FIFTY-THIRD YEAR.

FINAL PLEA FOR MORTENSEN TODAY.

Attorney Stewart Argued the Second Appeal in Noted Case Before Supreme Court.

TAKEN UNDER ADVISEMENT.

Attorney General Breeden Made Practically No Argument at all and Only Spoke Briefly.

RELIED ON MOTION TO DISMISS

On the Other Hand the Defense Claimed That Mortensen Had Not Received An Impartial Trial.

The final plea before the supreme court in behalf of Peter Mortensen, the condemned murderer of James R. Hay. who is sentenced to be executed on Nov. 20, was made by Atty. Barnard J. Stewart this morning when he argued the second appeal of that noted case to the supreme court and made an eloquent and foreible appeal for a new trial for his client. Mr. Stewart's argument was telling in the extreme and at times was delivered in a very dramatic manner. Atty.-Gen. Breeden made practically no argument at all but stated that he would rely upon his motion to dismiss the appeal and would throw the burden upon defendant to show that the case had a standing in this court.

District Judge Marioneaux sat upon the bench in the place of Associate Justice McCarty, who was detained at his home owing to sickness in his famlly. Only a few spectators were present in the court room while the cas was being argued. The only deeply in terested spectator present was Peter A. Mortensen, an uncle of the con-demned man, who resides at Riverdale, Weber county. Mr. Mortensen sat di-rectly back of Atty. Stewart and ap-peared very much interested in the

TAKEN UNDER ADVISEMENT. At the conclusion of Mr. Stewart's argument, which practically consumed argument, which practically consumed the entire morning session, the court took the case under advisement. It is very probable, however, that an opinion will be rendered by the court in a few days, so that it will be known whether or not the defendant will be executed on the date set.

MOTION TO DISMISS. When the case was called, Attorney-General Breeden stated that he had filed a motion to dismiss the appeal, which is as follows:

Now comes the state of Utah, by its attorney-general and moves the court to dismiss the appeal in the above encause, now pending in this court, ground that this court has titled cause, now passed upon every question presented in this appeal, on a former hearing in this cause; and that there is no new matter presented on the second motion for a new trial, from the over ruling of which this appeal is taken."

RELIED UPON MOTION. "As far as the state is concerned," said the attorney-general," "I desire to rely entirely upon the motion and throw the burden upon the defense to show that the appeal has a standing in this court. I take it that this court will not consider for one minute the affidavit of Juror Rock, filed by defendant's attorney, for the reason that juror cannot impeach his own ver-ict. At the former hearing before this court the question of misconduct of the jurors was passed upon; now this second appeal raises the same question and affidavits of one of the jurors and the attorney for the defendant are filed in support of it. These affidavits merely go further into detail upon the question of misconduct of the jury and contain nothing but what has been passed upon before by this court. Even if the same matters were not passed upon directly by the court, they are not a character as to warrant a new trial. The state is opposed to these dilatory motions which have been filed in this case and is of the opinion that the litigation should stop somewhere.'

ARGUMENTS FOR DEFENSE. Attorney Barnard J. Stewart proceeded to argue the case upon its merits. He read the instructions given by Judge Morse to the special officer, Royal B. Young, in regard to showing the jury the premises where the crime was committed. He then read the second motion for a new trial, upon which this appeal is based, setting out the alleged misconduct of the jurors while visiting the premises and also the refusal of Royal B. Young to make affidavit of such conduct.

THE AFFIDAVITS. Attorney Barnard J. Stewart receded to argue the case

THE AFFIDAVITS. "On the hearing of the second motion for a new trial," continued Mr. Stewart, "I submitted the affidavit of Juror Al-ma H. Rock in regard to the miscon-duct of the jury and also my affidavit containing statements which Royal B. Young had made to me concerning the same. I attempted at the hearing or same. I attempted at the hearing on the second motion for a new trial to place Royal B. Young on the witness stand and examine him as to the conduct of the jurors. That privilege was deniad me and I did the next best thing. I secured the affidavit of Mr. Rock, the only juror who would make an affidavit, and I also made an affidavit myself as to what Mr. Young had told me since this court had passed upon the first appeal. Theze affidavits, I contend, contain entirely new matter and they stand here uncontramatter and they stand here uncontra

ROCK'S STATEMENT READ. The attorney for defendant then read the affidavit of Juror Rock, which set out that the jurors had measured distances, and that Mr. Young had made statements to them about the various points connected with the scene of the crime which were not testified to at the trial of the case. Mr. Stewart then read his own affidavit which contained statetrial of the case. Mr. Stewart then read his own affidavit which contained statements made by Mr. Young to affiant about the misconduct of the jury, which, it was claimed by the attorney for the detendant, was prejudicial to the interests and rights of defendant. Mr. Stewart stated that he desired to read the affidavits in full so as to show that there were matters in this second motion. there were matters in this sec

PEOPLE OF BILBAO

TERROR-STRICKEN. : Bilbao, Spain, Oct. 29.-The gar-

rison of Bilbao has been rein-forced, but the troops still have difficulty in coping with the rioting strikers who constantly erect new barriendes as the old ones are torn down by the soldiers. The city presents a sorry spectacle owing to the widespread destruction wrought by the mob. The rioters used dynamite in several instances to blow in the doors of the Jesuits' houses and to destroy the railroad tracks with the object of preventing trains from entering Bilbao. High prices are already being charged for provisions. Even bread is selling at 78 cents a loaf. Six persons were killed and a hundred injured during yesterday's conflicts. Hundreds of terrorstricken people have fled from the city. The railroad employes now threaten to join the strikers. Act-ing under orders from Madrid, the governor of Bilbao has sum-moned the mine owners to a con-

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were not passed upon on the first ap-

PUBLIC SENTIMENT. "It is not an easy matter, when public sentiment is running high and demands the execution of a defendant, to get a man to come forward and make an af-fidavit favorable to defendant," said

What justification have you for stating that public sentiment demands an execution?" asked Justice Bartch. "Do

execution?" asked Justice Bartch. "Do you mean to insinuate that this court would be influenced by public prejudice?" further asked the justice.
"No, sir; that certainly is not my intention at all," said the attorney, "the court misunderstood my argument. I stated that public prejudice prevented us from securing the affidavit of Mr. Young. When I state that public prejudice is high in this case I only state what is within the knowledge of every one in this room. That prejudice has prevented the defense from securing evidence in his favor, and the history of this case will show that the attorneys for defendant have used only honorable means for securing evidence and their record in that respect is absolutely clear.

YOUNG'S PART.

"When the jurors visited the premises, Mr. Young took them into the house of Peter Mortensen and into the cellar and showed them the wall upon cellar and showed them the wall upon which he thought the jars were placed which contained the money, as testified to at the trial. He then showed them the settee in the parlor upon which he thought Peter Mortensen and Mr. Hay sat. Mr. Young did not know that that was the settee and he asked Mrs. Lizzle Mortensen if that was the one and she said yes. The court did not instruct Royal B. Young to point out those things, he merely instructed him to point out Peter Mortensen's house.

PREJUDICIAL STATEMENTS. "There is no question that those rights of defendant. Every word ut-tered by Mr. Young had its effect upon the minds of the jurors. I submitted to Mr. Young the affidavit of Mr. Rock and I asked him if the facts contained therein were true and he replied that they were substantially correct. This is set out in my affidavit, which is not contradicted. The state practically ad-mitted at the time that mitted at the time the jury visited the mitted at the time the jury visited the premises, that a wrong was committed, because it offered in open court to have the jury visit the premises again so that defendant and his attorneys might accompany it. I submit in my brief, authorities which hold that it is error for jurors to make any comm whatever about the case while viewing whatever about the case while viewing the premises. The state has not denied any of the facts, set forth in our affidavits, showing that the jurors commented upon the case, not only among themselves, but with Mr. Young, the

sworn officer of the court. The only conclusion I can reach is that the state could not deny those facts. WHAT JURORS MIGHT TELL. "I wish it were possible for every one of those jurors to take the witness stand and clear this matter up. If that were done then Peter Mortensen could were done then Peter Mortensen could say that he had a fair and impartial trial but as long as a suspicion rests upon the action of the jurors no one can say that he has had a just trial. I believe that the brief in this case will show that there was prejudicial error in the conduct of the jury, and if the matter has not been properly brought before this court it is because of prejudice against the defendant which has locked the hands of his attorneys and prevented them from securing thes facts, except by hearsay!

"REASONABLE DOUBT." "In submitting this case, I say that the record in this case does not show that Peter Mortensen is guilty beyond a reasonable doubt, and I ask what harm can be done in giving him a new trial? No one will be harmed by it, he is out there in prison and the state cannot be harmed and I plead with the court to great him a new with this court to grant him a new trial, to which he is entitled according to the records in this case!"

COURT MEETS NOV. 7. At the conclusion of Mr. Stewart's argument, the court took the case under ement and then adjourned until

MABEL BECHTEL'S MURDERER Thomas Bechtel and Alfred Eck.

stein Held as Witnesses. Allentown, Pa., Oct. 29.-No bond has been offered yet for Thomas Bechtel and Alfred Eckstein, brother and sweetand Affred Eckstein, brother and sweet-heart of Mabel Bechtel, who was mur-dered last Monday. The young men were committed to prison in default of ball. Neither is charged with the murder of the girl, but both are detained as witnesses. Mayor Lewis said to-

derer of Mabel Bechtel. Of that I am morally certain. As far as the police are concerned, the case is ready resentation to the coroner and the

coroner's inquest will be held funeral of the dead girl took place this afternoon.

THE LIPTON CUP.

Sir Thomas Definitely Withdraws His Offer for One.

London, Oct. 29.—Sir Thomas Lipton has definitely withdrawn his offer to present a cup for a transatlantic yacht race in 1994, and has made way for Emperor William, who will present a cup through the New York Yacht club or the Atlantic Yacht club.

SHEETS AND ISEA OF FIRE ON GREAT SALT LAKE. DISTRICT 52.

Zealous Friends Say He Was Not Ogden-Lucin Cut-Off the Scene of There, While He Frankly Admits He Was.

Arraigns Bitterly Some of the Party Leaders With Whom He Worked Two Years Ago.

Denial was made last night and this morning that Detective George Sheets was actively engaged in registration work in District 52 on Tuesday. In fact, the statement in last night's Deseret News was questioned by some who probably presumed that this paper did not endeavor to verify the accuracy of the report before publishing it, a conclusion wholly wrong. The story was brought direct to the "News." It was not solicited. It came from prominent Republicans who complained that it was not proper for a prospective chief of police to participate in adding names to the election rolls in the Tenderloin district. Personal friends of Mr. Sheets said he was not there. Aggrieved Republicans say they saw him with their own eyes. In view of the conflicting assertions a representative of the "News" went personally to Mr. Sheets today and asked him the question.

Will you please tell the Descret

"Will you please tell the Deseret News whether you were at the registration headquarters of district 52 on Tuesday. It has been affirmed by your friends that you were not."

"Yes," was the reply, supplemented by the statement, "I was there but I did no registration work—that is, not in that district. What work I did was in the First precinct, and I didn't do much there, I was going around in a carriage with Ferg Ferguson most of the day and didn't get out very often. I went to 52nd. Stickney's cigar store, in the afternoon but I was not handling No. 52 this year."

Here Mr. Sheets grew angry and emphatic and said he knew full well who the prominent Republicans were who had complained of his alleged activity in registering the vote of the Tenderloin section. He declared he knew why they did it. That these same gentlemen looked upon such work with entirely different eyes now than they did two years ago.

"Why," said he with bitterness."

tirely different eyes now than they did two years ago.

"Why," said he with bitterness, "I make no bones of the fact that I did handle that vote on registration day two years ago; and I handled it at the instance of these same Republican leaders, one particularly,—men who were leaders then; who were prominent then, but who are neither leaders nor prominent now, It was all right then; in their minds; it is all wrong now, But I want to say again that I didn't But I want to say again that I didn't manage the vote there this year. I simply went around there for awhile and stood on the sidewalk."

STILL IN CONFLICT.

While the "News" has no desire to provoke a controversy over this mat-ter or inclined to do anyone the slightest injury, yet it cannot refrain from noting the fact that there is a wide discrepancy in the statements between Mr. Sheets and his party friends. Many of them say they saw him in district 52 of them say they saw him in district 52 during the afternoon and evening and that he was, in their judgment, giving directions to party workers. This, as already shown, Mr. Sheets denies in most pointed language and says he should like to meet his accusers face to face and tell them what he thinks of them. However, whether he is of them. H However, whether are right, or are both right or both wrong the eret News again reiterates that will not knowingly damage or misstate position of any person, party or

Heavy Currency Shipments.

New York, Oct. 28 .- Further heavy shipments of currency to St. Louis and other western and southwestern points were being made through the sub-treasury today. Up to noon transfers to St. Louis amounted to \$825,000, with \$600,000 to Chicago and \$250,000 to New Orleans. The transfers to Chicago and N Orleans are doubtless the result of gitimate calls for crop moneys, but St. Louis' continued drafts on this center reflect continued disturbed conditions

Reports state that fully \$750,000 cash was shipped direct to St. Louis by local banks last night.

fire will be followed. -

"burned" district.

MRS.BOOTH-TUCKER

A Startling Blaze and Some Strenuous Times.

BUT DECLARES HE DID NO WORK | BIG TUG TOTALLY DESTROYED. | SIX CARS TOTALLY SMASHED.

Gasoline Tank Blows Up and Scatters Flame Broadcast-Flotilla of Boats Threatened with Destruction.

There were strenuous times on the Ogden-Lucin cut-off a few nights ago owing to the explosion of a big tank of gasoline. According to the story of a gentleman who today returned from the scene the surface of the Great Salt Lake was for the space of half an hour a veritable lake of fire. Before the small army of men who gathered to the scene could get the flames extinguished a big tug was burned to the water's edge, the big steamer Promontory was threatened with total destruction, a number of smaller boats were badly scorched and a great deal of lumber and piling was damaged by

The fire was occasioned by a man investigating a tank of gasoline on the tug by lantern light. The inquisitive fellow escaped with a number of burns and left the immediate vicinity just prior to the tug blowing up. When the big pyrotechnics eventually came off there was a great spectacle. The flaming liquid spread with alarming rapidity over the surface of the water and in a few minutes the steamer Promontory was alight in half a dozen places. Then followed a lively scramble to get the rowboats out of the way, while men fought the flames on the big boat which is nearly as large as the old Garfield steamer. The tug that was a total loss was one of the biggest in the lake service and was propelled by an engine of 75 horspower.

TWO YOUNG MEN BADLY SCALDED.

(Special to the "News.") Logan, Utah, Oct. 29.-A serious accident occurred at the Logan sugar factory last night. Two young men of this city named George Finlayson and Bert McCulloch were working in a trench when a large quantity of boiling water, which was being used to clean the beets, was allowed to escape from the cleaning trough and somerge them Both were burned in a painful manner up to their waists and they are in a critical condition today. Everything possible is being done for them and the physicians are hopeful, but admit that the cases are more than ordinarily serious.

FOOTBALL MEETING.

Rouser Held by the University Students This Morning.

The students of the University of Utah held an enthusiastic football meeting at 11:30 this morning, ostensibly for the purpose of arousing interest in the great game with Colorado on Saturday. Harry B. Dresser led in co lege yells and speeches were made by Presidnt Kingsbury and President bert Thomas of the student body. was announced that the students would occupy seats on the west bleachers during the game in the afternoon and that in the evening an athletic ba would be given in the museum build ing in honor of the Cotorado visitors.

IDAHO POSTMASTERS APPOINTED.

(Special to the "News.")

Washington, D. C., Oct. 29 .- Idaho postmasters appointed: Kanoka, Lincoln county, Minnie J. Chriswell, vice Mary E. Eveleth, resigned; Vanwyck Bolse county, Bona M. Whitley, vice William M. Lynch, resigned.

TINTIC MINE FIRE EXTINGUISHED.

weeks, has been located and information received from camp today was

to the effect that the blaze has been entirely extinguished. This is

most important news and means that the several hundred men who

have been forced into idleness because of the shutdown in the Bullion-

Beck, Eureka-Hill and Gemini properties will be back to work again within the next few days, or perhaps within the next few hours,

Manager Philo T. Farnsworth, of the Bullion-Beck, was in communi-

cation with Supt. Earls again this morning, who stated that the fire was

discovered last night at a point about 80 feet across the line and in

the Gem stope of the Eureka-Hill Mining company; but whether the

blaze originated in the Eureka-Hill mine has not been ascertained, as

it may have started on the Bullion-Beck side and burned its way over. This will all be determined tonight, however, when the course of the

night it was burning quite briskly among the timbers of the big stope,

which were being eaten away by the destroyer. A stream of water was

promptly turned on to the blaze from the 300 level of the Beck where

the men were stationed and almost simultaneously the Eureka-Hill men

approached tife seat of trouble from the fourth level of that property

every reason to believe that the blaze had been entirely extinguished,

water is still pouring into the stope from the points where it was attacked last night; and it will not be shut off until late this afternoon

when a force of men will be lowered to make an inspection of the

and only steam and a slight odor of gas, which seems to be fast dis-

mines will be in operation again. He spoke in high praise of the spirit displayed by the neighboring mining companies who have rendered every assistance they could in relieving the situation, particularly the

Smoke has ceased rising from the vent at the Eureka-Hill shaft

Manager Farnsworth believes that by the end of the week the

While Supt. Earls informed Manager Farnsworth that there was

and began directing a stream upon the burning embers.

When the blaze was discovered by the Bullion-Beck forces last

The fire in the Tintic mines, which has been burning for about three

KILLED IN A WRECK

Accident Occurred on the Santa Fe at Dean Lake, Eighty-five Miles East of Kansas City.

Col. Holland of the Salvation Army Also Killed and Twenty Passengers Seriously Injured.

Kansas City, Oct. 29.-Mrs. Emma Booth-Tucker, consul in America of the Booth-Tucker, and second daughter of Booth Tucker, and second daughter of William Booth, founder of the army was killed in the wreck of the eastbound California train No. 2 near Dean Lake, Mo., 85 miles east of Kansas City at 10 o'clock last night. Col. Thomas C Holland, in charge of the Salvation Army at Amity, Colo., was fatally in jured. Twenty others were injured. The dead and injured were taken to Fort Madison, Iowa.

Mrs. Booth Tucker was rendered unconscious and died within half an hour after being injured. Her skull was fractured and she was injured intern-

fractured and she was injured internally.

The first detaMs of the wreck were obtained this morning by the Associated Press over the long distance telephone from Marceline, through Dr. D. B. Putnam, who had been at the scene. The wrecked train left Kansas City last evening. It ran into an open switch just outside of Dean Lake. Only the three last cars, two Pullmans and a diner were wrecked. The Pullmans were completely demolished while the diner was badly damaged. In the forward Pullman, Mrs. Booth-Tucker and Col. Holland, who were the sole occupants of that car, had just gone to the forward end for a consultation. Two of the Pullmans struck a steel water tank with such force as to move it five feet. When the crew reached the scene both Mrs. Booth Tucker and Col. Holland were found unconscious. They with the other fulured after much deland were found unconscious. The with the other injured, after much de lay were taken to the depot platform a few blocks distant where everything possible was done for them. Neither regained consciousness and within half an hour the noted Salvation Army lead-er succumbed to her injuries. For a time it was believed that the uncon-

scious man at her side was Commander Booth Tucker, and in the confusion this report was spread. WRECKING TRAINS SENT. Wrecking trains were sent from Marceline and other points and the dead and injured started for Fort Madison, Iowa. The train broke down after going a short distance, and Marceline, the next station, was not reached until 2 o'clock in the morning. Physicians were taken on at Marceline and the train proceeded north.

Mrs. Booth-Tucker, who was on her way home from a visit to the farm colony of the army, at Amity, Colo., had stopped in Kansas City a few hours yesterday to inspect the working-men's hotel which is about to be opened in this city by the army. Mrs. Booth-Tucker had taken especial interest in the project and it was on her advice that it was being fitted up. Ac-companied by two of the local members she inspected the place yesterday and expressed herself as delighted with the arrangements. She left for Chicago soon afterward, accompanied by Col. Thomas Holland, and her secretary, Mrs Dammess. She expected to meet her husband in Chicago, and was especially happy in returning home after what she said had been a very satisfactory

trip.
Mrs. Booth-Tucker, who was Miss
Emma Booth, married Frederick Tucker in 1888. He assumed her name as part of his own. He was born in India and lived there several years after the marriage. He was commissioner of the army in India. Mr. and Mrs. Booth-Tucker were appointed to com-Booth-Tucker were appointed to com mand the arm yin America in March 1896, succeeding Eva C. Booth, who had supplanted her brother, Ballington Booth, who had been removed by the

Mrs. Booth-Tucker was the second daughter of Gen. William Booth, and was said to be the ablest of all the

Booth children. She had enthusiasm tempered with cool judgment and executive ability. It was these qualities which induced her father to send her to the United States in 1896 to try to bring about harmony

in the American branch of the army. The following characterization was made of her at that time: HER CHARACTERISTICS. "She has that rare quality of perfect sympathy. She is a well educated wo-man in the sense that she can think and write clear, good English. She has no class prejudices, and is just as much at home in the parlors of a

house in Fifth avenue as in the and only room of a squalid family. But it is in the public meeting that her real power shows itself. As an orator she ranks with less than half a dozen Americans of both sexes." Col. Thomas Holland was born at Liverpool in 1867. He was sent from England to Canada as chief secretary England to Canada as chief secretary of the Salvation Army in 1889 and held that position two years. He was then made national secretary for the United States and in that position had charge of all the social and colonizing work. These duties fitted him for the governorship of the Colorado colony established for years. Its great success

norship of the Colorado colony estab-lished five years. Its great success has been due largely to the business ability of Col. Helland, who was a ncing speaker, a skilful organize and was looked upon as one of the strongest men in the army. He has wife and three children at Amity. CAUSE OF WRECK.

Topeka, Kansas, Oct. 29.—James Hur-ley, general superintendent of the East-ern Grand Division of the Santa Fe, said this morning in connection with the wreck at Dean Lake:

"At 9:10 o'clock last night our train No. 2 with Eigineer Cunningham in the cab and Conductor Andrews in charge, met with a serious wreck near Marce-line. The brake to the sleeper dropped down and caught on the switch, this quickly deralled this car, another sleep-er, the dining car and Pullman follow-

THE DEAD. "Mrs. Booth Tucker, en route from

. ARMENIANS TALK OF SAGOUNI'S MURDER

New York, Oct. 29.-Armenians of this city are beginning to talk more freely about the murder of Sagatel Sagouni which occurred London Monday morning.

These men who refuse to permit I the use of their names, dreading vengeance of their organized enemies, insist that Sagouni was the real head of the Armenian revolutionary party and that he was murdered by an assassin in the pay of a certain European government. Members of the Armenian colony here say warning was sent to Sagouni a month ago. when a wholesale assassination T

plot was first discovered. It is asserted that 12 Armenian leaders are understood to have been marked for assassination. The leaders are now considering the advisability of laying all the evidence in their possession before the secret service officials.

"E. S. Baden, Winfield, Kansas. "John R. Schermerhous, Denver, Cole 'W. H. Murray, San Francisco, Cal. "L. N. Kirk, New Castle, Ind., wif

and two children. "Lind Newley, Onarga, Ills. "Mrs. Newley. Onarga, Ills. "Anna Newley, Onarga, Ills.

Fred Miller, Philadelphia. 'Albert Miller, Philadelphia, Emma Hester. Peoria, Ills. Dining Car Conductor Burkhardt, address urknown.

"Mrs. Kelsey, a theatrical woman of New York city, mother of the Kensey triplets, said to be seriously injured.
"Those most severely wounded were taken to the company's hospital at Fort Madisoft, Iowa, the others sent to Chicago.
"No 8 closely, following, No 2 weeks."

"No. 6 closely following No. 2 was detoured to Chicago via the Wabash Wrecking cars were called out and the track cleared in time to allow No. 1 westbound to pass about two hours

late."

The list of injured given out at the general offices of the Santa Fe here includes, in addition to those furnished by Supt. Hurley at Topeka, the name of Bert Gurner, Chicago, and the following dining car employes:

George Brinckler, Fred Farwig, Mike Michaels, George Parker, Harris, Hackley and McKay. No addresses were given.

NEWS IN LONDON.

London, Oct. 29.—The news of the death of Mrs. Booth Tucker reached the international Salvationist headthe International Salvationist head-quarters here through a dispatch of the Associated Press. The heads of the international departments immediately met, held a short service and dispatch-ed a cable message of sympathy to the Salvation Army headquarters in New York. Gen. Booth lives out of town and Bramwell Booth wished to go to his residence and break the news of Mrs. Booth-Tucker's death. Booth-Tucker's death

FROM EARTH TO HEAVEN. New York, Oct. 29.—The following telegram was received at the Salvation Army headquarters from Mrs. Booth-Tucker's secretary, Ensign Hester Dammess, who was also on the train

but not injured: "Consul passed from earth to heaven, Bringing body on board same train." Mrs. Kelsey was injured most ser-iously by a man falling with his feet square on her chest. In his effort to extricate himself, the man bruised her fearfully with the heels of his boots. On the train was a woman traveling On the train was a woman traveling from the west with the body of her dead sister. Although badly bruised and notwithstanding her grief she as-sisted actively in caring for the injured. BOOTH-TUCKER PROSTRATED.

Chicaro, Oct. 29.—Commander Booth-Tucker, who arrived in Chicago today, expecting to join his wife here, was prostrated by the shock of Mrs. Booth-Tucker's death. He was met at the railway station by Salvation Army officalls and was taken in a carriage di-rect to headquarters. No mention of his wife's death was made on the way however, and the newspapers were withheld from him. The arrangements were that Commander Tucker and wife were to meet here, Mrs. Theker ar-riving from the west at about the same hour as her husband, and they were to have begun a 10 days' campaign on Saturday night.

Arriving at headquarters the com-mander asked for his wife and ex-pressed surprise that she had not met him. As gently as he could Col. Sow-ton, in charge of the Chicago station,

said:

"YOUR WIFE IS DEAD."

"Commander, your wife is dead. She was killed in a wreck." Commander Booth staggered, raised his hand to his forehead and exclaimed "God help me; is it true?" and fell in a swoon. Pitifully moaning and wringing his hands he seemed for a time beside himself. He asked over and over if the statement was true appearing unable to believe it. For an hour then he sat with his head howed in his hands. As soon as he had revived sufficiently the telegram an-nouncing the death of his wife was read to him. The dispatch was from Ensign Dammess, secretary to Mrs Booth-Tucker, and was dated Marceline, Mo., 1 a. m., and read as follows: "Consul passed from earth. Bring-ing her aboard same train for Chi-

Arrangements were at once made for the reception of the body in Chicago and for memorial services here. The remains will then be taken to New York and doubtless later to London

TROUBLE OF THE BOOTHS New York, Oct. 29,-Mrs. Booth Tuck-

The teach of the salvation Army in this country, who succeeded Ballington Booth in that position in 1896 when Ballington and his father, Gen. Booth, quarreled.

The trouble arose when Gen. Booth expressed displeasure at what he term-ed the strong Americanism characterizing the army methods here. Gen. Booth's efforts to bring the army here into closer touch with the Eng-lish army resulted in his sending Col. William Eadle here as chief secretary. Ballington Booth and wife then seceded and founded the Volunteers of

TWO STEAMERS COLLIDE.

The Tokai-Maru Sunk and Many Passengers Drowned.

"Col. Holland, Amity, Colo.
INJURED.

Other passengers seriously injured ere:
"Mrs. A. E. Baden, Winfield, Kansas,"

Yokohama, Oct. 29.—A collision occurred in a fog today off Hakodate, Japan, between the Russian Yushen Kalsha company's Progress and Tokal-Maru. The latter sank. Of the 100 passengers and crew on board the Tokal-Maru only 56 were saved.

LAND FRAUD INDICTMENTS.

Seven Have Been Returned Within a Week and Many More Will be Found.

SECY. HITCHCOCK TALKS OUT.

Says That Investigations Have Been Quite Thoroughly Con-

EASTERN TEACHERS INVOLVED.

Frauds Have Extended Eastward from Pacific Coast Into Idaho, Montana And Nevada.

Washington, Oct. 29 .- Secy. Hitchcock today received a telegram from Portland, Or., announcing the indictment of three more persons in connection with the public land frauds in that state. The telegram gave the names of the persons indicted as Emme L. Watson, Guy Huff and Norman Williams. The woman is charged with conspiracy in connection with the proceedings against Miss Ware, commissloner of the United States district court for Oregon, who already is under indictment, and Williams is charged with forgery in connection with the Nesbitt case. The proceeding against Huff is for forgery, but his is an in-dependent case.

Upon being asked if he had anything

to say apropos of the indictments, Secy. Hitchcock replied:

Hitchcock replied:

"Nothing except that the ball goes rolling on. There have been seven indictments within a week and there will still be many more. Our success to the present time indicates pretty clearly, I think, that our investigations have been quite thoroughly conducted.

So far most of the prosecutions have been directed against those engaged in fraudulent proceedings under the timber and stone act, and it now appears that many flagrant irregularities have been discovered in that connection. Innumerable instances of the invasion of public land regulations by people in large companies have been reported to the department from day to day for the past year and more. In many instances people have gone to the Pacific coast states from the states farther east to enter lands under the timber and stone law. The arrival of carloads at a time have been reported, and many at a time have been reported, and many of the members of these parties wer women. In one or two cases during the vacation period of last summer entire carloads of female school teachers,hailing from the middle western states, made tours to the coast and all entered In other instances, entire families of four or five persons each have come in from the outside and have made entry of lands. So far as known no evidence of fraud has been discovered in these specified cases, but the officials of the department contend that in view of the fact that over \$400 is re-quired to complete the acquisition of title under the timber and

of these entries are at least suspicious. "In other cases entries have been made in the names of purely fictitious The connivance of officials is necessary in proceedings of this charac-ter and this line of cases lend themselves most easily to discovery and prosecution. 'It also appears that the fraud ex-

tend eastward from the coast states in-to Idaho, Montana and Nevada."

STATEMENT FROM THE AMALGAMATED

Butte, Mont., Oct. 29 .- C. F. Kelley, counsel for the Amaigamated Copper company today gave out the following statement:

"Our attention has been directed to the fact that private news bureaus and . special correspondents have circulated many false and misleading statements regarding the cause of the shutdown of our properties and the situation here. One series of these dispatches alleges that retallation on our part because of the Minnie Healy decision moved us to shut down, another alleges that the shutdown is a stock jobbing scheme.

Both are erroneous. "The shutdown is the inevitable re-sult of the actions of certain courts which have an unbroken record for six and one-half years of deciding adverseevery question concerning our interests in Montana. A decision was ren-dered on Thursday, Oct. 22, whereby a previously issued restraining order prohibiting the transfer of the stock of the Boston & Montana company to the Amalgamated and prohibiting the pay-ment of dividends on Boston & Montana stock was made an injunction. This decision declared our operation of the Boston & Montana Illegal. Inasmuch as our ownership of the Anaconda other properties is on precisely the same footing as our ownership of the Boston & Montana and subject to the same interpretation of the law, it became impossible for us longer to operate except in violation of what the district court has declared to be the law. Therefore there was nothing for un to do but cease operations until such a time as the whole question can be adjulicated by the court of ultimate

Neck Broken in Football Game New York, Oct. 29.—Thomas McCau-ey, 16 years of age, lies at the point of death in a Brooklyn hospital from injuries received in a football game. His neck is broken and his lower limbs His neck is broken and his lower limbs were paralyzed but the lad retains full possession of his faculties. McCauley, who is the son of a police sergeant, was playing on a training school eleven. He got the ball and started to run when he was downed, with the entire team or top of him. He clung manfully to the ball and was carried off the field.