HISTORIAN'S OFFICE. Church of Jesus Christ of Latter-day Saints. DESERET EVENING NEWS. he Saturday and Semi-Weekly News Reach 150,000 Roaders. Spec-ial Rates Accorded Advertisers in These Two Issues. Put an Ad. in the "News" if you Would Reach the Purchasers in This City. Our Readers Look for Your Store News. TRUTH AND LIBERTY 10 PAGES-LAST EDITION. FRIDAY, NOVEMBER 6, 1903. SALT LAKE CITY, UTAH. FIFTY-THIRD YEAR, United States Recognizes The Republic of Panama. NEW UTAH CONVERSE ***** PEOPLE OF PANAMA repudiate the canal or other property rights acquired from Colombia. TERRIBLE DISASTER bench, an inquiry was made as TRYING TO FORCE to Mr. Bryan's whereabouts and when it was stated that he would be here this afternoon, the judge said he would adjourn court until tomorrow, so that the form of the decree could be an-nounced in Mr. Bryan's presence. At-NEW UTAH COMPANIES 1 MOST DARING ROBBERY. 1 DR. HERRAN READY-TO GO. DR. HERRAN READY-TO GO. Washington, Nov. 6.—The Associated Press learns that Dr. Thomas Herran, the Colombian charge, is prepared to leave Washington on short notice with his family for Colombia. It may be stated that instructions to withdraw will cause no surprise at the Colombian legation, where it is believed the state department's recognition of the Inde-pendence of Panama will cause intense feeling in Colombia. So far Dr. Her-ran has had ne advices from his gov-ernment. ARE INDEPENDENT. Are Ogden & Northwestern and IN KEARSARGE MINE Masked Highwaymen Choke a Ka-A PARTY CAUCUS. nounced in Mr. Bryan's presence. At-torneys for Mr. Bryan said that they were ready for the decree at this time, Ogden & Hot Springs. mas Merchant and Steal \$300. were ready for the decree at this time, but the judge thought an opportunity should be given for further discussion of the case if desired. He then said: "I find that the question of whether the will was properly executed was not raised. I find that it was properly ex-cented and I find that the testator had sufficient testamentary capacity. "I find that there was no undue in-fluence by Mr. Bryan over Mr. Bennett. It was claimed that the sealed letter should be incorporated in the will. I (Special to the "News.") (Special to the "News.") Ogden, Utah, Nov. 6 .- Articles Kamas, Nov. 6 .- One of the of incorporation of the Ogden & most daring crimes in the history Northwestern Railroad company, United States Instructs Its Con-Effort to Get Republican Councilof Summit county occurred here Superintendent Turner Gave His and the Ogden & Hot Springs last evening, Alma Warr, suls to Acknowledge De Facto men-Elect Together for Present Own Life To Save Those of Sanitarium company were filed merchant of this city, being held ernment. here this morning with the coun-Government. Department Heads. up and robbed in his own store His Own Men. HOW DECISION WAS REACHED ty clerk. The capitalization of of \$300. The crime was a cool Washington, Nov. 6.—The decision to recognize the de facto government of Panama was arrived at after a pro-tracted session of the cabinet today, at which every member was present ex-cept Secys. Root and Wilson. The president emphasized the importance of the recognition of the de facto govern-ment. With the withdrawal of the Co-lombian officials the isthmus was left the railroad company is placed at one and from the familiarity of should be incorporated in the will. I find that reference in the will was suf-ficient as to the sealed letter, yet the language in the document itself plainly indicated that the will was executed \$200,000, divided into 2,000 shares the robbers with the habits of ADVICE FROM THE PRESIDENT. of the par value of \$100 each; SCHEME WILL HARDLY WORK. Mr. Warr It is thought that the that of the Sanitarium company SEVEN BODIES WERE RECOVERED prepetrators were not entire is placed at \$20,000. Indicated that the will was executed before that letter was written. There was in existence before the will was ex-ecuted a duplicate of the scaled letter. That is considered in support of the contention that that paper was a part of the will. The scaled letter was found with the will. I find that there was no undue influence, but that the scaled let-ter was not incorrorsted in the will." strangers in the place. The new railroad company Just as Mr. Warr was closing takes in the existing road to the It is that Colombia and Panama Come Many Party Leaders Will be Opposed his store last evening a man aplombian officials the isthmus was left entirely without a government unless that established by the secession is should be recognized, and this step seemed necessary for the transaction of the routine business of the United States on the isthmus Many More May Have Perished in Hot Cprings, and proposes to exproached him and intimated that To a Peaceful Settlement of Ques-To the Proposition Under Extend the line to Brigham City in The Fire-Property is Situated . he wanted to purchase some tions Between Them. isting Conditions. the spring, a distance of 20 miles, At Summit, . Montana. groceries. Mr. Warr turned his and at the cost of \$12,000 a mfle. back and proceeded to unlock the * ter was not incorporated in the will." The officers are: Thomas D. Dee, door. In the meantime the fellow States on the isthmus. The court further said that he expresident; H. H. Spencer, vice pressed no opinion as to whether the sealed letter which gives \$50,000 to Mr. Bryan and his family can be incor-porated in the will. had pulled a mask over his face TRAFFIC ACROSS THE ISTHMUS. Butte, Nor. 6 .--- A dispatch to the In-**OLD OFFICERS SEEKING TO REMAIN** A WEST POINTER COMMANDS. president; C. H. Kircher, secreand had been joined by another ter-Mountain from Virginia City, Mont. Panama, Nov. 6.—Gen. H. O. Jeffries, a graduate of West Point, who yester-day was appointed commander of the Pacific fleet by the provisional govern-ment of the Republic of Panama, left here last night on board the gunboat Padilla with orders to capture the Bo-gota. It was senarted that the latter tary, and R. S. Joyce, treasurer. masked man, When Mr. Warr says: David Eccles is on the board of directors, and it is understood down the barrel of a pistol. One turned round he was looking Seven are dead, a number more "It may be urged," he continued, "that it can be used, but as to that the This Country is Bound by Treaty burned and perhaps sores lost in the Argument is There Should be a Clean that he is behind the project. of the robbers then seized him underground workings of the mine in a Obligation and Interests of Civilizourt has no opinion to express.' The new railroad company anby the throat and nearly choked him into insensibility at the Sweep and a Division Between fire which started in the Kearsarge Attorneys immediately asked the court if a construction had been placed upon the bequest and the court called nounces in its articles that it is 🗜 ation to See it is Maintained. a dama with biders to capture the bo-gota. It was reported that the latter had arrived at Buena Ventura, but lat-er the report was contradicted. Nearly all the municipalities of the isthmus have now joined the republic. Democrats and Republicans. mine, situated at Summit, eight miles incorporated for the purpose of constructing and operating rall-roads in Utah. While it sets forth that it will operate lines by steam and electricity it is understood that steam will be the motive power for the line betwen Ogden and Bricham City. incorporated for the purpose of same time threatened to kill him if he did not tell where he kept from there, this morning. The known their attention to the text of the dedead are Supt. R. B. Turner, of the his money Washington, Nov. 6 .- The events of mine, a miner named Tobin, and five Afterwards Judge - Cleaveland stated There was a strong effort to secure Afterwards Judge Cleaveland stated that it was a question whether the probate court had a right to consider the construction of the sealed letter, and it was also a question whether the lawyers in the case could so frame a question in relation to the matter as to bring it within the province of the probate court to consider it. Newton, Church and Hewitt, counsel for Mr. Bryan in this city, said in reply to a question that although Mr. Bryan had not yet been informed of the deci-Under the torture, and being the day as developed here as to the sitother miners, too badly burned to be a caucus today of the Republican counentirely helpless, he told the men where he had his money cached. dentified. These seven bodies have been uation on the isthmus were the recogni-To Investigate Election Frauds. cilmen-elect. The movement was inrecovered. From 50 to 75 men are still tion of the de facto government; the augurated by and in bchalf of four Denver, Colo., Nov. 6 .- The supreme Then they took him into the beddown in the mine and may have perreceipt of dispatches from Commander court will be called upon to investi-gate recent election frauds. W. H. Bryant, president of the League for Honest Elections, has consulted with several of the ablest attorneys of the city, and it was the consensus of opin-ter the such a proceeding should be heads of the present muncipal adminand Brigham City. and Brigham City. The Hot Springs Sanitarium company is organized for the purpose of the erection of a sch-itarium hospital at the Hot Springs, ten miles north of here. The property was acquired near-ly a year ago by Mr. Eccles, and it is now his intention to develop the hot springs, erect an up-to-date sanitarium and lay out some room adjoining the store, gagged ished from flames or smoke. The plant Hubbard of the Nashville; the arrival istration-Supt. of Waterworks Hines, him and tied him securely to the employed 200 men. It is the property in Washington of Consul-General Gud-City Engineer Kelsey, Land and Water bed. After securing the money of United States Senator Millard of Neger of Panama, and the issue of orders Commissioner MacKnight and Health braska, and was valued at about \$1,-000,000; there is no way to estimate the they admonished him to keep to Admiral Coghlan to proceed forth-Commissioner Stewart. quiet for a long time after they lon that such a proceeding should be adopted. The officers of the league are now preparing affidavits with the view with to the isthmus with the consuloss. The fire, which started at 7 o'clock this morning, as the shifts were being changed, still rages fiercely and These officials desire to retain their had not yet been informed of the deci-sion, he would undoubtedly decide to left or else they would kill him, places after the new year, and under general. as they were not going far. Mr. Lieut.-Commander Hubbard cabled the new administration. They argue to calling upon a judge of the supreme court to sit as examining magistrate enter an appeal from it. The text of the decision includes about 2,500 words. In it the court, afthe work of rescue, hundreds having gone from Virginia City to assist, will be hampered, as there is no apparatus Warr finally succeeded in freeing that the Colombian government troops, that a majority of the city council is himself from his uncomfortable and bind election criminals over for trial. Under the law the justices of the supreme court have full power to exer-cise this jurisdiction if they think it necessary, although it is unusual to call upon them. and bind election criminals over under Gens, Torres and Tovar, 450 Republican and that there is no reason ter reviewing the evidence, says: position, and raised the alarm, at the mine. It is not known how the fire started. strong, at Colon, had departed on a that they should not be retained. They date sanitarium and lay out some "The testimony of Mr. Dewell, who had known him for a quarter of a century shows that the testator was a sharp. but the fellows had made good merchant vessel. He stated that the say that the Republican councilmen Supt. Turner gave his life for his men. He was at breakfast and partally dressed when the alarm came. Dashing handsome parks in the vicinity their escape. isthmus from one side to the other was should get together and refuse to con-It is stated here that work will able business man, a man of decided opinions from which he was not easily He is not in a position to state in the hands of the revolutionists. This dressed when the alarm came. Dashing into the house in his shirt sleeves with another miner whose name has not been learned. Turner made his way in-to the main tunnel. Here they found everything ablaze. They groped their way down and in and dragged out five bodies include Tobin's, and a second at-tempt they did net come out and later were brought forth dead by the rescuers, the man who so heriocally alded Turner perishing with him. Turner was acknowledged as the firm the apointments of Mayor-elect be commenced on these improvejust how much was taken until statement is of the greatest importance, ments just as soon as all the turned aside. But whatever presump-tion, if, any, might be raised by reas n of Mr. Bryan's drafting the will has Morris unless he agrees to appoint he can check up, but says that Run Over and Killed. the United States government being plans have been perfected. The springs have long been consider-ed valuable properties, and with Mr. Eccles' money behind them there is every reason to believe them to their present places. owing to the fact that he intend-Redding, Cal., Nov. 6.—Benjamin F. Smith, an unmarried man, aged 45 years, employed in hauling prunes at Anderson, was thrown from a wagen and run over last evening. He died bound by treaty to maintain order and For some reason the newly elected ed to purchase some bills of been in the opinion of the court abund-antly overcome by the evidence. Mr. Bryan testified that the idea of a bepreserve free traffic across the isthmus, members of the council did not all take goods for his store today the is now under the obligation to prevent kendly to the plan and no caucus was robbers got away with between there is every reason to believe that they will rival in popularity some of the famous medicinal any hostile collisions either along the quest in his favor, so far from being suggested by him or Mrs. Bryan, was a held and none may be held. They ar-\$250 and \$300. The sheriff of the during the night of his injuries. His only relatives known of here are two brothers in Medford, Ore. line of the Panama railway or at the county, the constable of the town, gue, at least some of them do that complete surprise to both: a statement in which the court has entire confidence in view of Mr. Bryan's frankness on termini, Panama and Colon. Thus the there is a new order of things and that and several other officers are af-"future attitude of the Colombian govthere should be a clean sweep in Janwater resorts of the country. ter the robbers. ernment towards the new republic of GERMANS MASSACRED. One of the points made is that the Panama becomes of little importance

for it is practically impossible for it see that the peaceful traffic of the to go to war with Panama. officials here famillar with the counworld across the isthmus of Panama try declare that it is impossible to

shall not longer be disturbed by a conmove a Colombian army overland to stant succession of unnnecessary and the isthmus, owing to the character of wasteful civil wars," the country. On the other hand, if an ALL QUIET AT COLON. attempt is made to bring troops either Washington, Nov. 6 .- The navy deto Colon or Panama by water, the Unitpartment has received a cablegram ed States naval officers at those points from Commander Delano, of the Dixie, would interfere. By the force of announcing his arrival at Colon. The treaty obligations requiring the cablegram states that the Colombian brouth. maintenance of order across the isthtroops have evacuated and that the sitmus as a necessary condition to free nation is outet. Commander Delano cables that he transit, the United States government has landed an adequate force of mar practically has been placed in the posiines from the Dixle and that the blue-jacks which landed from the Nashville have re-embarked on the Nashville. tion of a protector to the new republic of Panama and that, too, regardless of Dixie carries 400 marines. he navy department has received any bias on the part of the United The States government toward either party a cablegram from Rear Admiral Glass. commanding the Pacific squadron, an-nouncing the departure of the Marble-head, Concord and Wyoming and the to the strife in Colombia. A report was current that the Colombian government bitterly resented this attitude on the collier Nero yesterday at Acapulco, Mexico for Panama. The squadron is part of the United States government, nder full speed. Rear Admiral Coghlan of the Caribholding that it had infringed Colombean sea squadron has arrived here in response to a summons from Rear Ad-miral Taylor, chief of the bureau of bia's sovereign right on the isthmus and had interfered without allowing Colombia to itself quell the revolution. But navigation and conferred today with Dr. Herran, the Colombian minister, tothe officials at the navy*department. He will receive instructions from the day emphatically denied that he had esident and upon his arrival at Colon made such representations, while the will assume supreme command of the American naval force on the Atlantic state department officials asserted that nothing of this character had so far Glass upon his arrival at Panama will relieve the captain of the Boston of come from the Colombian government directly or indirectly. So for practical the command of the maval force there. purposes the separation of Panama ENGLAND WILL RECOGNIZE HER. from Colombia is complete and is likely to be permanent, according to the offi-London, Nov. 6 .- The announcement that the United States had recognized the independence of Panama was recial belief here. The following telegram was sent by ceived too late to secure an official ex-pression on the subject from the forthe state department today to Mr. Ehrman, the acting consul-general of the eign office. There is no reason to doubt, however, that Great Enitain will United States at Panama: eventually follow the same course. "The people of Panama have by an DOES NOT AFFECT GERMANY. apparently unanimous movement disrow type. solved their political relations with the Berlin, Nov. 6 .- The German admiralty says the revolution at Panama has not influenced the movements of the republic of Colombia, and assumed their independence. When you are satisfied German warships in American waters and it does not expect that a contin-gency will arise requiring a change of that a de facto government, republican in form, and without substantial opposition from its own people, has been es-No dispatches have been received tablished in the state of Panama, you from the German squadron regarding Panama. will enter into relations with it as the Paris, Nov. 6 .- The French foreign ofresponsible government of territory and fice has received a dispatch from the French consul at Panama, confirming the Associated Press dispatches of yeslook to it for all due action to protect the persons and property of the citizens of the United States, and to keep open terday from that city and from Colon. The consul says: the isthmian transit in accordance with e consul says: "Colon has now followed the course the obligations of existing treaties gov. of Panama and is passing into the hands of the revolutionists. The trans-fer followed extended negotiations beerning the relations of the United States to that territory." tween the Colombian troops and the revolutionary element. This culminated Immediately afterward an instruction was sent by telegram to Mr. Beaupre, yesterday when the Colombian troops surrendered and immediately were em-barked. The change occurred without the United States minister at Bogota, in the following terms: "The people of Panama, having by an bloodshed. "The United States gunboat Nashville and the transport Dixie, with 450 marines, are co-operating with the rail-road company in maintaining order." Another dispatch from the consul apparently unanimous movement dis. solved their political connection with the republic of Colombia, and resumed their independence, and having adopted a government of their own, republican Frederico Boyd, Jose Arajano, and in form, with which the government of Tomas Ariaso, representing the provis-ional government, have communicated to the consuls of the foreign powers the United States of American has entered into relations, the president of the that the new state has been constitut-United States in accordance with the ed." The consul adds: "The province of Cauca shows no sign of revolution nor has the revolution thus far spread to other provinces. "The new state assumes all the for-mer treaty and legal obligations of Co-lombia." The last information is regarded by the officials here as being most impor-tant as showing no disposition on the part of the new republic of Panama to ties of friendship which have so long and so happily existed between the respective nations most earnestly commends to the governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations but by the interests of civilization to

Cape Town, Nov. 6 .- Official advices received here fully confirm the massa-cre at Warmbad, Damaraland, German

Southwest Africa, by the Bondelzwar tribesmen. The Germans gallantly tribesmen. The Germans gallantly fought to the eld, but were over-whelmed. It is believed that none of them escaped. Warmbad was burned. Reports of isolated murders of Ger-

At Warmbad, Damaraland, by

Bondelzwar Tribesmen.

aided Turner perishing with him. Turner was acknowledged as the leading authority of cynilding in America. He was a member of the American Society of Mining Engineers. His father was formerly state auditor of Colorado. Turner had a forboding that he would die before he was 36, as a brother. Frank Turner, met a violent death in Arizona some years ago, when just 35 and other members of the fam-ily have been killed at that age. Tur-ner was within three months of 36. He leaves a widow and one child living at

the vitness stand and his evident de-sire to fully disclose all his relations with the testator and all the circumstances surrounding the drafting of the will. It must also be remembered that the testator had ample opportunity to change his will at any time during the last three years of his life and without the knowledge of Mr. Bryan,

"Mr. Bennett did not in his will f

ish government a fixed term within which to accept the proposals, and that in the event of another refu-sal, the two powers will take steps to compel Turkish action.



new men who are going into office, mayor and councilmen alike, should be permitted to select appointees who are in no way connected with the present regime, if they desire, and that both Republicans and Democrats should be included in the list

man traders are also coming in. The rebellion in Damaraland is officially at-tributed to distress caused by the SAM PARKS SENTENCED.

Is Given Two Years and Three Months in Sing Sing Prison. New York, Nov. 6.-Sam Parks was to

New York, Nov. 6.—Sam Parks was to-day sentenced to two years and three months in Sing Sing prison. This sen-tence was passed on the charge of ex-torting 3500 from the Tiffany studios. It is alleged that Parks as walking dele-gate of the Housesmiths and Bridgemen's union forced the Tiffany studio to pay him 5500 to call off a strike. This was Parks' second sentence for extortion. He was released from Sing Sing on certificate of reasonable doubt after his first en-tence. In imposing sentence today Judge Newburger said he took into considera-tion the physican to be suffering from consumption in an advanced stage. Parks, whose customary air of deflance, has entrely deserted him, heard the sen-tence without a movement of feature or outward suggestion of emotion. Forme District Attorney James W. Os-borne, Parks' counsel, said that he would in all probability appeal, but that no cer-tificate of reasonable doubt would be ap-plied for.

plied for. Sam Parks was taken to Sing Sing pris-on this afternoon.

British Cruisers Racing Home.

Gibraltar, Nov. 6 .- The British third class cruisers Medusa and Medea, sis-ter ships of 2,800 tons displacement. ter sings of 2,800 tons displacement, swiled for Portsmotth from Gibraltar today in a race home at full speed to test their boilers and coal consumption. The Medusa is fitted with Durr boilers and the Medea has boilers of the Mor-rew time.

Mexico Open to Chinese.

San Francisco, Nov. 6.—An agent of the Commercial Steamship line, just returned from Mexico, says that President Diaz in his new arrangements with this com-pany, places no limit on the number of Chinese which it may bring into the port of Manzillo each month. He also says that Mexico needs thousands of Chinese to work in her mines and on plantations.

Amsterdam Bankers in N. Orleans

Amsterdam Bankers in N. Orleans New Orleans, La., Nov. 5.-Considerable importance is attached to the visit here of Messrs. Adam Ruelinch and W. Ble-jendstein, prominent bankers of Amster-dam othe London, who are largely inter-ested as stockholders in the Kansas City & Southern railway. They are understood to be looking into conditions in connec-tion with an arrangement between the Kansas City Southern and the Red River valley road, whereby the Kansas City Southern may find an outlet to New Or-leans and has been planning for a steam-er line to Europe,

Canners' Strike Settled.

Chicago, Nov, 5.—The strike of canners employed by the large packing houses here was settled today and the men will return to work tomorrow. An offer of a 6 per cent advance for unskilled and of 7 per cent for skilled workmen was offi-cially accepted by the strikers.

Bad Wreck on Northern Pacific

leaves a widow and one child living at Virginia City. The total n e total number of dead may not

The total number of dead may not be known for some time and the bod-ies recovered, all but those of Tobin and Turner, are too badly burned to be identified. Physicians from Virginia City, Ennis and other towns are on the way. If the miners known to be in the

mine are dead, the list will foot up to or 70. Some of the rescuers are bad-burned. The mine is 8 miles from by telephone is difficult. The shaft house, cyanideing plant and

tunnel are a total loss. It is not known how badly the workings of the mine have been damaged.

The list of dead from Virginia City follows:

R. B. Turner Wm. Fleming. James Powers, John Tobin. Ed. Laferty. orge Al Robert Donnelly.

These men were all from Butte as were the entire force of miners at the Kearsarge. No bodies had been recovered up to noon.

SENATOR MILLARD INFORMED. Omaha, Neb. Nov. 6.—Senator Mil-lard owner of the Kearsarge mine at Virginia City. Montana, said he had been informed of the burning of the buildings at the mine and of the fatalities attending their destruction, but no details have reached him. The mining property is owned by the senato mostly of this several associates.



AGAINST BRYAN New Haven, Conn., Nov. 6 .- Judge

Livingston W. Cleaveland of the probate court handed down a decision to day in the Philo S. Bennett will case, holding that the secret letter directing Mrs. Bennett, the widow, to pay Wil llam J. Bryan \$50,000 was not part of the will. The effect of this is to prevent Mr. Bryan from obtaining the, money mentioned in the letter unless the present decision is reversed by a higher court, or unless he should be successful in legal proceedings against Mrs. Bennett, in the event that the \$50,-000 should be paid under clause 12 of the will, which reads as follows:

"Tweifth-I give and bequeath unto my wife, Grace Imogen Bennett, the sum of fifty thousand dollars (\$50,000) in trust, however, for purposes set forth in a sealed letter which will be

found with said will." The text of the letter was made pub-lic at one of the hearings on the will. Mr. Bryan was not present when the decision was announced, but his attor-neys said he would undoubtedly appeal from Judge Cleaveland's decision. The court finds that the sealed letter about which there has been a contest, nexcidue for a slift of the one at the sealed letter

providing for a gift of \$50,000 to Mr. Bryan and family, was not incorporated in the will. Copies of the decree were handed to attorneys representing Mrs. Bennett, the widow, and Mr. Bryan.

When Judge Cleaveland took his seat

any of his helrs at law and made ample provision for the support of his wife. Taking the total amount of the specific Berlin, Nov. 6.—The Deutsche Bank's intended listing of Baitimore and Ohle stock on the bourse has been counterlegacies in connection with his esti-mate of the residue as explained in the manded owing to the premature pub-lication here of its intention to do so, which caused speculators to buy ahead with the design of selling as soon as the stock was listed. sealed letter, he evidently thought he was giving his wife \$100,000 or more

absolutely. "This is out of an estate which he apparently thought would approximate space netty thought would approximate sign,000. The Bryans were not the only legatees outside of the widow and his heirs at law, but the testator, be-sides making liberal public and charitable bequests, made generous provision for relatives who would have received nothing but for the will.

'Measured by Mr. Bennett's devotion to Mr. Bryan and to the principles for which both had contended, the beques of \$50,600 to the Bryans, to take effect after the testator's death does not seem more unusual than the gifts of \$3,000 of-fered to Mr. Bryan while they were comparative strangers and actually paid during Mr. Bennett's life.

"This court finds that neither the twelfth clause of the will nor the letter therein referred to, was procured by undue influence. "The other question to be considered

"The other question to be considered is whether the letter contained in a scaled envelope, and referred to in the twelfth clause of the will, was so in-corporated by reference as to be made a part of the will. Even though the law in this state is, as it seems to be in most jurisdictions, that such a paper, under certain conditions, may be in-corporated by reference, this letter is corporated by reference, this letter is objected to on other grounds. Even is it be conceded that the twelfth clause in this will refers to the extraneous pa-per as being in existence at the time of the execution of the will, the authorities agree that the paper referred to must in fact be in existence at the

The second of the execution of the will. "Was the letter in the sealed en-velope in existence at the time of the execution of the will? This question is an execution of the first eventones of the answered by the first sentence of the letter itself. It reads:

"In my will, just executed, I have bequeathed to you,' etc. Thus the type-written draft was prepared in Nebras-ka two or three days before the execu-tion of the will, but this typewritten draft was not designed to be the letter to be referred to in the will and caphot be considered as such."

The judge cites legal authority in upport of his contention that the later can be regarded as a part of the

"In view of the plair, recital in the letter itself, it is difficult to see how without an utter disregard of the au-thorities this letter can be incorporated into the will and the court therefore finds that the scaled letter cannot be admitted to probate as a part of the will. It is not, however, the province of this court in probating a will to con-strue its provisions. Hence the 12th clause, whether operative or not will be admitted to probate as a part of the will be admitted to probate as a part of the will, and in thus refusing to probate the sealed letter as a part of the will, this court does not wish to be understood as expressing any opinion as to whether the letter, without being probated, can have any legal effect as a declaration of trust attempt to be created by the 12th clause of the will."

successful end. In reference to the non-union miners, I will say that if they refuse to obey the strike order ULTIMATUM TO THE PORTE. and do not come out at present, weight will be brought to bear upon them to quit work."

Austria and Russia Will Send One If Turkey Deesn't Comply.

Constantinople, Nov. 6 .- In consc 13,000. quence of the porte's reply, pleading the superfluity of the new reform scheme for Macedonia on the ground that Turkey is carrying out the proposals pre-viously agreed to, it is believed that Austria and Russia will send a and Russia will send ultimatum giving the Turkan

B. & O. Stock Not Listed.

Employes Endorse a Strike.

Chicago, Nov. 6 .- By a vote of 264 o 153 the employes of the Chicago

Railway company have endor

a strike if necessary to enforce the de

mands of their union. The executive board will call upon the officials of

the railway company with the ultima

NATURALIZATION SCANDALS.

Proceedings Against Authors in

St. Louis Will be Bitterly Fought.

St. Louis, Nov. 6 .-- Proceedings at the

United Statts district court befor-Judge Adams, of John P. Dolan, chair man of the Democratic city centra

committee, Thomas E. Barrett, former marshal of the St. Louis court of ap-peals, and Policeman Frank Garrett,

charged jointly with participation in naturalization frauds, indicate that it will be the most bliterly fought of the

naturalization scandals. Dolan, Barrett and Garrett are being

tried on practically the same charges of which Adolph Fein was convicted

indictment on nine distinct charges, though all relate to the same general

COAL STRIKE TROUBLE.

Conference in Progress in Denver

Looking to a Settlement.

Denver, Colo, Nov. d.-A cor.

ference is in progress in Denver

looking to a settlement of the trouble with the coal miners in the northern Colorado fields and with a prospect of successful termination. The situation in the southern fields is growing more

in the southern heids is growing more tense, however, and there is now ap-parently nothing that will prevent the miners from going out on strike Mon-day at the call of President Mitchell, of the United Mine Workers. District President William Howells, of the United Mine Workers of Ameri-ce sold today.

ca said today: "We have abandoned all hopes for a

conference with the Colorado Fuel & Iron company, and the fight will be waged to a finish. Colorado will be the

battle ground, but the interests of the miners in southern Wyoming, Utah and New Mexico will be looked after.

Will be on the ground. Commissaries are to be established in nearly every mining town, and Pueblo will be the commissary point. If any miners are ejected from the company houses these

will be looked after by the national

organization which has an ample re-serve fund to carry on the strike to a

"National President John Mitchell Il be on the ground, Commissaries

Each of the three defendants is under

outset in the trial, begun today it

City

tum

yesterday

machinations.

Kearns, Smoot and Howell Reach Washington Tomorrow.

WENT EAST TOGETHER,

Senators Kearns and Smoot and Congressman Howell will arrive in Washington tomorrow to be present at Massington tomorrow to be present at the opening of the extraordinary ses-sion of Congress which convenes on Monday next to consider the Cuban treaty question. These three gentle-men, comprising Utah's congressional delegation, left here together on Wed-nesday morning last, the day immedi-ately following the election. It is presumed that they discussed the mat-ter bearing upon this particular sub-ject en route and that they will vote logether upon it when action is taken by senate and house. It is also highly probable that each of them found food for reflection in the result of Tuesda,''s election in this city and that the auses that led thereto were discussed in their various phases.

THE OFFICIAL COUNT.

It Will Begin Monday by the City Council and May Take Six Days.

On Monday at 12 o'clock noon, the ity council will convene as a board of canvassers to canvass the returns of the recent municipal election. It is be-lieved that it will take about six days to complete the canvass. Outside of the returns for the Second precinct there is not likely to be changes which

will alter the general result. In that precinct, Wood and Dean, the successful Republican councilmanic candidates for the short term, were elected by pluralities of only 10 and 6 votes respectifully over Badger and Burbidge, the Democratic candidates, Hence the result of the canvass of the returns in that precinet will be await-ed with interest, as changes might be made which would be beneficial to the defeated candidates and might result in a victory for them, thus changing the political complexion of the next council, making it Democratic instead of Republican as the returns now indi-

WAIF ADOPTED.

Mrs. G. Chambers Deserts Her Child-She Now Has Legal Foster Parents.

Douglas Barstow and Kate Barstow appeared before Judge Marioneaux this morning and legally adopted Ethel Katheryne Barstow, a child three years of age, whom they secured from the American Home Finding association. The child was born in this city on Sept. 22, 1900, and, on Oct. 16 of the same year, her mother, who gave her name as Mrs. G. Chambers, left her with Mrs. Stickney, the Utah agent for the Home Finding association. The woman then disappeared and has never been seen since that time, although diligent search has been made for her. Mr. and Mrs. Barstow have had the cus-tody of the child ever since the month of October, 1900, and have now made her their legal child.

WATER POWER TAKEN UP.

The number of miners employed in the southern Colorado field is about The state engineer reports a falling

Gold for United States.

The state engineer reports a taking off in the number of applications for water over the state, for the reason that pretty much all of the waters available for power purposes have been spoken for. Practically all that is left is water best suited for reservoir pur-

Turk- Southampton, Nov. 6.—The Ham-burg-American line steamer Fuerst send Bismarck which sailed from here to-Turk- day for New York took \$950,000 in gold.