

At this juncture Parley L. Williams took a hand in cross-examination and drew from witness that many of his statements were based on hearsay.

statements were based on hearsay. The attorney then asked if "All this lurid literature your client signed and which has been read here, was drawn up by you?" Witness stated that he wrote the document that cast aspersions on the characters of certain government and corporation officials. Mr. Marchand arose at this innetwork Mr. Marchand arose at this juncture

even should the smelters take care of this product on an increased working charge, it will still be impossible to shelt the so-called direct smelting ores containing little or no sulphur. "For a long period, as a result of the limited production of lead ore and the continued increase in the output of the so-called dry ores, the lead smeltd dry ores, the lead smelt. mum percentage of lead on the charge which makes it possible to extract the most severe.

And Hay Scattered, (Special to the "News.") Provo, Nov. 27 .- One of the heaviest windstorms in several years visited Provo this morning and did considerable damage. A fierce gale blew early in the morning, causing many deep

snow drifts, but it increased its fury between 9 and 10 o'clock, and was

containing it bearing the second time 22, 3:30 p. m. "This, therefore, is the second time it has been forwarded to you, and, as stated above, I request that you ac-cept it at your convenience. "Very raspectfully, "RAYMOND C. NAYLOR, "Adjutant-General." For a period of six weeks, the classes of the L. D. S. University have been hold-ing forth in the tabe nacle and Assembly hall, owning to the fact that a new heat-

AN IMMEDIATE REPLY.

to me unopened on the 22nd, with the postmark on your official envelope containing it bearing the date of Nov.

Gov. Cutler on receiving the letter

sisted that the exhibit be identified. "I would like to exhibit the girl's entire body here," said Mr. Ward. "I have a right to take it from its grave if I want to and bring it here."

The exhibit was admitted, Dr. E. H. Douglas, who occupied the witness stand, swearing he assisted in its removal from the body found in Big Moose take.

Dr. Douglas today gave several comparisons between the conditions usual-ly found in drowned bodies and the conditions found in the body of Grace Brown. He said: "The liver in cases of drowning is livid, in this case it was pale. In cases of drowning, the hands become muddy and the finger nails dirty. They were clean in this case. There is water in the pleura cavity in cases of drowning; there was no such water in this case. No watery fluid flowed from the lungs in this case, as is customary in drowning cases. The liver in this case was normal. In case of drown-ing it is contracted. There was but little water in Grace Brown's stomach; there is considerable in case where a person is drowned. The diaphragm person is drowned. The dla in this case was elevated three when the lungs are filled with water it has a tendency to depress the dia-phragm." On re-cross examination, Dr. Douglas on re-cross examination, 17, Douglas was asked if the three days that Grace Brown's body lay before the autopsy, were not sufficient to allow the water that naturally collects in the lungs of deamad account of the second second drowned persons, to escape. He said here were means by which the water sight leave the jungs.

Dr. George H. Smith corroborated the testimony of Dr. E. H. Douglas and A. O. Douglas, who preceded him today

by testifying that Grace Brown came to her death from blows. The de-fense scored a point when Rev. Cuth-bert Frost of Lowville repeated his statement that Gillette was the first

to speak of the drowning of Grace

Brown, after his arrival at Arrowhead, Rev. Frost refused to swear to that

Kansas City, Nov. 27 .- The man at

Marshall, Mo., who yesterday confessed to having robbed the Alton-Burlington

rain near Glasgow, Mo., on Sunday night, and who gave his name as Claude Randall and Claude Rumsey, who was released from the United

who was released from the United States military prison at Fort Leaven-worth, Kan., on Nov. 3, after serving a sentence for desention from the army, are one and the same man. The descriptions of both men taily

The descriptions of both men taily in every particular, according to the prison record of the man given to the Associated Press this morning by Maj. Young at Fort Leavenworth. This record shows that Randall, or Rum-sey, enlisted in the United States army at San Francisco on Nov. 24, 1904, when his are was given as 22 and his preu-

his age was given as 22 and his occu-pation as that of a cook. He desett-ed from the army and was arrested at Sedala. Mo., for robbing a box car. His home was given as Grant City, Mo. This confirm's the robber's con-

ession made yesterday. Maj. Young said that during Rum-

sey's incarceration in the inilitary prison it was necessary frequently to

administer punishment for misconduct. He was considered a desperate man, Runney was released from Fort Lea-

venworth four days previous to the first train robbery at Glasgow, that of

SNOW BLOCKED CARS.

Citizens in Southern Part of City

Compelled to Walk.

A gale blowing at the rate of over 40

T in from However,

miles an hour last night, from the east,

distances a necessity. However, the wind quieted down by 8 o'clock, and the tracks were cleared.

the Rock Island train.

travel, and made a distances a necessity.

fession

AN ARMY DESERTER.

statement again today.

TRAIN ROBBER

corporation sway and show how the state was in the grasp of a mondpoly. There was no mincing of words about this statement and some decidedly grave charges were boldly made. Testimony also was introduced show-ing that the Union Pacific company sonfer than allow oil prospectors to develop the oil lands of Wyoming in one place dug, or caused to be dug, a trench which was filled with powder and a man placed in charge to blow into eternity any who attempted to

into eternity any who attempted to cross the dead line. All this happened in Wyoming, barely 100 miles from Sall Lake, as the crow flies.

By the time the investigation ad-surned this morning Utah affairs had just begun to be touched upon and there were prospects that this afteroon's testimony and that for the next three days would be distinctly lively and interesting from the viewpoint of

"the common people." There was quite an array of legal tal-There was quite an array of legal tal-ent and strenographers assembled at 16 o'clock when the investigation was called by Commissioner Clark. For the government were present M. C. Burch, assistant atlorney general of the U. S.; Attys. J. T. Marchand and E. E. Thomas, and U. S. Atty. H. E. Booth. The Union Pacific interests were repre-sented by Attys. P. L. Williams and Smith, while E. M. Allison played a lone hand for the Gould interests.

TODAY'S PROCEEDINGS.

Robert S. Spence, a land attorney of Evanston, Wyo., was the first witness called by the commission at this morning's session.

Mr. Spence testified he was counse for A. J. Smith of Denver, who filed several protests against the issuance of patents by U. S. land office on tracts ef land in Wyoming that bore coal. In December, 1905, witness said he filed Extensive protests on behalf of his the general land office, and for all he hew they were there yet. He said he wrote to the honorable secretary of the faterior a private letter. In due season he was asked in response to file charges against the Union Pacific Coal company and the Union Pacific Coal company and the Union Pacific Railroad com pany. He endeavored to file these clarges with the land office at Evans-ion, but without result, beyond the fact that he was notified that there would be a hearing of the protests in duc sayon when witness would be notified to appear with his client and witnesses, but to date he nor his client had not been called upon to present their evi-dence. He want to present their evicase in which he was at work on and stated that while he was in Omaha he learned that this investigation had ome up. Upon his return to Evanston, Wyo., witness said the U. S. register lenied that any investigation had been d. Subsequently, witness stated, he med that the case had been carried on in the office of one of the Union Pa-

attorneys. The are the Union Pacific atto "Who are the Union Pacific atta-neys in Evanston?" asked Mr. Mar-

"All of them, I guess, except me," responded witness as an audible smile futtered around the court room.

AFFIDAVIT READ.

. Marchand then read an affidavit in to and sent to the secretary of Interior in protest by A. J. Smith of ver, wherein were detailed a num-of filings on the part of Union Pacfic Ceal company. Mr. Smith specifi-cally alleged fraud on the part of the coal company, which, he detailed, ac-cording to evidence forthcoming before the interstate company commission the interstate commerce commission that the lands were taken up by emhat the lands were taken up by em-ioyes of the company, who had never een the quarter sections, and that all he fling fees were advanced by the hum Pacific Coal company, who sub-equently paid their "straw men" a mous in cash of \$200 for their trouble. The afflarit further wen' on to charge ross perjury on the part of D. O. Cark, Supt Black and other Union herait alleged that these officials fur-ther advanced from \$1 to \$10 to men of directuable character, who gave flo-blet of securing control of valuable hera then went on to insinuate that there apparently was an understanding bay and the U. S. Iand office of Evans-ton and cited cases wherein "active"

accomplished by Mr. Williams' line of cross-examination. Mr. Williams took a decided opposite view. He said that he wanted to show

that witness was filling up the records with a lot of hearsay evidence. Mr. Marchand then stated that wit-

ness' experiences as related with the United States land office were anything but hearsay; as to other matters he admitted that the testimony was of a hearsay order. Atty. Allison then took a hand and

tried to get witness to admit that the Wyoming oil fields had been abandoned because there was not sufficient oil to justify exploitation.

PLENTY OF OIL.

Both witness and counsel got rather warm under the collar, the former stoutly maintaining that the old fields had not been abandoned and there was plenty of oil in Uintah county, Wyo. Witness wanted to tell counsel why the Witness wanted to tell counsel why the oil fields were not developed, but coun-sel side-stepped. He drew from Mr. Spence, however, that he had a lot of oil stock for sale cheap. Witness on direct examination stated

that Prest. Butler of the American Consolidated Oil company stated to him that just as soon as his company could get the foot of the Union Pacific rail-road off their necks they would resume operation. Witness said the local rate o the Florence refinery was too high. Mr. Williams took umbrage at this statement and asserted that there had been a commodity rate in effect at that time

"Yes, undoubtedly," said Mr. March-and, "the railroads have a habit of putting in rates just before an investi-

gation." With this parting shot the limelight was shifted. Witness was excused and the investigation of the methods of the line. Fuel company, Denver & Ric Utah Fuel company, Denver & Rio Grande and kindred corporations in Utah were taken up. State Senator Geo. N. Lawrence was

the first witness called in the opening of the investigation of the Utah Fuel company and the Denver & Rio Grande railro

LANDS UNDER ENTRY.

Witness detailed the fact that he had held coal lands near Sunnyside, Utah, under entry had hardly started before Atty.

Allison arose and objected. He af-firmed that there was nothing in the resolution of Congress calling for the

investigation now being held that per-mitted an inquiry into the manner of the acquisition of coal lands. "If," said counsel, "the inquiry went into the question of acquisition of lands the

the question of acquisition of lands the company would be compelled to call witnesses on every entry, a proceeding that would consume months." Coun-sel affirmed that the commission by so doing would inflame the public mind against individuals, who, according to the public press, were now being in-vestigated with the object of criminal prosecution.

prosecution. Mr. Marchand then read section 3 of the resolution and stated that he pro-posed to show that the Utah Fuel company, the Rio Grande and kindred com-panies had entered into a conspiracy to acquire a monopoly of the coal lands of Utah.

"Counsel admits that there is a monopoly," said Mr. Thomas, who took the floor at this juncture, "and we must find out how this monopoly was ac-quired, or else how is this commission to make a recommendation to

to make a recommendation to Con-gress as required by this resolution?" Counsel Allison responded with a long speech, the kernel of which was that there was no need for a public inves-tigation; that private reports on cur-rent evils had been sent into to the president and rectifying legislation had followed.

OBJECTION OVERRULED.

Commissioner Clark at this juncture said that a monopoly could exist as the (Continued on page two.)

metal values of the other ores. LEAD IN SULPHIDE ORES.

'In our own case," added Mr. Schofield, "something over 60 per cent of the total lead received is contained in sulphide ores carrying over 10 per cent sulphide and this tonnage we are enjoined by the court from handling. The small tonnage of lead in remaining ores would reduce the percentage of lead on charge to a point so low as to

make impossible the operation of our blast furnaces. 'And while from the decree of the court it would appear we are permitted to smelt certain ores, the prohibition in sofar as it applies to our lead ores,

renders the effect upon us the same as if we were enjoined from smelting any ores. "If the decision is upheld by the cir-

cuit court of appeals, it will necessitate our closing down entirely as soon as the decree becomes effective,

"This statement," concluded Mr. Schofield, "is not made with any idea of trying to arouse public opinion in behalf of the smelfers, but it is a fact ind our closing down would mean the closing of a great many mines and ir. reparable loss to Salt Lake and its merchants."

WHAT SCIENCE HAS DONE.

A well known metallurgist in discuss the situation today, while he did care to be placed in the light of or integrity of Judge Marshall in the least, he believed, in view of the fact that through the raising of the

question of damage to vegetation and e stock elsewhere as well as here had been scientifically ascertained what percentage of gases can be dis-charged into the atmosphere from the stacks without doing damage, that if the court had specified the percentage of the gases which might be discharged. It would have permitted the operation of the smelters, to a limited extent, at least, by allowing them freedom in se-

lecting ores of the character which are necessary for successful operation. Inasmuch as nearly all low grade ores ar n sulphide form, the operation of the njunction will work a particular hard-

Addition will work a particular hard-ship on the producer of this class of ore. The new Garfield copper smelter is not affected by the injunction, but no lead ores can be smelted there. Herewith is a copy of the opinion rendered by Judge Marshall yesterday:

"It is probably true that this perithe for a rehearing is not technically drawn as such petitions should be drawn, but it was perhaps because of a suggestion from the court that the petition was filed in this form, and as the court could permit it to be amend-ed to conform to the rules and make it set up formally that the court com-It set up formally that the court com-mitted a platin error of fact and mis-construed the evidence in placing the limitation on the sulphur content of the ore rather than on the content of the mixed ores in the smeller charge, I am disposed to consider the petition now on its merits

w on its merits. "In the original consideration of the case, it was thought that the injunc-tion could never be made practically efficient unless the limitation was on the ores smelted. The ore that goes into the smelter may be kept track of into the smelter may be kept track of in rome way; outside parties can, at least, ascertain whether ores going there earry over ien per cent of sul-phur. The smelter charge is peculir-ly within the knowledge of the smelter, and of nobody else. To enable the plaintiffs in this case to keep track of that, they would have to keep some one there to examine the smelter charge, and have the right to do so-which they have not; otherwise, the whole thing must be committed to the defendants. I do not mean by that to say that the court infers that the defendants would not be trust-

The state mental hospital suffered the most. Fully 100 feet of iron roof-

ing was torn from the north wing and dashed to the ground, About the same amount was torn away from the south wing, but was not blown entirely off. The ornamental iron fence on the ad-ministration building was ripped off, and the siring courts were blown down. Many of the windows were smashed and one of them seemed to have been

and one of them seened to have been sucked out, sash and all. A barn belonging to C. H. Tanner was toppled over while the gale was at its worst, and several tons of hay were scattered over the surrounding coun try. In the city proper, windows, trees and cornices were damaged. The cornice on the postoffice building was blown completely off. The wind

letely off. The wind mountains and was came from the stronger on the Provo bench.

NO COAST TRIP.

California Teams Send Word They Can Not Play.

Word was received from Occidental college and the Sherman Indians of Riverside, Cal., by Coach Maddock of

the university that they would not be able to play Utah during the Christmas holidays. No reasons were given for their not wishing to play. This will mean that the proposed trip to Cali-fornia will be called off, should the University of California and Pomona college not agree to play the U team The members of the squad were plac-ing high hopes on the trip and the chance to trim the California young-sters that have the boldness to line up They feel such that if against them. They feel sure that if chance they can show them how the game should be played to win

FUNERAL OF GOV. HUNT

Will be Conducted Under Auspices of Knights Templar.

The remains of the late ex-Gov. Hunt of Idaho will lie in state at Bolse tomorrow from 10 a. m. to 2 p. m., with regular soldiers from the local army bar reginar solutions i on the total al my dat-racks as a guard of honor. The funeral at 2 p. m. will be conducted under the auspices of the Knights Templar from the Episcopal cathedral, and all departments of the state and local federal offices will be represented.

PITTSBURG CITY FATHER IS PLACED IN JAIL.

Pittsburg, Nov. 27 .- City Councilman W. A. Martin, charged with bribery in connection with the Tube City railroad franchise scandal, was arrested at his home today, and is now locked up at Central police station together with C. S. Cameron, president of the Tube City Railroad company. Both men expecto secure their release on bail before the day is over

trial probably will be held Saturday.

DAUGHTER KILLED MOTHER.

Such Verdict of Coroner in the Mrs Henry Harmon Case,

Upper Sandusky, Ohio, Nov. 27.-Cor-oren Stutz has rendered a verdict that the death of Mrs. Henry Harman and her daughter Mary was a case of mur-der and suicide. He says the daughter killed the mother and herself with mor-

hine. It was at first believed that the two womer had been exphyriated by escap-ing gas in their home.

wrote a re to Gen Naylor.

Naylor. The text is as follows: "Salt Lake City, Nov. 26, 1906. "Raymond C. Naylor, Esq., Adjutant

General, National Guard of Utah. "Dear Sir—As a communication purporting to be your letter of resignation from the position of adjutant-general of the National Guard of Utah general of the National Guard of Utah, and asking that the resignation be ac-cepted on Jan, 1, 1907, or before, has been published in the daily papers of Salt Lako City. I am forced to think that you have written your resignation and furnished copies of it to the pa-pers before I have seen it. If this is the case, I have the honor to request that you furnish to this office on Nov that you furnish to this office on Nov. 30, or as soon after that date as po sible, your report for the biennial period ending on that date, and your resignation will thereupon receive immediate consideration

"I deem it proper to refer to a few items referring to this matter, and I shall take the liberty of calling your attention to them in this communica-tion. On the afternoon of Nov. 21, the day your resignation is supposed to be dated, you were in the governor's office and in the presence of a third party you leard the governor explain his plans for the reorganization of the National Guard and the governor's staff. These plans included a change in the office of adjutant general, and the acceptance you of the position of brigrdier gen-al. In the presence of the third party eral.

referred to you approved of these plans, "And you stated that you were not accustomed to the detailed work re-quired of the adjutant general; that you felt yourself incompetent to do the work satisfactorily, and would therefore prefer a position where you would be relieved of this class of work, and have the time to devote to the purely mili-tary affairs of the guard. You had previously stated that you could not de-vote the necessary time to the duties of adjutant general, on account of the meager pay attached to the office. And finally, you will also remember that on the date given above, in the presence there referred to you requested that in there referred to, you requested that in the letter written that afternoon, offering the position of adjutant general to another person, it should be stated that the offer was made upon your recommendation, because you would prefer the position of brigadier general and would be pleased to accept that offer. In view of these facts, I think you will agree with me that the publication

of copies of your resignation in the pa-pers, and the couching of your resig-nation in the terms used therein, will materially interfere with the consum mation of the plans considered by us in the presence of a third party, for the governor's staff. And, I may add, it appears to me a serious breach of faith on your part. And before I shall be convinced to the contrary, a very sat-is factory explanation will be required. Vary respectfully

"JOHN C. CUTLER, Governor."

COMMUNICATION COMING.

The offer of the position to another person, referred to by Gov. Cutler, was made in a letter to C. S. Burton, adjutant general for six years under Wells. It is not thought probable he will accept. Gen. Naylor. Gov robable that he will accept, Gen. Naylor, it is thought, will reply today to the letter sent him by Gov. Cutler under date of yesterday. Gen. Naylor declares that he had no knowledge of the way in which his letter of resignation reached the press, and that he did not give it out for publication. He says, however, that he insists on its being accepted.

DECISIVE ACTION.

ing plant is being installed for the Uni-versity buildings on the bl.ck east of the temple square. The plant is now being fluidbed, and school will convene at the regular place on Monday morning next. It has been proposed to close the L. D. S. U. on Tuesday evening for the week, on account of Thanksgiing, but owing to the fact that a young lady student died

on account of Thanksgiling, but owing to the fact that a young lady student died on Sunday from diphther a. it was deter-mined to close today and to have the tabernacle and Assembly hall thorough-ly fumigated. The victim of the disease had not been in school for a week prior to her death, but it was deemed best to take no chances, and so the schoools were

closed. It will not be necessary to fumigate the university buildings, as they have not been used for the length of time stated, and there will be absolutely no danger of resuming school work there on Monday next. The

next. The missionary class, which is con-ducted by Elder Benjamin Goddard, will meet in the Memorial hall on Wednesday evening of this week, but apart from this there will be no assemblies in the school buildings until Menday.

BABY NISBET BURIED.

Consoling Remarks Made on the Glory Of the Resurrection.

funeral services over the remains of Helen Mar, infant daughter of Will and Jennie Smith Nisbei, were held at the family residence Sunday, Nov. 25, at 12 noon, Eishop J. M. Whitaker of Sugar House ward conducting the ser-vice. The music was furnished by Angus Alston, ward chorister, David A. Smith, Angeline Hood and Tessie Fairbanks. The service was well attended by sym-pathetic neighbors and friends. Song, "Guide Me to Thes." Prayer by Elicer Alexander Buchanan. Song, "Your Sweet Little Reaebud Has Left You." and Jennie Smith Nisbet, were held at

Left You." Consoling and sympathetic remarks were made and the giories of the resurrection and future hope discussed by the follow-ing: Peter Thompson, Nicol Hoed and John M. Whitaker. Song. "Oft Where Loved Ones Called to Leave Us." Benediction by Counselor John R. Smith. The even was dedicated by Eder John

The grave was dedicated by Elder John

PANAMA CANAL.

President Will Send Special Message to

Congress on Subject.

Washington, Nov. 27 .- President Roosevelt, bronzed and invigored in Roosevelt. health from his long sea trip to Panam. and Porto Rico, was in his office early today. Secy. Loeb took to him a large amount of correspondence which had accumulated since the president's departure and was with him up until the time of the cabinet meeting at 'clock.

The president's special message on the Panama canal, it is now said, will be sent to Congress probably about a week after it convenes on Monday. It will deal with every phase of the question and give a graphic and detailed description of conditions on the isthmus as the president found them. The will be recommendations for the bette There ment of conditions which suggested themselves during his visit.

CAMBON GOES TO VIENNA.

Paris, Nov. 27.--It has been definitely de-cided that Jules Cambon, now ambassa-dor of France at Madrid, and formerly ambassador at Washington, will be trans-ferred to Vienne as soon as the present Franco-Spanish negotiations regarding Morocco are completed, and that M. Georges Lakgues, ex-minister of t e col-onies, will succeed M. Cambon at Madrid.

ST. LOUIS-CHICAGO DEEP WATERWAY HEARING.

miles an hour last night, from the east, drifted the snow over the street rail-way tracks, greatly interfering with travel, not only last evening, but early this morning. The big sweeper car and snow plows were out, but the winds blew the snow back over the rails, and this morning, there was a congestion of cars in the southern part of the city that for time by ked travel, and made we the southern part DECISIVE ACTION. Decisive action is to be taken by the governor's office, in straightening out the present situation in the National Guard. It is a well known fact that certain organizations, which were once powerful in the guard, have for a long time been "committing suicide" as the men express it, by not doing any more duty than the law compels, and by fail-ing to recruit their strength. Orders were issued Adjt, Gen. Naylor