

# EVENING NEWS.

Tuesday, December 23, 1924.

## FRAGMENTS.

SEVER quotations: New York, 10 1/2. This district telegraph boys are kept very busy just now.

MR. ANONIMUS CANNON sold his fine cow Milkmaid last evening.

WACK LUCK (Chinaman) was discharged by Justice Spiers to-day.

"PATIENCE" will be rehearsed at Calder's Music Emporium Friday evening.

OWNERS to the telegraph wires being down, we have received no press dispatches to-day.

THE Utah Pacific train will be about seven hours late arriving at Ogden to-night.

THE Utah & Northern train due in Ogden this evening is reported fourteen hours late.

CASE of John N. Berryman, for battery on Alfred Hendrickson. Case dismissed and costs paid.

MCCORMICK & Co. received to-day one lot of Chevrolet cars, \$2,300; one car of Hanover building, \$2,500.

MR. JOHN V. HAMPTON of the Utah Central, and Miss Witbeck are to be married at Jubal on Christmas.

J. H. BOWMAN was arrested last night for being drunk and using abusive language. He paid \$10 fine to-day.

IN all probability, we will not have any eastern mail before to-morrow morning's train arrives from the north.

THE U. C. Ran two special trains from Ogden yesterday. One conveyed the Abbott train, the other brought last night's delayed mail to our city.

TAIR ladies whom the News mentioned a few days ago as having been arrested for stealing pigeons, have been discharged on a promise to be good boys.

WELLS, Egan & Co. received to-day four cars of Ontario bullion, \$10,000; twenty bars Ontario bullion, \$1,302.50; one bar Christy bullion, \$1,350; two silver bars, \$308.

IN the case of Charles H. Penney, packer, vs. Andrus and Hall before Justice Pyper to-day. Demurrer overruled and complaint amended and defendant given until to-morrow to answer.

THE women arrested a few days ago, on a charge of obtaining goods under false pretenses, were before Judge Spiers to-day. They paid \$10.50, the value of the goods, and \$7 costs, and were discharged.

JAMES CHRISTINSON was arrested last night charged with stealing a pair of pants and a cap. He had no hearing this morning and was fined \$50. He will probably put in 30 days with the street gang with a shovel.

MRS. SARAH TURNER, one of the women before Justice Spiers this morning, has again been arrested, this time on a charge of embezzlement of a ladies' dolman, valued at \$3. She will appear before Justice Spiers this afternoon.

THE D. & R. G. passenger train from the East will arrive one hour late this evening. It is from Bergen's, Col. No train have arrived from East of there since Saturday. We understand the delay is due to a snow blockade on Marshall Pass.

## LOCAL NEWS.

Primary Conference.—The Conference of the Primary Associations of this State will convene at the 14th Ward Assembly Rooms at 10 o'clock next Saturday, December 27th. The children are requested to take their hymn books.

E. C. CLAWSON, President.

A New Paper in Cache.—We have just received No. 1, Vol. 1 of a new paper published at Richwood, Cache County, and called *Adit to Progress*. It is a bright, spicy paper, full of news dished up in a lively style, and is but \$1.50 per year. During the first month it will be issued only twice after which it will become a weekly paper. Notwithstanding the name and other dangerous obstacles always in the course of newspaper crafts, we wish our content a successful voyage.

Watt-Stephen, Genius of Steam.—This is a Christmas Annual, which, unlike most holiday books, treats of a subject interesting to old and young, and is a veritable volume of instruction.

The "Genius of Steam" takes Ned on a trip, gives him the philosophy and elements of air and water, and the phenomena of heat, steam and combustion.

It is illustrated with cuts of steam machinery from the days of Hero, B. C. 300, to the giant locomotive of to-day. Cover in four colors; 18 illustrations. Sent postpaid to any address upon receipt of 15 cents in stamps or postal order, of E. St. John, G. T. & F. A. Chicago, Illinois.

Another Bigamy Case.—Last evening we made brief mention of the arrest of Thomas Simpson for polygamy. The complaint charging him with the offense was sworn out by Edward Everett, and alleges that Simpson was lawfully married to and cohabiting with one Jane Doe Simpson, when on the 12th day of July, 1883, he married one Emma Everett, a sister of the young man making the complaint.

Defendant in the prospective trial is an employee on a U. C. freight train and was arrested by Deputy Marshal Ferguson, at Jubal, brought up and lodged in the penitentiary Sunday night. As the Commissioner's Court was occupied yesterday in examining witnesses in the railroad collision case, the Simpson case was postponed until this afternoon, defendant's bail being fixed at \$1,000. Nine witnesses were subpoenaed and ordered to appear at that hour.

A Fruitless Search.—Yesterday evening, near 5 o'clock, Deputy Marshal Greenman went to the house of Mr. Alonzo E. Hyde, while the latter was away, and searched the one in which Mrs. Hyde's mother was known to be. The lady, however, told the Deputy that she was misinformed regarding Mr. Hyde's presence, and if her word was doubted, she was willing the officer should satisfy himself by searching the house, if he had the papers conferring that authority. With many apologies and excuses, Mr. Greenman said duty compelled him to do so, and the hostess conducted him through each room, not even forgetting to search the one in which Mrs. Hyde's mother was known to be. This search, however, was fruitless, but not being satisfied, he climbed up into the dirty attic and crawled around up there for some time. After which he searched the process, but without success, and with no better success, and the disappointed Deputy departed with less assurance than when he came.

# THE RIO GRANDE COLLISION.

ENGINEER OSTERSWALD'S HEARING.

Mr. Bowers, an old railroad, took the stand yesterday afternoon, and said he considered the order given by the train dispatcher informal, that it gave the work train a right to the road against all other trains up to 12 o'clock of the 17th; all orders he had ever seen would have specified that a regular train was expected and for the work train to avoid all regulars; the order did not; an order superseded all schedules and printed rules.

After the Commissioner had received a copy of the rules and regulations governing the employees of the road, he said he would hear Osterswald's case before passing upon this point.

Osterswald's case was thereupon proceeded with. The names of the witnesses required to testify were then read. They are as follows: Gray, Russell, Brenning, Welch, Nelson, Finch, Humill, Nicholls and Ducker.

The charge against Osterswald was similar to the one preferred against Seaboldt and was brought under section 200 of the Compiled Laws of Utah, which is as follows:

"Every conductor, engineer, brakeman, or other person, who, by negligence, wholly or in part, of a railroad car, locomotive, or train, willfully or negligently causes or causes the same to collide with any object or thing, whereby the death of a human being is produced, is punishable by imprisonment in the penitentiary for not less than one year nor more than ten years."

James Hamill was on the witness stand in the rear; the curve was of about eight or ten degrees; the track was straight on the west end of it; a reverse curve on the east end; 21 was about two-thirds around it when the accident occurred. After the collision, conversation he heard Osterswald say, "Oh, God, I ought to be shot for taking Burt's word for it."

He explained that, according to the order in evidence, work trains were to keep out of the way of regular trains, and that a regular train does not lose the right to the road until it has passed four hours; an engineer had no right to go unless he knew from the conductor that he was safe; when a work train is in motion and has orders to run regardless of regular trains, they have no occasion to flag; that's the custom—not the rule.

After hearing another witness, Commissioner adjourned until 10 o'clock this morning.

Osterswald was placed under \$1,000 bonds.

B. W. Nelson, brakeman of the work train was first called to testify this morning. Our train left Spanish Fork about 10 o'clock; we stopped on the road to unload iron which delayed us about six or eight minutes. When I first saw No. 21 she was 20 or 30 car lengths ahead of us. Our engineer gave three whistles before we struck the curve. It was snowing hard. Cannot say exactly what time the collision occurred. I have been employed on train work about eight years. We were making eight or ten miles an hour before we struck the curve, but began immediately to slacken up.

Don't know of any order being given by the engineer by the conductor. Did not hear No. 21 give any signal, and I had I think I should have heard it. The air had been applied and the engine had been reversed when I first saw No. 21, their train would have been sufficiently checked to prevent much damage, but I cannot say if the crew on No. 21 saw our train at the same time or not. The engineer has nothing to do with the flag. If he don't think he is safe, he need not go. The conductor or myself should flag the train. I am subject to his orders. Neither of us were flagging the train at the time of the accident, only by being on the end of the caboose. Excused.

John Welch, foreman, testified: No. 21 was from 60 to 100 feet away from us when I first saw it. The engineer of our train gave three whistles before striking the curve, no other whistle was given. Our train was moving when it collided with No. 21. When I saw No. 21 first, our train was running too fast for me to jump off. Did not see Conductor. Seaboldt gave our engineer any kind of a signal before we struck.

Q.—Did you hear Conductor Gray and Engineer Russell's evidence? They were on No. 21's train. They were not in as good a place to hear the whistle as you were, were they? They said they were not.

A.—Yes, sir, I heard the evidence. I was in a better place than they were to hear it, but I did not.

Seaboldt next testified: I gave the engineer of my train an arm motion to stop. Our train was still when No. 21 struck us. Our engineer blew the whistle. No. 21 was coming towards us about 15 miles an hour, and I did not observe any slackening of speed by their train. If No. 21 had not exceeded the maximum time allowed, we would have made the gravel pit and had half an hour to spare.

C. M. Brown next testified. He had been Railroaded since '04, employed as passenger, freight and construction conductor, also as fireman and brakeman. It has been the rule, where I have worked, for a train dispatcher to notify trains as to the whereabouts of trains under such circumstances, especially where a freight train is late as No. 21 was. I worked on the D. & R. G. about eight months. The D. & R. G. rule was that the conductor, the greater part of the responsibility, I consider that the conductor and engineer of No. 21 should have been notified by the dispatcher that the work train was working between Thistle and Spanish Fork, and to look out for them. Where I've worked on the road, it has been customary for the dispatcher to notify both trains time to work as much as possible. It would not be a fair statement to say that the dispatcher to notify the work train that he had given No. 21 a right to proceed schedule time; the work train should be protected and have no right to presume that No. 21 was not exceeding schedule time.

W. H. Bowers took the witness stand. The maximum speed, the No. 21 was allowed by the rules between Clear Creek and Thistle, is the schedule time, which is one hour and fifty-five minutes, unless the dispatcher sees fit to issue a special order. No. 21 should not exceed this time. As a rule, where the crew of a work train can see clear place of track they proceed without flagging their train, but should flag and stop if they are not sure.

Mr. Osterswald said: We left Spanish Fork about four minutes after 10 o'clock, and we were in the city by 11 o'clock. I would take about fifty minutes. I did not know when we left Spanish Fork that we would have to stop on the road to unload the iron. I receive all orders from my conductor; when he gives me an order to ahead or back up, I am supposed to obey him. The conductor told me at Spanish Fork that No. 21 had left Clear Creek three or four minutes ago. After the iron was unloaded the conductor gave me no signal to proceed. I did not receive any other instructions regarding the running of the train until I saw the smoke of No. 21's engine and some person's hand swinging from the round house in the city on Saturday before the accident occurred, to the effect that my air brake was out of order and would not work. Cannot say whether it was fixed or not, but it would not work. I tried to fix it myself, but could not. Could have called for help, but did not. I was alone, and I had had air.

Adjourned till 10 a. m. to-morrow.

# OUR SALT-LAKE MERCHANTS.

WHERE PEOPLE CAN GET WHAT THEY WANT CHEAP.

Our business men seem to be closely competing with each other in offering inducements for public patronage, and we wish to call the attention of our readers to some of our leading houses, where cheap and satisfactory purchases can be made in every department of merchandise.

Our general storeman, Mr. S. P. Teasdale, has four stores, with show windows tastefully arranged representing four special lines of goods, viz.: boots and shoes, men's furnishings and carpets, general dry goods, groceries and hardware. He keeps an excellent stock.

P. Auerbach & Bro. make a specialty of dry goods and holiday notions at wholesale and retail. This is a good place to buy a holiday present.

Cole Bros. sell suits, dresses, dress goods, cloaks, wraps, and a great variety of notions, at greatly reduced prices during the holidays.

Jennings & Sons are behind none in their lines. For a few days splendid bargains can be made in the way of holiday goods.

G. F. Culmer & Bros. are up with the times, and their prices are down with the times. Painters, give them a call. They sell at wholesale and retail, and deal in paints, oils, groceries, provisions, etc.

Mr. Henry Dinwoodey carries the largest stock and greatest variety of furniture, carpets, wall paper and general house furnishings of any firm in the territory, and he is pleased to see everybody wanting anything in his line.

D. O. Calder's store is replete with pianos, organs, and all kinds of musical instruments, sheet music, and everything needed by the musical profession.

Those wishing ladies' cloaks, blouses, ribbons and the like, or carpets, men's clothing, etc., should not fail to visit the store of Walker Brothers, who are offering an almost endless variety of goods at cost.

Jewelry and silverware are favorite articles for holiday presents, and perhaps no place in town presents a more pleasing variety to select from than the window and store of E. J. Swanner & Co.

For a good pair of boots or shoes that will keep their shape and wear, and damp, go to Geo. C. Riser, 96 Market Street.

## PERSONAL.

Professor H. Mauser, Principal of the Beaver Central School, is in town. Counselors R. T. Burton and John Q. Cannon returned from Summit County via Provo this morning.

Apostles Brigham Young and H. J. Grant have returned from Arizona.

Col. E. J. Hooker, wife and daughter arrived from the north this morning.

Judge Twiss and wife took the Utah Central north bound train yesterday afternoon.

Agent B. J. Clayton of the Utah Central at Nephi is in town.

## TERRITORIAL ITEMS.

CULLED FROM LATEST EXCHANGES.

At Richfield, Sevier County, the other day, a small boy was seen to be a ferocious dog, and bitten on the neck of the leg. The canine's teeth penetrated to the bone and tore off a piece of flesh three inches long and two inches wide.

Complice, McCune & Co., of Butte, Montana, have contracted to deliver 300,000 cords of wood to the Anaconda Company—75,000 cords per year for four years. This is supposed to be the largest contract for wood ever taken.

Last evening, as Mrs. W. A. Hodgman, with her two children, was driving on Fourth street, Ogden, a team belonging to H. M. Bond, engaged in hauling coal, became frightened and dashed down upon the buggy, smashing it all to pieces, throwing out the occupants and seriously injuring them, though it was reported there were no bones broken, and that the injured ones would survive the shock.

It was thought for a time that they had all been killed. This is the fourth time the same team has run away and done more or less damage.

To-day's Court Proceedings.—In the case of Phoebe A. Smith vs. W. S. Smith, mentioned yesterday, it appears that W. S. Smith, deceased, left a will providing at all for his wife, the plaintiff, but the most of his property fell to defendant, W. S. Smith. To-day it was submitted on a demurrer to the petition and order of the Probate Court refusing the revocation of the will of W. S. Smith, deceased. Petition insufficient, demurrer sustained and leave granted to amend petition by the first day of the February term.

Loving R. Kitcham vs. A. Luman; motion of plaintiff for a new trial submitted without argument. The court finds no error as alleged and orders the motion. Exception was made.

James De Causey et al. vs. Gustave Johnson came up for trial; M. M. Knight for plaintiff, Arthur Brown for defendant. Two or three witnesses were examined on both sides and the case was submitted.

Welcome Home.—This morning we were pleased to meet and grasp by the hand Elder George C. Lamberti, who returned last night from a mission to Great Britain. He left here October 17th, 1892, and spent the first months of his stay in England in visiting relations and another laboring in the mission at Exeter, in the Bedford district.

London Conference.—The balance of the time he spent in the office at 43, Lillingston, Liverpool, editing the *Missionary Star* and performing other duties, among which was preaching the Gospel at every available opportunity, indoors and in the open air, and also performing a faithful mission, productive of excellent results.

Two other missionaries—George Wilson and F. J. Lambers—who went to Europe, the same time as Elder Lamberti, returned last night. They were named laborers at a fair in the Liverpool Conference, five months in Scotland, and from the 6th of May last in Ireland, where a good work has been done, about 250 converts being baptized since that date. Elder Robert Marshall was his companion and is still in that field, laboring effectively.

Elder Summers labored in Holland, where he baptized 150 converts, and sixty people into the Church. All three are in good health.

Frightful Accident.—We have just received the following dispatch which is self-explanatory:

Cedar City, Dec. 23, 1924.

Editor Deseret News:

Bishop Thomas Taylor has just arrived from Philo and brings the melancholy news of a fatal accident that befell two men on the road. It is a case of that place on Saturday evening last, aged respectively about 35 and 40 years. They were on their way to an old log house adjacent to the residence of a man with a dirt road, which being thoroughly saturated with water, broke the center beam, which fell upon the boys, killing them instantly. The road was very muddy and the boys were feeling to pervade the house of the driver, who was killed.

The bodies were buried on Sunday.

HENRY LUNT.

# BUSINESS NOTICES.

HOLIDAY PRESENTS!

Handsome Dinner and Tea Sets.

Beautiful Vases and Toilet Sets.

Rich Castors and Pickle Stands in Plated Ware.

Superb Hanging Lamps and Chandeliers.

Fine Decorated Chamber Sets.

Motto Cup Saucers and Mugs, Colored Glass and China, Fancy Trunkets, etc., etc., in great abundance. Prices to suit the hard times.

LITTLE, ROUNDY & CO.

Fall lines of Seasonable Boots and Shoes at

For your Christmas Gifts, call at Joslin and Park's, the leading Jewellers of Salt Lake City.

"BUCCH-PAINA."

Quick, complete cure, all Kidney, Bladder and Urinary Diseases, Scalding, Irritation, Strain, Gravel, Catarrh of the bladder, St. Druggists.

THE POPULAR APPROVAL.

Of the now famous Syrup of Figs as the most efficacious and agreeable preparation ever offered to the world. No cure for Habitual Constipation, Biliousness, indigestion and kindred ills, has been won by the wise plan pursued by the California Fig Syrup Company. Knowing that any remedy truly beneficial in its effects, and at the same time pleasant to the taste, will meet with a rapid sale, the Company, through its agent, Z. C. M. I. Drug Store, Salt Lake City, gives away simple bottles free of charge. Try it and judge for yourself. Large bottles fifty cents and one dollar. For sale by all druggists.

FILES! FILES! FILES!!!

Sure cure for Blind, Bleeding and Itching Piles. One box has cured the worst cases of 20 years' suffering. No one need suffer five minutes after using William's Indian Pile Ointment. It cures hemorrhoids, always itching, as a poultice, gives instant relief. Private parts, nothing else. Sold by druggists and mailed on receipt of price, 50c and 1.00.

For sale by Z. C. M. I. Drug Dept. FRAZIER MEDICINE CO., Prop., 1000 Broadway, New York, N. Y., Ohio.

"BOUGH ON BATH."

Clears out rats, mice, roaches, flies, ants, bed-bugs, skunks, chipmunks, gophers, etc. Druggists.

RETAIL CLOTHING BUYERS

will find to their interest by examining my handsome line of men's suits and children's suits, which I sell from two to three dollars lower than the same can be purchased at any other house in the city. Call and see goods and prices. L. GOLDBERG.

\$100 REWARD

For any Mineral Acid found in Salt Lake Vinegar Co's Salt Vinegar.

Wentworth, First East Street, Salt Lake City, P. O. Box 657.

C. O. A. S.

Best Weber Coal, loose, per ton, \$6.00.

Best Weber Coal, loose, per half ton, 3.25.

Best Weber Coal, loose, per quarter ton, 1.75.

Best Weber Coal, sacked, per ton, 6.75.

Best Weber Coal, sacked, per half ton, 3.75.

Best Weber Coal, sacked, per quarter ton, 1.75.

Best Pleasant Valley Coal, loose, per ton, 2.25.

Best Pleasant Valley Coal, loose, per half ton, 1.25.

Best Pleasant Valley Coal, loose, per quarter ton, .65.

Best Pleasant Valley Coal, sacked, per ton, 2.25.

Best Pleasant Valley Coal, sacked, per half ton, 1.25.

Best Pleasant Valley Coal, sacked, per quarter ton, .65.

Orders promptly filled. Screened coal and full weight guaranteed.

J. B. FURSTER, 70 E. Second South Street.

Gent's and Ladies' Holiday Slippers, elegant selection at DUNSMITH'S.

A CLEAR SAYING OF 10 to 20 per cent, saved on all goods bought of JOSEPH & PARK.

"BOUGH ON CORNS."

Ask for Wells' "Bough on Corns." 10c. Quick complete cure. Hard or soft corns, warts, bunions.

NOT THAT COUGH.

By using Dr. Frazier's Throat and Lung Balm—the only cure for Croup, Whooping Cough, Sore Throat, and all diseases of the throat and lungs. Do not neglect a cough. It may prove fatal. Scores and hundreds of grateful people owe their lives to Dr. Frazier's Throat and Lung Balm, and no family will ever be without it after once using it, and discovering its wonderful power. Put up in large family bottles and sold for the small price of 10 cents per bottle. For sale by Z. C. M. I. Drug Dept.

If We Do Not Sell Out, We Will Be Sold Out.

We are respectfully invited to the Great Closing Out sale of Books and Holiday Goods, at the Art Bazar. Everything is going fast. Prices will be surely low. C. R. SAVAGE.

1894. EXHIBIT. 1894.

Simon Brothers call the attention of the ladies to the following facts:

That they have a beautiful line of Fancy Goods: 300 dozen Silk, Linen and Cambric Handkerchiefs; 500 dozen Lace and Linen Collars and an immense variety of Sateen and Pocket Books; a beautiful assortment of Ladies' Mittens and Children's woolen wear; Hats for Ladies, Misses and Children, both trimmed and untrimmed and all such other goods as are purchased for Christmas Presents, both useful and ornamental. That these goods must be disposed of at once, and that they are offering them at a great bargain which no other house can or will offer.

SIMON BROS.

ILLUMINATIONS.

Barrett Bros. will light up their store in the Second Ward, and sell all fancy furniture at cost, and Christmas.

Barrett Bros.

We are offering special inducements in every thing in our line. The largest stock of Christmas goods in the West, and Silverware in the West, at JOSEPH & PARK'S.

FOR SALE.

Christmas Holly at JOHN READING.

LOST, STRAYED OR STOLEN.

\$500.00 Reward.

Will be paid by A. G. Bechtel, of the Opera House, for the return of his business, which was lost or stolen on the 10th inst. by one of his employees. That person who has the goods, or who has information as to their whereabouts, is requested to call on the public, with a G. again on duty, at the Opera House, and to deliver the goods to the public, the store there being equal to the best in the city.

# F. AUERBACH & BRO.

Extensive Alterations!

WE ARE COMPELLED

TO OFFER OUR

Entire Winter Stock

NEW AND

STYLISH GOODS

Regardless of Cost!

WE ARE

NEVER

UNDERSOLD.

MERRY CHRISTMAS

HAPPY NEW YEAR.

WE ARE

NEVER

UNDERSOLD.

"CAN'T AFFORD IT"

A THING OF THE PAST!

OUR PRICES WILL MEET THE

A MERRY CHRIST