

SOLDIER MAY PROVE AN ALIBI.

Man Charged with Assaulting Miss Gill Has Good Witness in J. J. Martin.

HE IS NOW ILL AT FT. DOUGLAS.

Claimed He Will Testify He Saw Fuller At The Fort About The Time Crime Was Committed.

The trial of Thomas R. Fuller, charged with a criminal assault upon Miss Edith Gill on the night of Dec. 13, 1903, was commenced this morning before Judge Morse in the criminal division of the district court. Fuller was represented by Atty. E. O. Leatherwood, and Dist. Atty. Elchorn represented the state. Fuller appeared in court for the first time in citizen's clothes. Miss Gill, the victim of defendant, was also present accompanied by her parents.

The attorney for defendant presented a motion for a continuance on the ground that a material witness for the defense is now confined in the hospital at Fort Douglas as an attack of pneumonia and is unable to attend court at present. It was set out in Fuller's affidavit for a continuance that the witness, Jesse J. Martin, who is ill, saw him on the night of the crime at Fort Douglas about 15 minutes after the crime was committed and that Fuller left town. The testimony of Martin would tend to prove an alibi for Fuller. Dist. Atty. Elchorn stated that if Martin was not able to give a deposition when needed by the defense, he would be willing to admit that he would testify as stated in the affidavit. With that understanding, the court overruled the motion for a continuance and the trial was proceeded with.

Twelve jurors were examined by the state and defense as to their qualifications to try the case and five of them were sworn and accepted. The jurors thus far secured are George E. Weir, William Ray, T. P. Page, J. H. Ball and F. P. Keate. R. Dumbach was challenged for cause by the state and L. P. Cramin, Ed. Bolander and T. R. Parry were challenged for cause and excused by the defense. The last three named had formed opinions as to the guilt of defendant and hence were prejudiced against him. The defense used two peremptory challenges and excused J. H. Linck and John H. Back. It is expected that a jury will be secured this afternoon and the taking of testimony commenced.

At this afternoon's session Granville Gillett, Gilbert Lloyd and William M. Wantland were examined for cause and Mr. Lloyd was excused on the first peremptory challenge for the state, and Mr. Gillett was excused on the third peremptory challenge for the defendant. Mr. Wantland was accepted by both sides and was sworn in as a juror to try the case.

C. L. Hannan and S. W. Anderson were then called to the jury box and were being examined for cause when this report closed.

BIG DAMAGE SUIT.

Union Company Wants \$25,000 for Lime Rock Badly Quarried.

A damage suit has been filed in the district court by the Union Lime & Stone company against the Bingham Copper & Gold Mining company, Duncan Copper & Gold Mining company, and the Utah Light & Power company, to recover the sum of \$25,000 for 40,000 tons of lime rock quarried out of plaintiff's quarry without its consent and for damages to the quarry by reason of the careless and reckless manner in which the stone was taken out.

Wants Writ of Certiorari.

A petition for a writ of certiorari was filed in the district court today by Fritz Klepper in which he asks that Judge H. S. Tanner of the city court be compelled to certify to the district court a record of the proceedings had in his court in the case of B. K. Block & Co. vs. E. W. Mosher and this petition and that the order of the court in regard to the supplementary proceedings be annulled. It is alleged in the petition that Judge Tanner cited petitioner to appear and testify as to his ability to pay a judgment secured against him by Block & Co. He states that he offered to prove to the court that the judgment had been fully paid but that the court refused to permit him to do so. Such action, it is claimed, was a denial of justice of the court and the supplementary order should therefore be set aside.

Suits on Judgments.

The Utah Commercial & Savings bank filed two suits in the district court today, one against William Davidson and Peter J. Heid and the other against Peter J. Heid and Charles Cronin. In the first action plaintiff asks judgment for \$445, alleged to be due on a judgment rendered in the Third district court on May 10, 1894. In the second action judgment is asked for \$710.33, alleged to be due on a judgment rendered on June 6, 1894.

In Favor of Plaintiff.

Judge Hall has rendered judgment in favor of plaintiff in the case of the Western Loan & Savings company against Alexander and Neill Magnusson for the sum of \$6,000 and interest, amounting in all to about \$7,000. It was contended by defendants that plaintiff was attempting to collect interest at the rate of 30 per cent per annum, but according to the figures of an expert accountant, who figured out the interest, the rate charged is only a fraction over 10 per cent. The suit was brought to recover the above amount on a promissory note.

For Son's Death.

Joseph L. Garrison has sued the American Smelting and Refining company for \$25,000 for the death of his son, Edward H., a 16-year-old boy employed to handle ore cars. While at work it is alleged, the boy was caught by a dumped car-load of coal and instantly killed. The complaint charges the company with gross negligence in allowing the boy to perform work for which he was unfitted and with which he was entirely unfamiliar.

\$3,000 FOR A LEG.

Southern Pacific Agrees to Pay That Sum to Young Lukich.

By a stipulation of judgment filed today in the federal court, the Southern Pacific company agrees to pay \$3,000 for the loss of an employee's leg.

This is the outcome of the suit for \$25,000 instituted by M. Lukich, through his guardian, John Kombo, both of whom are working on construction gangs for the railroad company. It was alleged that young Lukich was crowded onto a car with ore cars, while Austrian laborers and on account of the

Peculiar To Itself

In what it is and what it does—containing the best blood-purifying, alterative and tonic substances and effecting the most radical and permanent cures of all humors and all eruptions, relieving weak, tired, languid feelings, and building up the whole system—is true only of

Hood's Sarsaparilla

No other medicine acts like it; no other medicine has done so much real, substantial good, no other medicine has restored health and strength at so little cost.

"I was troubled with scrofula and came near losing my eyesight. For four months I could not see to do anything. After taking two bottles of Hood's Sarsaparilla I could see to walk, and when I had taken eight bottles I could see as well as ever." SUSAN A. HAINES, Withers, N. C.

Hood's Sarsaparilla promises to cure

crowded condition of the car could not get off until all the others had alighted. As he was stepping to the ground, the train started and he was thrown under the wheels, the accident necessitating the amputation of his right leg, above the knee.

By the terms of the agreement each side pays its individual costs.

Mrs. Nash Replies.

Mrs. Sarah L. Nash has filed her answer to the counterclaim filed against her by her husband, Albert H. Nash, in which she denies that she struck him over the head with a piece of firewood or that she deserted him, but to the contrary she alleges that he deserted her and has refused to return. She also denies that she ordered him to take his clothes from her house and never return.

Crushed His Right Leg.

Russell Ivie today filed suit in the district court against the Union Lime & Stone company to recover damages in the sum of \$2,000 for injuries received by him while employed in defendant's quarry on Dec. 15, 1903. It is alleged that a huge rock fell upon plaintiff's right leg and severely crushed it, causing injuries which are claimed to be permanent.

Federal Court.

Judge Marshall is in Denver assisting Judge Hallett with some federal cases. There will be no session of the United States court here before next Monday.

PRESIDENT LYMAN COMING.

A telegram received at the President's office from the White Star line announces the arrival at Boston Saturday night of the steamship Canopus from Liverpool. Aboard this vessel were President Francis M. Lyman and Elders Cannon, Blood and Holdaway, homebound. They were to leave for the west this morning, but as they will visit in the east before returning they will probably not arrive in Salt Lake before Feb. 1.

MOVE TOMORROW.

The office of the old Consolidated Railway & Power company will be moved tomorrow from the quarters so long occupied by it in the Hooper building on First Street, to the building occupied by the Utah Light & Power company, No. 7 East Tennessee street, next to the Templeton building. Wednesday morning, the street railway offices will be all ready to resume operations as usual in the new quarters.

WEATHER OUTLOOK.

It was a cold night all over the north and west, and on today's weather map the minus signs are plentiful. The lowest temperature was at Winnipeg and Bismarck, where the mercury fell to 34 below zero. In this city, it fell to 13 above, but warmed up considerably at noon. There was snow and rain in the northwest. Fair weather, with occasional snow flurries are looked for tonight and tomorrow. There was something of a storm Saturday night, at Park City, and at times the wind was so high that travel was impossible. There was not such a heavy fall of snow, but the wind caused it to drift heavily.

A MATRIMONIAL SURPRISE.

A matrimonial surprise was sprung on certain residents of Salt Lake yesterday on the arrival from the north of Mr. Andrew Freebairn, well known in the southwestern part of town, who gravely announced that he had been married the night before at Pocatello to Miss Milla Stuffer, a handsome maiden of Paris, Idaho. Mr. Freebairn's intentions to "settle down" were not generally known and his becoming a benedict was therefore quite a shock to his many friends. However, they will wish him happiness in his new venture.

GERMANY'S GRAND OLD MAN.

No one disputes the justice of giving to Professor Theodor Mommsen the appellation of Germany's grand old man. Since he completed his work on the Roman laws, which has been translated into every modern language, Professor Mommsen, who is now in his eighty-



PROFESSOR MOMMSEN.

sixth year, has confined his pen to essays on current political topics and no longer delivers lectures at the University of Berlin, of which he is still an official member of the faculty. The aged historian, teacher and thinker has brought up a family of fifteen children and has grandchildren by the dozen.

HOMEWARD BOUND.

General Manager Bancroft Making Daylight Inspection of Kansas Division.

General Manager Bancroft of the Oregon Short Line and Union Pacific is reported to be homeward bound and will reach Denver this evening, with prospects for arriving in Salt Lake in four or five days. He has been making a daylight inspection of the Kansas division of the Union Pacific and will come to Utah over the Wyoming division, which will also be inspected.

UTAH POSTMASTERS.

Senate Committee Will Recommend Their Confirmation.

(Special to the "News.") Washington, D. C., Jan. 23.—The senate committee on postoffices has agreed to recommend the confirmation of four Utah postmasters: Joseph Excell at Logan, H. E. Booth, Nepht; C. O. Lawrence, Spanish Fork, and John Peters, American Fork. They will be confirmed at the first executive session of the senate.

A TRIBUNE DREAM.

A Complete Detailed Report of That Which Never Happened.

In a purported account of the initial meeting of the L. D. S. Sunday school convention at the Salt Lake Theater on Saturday night last, the Tribune of Sunday morning makes some remarkable mis-statements. It looks very much as though the paper had been shamefully imposed upon by one of its reporters or that there was decided carelessness in the preparation of the article. For instance, it is stated: "After roll call of the delegates the convention sang a hymn and after preliminaries the sacrament was administered." Also, "There was some more singing and several members of the convention talked upon the subjects, 'The Advantages of Attending Sunday School' and 'Some Things We Have Learned Concerning Old Testament History in 1903.' The speakers were limited to five minutes each."

Now as to the facts: There was no roll call of delegates and no roll call of "Some Things We Have Learned Concerning Old Testament History in 1903." There was not a single word spoken on the subject of "The Advantages of Attending Sunday School," nor a syllable uttered on "Some Things We Have Learned Concerning Old Testament History in 1903," and consequently there was no limitation at this meeting restricting the speakers to five minutes each. The whole story is about as silly and unaccountably ridiculous a fake as could be printed.

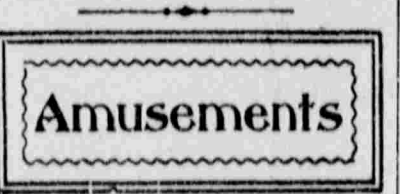
TONOPAH RAILROAD.

Construction of Line to Famous Mining Camp Has Commenced.

Tonopah, Nev., Jan. 23.—Work began today on the Tonopah & Rhodes railway at two points on the road. Material for the road is arriving steadily at Sodaville, on the Carson & Colorado railroad and unless unforeseen delays occur the road, which will be 63 miles long, will be in operation to Tonopah by May 15th.

A GUARANTEED CURE FOR PILES.

Itching, Blind, Bleeding or Protruding Piles. Druggists will refund money if PAGO OINTMENT fails to cure in 14 days.



Amusements

Both of the theaters will be dark until Friday evening next, when Paul Gillette will be seen in the larger house in a performance of "The Mummy and the Humming Bird," that promises to be something entirely out of the ordinary, and a little carnival at the smaller one, when such distinguished thespians as Jerry McCarthy and Otto Seloff are to display their histrionic powers with prices of admission ranging from \$1 in Senegambia to \$3 in the pit.

Rehearsals of the farce, "The Adventures of Bill," which will be presented as a benefit at the Grand next Saturday night, are going on at the rate of two each day, and friends of the local people in the cast declare that a surprise is in store for those who have not seen them. J. C. Leary was compelled on account of pressing business to drop out of the company a day or two ago, and Walter Little has been substituted in the part of the colonel.

The Grand theater was crowded to its capacity last night by an audience in attendance on Held's band concert. The staging and disposition of the men were entirely rearranged, and the instrumentation was somewhat changed for the time increased to the former number, five. The features of the evening were the Minion number, the brass quartet, the vocal work and the operatic selections by the band. Miss Felt has a promising soprano voice which gave decided satisfaction to the audience, and Mr. Squire's basso profundo was as popular as usual. The treatment of the dance movement in Minion by the woodwinds was bright, crisp and effective, but the brass winds did not do so well. The Faust number was very good, the baritone carrying off the honors. That player produces one of the purest and best tones of any baritone in the country. Taken altogether, the band did itself marked credit. The band has ordered new uniforms to cost \$1,200—regulation army officers' undress uniforms, blue black coats and blue pants with black stripes. The caps will be the new regulation.



Ward Entertainments.

The Twentieth Ward Dramatic association, which a few weeks ago scored a decided hit in its presentation of the thrilling drama, "Among the Breakers," will present another in the series, "The Sign of the Cross," which requires talent above the ordinary to do it justice. The piece is in four acts and makes up a full evening's entertainment, the time of

playing being three hours. The company has another drama under way and will give this within three or four weeks.

LATE LOCALS.

Cats threaten to take a rise presently on account of the growing scarcity.

Prof. J. J. McClellan, the Tabernacle organist, is in Payson today, visiting relatives.

Merchants generally over town report trade as quiet, but are hopeful for livelier times later on.

Today's local bank clearings amounted to \$391,575.67, as against \$338,463.17 for the same day last year.

The American Falls Canal and Power people have teams and men ready to take the field as soon as the weather will moderate.

The bureau of state statistics officials are clearing up the last year's business, preparatory to taking up the work of the current year.

The One Hundred and Tenth quorum of Seventy will hold its regular monthly meeting in the Sixth ward assembly rooms tonight at 7:30.

Henry Siegel was buried yesterday afternoon, at New York, and the eldest son will return to Salt Lake. Mr. Siegel's death will have no effect on the firm in this city of which he was a member.

Funeral services were held at Masonic hall this afternoon at 2 o'clock over the remains of Alfred Thompson, who died at the Cullen hotel last Wednesday. The deceased was a well known member of the order which administered the last rites.

Next Wednesday evening Col. Catherine Higgins, head of the Salvation Army rescue work in the United States, will give her illustrated lecture on the life of the late Consul Emma Booth-Tucker. The lecture begins at 8 o'clock.

Rev. Dr. Russell Conwell of Philadelphia, one of the oldest and best known Baptist ministers in the country, will be in this city in a few days en route to the Pacific coast. The doctor is the father of Mrs. E. G. Tuttle formerly a resident of this city, but now of Philadelphia.

The local Produce Exchange has requested application for membership from flour and grain dealers in the northern and southern parts of the state, and the chances are that a state exchange will be formed, which will be more efficacious in regulation of prices than the present city exchange.

Councilman Wood of the Second precinct is still ill at his home in Poplar Grove. He is suffering from nervous prostration aggravated by an attack of the grip. While he is recovering slowly, it is stated that he will not be able to attend tonight's meeting of the city council.

Dean Eddie of St. Mark's cathedral does not look for the arrival of any new bishop until next winter, as the house of bishops does not meet until October, and the newly elected missionary bishop can hardly appear. He is ready for work for several months afterwards.

There will be special services in St. Paul's Episcopal church this evening, in commemoration of St. Paul's day. After the services, a reception will be held in the rectory. Dean Eddie of St. Mark's cathedral is expected to visit St. Mark's hospital will assist at the service in the church.

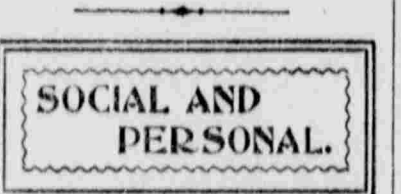
The Knights of Columbus will formally open their new club rooms in the Jennings block on Feb. 16, when there will be a reception followed by dancing and a banquet. The quarters, which were formerly occupied by the University club, and have been remodeled, repapered, repainted and handsomely furnished.

The Salt Lake Ministerial association was to have listened this morning to a paper read by Rev. J. W. Linker on "How can the pastor influence the reading of his congregation?" But owing to the doctor's absence, the paper had to be omitted, and each minister present was invited to report as to the progress of their individual churches. The tenor of the reports were gratifying to the association.

The Utah Fuel company had no word today of any disturbance at any of the coal camps, although people down there are prophesying that inside of three months, the troops will all be sent there to preserve order. But the foreign element is thinning out so rapidly and leaving for distant sections of the country, that the state officers do not look for any further trouble. The agitators seem to have taken themselves off, and at present are making no sign. Castle Gate is yet short about 150 men, and more could be taken care of at Clear Creek and Winter Quarters.

Rev. Frank Barnett of the East Side Baptist church has taken a month's leave of absence on account of throat trouble and will spend the next 30 days in the mild winter climate of California. In the meantime his pulpit will be supplied by other pastors. A recent annual meeting of the East Side church, Mrs. Wesley Davis was chosen church clerk, J. J. Corum treasurer, Eben Brown Sunday school superintendent, Dr. Clarence Ebaugh, organist and chorister, Mrs. Ellen Brown, Martin Monson, Dr. Parsons, J. J. Corum, J. J. Trenham and Mr. Shay were elected deacons.

Treasurer Carlson of the Z. C. M. I. recalled this morning, an interesting reminiscence of Brigham Young, who was the first head of the institution. President Young was very quiet, reserved, and disliked any goods being handled that savored of shoddy or deception. If he found any such in the store he would have the same removed, and he was known to break small mirrors with his cane that did not appear what they were advertised to be. Many was the time he ordered goods off the shelves or tables that he did not think were just the thing. He was much opposed to anything savoring of sham. He wanted everything "all wool and a yard wide."



SOCIAL AND PERSONAL.

Tonight the Fencibles will give their character ball at the Grand on Market street, and the affair promises to be a success in every way.

Miss Mary Teasdale will chaperone a party of young people in a sleighing party, to consist of Misses Minerva Banks, Violet Nott, Lillian Connelly, Lara Rawlins, Lulu Chamberlain and Ivy Cleghorn.

The annual parish reception will be held tonight at St. Paul's church.

At the meeting of the Unity club tonight the program will be devoted to the Minningers, Mr. W. C. Jennings and Prof. Brodbeck giving talks on the subject and examples of their songs, and Miss Emily Larson also assisting with musical numbers.

The house decoration section of the L. L. C. met this morning, and Mrs.

Always Remember the Full Name **Exaltado Bromo Quinine** Cures a Cold in One Day, Grip in 3 Days

E. W. Whitney gave a paper on Gothic architecture.

The Woman's club will meet next Thursday instead of Tuesday, and Mrs. W. H. Jones will give a paper on "Woman as a Politician."

Mrs. J. C. Weeter is visiting Mrs. A. J. Gorham.

Mrs. C. E. Richards entertained the M. M. E. Sewing club this afternoon.

PERSONALS.

H. O. Manz of Mountain Home, Ida., is at the Kenyon.

J. M. Lockhart of Park City was in town yesterday.

J. W. Whitmore of Sunnyside is here on business.

R. W. Crockett, editor of the Price Advocate, is at the Wilson.

G. D. Snell, Jr., came in from Spanish Fork this morning.

Sheriff Dan B. Cronin of Juab county is in from Eureka.

James Hughes of St. Anthony, Ida., is in the city on business.

T. R. Beadle, a well known resident of Gilt Edge, Mont., is at the Wilson.

J. F. Hendricks, mayor of Mackay, Ida., and Dr. B. O'Connor of the same place, returned today after a stay of ten days in Salt Lake.

Emmett Moore, son of J. M. Moore, the local agent for the Union Pacific Coal company, is seriously ill with a bad attack of pneumonia.

Mrs. Joseph Geoghegan and family left today for San Francisco on a visit for two months.

Mrs. C. E. Cleveland has gone to Los Angeles to join her husband who is spending the winter there for his health.

AFTERNOON ON 'CHANGE.

Business Was Light but Some Stocks Showed Strength.

A half dozen stocks participated in this afternoon's sales on the Mining Exchange. Tetra and New York Bonanza and Yankee Consolidated closed stronger.

The sales were:

May Day, 13 at 5.

Little Chief, 6,000 at 1 1/2.

Martha Washington, 1,000 at 1 1/2.

New York Bonanza, 3,700 at 2 1/2; 700 at 2 1/2.

Tetra, 100 at 32.

Yankee Con, 100 at 43; 100 at 42 1/2.

Car Barns Burned.

Indianapolis, Jan. 23.—The car barns of the Indianapolis Traction & Terminal company, at McLean Place, burned today. Loss, \$100,000.

Public School Building Burned.

Owatonna, Minn., Jan. 23.—The main building of the state public school for indigent children is burning. The central part will be a total loss; the wings may be saved. All the children were taken out in safety.

A COAT WITH A REMARKABLE HISTORY.

The coat shown in the accompanying illustration was brought to the United States from the Hudson bay country by a museum expedition. Resembling in many details the khaman, or wonder working robes, of the tribes of northeastern Siberia, it is regarded by antiquaries as indicating on which continent the Eskimo aborigines originated. It is thus of priceless value. The alternating stripes of black and white



are very similar to decorations used by the Chukches and Koryaks of Siberia. The two hands signify that supernatural beings cannot harm its wearer, the shaman priest. This is the only coat of its kind known to be used by an Eskimo priest.

A CAMEL'S REVENGE.

A valuable camel working in an oil mill in Africa was severely beaten by its driver. Seeing that the camel had treasured up the injury and was only waiting a favorable chance for revenge, the driver kept a strict watch upon the animal. Time passed away; the camel, knowing that it was watched, was quiet and obedient, and the driver began to think that the beaten was forgotten, when, one night, after several months had gone by, the man was sleeping on a raised platform in the mill, whilst, as is customary, the camel was stabled in a corner.

Happening to awake, the driver saw by the bright moonlight, that, when all was quiet, the animal looked cautiously around, rose softly, and stealing toward a spot where a bundle of cloths and a bag of grain lay, he seized them and a vigorous, thrown carelessly on the ground, resembling a sleeping figure, cast itself with violence upon them, rolling with all its weight, and tearing them most violently with its teeth. Satisfied that its revenge was complete, the camel was returning to its corner, when the driver sat up and spoke. At the sound of his voice, and realising the mistake it had made, the animal was so mortified at the failure and discovery of its scheme that it dashed its head against the wall and died on the spot.

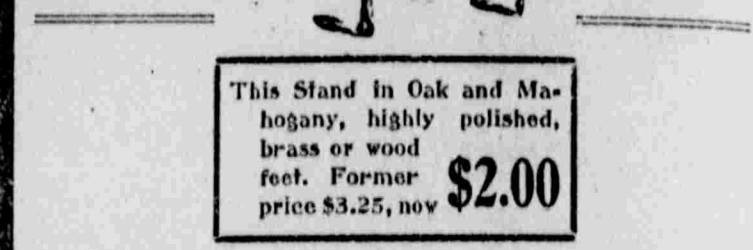
ALARMED HERSELF.

The resemblance between an alarm clock and a conscience is so obvious that it has often been remarked. A man would hardly like to look himself in the face if he were without either, while the motions of both meet with the same amiable or impatient disregard. One usually maintains each of them in considerable privacy, but an old woman in Kansas City put the clock the other day to a new and public use. She went to a railroad station with an alarm clock suspended from her neck with a rope. She was asked about it by a polite stranger, and said that her son had set it to go off at 9:30, which would be a signal for her to get out on the platform and get her train, which left at 9:45. She did not want to take any chances of losing it.—New York Tribune.

STANDS AT COST.

Monday and Tuesday Only.

4 Styles. See Our East Show Window.



This Stand in Oak and Mahogany, highly polished, brass or wood feet. Former price \$3.25, now \$2.00.

Select yours early Monday. Do not wait until Tuesday—They may all be sold by then.

H. DINWOODEY FURNITURE CO.

NEW YORK CLOSING STOCKS

Monday, Jan. 23, 1904.

Atchafalpa	85 1/2
Atchafalpa Pfd	91 1/2
Baltimore & Ohio	119 1/2
Canadian Pacific	119 1/2
Chicago & Alton	27 1/2
Chicago & North Western	84 1/2
Colorado Southern	18 1/2
Denver & Rio Grande	23 1/2
Denver & Salt Lake	27 1/2
Erie	27 1/2
Illinois Central	123 1/2
Louisville & Nashville, ex-div	18 1/2
Manhattan	141 1/2
Metropolitan St. Ry	122 1/2
Mexican Central	12 1/2
Missouri Pacific	42 1/2
New York Central	120 1/2
Pennsylvania	124 1/2
Reading	124 1/2
Rock Island	24 1/2
Rock Island Pfd	30 1/2
Salt Lake	60 1/2
Southern Pacific	104 1/2
Southern Railway	21 1/2
Union Pacific	109 1/2
Union Pacific Pfd	109 1/2
Wabash	21 1/2
Wisconsin Central	21 1/2

MISCELLANEOUS.