

## PRISON GUARDS HAVE NO CASE.

Jury Finds for Defendants in Schettler vs State and Correction Board.

## EIGHT-HOUR LAW GETS BUMPED

No Cause For Action in the Test Case Taken to the Third District Court.

In the case of C. L. Schettler against the State of Utah and the state board of corrections, which has been on trial in Judge Stewart's court for the past two days, the jury this morning returned a verdict finding the issues in favor of defendants, no cause for action. The suit was brought by Schettler to recover \$188.25 alleged to be due him for overtime work he worked while employed as a guard at the state prison. It is alleged by Schettler that after working eight hours per day, he was kept at the prison to be on hand in case of an emergency and in that manner he put in overtime valued at the same stated above. The defendants contended that plaintiff knew at the time he was employed of the rule at the prison which required all of the guards to stay there on certain days after completing their regular work, to be used in case of emergency, and that he agreed to abide by that rule.

## Probate Matters.

The will of Daniel Stuart, deceased, was admitted to probate this morning by Judge Hall and George Stuart and Zina Stuart Pomeroy were appointed executors of the estate under \$20,000 bonds according to the provisions of the will. The estate is valued at \$67,599 and is bequeathed to the children of deceased.

In the matter of the estate of James Sharp, deceased, Judge Hall today granted the petition for a family allowance of \$100 per month. That amount is to be paid to the family of the deceased for 12 months or until the further order of the court.

Alice J. Cook filed a petition in the probate division of the district court today asking that letters of administration of the estate of Charles H. Cook, deceased, be issued to Charles A. Cook. The deceased died in this city on Sept. 6, leaving an estate consisting of real property valued at \$7,500 and personal property valued at \$1,181.37. There are five heirs to the estate. The petition will be heard by Judge Hall on Friday, Sept. 23.

Judge Hall today rendered a decree dissolving the Wood Greener and Produce company upon an application from the company asking that such dissolution be made.

Judgment by default in favor of plaintiff for the sum of \$11,192 and costs, amounting to \$60.90, in the case of the Utah Association of Credit Men against Eliza A. Hoaglin and H. A. Hoaglin was entered by the clerk of the district court today. The action was brought to recover the above sum alleged to be due on a number of accounts assigned to plaintiff.

## FIRE IN LAUNDRY.

Early Morning Blaze Burns Up Pullman Car Company Linen.

A fire that caused a loss, perhaps, of \$1,000, occurred at the Utah-Enterprise steam laundry plant, on West Temple between South Temple and First South streets at 1:15 o'clock this morning. The blaze was caused by hot cinders being thrown from the laundry against a coal bin near the building. The coal bin caught fire and the blaze worked its way to the boiler and engine rooms into the ground floor of the laundry. When the fire was first discovered, a watchman telephoned over to the sta-

## Tonight

If your liver is out of order, causing Biliousness, Sick Headache, Heart burn, or Constipation, take a dose of

## Hood's Pills

On retiring, and tomorrow your digestive organs will be regulated and you will be bright, active and ready for any kind of work. This has been the experience of others; it will be yours. HOOD'S PILLS are sold by all medicine dealers. 25 cts.

tion to Pete McCarthy, who was on watch at the time. The watchman stated that a coal bin was on fire; that it was not serious, but that it would be well to look after it. McCarthy at once communicated this information to the captain, John Stubb. The latter quickly got into his "hurry-ups" and ran down stairs, intending to take a hand chemical and go over to the place. As he entered the office, an alarm came in from the central office of the bell telephone company, having been sent from No. 21, which is the Salt Lake Livery and Transfer company.

The gong struck and the department made one of the best turn outs in the history of the service. But by the time the apparatus reached the scene of the blaze, the flames had reached a serious proportion, and had caused considerable damage to a large supply of linen belonging to the Pullman Car company. Neither the building nor the contents of the laundry company was insured.

The statement published in a morning paper, that no attention was paid to the first warning, and that the alarm proper came in 10 minutes after, is entirely wrong and misleading, and does great injustice to the fire department. The response to the alarm was prompt and the work of the firemen efficient. The blaze was soon under control, and was extinguished with as little loss as possible under the circumstances. According to statements made to the "News" by officers of the department, it was not more than a minute when the alarm came in after the watchman telephoned to McCarthy.

## IDAHO POSTMASTERS.

Appointed to Cache, Green Creek and Lona.

(Special to the "News.")

Washington, D. C., Sept. 16.—Idaho postmasters appointed: Cache, Fremont county, Joseph Gale vice James McCracken, resigned; Green Creek, Idaho county, E. W. Dress vice Barney Stubb, resigned; Lona, Blaine county, Moses Wright vice Ezekiel Lee, resigned.

## CHAIN GANG AGAIN.

The chain gang, composed of city prisoners, under Guards Carey and Bush, was sent up City Creek canyon this morning. There is a great deal of unfinished work to be done on the road and it will be pushed to completion as soon as possible.

## CUSHING ON THE LENA.

Rio Grande Agent Tells of the Excitement in San Francisco.

"The Russian warship—well, she looked to me like a big tub of a transport with a few guns added," said H. M. Cushing at the Rio Grande ticket office this morning. Mr. Cushing has just returned from the convention of Knights Templar at San Francisco, where he was a delegate from Utah, and was describing the excitement caused by the arrival in San Francisco of the Russian war vessel. "She hadn't been in port three minutes before the newspaper boys were running up and down the street carrying extras, and all the time the excitement was high over her arrival, extras continued to come out, giving detailed descriptions of the vessel, and it was impossible for any small craft to approach her. Opinion on the streets was greatly divided as to whether she had come to prey upon Pacific commerce, or had drifted away from her consorts in the battle between the

Vladivostok squadron and the Japanese, and headed this way to avoid capture. The feeling ran high for a few days, especially in shops of the city, where the idea of a warship preying on commerce suggested big losses. The opinion that seemed to gain credence finally though, was that she merely fled here for safety from the Japanese, because she was afraid to head towards Vladivostok.

Speaking of the convention of Knights Templar, Mr. Cushing said that he considered it the best he had ever attended, and that the Utah delegation of 10 men were treated royally by their San Francisco hosts.

## NOT THE MAN WANTED.

For This Reason Ralph Douglass, Supposed Burglar, is Liberated.

Ralph Douglass, who was arrested in Pocatello by Deputy Sheriff Benap on Ogden several days ago on the charge of burglary, committed at Bingham Junction, was released from custody today on the order of Justice Williams of West Jordan, before whom he was arraigned. The prosecuting witness informed Justice Williams that Douglass was not the man who was wanted. He bears the same name as the man who committed the burglary, and in personal appearance looks very much like him, hence the mistake of the Ogden deputy in arresting the wrong man.

## TOMORROW'S ORGAN RECITAL.

Tomorrow's organ recital at the Tabernacle will be of rare excellence, the program including the O'Brien overture and the Cradle Song by Kneller. As the recitals are rapidly drawing to a close, public appreciation seems to become more and more pronounced. The recitals will be discontinued for the season Oct. 1.

## MORE SURVIVORS.

Writing from Provo under date of Sept. 14, J. J. Patten calls attention to other survivors of the "Mormon" departure from Jackson county, Mo. The parties are Mrs. Lucy A. McOnley Nichols of Brigham City and her brother, Alfred D. McOnley of Smithfield, Cache county, also Martha Joan Sargent Monley of Vernal and her sister, Harriet Sargent Rich, wife of the late Apostle C. C. Rich, now living in Paris, Bear Lake Co., Ida.; likewise Lucy Mosby Allen of Kane county and Martha Mosby Cox of Mort, Sanpete county.

## AFTERNOON ON 'CHANGE.

Sacramento was the most active seller on 'change this afternoon, as follows:

Daily-West, 25 at \$14.  
Sacramento, 1500 at 13 1/4; 500 at 13, seller 90; 500 at 13 seller 39.

## PERSONALS.

Max Sachmanns of Yokohama is at the Kenyon.

Emerson Freddy of Chicago is at the Cullen.

Gov. Heber M. Wells was in Provo yesterday.

Chief of Police Ingalie of Chayenne is in the city.

County Attorney Whitaker is in Brigham City today on legal business.

Superintendent of instruction A. C. Nelson is spending a few days in Provo.

M. J. Macaulay and P. C. Macaulay of Anacostia, Mont., are in the Kenyon.

Mrs. W. O. Carlin, wife of the county treasurer, is ill at Pacific Grove, Cal.

Major A. E. Littlefield of the Ogden State Journal was a visitor at Democratic headquarters yesterday.

State Supt. of Schools Nelson returned from Price today and reports the schools of Carbon county as being in good condition.

Arthur Buckbee, the well known mining man, came down from the north last evening and leaves for a trip to the east tonight.

An exhibit of Utah grain is being added to the display of the Bureau of Information of the Real Estate association in the Moran block. Mr. Miller, the manager of the bureau, makes a request that miners and ranchers bring in specimens of their products so that the exhibit may be as representative as possible.

## TEA

We choose to sell tea; and it goes from Alaska to Mexico.

It's the tea!

Your guest shows your money if you don't like Schilling's Best.

## LATE LOCALS.

The Democratic state committee has added another room to its possessions in the Atlas block.

It is expected that the Republican minority for the fall campaign will be announced in the course of a few days.

Rev. G. C. Huntington, superintendent of St. Mark's hospital, and wife, left this morning for the east, to be absent about a month.

County Clerk John James, who was operated on yesterday for appendicitis, continues to improve at the Holy Cross hospital in this city.

In the senatorial district consisting of Morgan, Davis and Rich counties, the Republicans have nominated Wesley K. Walton of Rich county and the Democrats have named Wm. H. Rich of Morgan county for state senator.

A Republican primary will be held in the Laramie court house, Wednesday, Sept. 21, for the purpose of choosing three delegates to attend the county convention to be held at Mammoth, Sept. 23, and choosing precinct officers for the next two years.

As will be seen in another part of this issue, the opening of the Latter-day Saints' University Sunday school, announced to take place on Sunday next, Sept. 18, has been postponed for one week. The first session will therefore be held on Sunday, Sept. 25.

## JUDGE PARKER

HOLDS A RECEPTION.

New York, Sept. 16.—Judge Parker's reception of visitors at his apartments at 121 West 42nd street, New York, today in the same manner as yesterday and will continue until the candidate's departure for Esopus this evening. Few persons admitted to the apartment on the fifth floor passed through the hotel office. Those who admitted conferring with the candidate or were acknowledged by him were Private Secy. McCannand, wery Charles F. Murphy, the Tammany leader, former Senator David B. Hill, Senator George W. B. Smith, Senator Wm. Sulzer and John B. McDonald of New York.

A representative of the Associated Press was received by Judge Parker, who, however, declined to discuss in detail any of the matters which brought him to New York. Judge Parker said that he had consented to take an important place in the management of the campaign and that his decision was at the earnest request of National Committeeman Taggart as well as all other campaign managers. He said that Mr. Taggart would not be disappointed in any way and that the Senate campaign would not be connected with the details of the campaign management. Judge Parker said that Senator Gordon would not be in capacity only and would remain in New York practically all the time from now on to election. The candidate was distinguished to comment on the governor's nomination for New York, but admitted that nearly all of his callers who reside within the state had discussed the various candidates. Judge Parker said he was opposed to a decision in favor of any candidate as the result of conferences such as now are in progress at the hotel, and added that no decision would be made at this time. Judge Parker would not discuss the Jerome candidacy, but it is believed by many of his callers that the name of the district attorney will not be presented at the Saratoga convention next week unless he be for the position of lieutenant-governor or attorney-general. Representative W. Bourke Cockran was one of the callers on Judge Parker this afternoon.

## Bankers' Convention.

New York, Sept. 16.—The election of officers for the coming year was the principal event scheduled for the closing session of the American Bankers' convention today. The only addresses were delivered by W. E. Schwab, manager of the bankers' department of the American Credit Indemnity company of St. Louis, who spoke on the "Credit Indemnity and Its Value to the Banker," and Ellis H. Roberts, treasurer of the United States, on "The Strength and Weakness of American Finance."

Rising to call attention of the delegations to his rise, their progress and their hopes, John Mitchell, Jr., president of the Mechanics Savings bank of Richmond, Va., the only negro delegate to the convention, declared that any color line was drawn between the better classes of whites and better class of blacks.



## Down Quilts and Blankets.

These chilling nights causes much thinking concerning bed covers for the coming winter.

Some people want quilts that will stand the strain of romping children. We have a variety and quality that will please.

## H. DINWOODEY FURNITURE CO.

**JUST SAY**  
**MCDONALD'S**  
**NUT SUNDAY**  
and you get  
**THE BEST CHEWING**  
**CANDY ON THE MARKET**

## Neglected Colds.

Every part of the mucous membrane, the nose, throat, ears, head and lungs, etc., are subjected to disease and blight from neglected colds. Ballard's Horehound Syrup is a pleasant and effective remedy. 25c, 50c, \$1.00. W. Akendrick, Valley Mills, Texas, writes: "I have used Ballard's Horehound Syrup for coughs and throat troubles; it is a pleasant and most effective remedy." Sold by Z. C. M. I. Drug Dept.

## PROBATE AND GUARDIANSHIP NOTICES.

Consult County Clerk or the respective signers for further information.

**NOTICE TO CREDITORS—ESTATE** of Marion T. Beattie, Deceased. Creditors will present claims with vouchers to the undersigned at 203-25 Deseret News Bldg., Salt Lake City, Utah, on or before the 15th day of January, A. D. 1905. **WALTER J. BEATTIE**, Executor of the Estate of Marion T. Beattie, Deceased. Date of first publication Sept. 16, A. D. 1904. A. Miner, Attorney for Estate.

**NOTICE TO CREDITORS—ESTATE** of George W. Lloyd, Deceased. Creditors will present claims with vouchers to the undersigned at 203-25 Deseret News Bldg., Salt Lake City, Utah, on or before the 15th day of January, A. D. 1905. **WILLIAM N. DAVIS**, Administrator of the Estate of George W. Lloyd, Deceased. Date of first publication, Sept. 16, A. D. 1904. Thomas & Maycock, Attorneys for Estate.

## HFLP WANTED.

A YOUNG WOMAN FOR GENERAL housework. Enquire 835 So. West Temple.

## LOST.

A RED AND WHITE COW, IN CALF, hammer brand on left front shoulder. Return to 121 South Ninth East Street, and receive reward.

# Obligation of a Nation to Enforce Neutrality; Recent Ticklish Incident In the Port of Shanghai

THE recent international anxiety concerning the outcome of the Shanghai incident gives the subject of neutrality a peculiar interest. Two Russian vessels of war, the cruiser Askold and the destroyer Grozovoi, part of a fleet worsted in an engagement with the Japanese, put into the neutral treaty port of Shanghai. The Japanese consul notified the Chinese authorities that his government relied upon the prompt enforcement of the international agreement as to the harboring of belligerent vessels. The Chinese taotal in turn notified the Russian consul. The Russians' visit was extended beyond the customary twenty-four hours. The Japanese representative made a peremptory demand upon the Russian consul either for the immediate departure of the vessels or for their dismantling. The Muscovite flatly refused to proceed. A Japanese destroyer appeared in the harbor. The taotal appealed to the doyen of the consular body, United States Consul General Goodnow, for help, declaring that he was unable to insure protection for the interests of foreigners. The business of Shanghai is for the most part conducted by foreigners, and it is very large.

The Askold was docked alongside the warehouses of the Standard Oil company, which are valued at over \$1,000,000. The dock itself was owned by an English company, and the interests in the immediate neighborhood were in the hands of Dutch, German and Americans. A shell from the Japanese destroyer might have done great injury to any or all of these agitated noncombatants. The Russian consul was obdurate. The Japanese vessel was steaming up the river. She finally anchored off the dock at which the Askold was being repaired. At such close range a torpedo would have blown the Russian into atoms. It would also have done immense damage to the adjacent property. The moment was full of possibilities. The helpless taotal was in despair. He knew that censure and probably much worse would come from Peking. British interests, notably influential in Shanghai and overwhelmingly pro-Japanese, insisted upon the strict interpretation of the law. The

Dutch and Germans, aided by the Americans, advised the taotal to delay. The perplexed Asiatic was only too willing to profit by the advice. There were warships of all nations except the Chinese in the offing, and the taotal was the only man in Shanghai who was unwilling to act. He probably realized as keenly as anybody the justice of the Japanese consul's demand, but the Muscovite's doggedness made him inert. He could only shake his head and appeal to the consuls for help. These gentlemen, thirteen in all, were a unit in declaring that the law of neutrality must be observed. They held a consultation, and it was the consensus of opinion of the meeting that the Japanese consul's protest was not unreasonable. The fugitive vessels must leave the harbor of

According to international law, neutrality in the strict meaning of the term is the complete abstention of a state from giving aid or encouragement

both unfortunate. Especially is a neutrality power supposed to be anxious to assume the relation of peacemaker. In actual practice it is to be feared that

nature to expect a state to be sufficiently philanthropic to prefer peace for its neighbors above profit for itself.

The doctrine of neutrality as now understood is of comparatively recent growth, it having had almost no place in the rules of ancient warfare. Formerly several grades of neutrality were recognized. For instance, the obligation of neutrality might be qualified by a previous agreement with one of the belligerents by which the neutral promised to do certain specified things, such as permitting ships of war to remain in her ports for an indefinite time or to recruit men enough to supply the

her supplies of the necessities of life in a neutral port. They are likewise particularly to warn their own citizens that a state of war exists and that the penalty for aiding or abetting either combatant will be severe.

It seems to be one of the most sacred obligations imposed upon a neutral that he shall show no favoritism. He must be especially careful to treat all belligerents alike. Any deviation from this rule will make him subject to reprisal on the part of the affronted nation. One of the most positive duties laid down by international agreement is the obligation of neutrals to treat the soldiers and sailors of belligerents humanely. This is understood to apply especially to the case of a ship of war in distress which has entered a neutral port in search of relief from actual suffering. It is expressly stipulated that arms, troops, munitions of war, money and several other things must be rightly withheld, but it is equally enjoined that food and a temporary asylum must be furnished.

Not only are neutrals subject to certain duties, but they are entitled to certain rights and immunities which belligerents are bound to respect. A neutral country has the right to insist that its territory shall be exempt from acts of war by either belligerent. An armed vessel therefore has no right to pursue an enemy into neutral waters or to capture an enemy's ships therein. The only legitimate course for a pursuing vessel to take is to stop at the entrance of the harbor in which a fleeing enemy has sought sanctuary and wait patiently until the time limit has expired. As soon as it becomes apparent which alternative the cornered vessel elects to try—whether she will submit to the humiliation of going out of commission or will make a last final dash for liberty—the victor ship may prepare to act. Until then the law of nations constrains her to do no violence.

The neutrality laws which are in force in the United States were passed in 1794, 1818 and 1838. The president is empowered to compel any foreign vessel which ought not to remain in the territorial waters of the United States to depart therefrom within a specified time. Owing to the isolated position of the country the president has not had frequent opportunity to exercise his right. **CHANNING A. BARTOW.**

## AN EGYPTIAN WHO REMEMBERS NAPOLEON.

The cut is from a photograph taken at Cairo, Egypt, of one of the khedive's old soldiers. His name is Ali Ahmed Salim, and he was born in 1784 and was from a family of tent makers. He was a lad of thirteen when Napoleon conquered Egypt, and he declares that he can remember many events of that



campaign. He is fond of telling how he and several other Cairo boys threw stones at the Frenchmen as they entered the city. The old man preserves a happy and contented disposition. Until 1901 he still worked in the army workshops. There are men employed there who are over eighty, and they remember him as an old man when they were boys. He lives with a great-granddaughter, who is an old woman.

**VITALITY OF BACTERIA.** Professor Dewar has recently submitted living bacteria to the temperature of liquid hydrogen, about 250 degrees C., and about as near absolute zero as we can get, and after an immersion for ten hours there was no appreciable effect on the vitality of the organism.

The trip from Paris to Marseilles is made today in about twelve hours. In 1834 the time required was eighty hours; in 1850 it was 259 hours.



THE EASTERN SITUATION.

to either belligerent during an existing war. In the eyes of the law a neutral state is a friend to both belligerents and is supposed, theoretically at least, to be burning with desire to benefit

this beneficent disposition rarely exists. It is a fact that the commercial importance of a nation is frequently increased by the wars of its immediate neighbors, and it is outside of human