on Account of Financial Trouble.

Special per Deseret Telegram.

Logan, Utah, Dec. 12.—News was received from Wellsville this morning that John Baugh, an old resident of that city, yesterday committed suicide by hanging himself while his wife was cooking dinner.

Baugh put on his hat, walked out, not answering a remark addressed to him by his brother-in-law, William Peak. A few minutes later Peak went to call Baugh to dinner and found him hanging by the neck from a rope attached to the rafters of the building.

Peak gave alarm and a coroner's jury was impaneled. A verdict of death by his own hand was rendered.

Baugh was about sixty-five years old, and highly respected by the residents of Wellsville. His wife was frantic, and was found tearing at her husband with one hand and her hair with the other. Baugh had been despondent of late over financial reverses and this is given as the cause of his deed.

Scott's Emulsion

Many children look too old for their years. They go about with thin faces and sober manners not in keeping with robust childhood. If it's your boy or girl, give Scott's Emulsion.

'Twill fill out the hollow places, increase the weight, and bring a healthy color to the cheeks. The improvement continues long after they cease using the Emulsion. Get Scott's.

See and feel for yourself. SCOTT & BOWNE, Chemists, New York.

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STATES EVIDENCE NEARLY ALL IN.

Defense in Smith Case Will Soon
be Given a Chance.

EXAMINATION OF WITNESSES

Will the State Attempt to Connect
Biddlecome with the
Crime?

The trial of John Y. Smith, the alleged dynamiter, continues to drag its weary length along in the criminal branch of the Third district court, and the end is not yet in sight. County Attorney Putnam said this afternoon that the prosecution expected to rest its case in chief tomorrow morning. Then the defense will have its innings, and as a number of witnesses have been subpoenaed in Smith's behalf, it would be extremely hard to hazard an opinion as to when the case will be submitted to the jury. It is understood that the defendant is anxious to know his fate before Christmas day, and it has been suggested that the attorneys in the case govern themselves accordingly.

There were no sensational developments brought out today. The witness Biddlecome was subjected to a rather severe cross-examination by counsel for the defense. It certainly appeared from the line of questioning pursued as though Mr. Truman believed the witness had a hand in the making of the machine. When Biddlecome was excused from the stand he was told he would be wanted "later on."

EXPRESS AGENT DUGGAN.

When the "News" report closed yesterday, E. J. Duggan, the Rio Grande Western express agent at Eureka, had taken the stand. In answer to Mr. Putnam, witness said that on August 26, he received two packages for transmission to Salt Lake by the Wells-Fargo Express company. Witness was shown the labels put on both boxes for identification. He identified the labels and his marks on them.

Mr. Putnam—Were the two boxes received from the same person?

Witness—They were.

Duggan then described the boxes generally, giving their weight and approximate dimensions.

"What was done with the boxes?"

"I delivered them on the train going to Salt Lake on the following morning at 6:40 and due to arrive at Salt Lake at 10:30."

"Did the person who left the boxes ask you any questions?"

"Yes; he asked if packages left to be forwarded were ever opened there, and I told him they were not."

"What was the appearance of the man who left the boxes?"

"Medium height, heavy set, with a mustache and wearing a dark brown suit."

"Are you able to say whether or not the defendant is the man?"

"No, I could not say."

Cross-examined by Mr. Truman:

"What name did the man give who left the boxes?"

"Butler."

"He paid the freight?"

"How long was he in the office?"

"Just as long as it took me to take in the boxes and write a receipt for the money."

"Will you swear that this defendant is the man?"

"No, I could not do that."

A. C. French, agent for the Wells-Fargo Express company in this city, said the box was received in Salt Lake and delivered to Judge Powers. It was afterwards turned over to Detective Sheets and Police Officer Janney.

JUDGE POWERS RECALLED.

O. W. Powers was recalled by Mr. Putnam and said that on August 26, about 11 o'clock a. m., a messenger came in to his office with a package.

Witness was asked if he remembered the man who brought the package.

"What did you do with it?" asked Mr. Putnam.

Judge Powers—I took a knife and carefully cut the thread with which the label was sewed to the cloth covering and held the envelope up to the light, but saw no letter in it. I took the box up and heard something rattle like dry sand. I observed a screw in the bottom of the box and took a knife to take out the screw, but, fortunately, didn't. I laid the box down without trying to open it. I then observed some grains of black powder, which I removed and touched with a match and the powder went off with a flash. I sent to the police office and the box was turned over to Officers Sheets and Janney.

The witness then proceeded to give a minute description of what the box contained, and the general arrangements of the contents. He said a terrific explosion would have occurred had the box been opened in the ordinary way.

HAD A PRESENTIMENT.

Judge Powers was cross-examined by Attorney Truman and said he handled and lifted the box with care, as he suspected it was sent a fool to ensnare. He thought of sending for the police, but he didn't want to make a fool of himself, for perhaps it would turn out to be some of the boys from his mine. Anyway he could not reason himself out of the impression that the box contained an infernal machine.

"Did you see any of the contents of the box?"

"No, sir."

"You were not very good friends with Smith, are you?"

"No, sir."

"Would like to see him sent up, wouldn't you?"

"Not unless he's guilty."

Witness was asked if he had ever threatened to take the life of Judge Powers, and replied in the negative. Did not make a threat in the "pen," or out of the "pen."

The judge was at one time attorney for the defense in a case where witness was called to testify. Judge Powers might have handled witness a little rough; but it was all over now, so far as he (witness) was concerned. Biddlecome admitted that it was possible for a person to get a "little hot" at a lawyer cross-questioning. The witness was excused by Mr. Truman with the admonition, "Don't go away, the defense will want you later on."

SMITH'S CAPTOR TESTIFIES.

Gus Hendrick, city marshal of Eureka, related how, where and when he arrested Smith; described the clothes he wore; the revolver he carried; the conversation between himself and Smith on the way to Salt Lake. The defendant told witness that Judge Powers had been hounding him for years and that his treatment at the "pen" had not been any too good.

The spool of cotton Johnny Peck said he gave Smith was produced, and Marshal Hendrick identified it as the one he had found in a sack carried by Smith at the time of his arrest. The witness then testified that a .38-caliber revolver on the prisoner, which was loaded. Witness hadn't the revolver with him. He left it in his room at the hotel. He would produce it later. At Brown's lodging house in Diamond

it before it was opened, so that you could tell there were explosives in it."

"No, there are some things one does not need to see to know. I can tell, for instance, if a man has brains, without seeing them."

Detective Sheets testified to receiving a telephone message from Judge Powers shortly before noon on August 26. He received a package from the judge, took it to the police station, soaked it and opened it. He gave the contents of the box and the general arrangement of the powder, fulminating caps, matches and sandpaper.

At this point court adjourned.

DETECTIVE SHEETS RECALLED.

On the reconvening of court this morning, Mr. Putnam offered in evidence, a postboard box and contents sent to Warden Dow, and the contents of the box received by Judge Powers.

Detective Sheets recalled by the prosecution identified the cartridges, fulminating caps, giant powder, etc., found in the box after it had been opened at the police station.

Cross-examined by Mr. Truman:

"How do you know it was giant powder?"

"Oh, from the powder."

"Have you ever handled giant powder?"

"Yes; a little. I can tell it when I see it explode."

"Did you explode any of this?"

"I did."

"How did you find the sticks of giant powder in the box sent to Judge Powers?"

"They were in an upright position; the open end up."

"Did you see any particular danger unless it was opened by some one?"

"Well, that is pretty hard to say; sometimes giant powder goes off by just looking at it."

"You didn't think there was any immediate danger when you undertook to open the box, did you?"

"Yes, to a certain extent."

"But you opened the box."

"I know I did; but it was after it had been soaked in water."

"Did you try any of the cartridges on a pistol?"

"No, sir."

"Then you don't know whether they will explode or not?"

"No, sir."

"Do you know what giant powder is generally made of?"

"Yes; usually by miners."

"Then there's nothing strange in finding giant powder and fulminating caps about a mine?"

"No, sir."

POLICE OFFICER JANNEY.

Police Officer E. M. Janney testified that he had been engaged in mining four years before he went on the force. Accompanied by Smith, he was at the office on the morning of August 26, witness gave a description of the box and told what was done with it at the police station. After the box had been thoroughly soaked witness bore a hole through one of the caps, and as a result, witness was told that the contents of the box exploded. He told what he saw and what he heard.

Witness was shown the labels put on both boxes for identification. He identified the labels and his marks on them.

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