

No summons has been served upon Mr. Callister yet, but it is expected that such action will be taken in a few

A warrant was placed in the hands of the sheriff on Sept. 25, and served on Messra, Llovd & Coombs on Sept. This was the last that was heard of the matter until about 13 minutes to Mr. 10 o'clock, Friday morning, Oct. 2, when Deputy Sheriff Steele found my wife at the residence of Mr. P. A. 10 o'clock, Friday moming, Oct. 2, when Deputy Sheriff Steele found my wife at the residence of Mr, P. A. Simpkin, Seventh East and Sixth South street and notified her that the case was set for 10 o'clock a.m. that date. As the boy was at school and could not be reached for some little time Mrs. Walker immediately went to Judge Diehl's court, reaching there about 10:20 a.m., Oct. 2, and as the boy was not present Judge Diehl postponed the case until 2 p. m. Oct. 2. On the case coming up in the afternoon, Frank Walker was sworn and the assistant county attorney, Dana Smith, proceeded to ask the boy the following questions: His name his residence, how old, did he know the Messrs. Walter Lloyd and Arthur Coomby, what did they do, what did you do? Answer: "Bought some cigars," "How many?" "Three." What price," etc. He then asked the date. Answer: "Sept. 24." Then he sald to the boy, "That was a week ago Saturday. The assistant county attorney on being told by Mrs. Simplin that the calendar in front of him was an October calendar, paid no attention and twice thereafter asked the boy answered it was Thursday, Sept. 24. It would seem to an observer that the assistant county attorney was sureday. Sept. 24. It would seem to an observer that the assistant county attorney was the defendant's lawyer and was cross-examining the complaining witness. About the next question he was asked was, "What did you say to him?" Told him I wanted the cigars for Mr. Whit-taker" He then asked him if he ever bought cigars there before, to which defendant's attornay eligated but d bought cigars there before, to which defendant's altorney objected, but fi-nully allowed it to go in. Af-ter all these questions, which did not seem relevant to the case. assistant county attorney ed to dismiss the case, which was a by the court and the court immedone by the court and the court imme-diately adjourned. On adjournment of the court, pro-tests were made to the assistant coun-ty attorney by Mrs. Walker and Mrs. Simpkin upon the dismissal of the case, and he said: "I am not to blame, there was an error in the way the complaint was made out as it was under the old law of 1898." He also said that the crime had not been committed as the boy said the cigars were for Mr. Whit-taker. Mrs. Walker, the plaintiff, was unable to see Mr. Dana Smith before the case was called, although he pro-mised to come into Judge Dieh's pri-vate office where Mrs. Walker was wallfng, and talk the case over with her before it came up while the court was trying several city cases. Mrs. Walker was given this information by Deputy Sheriff Steele, but Mr. Smith did not come into Judge Dieh's office but staid in the court was diately adjourned.

Mortensen and Jummy Hay were sup-posed to have sat when the money was alleged to have been counted out. I said that I did not know whether Mrs. Henry Mortensen would be willing for us to go in or not, but that I would ask her, I did ask her and she had no objection. We then went into the north room and two of the jurors sat dawn on a sate in the room"

Today's local bank clearings amount-ed to \$452,749.27 as against \$465,519.47 for the same day last year.

will devote his attention to the draw-

that such action will be taken in a few days. A demand was made upon him sometime ago for a refund of the tax collected by him, which he refused to do. He referred the matter to Com-missioner Yerkes at Washington, D. C., and from the action taken by the execu-trix of the estate, it appears that Mr. Callister's action was sustained by the commissioner

#### ATTACHMENT SUIT.

#### Bank of Commerce vs. Park City Metal Co. and William Quinby.

An attachment suit was filed in the district court today by the Bank of Commerce against the Park City Metals Commerce against the Park City Metals company and William Quinby, to re-cover \$13,000, alleged to be the balance due on the purchase of the Mayne & Leonard zinc plant at Park City. It is alleged that, on April 7, 1902, Mayne & Leonard entered into an agreement with William Quinby whereby they were to sell to Quinby for \$20,000 the zinc plant. Of the total amount \$18,000 was to be sell to Quinby for \$20,000 the zinc plant. Of the total amount, \$15,000 was to be paid to Mayne & Leonard, and \$2,000 to T. R. Jones. Quinby assigned his interest in the property to the Park City Metals company. In May, 1903, the entire plant was destroyed by fire, and defendants decided to abandon the work altogether. They had paid \$5,000 on the purchase price before the fire, leaving a balance due Mayne & Leonard of \$13.00. Their interest in the conreaving a balance due Mayne & Leonard of \$13,000. Their interest in the con-tract was assigned to the Bank of Com-merce, plaintiff in this action, and this suft was instituted to collect the bal-ance due. Both defendants are non-residents of the state, hence an attach-ment was asked for by plaintiff.

# TEACHERS ARE THANKFUL

#### Express Their Appreciation of Favors Received From Many Sources.

At the final meeting of the State Teachers' association last evening, the commit tee on resolutions submitted the following, which was adopted:

"The tenth session of the Utah Teachers' association in convention assembled ers' association in convention assembled, hereby signify the appreciation felt by the members for the courtesy extended to the association by the "Marmon" Church for the use of the Assembly Hall; by the L. D. S university for the use of Bar-ratt Hall, and the University of Utah for the use of certain rooms in which meet-ings have been held; also to the press 'and general public for many favors re-ceived.

and general public for many favors re-ceived. "The thanks of the association are es-pecially due to the Hon. Henry R. Pat-tengill for the series of sound and whole-some lectures that has constituted the main portion of the work of this profit-able session; to Dr. Hoone for his inter-ceting addresses; to the city and county boards for their effective co-operation, and the retiring officers for their effective fabors in making this session an unquali-fied success. (Signed)



## Hood's Pills

## **Rouse** the Liver

ome into Judge Diehl's office but staid ) the court room. From an article which appeared in

In the retire officient officients and the retire of the retire

on a setce in the room." Young's attention was called to

the fact that the setee in question was at that time in the court room. "I don't know whether the one the "I don't know whether the one the jurors sat on was the same or not," said he, "but it was a lounge, or setee. After leaving the room we went into the cellar and one of the jurors asked, pointing to a wall, if that was the place where Mortensen claimed to have con-cealed the money. I did not know and of course could not say. The juror then stood on a keg and looked on the ledge.

AT THE GRAVE SIDE.

"When we went down the track to the point where the body was taken into the field, I pointed out the place on the track where the blood was, but, mind you, it was in answer to a ques-tion. I also showed them where the track was from the railroad track to the fence and to the grave. At the grave I was asked about the condition of it. The statement that I stated that the grave was then longer and deeper than when the body was discovered, is The grave was only three feet in the beginning but it had been rue. and feet were shoved under so that there was solid ground over the head and feet. But when the body was pulled out it broke the ground and en-larged the group." arged the grave."

larged the grave." Mr. Young was then asked what Mortensen referred to when he accused Dist.-Atty. Elchnor of keeping back facts that Mr. Young could have testi-fied to which would have been favor-ship to Mortensen. able to Mortensen.

BELIEVED PETER INNOCENT.

the beginning," replied Mr. "In oung. cent. On the morning the body was discovered Peter urged me to go back with him and investigate. When we got to Twelfth South he urged me to go back. When we got to the grave, and I was satisfied that it was Jimmy Hay's body, I took hold of the hand and furged to pull it out. Then I said to started to pull it out. Then I said to Peter: 'No, I think we had better no disturb it until the coroner is notified. Peter then volunteered to go and tele-phone to the police. I could have told about his grief at that time. He was more demonstrative than I was, and if he was acting the part he certainly acted it well."

acted it well." In speaking of the tracks leading from the grave to the fence, and the one track from the grave out across the slough and over to the northwest cor-ner of the field, Mr. Young said that the track to the fence was well beaten as though it had been made by several persons or by one person lettering the persons or by one person intentionally, "But I am positive," said he, "that the tracks leading across the slough to the northwest corner of the field were never made by Mortensen's feet unless he wore larger hoes than usual because

the feet that made those tracks were larger than Mortensen's. As I said before, in the beginning I believed the man was innocent, but when the thing began to unfold it-

self in the regular trial and the facts came out, I believed him guilty. I went to see him several times and on one occasion I told him that there were some things that he would have to explain to me before I would believe biai inocence. He assured me that when the proper time came he would do so. Well, he has never done it. I have been to see him at the state pris-on and I told him that if he did not commit the deed, he knew who did.

HAD AN ACCOMPLICE. You know in his speech to the court he referred to me as his stanchest supporter. After he was sentenced I spoke to him and repeated that I be-lieved him guilty. He replied, Brother Young, I do not blame you for think-ing so."

Amusements

The Nordica-Duss advance sale opened at the Daynes Music Store this morning and will continue daily until

the event on Wednesday next. There was a strong demand for seats, and everything indicates that the big concert will be properly appreciated. . . .

"Reuben in New York" is still run-ning at the Theater, and its audiences feel inclined to do likewise. The engagement winks out tonight. . . .

The always popular "Texas Steer" opens at the Theater tomorrow night. The company is still under the man-agement of Harry Emery, who plays one of the three Texas politicians who visit the national capital.

Managers Jones & Hammer heaved a big sigh of relief when the curtain descended on the last act of the last performance of "Our Wife" at the Grand last night. The presentation was so especially atroctous that the managers insisted on the attraction standing a part of their losses, and they were the more wrathful on account of standing a part of their losses, and they were the more wrathful on account of the fact that with a good attraction they might have played to enormous business owing to the fair and confer-ence throngs. The proprietor of "Our Wife" was very glad to accede to the demands of Jones & Hammer and to escape to the next town.

latter place he left his hat, a pair of shoes, a silk handkerchlef and a fine brush, these articles having been sto-len from McCreadys store a few nights before. The man is still at large, but . . . Tonight at the grand, the melo-drama "Buried at Sea" opens an engagement to run for the remainder of the week.

## OBJECTS TO BRASTOW.

### Harry Jennings Files a Protest Against His Acting as Administrator.

ASSISTANT CASHIER. John Pingree has been elected assist-ant cashier of the First National bank of this city. For some months Mr. Pingree has been cashier of the bank at Brigham City, having left the First National to accept it. He is a capable young man and a brother of James Pingree, cashier of the bank, which he naw enters. Harry L. Jennings today filed a proest in the probate division of the district court against the appointment of George B. Brastow as administrator of the estate of Catharine C. Brastow, deceased. The protest recites that denow enters. cedent was formerly the wife of pro-L. H. MacFarlane was arrested this morning by Officer Herrick, charged with the theft of a banjo from the pro-prietor of the Electric show on Washtestant and that there is one child living

testant and that there is one child living as issue of said marriage, namely, a daughter aged eight years. There is also a daughter, five years of age, as issue of the marriage between George B. Brastow and decedent. It is set out that the said George B. Brastow is addicted to the excessive use of intoxicating liquors and is unfit to have charge of the estate, which is valued at \$3,500. Further, it is charged by Mr. Jennings that Brastow, being the father of one of the children and the father of one of the children and the step-father of the other, would not distribution and management of the estate. The protest will be heard by Judge Hall on Oct. 23.

## ASSAYER WOOLLEY.

### His Bonds are Approved by the Treas ury Department.

(Special to the "News.") Washington, D. C., Oct. 8 .-- The reasury department has today approved the bond of Mr. Woolley, as as-sayer at Boise, Idaho. His commis-sion will be sent to him today.



Two Dollars and Fifty Cents isn't much.

But you'd be surprised to see how much Underwear value it will buy here.

Of course we've a variety of winter weights at that price.

But there's one that deserves special mention.

It's ecru color, woolen ribbed goods, of excellent quality, well sewed and form fitting.

The shirts are silk trimmed, with close fitting knit collars.

The drawers are bound at top with silesia, and have reinforced gusseted crotch-

And only \$2.50 the suit.

Other kinds up to \$6,00 or down to 50c per suit.

Underwear for boys 50c to \$1.50 per suit.

136-138

P.GARDNER, MAIN ST. PRICE . ORDERS BY MAIL PROMPTLY FILLED.

#### NEW YORK CLOSING STOCKS. | AFTERNOON ON 'CHANGE.

Wednesday, Oct. 8, 1903. Atchison .... \* Atchison preferred ... ... .... Baltimore & Ohio ..... .... 7274 hicago & Alton hicago & Alton preferred...... hicago & Northwestern olorado Southern enver & Rio Grande rever & Rio Grande preferred... Denver & Rio Grande preferred. Erle Louisville & Nashville Manhattan L. Metropolitan Street Rallway Missouri Pacific New York Central Pennsylvania Reading Rock Island preferred St. Paul 128 973 1291 103 104 875 1151 1171 455 2374 1255 1255 1255 

### MISCELLANEOUS.

20 14%

20% 15 62% 82

Star Consolidated weakened during this afternoon's call of the Mining Ex-change. A block of Mammoth stock was bought at \$1.01½. The sales post-Was bought at \$1.01%. The Bart's post-ed were: Dexter, 1,000 at 31%. Mammoth, 100 at 1.01%. Star Con., 200 at 35%; 500 at 36%; 1,500 at 36; 1,100 at 35%; 500 at 35%. Joe Bowers, 10,000 at 1%. New York, 1,000 at 20%. THE LEADING BOOK STORE. We have all of the popular fiction of the day; all the works of the Standard Authors; all of the University, College and Public Schoel Text-Books, View and Souvenir Books, Children's Story and Picture Books, and all the publica-tions of the Church. DESERET NEWS BOOK STORE. 6 Main St., Sait Lake City.

Star Consolidated Weaker -- Sale of

Mammoth at \$1.01 1-2.

DIED.

EDMONDS.-In this city, of inflamation of the bowels, Joseph, infant son of Joseph Bryant and Mildred East Ed-monds: aged 6 months and 24 days. Funeral will be held from the family residence, 450 east Eighth South street. Friday, Oct. 9, at 2 p. m.

## community and

11 38% 13% 84% 90% 32% TOO LATE FOR CLASSIFICATION. common man

## HELP WANTED.

GIRL FOR GENERAL HOUSEWORK; good wages; no washing. 661 East 1st South.

MRS. BARNES DEAD.

Mrs. Sarah Barnes, wife of Thomas Barnes, died last night at her home in Downey, Ida., of heart trouble. She was the sister of Daniel H. Ogden, the young man who met with such a tragic fate only a week ago, and leaves a husband and five children.

ington avenue. He had the instru-ment in his possession when arrested. MOTHER AND SON BURNED. Mrs. Casper Bachman and her seven-year-old son Clarence were badly burned last night at their residence on the corner of Quincy and Twenty-fifth streets. The boy, it appears, dropped a lighted match into a bottle of gaso-line, and his mother observing what he had done rushed forward and bette

the police have a good description of him and hope to apprehend him in due

ASSISTANT CASHIER.

STOLE A BANJO.

line, and his mother observing what he had done rushed forward and took the bottle from his hands. As she did so it exploded, burning her severely about the legs and hands and her little son about the hands and face. While their burns are painful, they are not necessarily dangerous. They are be-ing attended by Dr. Rich.