THE DESERET EVENING NEWS.

FIFTY-SECOND YEAR

THE UINTAH LEASE PAPERS SUBMITTED

v Secy. of Interior in Response to Senate Resolution-Sent to Indian Affairs Committee-Thoman Company Officials.

affairs.

pletion

MAJ. POPE COMING.

POSTMASTER FOR ABRAHAM.

Warren Harris has been appointed

(Special to the "News.") wington, D. C., Jan. 28 .- The secthe interior today forwarded upers and documents bearing on of the Thoman Mining comland on Uintah reservations nce with the Senate resolu-7, calling upon him JABUATY same. They show that the officers of the company are F. Phister, Milwaukee, president; E Timmons, Washington, vice W. T. Ward, of Port Chester, secretary, and Leroy D. Thoman,

postmaster at Abraham, Millard Co., vice C. H. Wilcken, resigned. A patent has been granted Wm. B. Cochrane, Pocatello, for a screen door .General Payne resigned fastener.

IAJ. YOUNG HOME FROM THE EAST

key Nothing of His Recent West Point Honors Until He Returned Home-Talks of Insurrection in the Philippines.

R. W. Young returned last | but the chances were that the old style his trip to Washington vate business, He ther a pleasant journey, and the litah senators and The latter therland. particularly as h ischarge of his duties. Ma that he did not learn ent to the board of visval in this city; but h to learn of the ap cepted it, for this Ma rises holds its twentieth year in to having graduated in 1882 is user said that the board of visitnative each year, and generally could not but believe that the govern-ment should have been left in military two senators, three coneren and five or seven civilians. Menuor was asked if there would ids. Where matters are on a peac

of diploma would remain unchanged. Major Young spoke highly of Paymaster Major George Downey of this city and now of the regular army, and said that he was noted in the islands for keeping his books in apple pie order and in such shape that any item desired could be found imme-diately. Major Downey was selected diately. for paymaster of the provost guard, in which capacity he was practically treaurer of the city of Manila and gave marked satisfaction. Major Young regards the young paymaster as an exeptionally bright and capable man. When asked what he thought of the controversy as to divided authority betwen the civil and military government in the Philippines, Major Young stated while not desiring at all to criticise the civil administration of the Islands, for Goy. Taft was a very able man, he

the case in the United States court. I told Patrick I would recommend a set-tlement of \$50,000 to stop litigation." "Did Patrick ever meet Mr. Rice, when you were present?" asked As-sistant District Attorney Osborne. "Never." **MORMONS WILL** Patrick had told the witness of meet-

ing Mr. Rice in Texas several years before but the witness had never heard of Patrick meeting Rice within a year of Patrick meeting Rice within a year of the latter's death. Patrick had nev-er informed witness that he represent-ed Mr. Rice or that he was interested with Mr. Rice in any way. Capt. Baker said he saw Patrick in his apartments four days after Rice's death. David L. Short was with him. They had a conversation of about twenty minutes.

"Partick," the witness continued, "said he felt that an explanation was due to me, and he was glad to make it. I told him I should be glad to hear it. He referred to the litigation and to our mactions in 100 at the state to part back to meeting in 1899. After I went back to Texas he said he made up his mind that we could effect a settlement if he could meet Mr. Rice. I told him Mr. nrealdent and director of the company on July 23 last and Mr. Phis-ter was elected in his place. The papers Rice was very bitter against all who had taken part in the littigation and that he was especially, aggrieved at the executor Holt, and at Patrick for the seandalous questions the latter had acted the winner exemined examined referred to committee on Indian

Maj. James W. Pope, quartermaster at Denver, has been ordered to Salt Lake to inspect artillery horses and will return to his station upon comasked the witness examined examined by him.

Clearing Away Wreekage.

New York, Jan. 28 .- The work of clearing away the wreckage and re-pairing buildings damaged by yesterday's tunnel explosion was resumed at daylight today. Large forces of men were employed at the Murray Hill and Grand Union hotels, at the Grand Central station, and at the Manhattan Eye and Ear hospital. It was expected that a week would be required to put the hospita, in proper condition to make safe the return of the patients who were emoved to other institutions yester-

All of the hospitals to which injured persons were taken after the explosion reported that their patients were doing well. Many who had suffered mostly from shock were able to go to their homes today homes today.

Coadjutor Bishop of Colorado.

Denver, Colo., Jan, 28.—It is announc-ed that Rev. Charles S. Olmstead of Philadelphia has decided to accept the position of condjutor bishop of the Episcopal diocese of Colorado, to which he was recently elected, and will be installed shortly after Easter.

Louisville Preparing for Schley.

Louisville, Ky., Jan. 28 .- Elaborate preparations have been made by the Louisville Knights Templar and the board of trade for the entertain-ment and reception of Rear-Admirat and Mrs. Schley, who will reach this city lonight.

A committee representing the Knights Templars and Louisville board of trade, accompanied by the local military organization and a band will meet the admiral's special train at Salem, Ind., and will accompany the party to this city. When Admiral Schley reaches the Union station a salute of fiften guns will be fired and from the description admiral and Mira from the depot the admiral and Mrs. Schley will be escorted in state to the residence of Mr. Marion E. Taylor, president of the board of trade, at or fairly approximate basis of peace, a

whose house they will remain during their stay here. The program in honor

of the admiral includes a reception at

the board of trade at noon tomorrow, a luncheon at the Pendennis club, and a banquet κt the Galt house tomorrow

night under the auspices of the board

of trade. On Thursday the admira will be the guest of the Knights Tem-

NOT BE DEBARRED. Stewart & Stewart Deny That They Will

Keep Members of That Faith Off

TRUTH AND LIBERTY

TUESDAY, JANUARY 28, 1902. SALT LAKE CITY, UTAH.

Mortensen Jury-A Wild Story. "If it happens it's in the Herald" is | disposed of, a question that has prob-

that name is working for all it is worth. But a too vigorous campaign along the lines of fiction is relegating it to the realms of inadequacy. The phrase should be made to embrace the sentiment, "and if it hasn't, doesn't or

That is the view of many by reason the so-called Mortensen case, concerning which it has had so many mising which it has had so many hus-statements of late. This morning it contained the usual yellow story. This time it had reference to the triat of the accused saying in bold headilues and strong supporting body type: "No Mormons to Try Mortensen, Detense Will Bar Religionists from the Jury. Fear Sharp's Levelation." Fear Sharp's Revelation." All this was followed by the subjoined paragraphs and a column in ad-When James Sharp went upon the

when sames sharp went upon the witness stand at the preliminary near-ing of Peter Mortensen and declared that God had revealed to him the guilt of the accused, he brought about a condition as the result of which Mor-

condition as the result of which unque tensen's trial will be the most unque of Utah. In the history of the state of Utah. No Mormon can sit upon the fury that is to try Mortensen with his life any other denomination or sect who believes in demonstrations from the Almighty-that is, if the defense clucts to provent. It is an open secret that

Mortensen's counsel will take that ac-tion for obvious reasons.

"A long, tedious task will be encoun-tered when the time comes to select a jury. To add to the difficulty experi-enced in finding twelve good men and true who have not formed storng



Cf Respondent.

Property in Folsom's Addition-

Other Court Cases.

Justice Baskin, of the Supreme Court,

tate of A. H. Raleigh, deceased, respon-

dent, vs M. C. Moon, appellant, affiren-

ing the judgment rendered in the lower

The Champley Case,

Couch Wins from Porter.

Additional Venire.

White vs. White,

lant.

a subscription war cry the paper of jurisprudence in America: ably never before arisen in criminal "Do you believe in modern manifesta-tions from the Deity?"

"Talesmen who reply in the affirma-tive will be excused by the defense on the broad principle of incompetency in view of the sworn statement of Januar Sharp, a man of good standing, of un questioned integrity and unimpeach never will happen it's in the Herald all the same," able sincerity in his religious views." It is a well known fact that Stewart

& Stewart, counsel for the defense, are of its countless saffron ebulitions on | members of the "Mormon" faith. when their friends read this morning that they were going to bar their fel-low-religionists from trying the case there was naturally no little surprise. But the reality interesting part of it is that the most surprised persons in the city were the Messrs. Stewart. Ever since they have been retained by Mor-tensen they have been very discreet when it came to saying anything about their intentions. What they will do they perhaps know better than any-one on the outside. This being true, it was only natural they should be as way only hardraft mey should be as-tonished when the alleged line of their defense of the accused murderer was laid down in the Heraid. When Attor-ney Barnard Stewart was interviewed by the "News" this afternoon this is the way be disclaimed the accuracy of the Way Mark Stewart.

the Herald "scoop: "There is not one word of truth in it. Mormons will not be debarred by that is to try Mortensen with his life at stake. Neither can any religioniat of they should be; and I say again they will not be, 1 cannot tell for the life of me how such a ridiculous statement the new such a ridiculous statement could get cut. We have never thought of such a procedure for a single min-ute, and will not. Why shouldn't a Mormon sit on the Mortensen jury if he is called? Why shouldn't a non-Mor-mon? If a man is bonest and unpreju-diced that is all we want. We expect to find those kind of men for the Mor-tensen case regardless of religion. No:

opinions upon the merits of the case. the whole story is fletion, and ridicu-there will be another question to be lous fiction, too,"



Senator Nebeker can not bear the idea of some persons recognizing him on the streets. One of these persons, it seems, is Dr. W. S. Ellerbeck, Yester-day that gentleman and the former senator passed each other at the inter-section of East Temple and Second South street. Dr. Ellerbeck bowed to the senator and said "howdey." Then he smilled, it is said. The smile was dangerous, as it afterward proved.dan-gerous not to Mr. Nebeker but to the man of medicine. Suddenly Dr. Ellerbeck felt a sharp SLANDER SUIT DISMISSED.

pain in the back of the neck. He picked up his hat and glasses and looked around to see if somebody had thought-lessly been throwing bricks in his di-London, Jan. 28 .- The government rection. While pondering over the "mystery," "Bill" Bingley and George Margetts volunteered the information that after passing Nebeker, that indi-J. Balfour, announced in the house of commons today that no over-tures for peace had been received from any one authorized to speak in behalf of the Boers. A communication was, however, received late Saturday last from the Dutch government which was vidual had retraced his steps and smote the doctor on the neck. In stating his version of the affair, Mr. Nebeker said he and Dr. Ellerbeck now under consideration. Mr. Balfour



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percentage without destroying the beet

ugar industry. Representative Dalzell and Repre-

sentative Grosvenor took part in the discussion, stating that the injury to the domestic producers had been shown

by this and other witnesses. Mr. Prosvenor remarked that any one

ould see this result who could put 2

F. B. Machado, head of the delegation

of Cuban planters, said in part: "The Platt amendment attached as an appendage to our constitution chained the Cubans to this country to such an extent that we are powerless to balk

o help ourselves, or to develop our nternal life, because the pathway for

dealings with outsiders is closed to us. Therefore Cuba must starve if neces-

sary or invoke the right to ask for relief. It has been said that the Cubans have

had cheek to knock at your doors for alms like beggars. The Cubans will be eternally grateful to you for giving

us our liberty, even with the Platt amendment. But that does not mean

we are eternally forbidden to come to you and that your final word has been

and 2 together.

HISTORIAN'S OFFICE. Church of Jesus Christ of Latter-day Saints.

Head of Their Delegation Gives Reasons For Claims Upon Generosity of United States.

der this morning's closing figures and sold 20,300 shares like this: 100 at 42, 200 at 41½; 3,800 at 41, 100 at 41¼; 9,600 at 40½; 5,000 at 40½. During the sell-ing the stock was forced down until it Washington, Jan. 28 .- The Cuban re- 1 ciprocity hearings were resumed today before the ways and means committee with delegations representing the beet losed at 40% and 41. Ingot sold 1,000 at 2% and 11,000 at sugar industry of Colorado and a num-%, while 100 Lower Mammoth brought 5c apiece, which was the closing offer ber of Cubans, representing the plant-

ers of the island, in attendance. of this morning. May Day sold 1,200 shares at a little better than 53c. F. M. Carey of Colorado, spoke of the Ajax improved a little better than 53c. Ajax improved a little in its price-commanding powers and sold 7,400 around 35c. In Silver Shield there were sold 1,800 at 94c, 3,000 at 94c, 1,300 at 94c. Star Con dropped 500 shares at 291c, which was 14c better than the closing bid this morning. Uncle Sam levelopment of the beet sugar industry of Colorado and its bright prospects, if not endangered by Cuban concessions, which, he assorted, would redound to the great advantage of the American Sugar Refining company. The present was the last stock among the listed se-curities that did any business, and of movement, he said, was only another t there were sold 1,200 at 51; 4,000 at 1%; 100 at 52; 600 at 51%. California started the trade ball rollchapter in the inevitable conflict be-

tween the domestic sugar producers of this country and the refining company, ing in the unlisted stocks and when this report closed was bringing 42 cents a share, which was the price demanded the latter seeking to crush the former. A bubble which had been pricked, he said, was that Cuba was suffering from MUSTN'T SMILE AT HIM.

starvation. This Idea had been inlustriously encouraged by the pamph-Ex-State Senator NebekerDoesn't Want eteering of the sugar company and yet the claim had been torn to pieces during these hearlogs.

When the name of W. G. Nebeker was salled in the criminal division of the questioned the witness as to whether city court this afternoon to answer to any concessions to Cuba would injure the charge of battery preferred by Dr. the beet sugar industry. Mr. Carey W. S. Ellerbeck, there was no response declared that injury in such case was The court then declared the ball of the nevitabl Representative Hopkins said Mr. Carey's assertion of injury to the beet sugar industry was only an assump-tion, and he expressed the belief that defendant forfeited, and the city was thereby enriched in the sum of \$5. This arises from the fact that former State Senator Nebeker can not bear the idea

BOERS MAKE NO

said in Cuba. As we have no per-sonality, at whose doors shall we knock?" Mr. Macahado spoke of Cuba as a military defense of the gulf; guns on Morro castle were more effective than Representative Hopkins of Illinois at the mouth of the Mississippi river. So that if the International interests of the United States ever required the American engle to keep her claws there Mr. Machado asked if it was not a natural duty to look to Cuba's welfare and not her ruin.

The statements of the Cuban delegation were in progress when the coma reduction could be made of a certain | mittee adjourned until 1:30 p. m.

Yukon territory has committed sul-cide rather than suffer the disgrace of arrest for embezziement. He was a native of Leeds, England. He had which a through examination was made of his books and a shortage ap-proximating \$10,000 was discovered. A PEACE PROPOSALS varrant was immediately issued for Middleton's arrest. He was found in an out of the way house and taken to the government offices. When confronted with proof of his defalcation he attempted no excus and was cool and collected. When the interview was terminated he himself a moment to step into the tollet. A second later the officers heard the fall of a body followed by grouning. Middleton had cut his throat from ear to ear. Before medical aid dould be summoned he had expired. Middleton was one of the most pop-ular government officials here, but aad dispatch been leading a life for which he found his salary insufficient. John Durand was killed in the shaft of the Thirty Five Below mine on Hunker creek. The bucket was going up and displaced a large stone which fell to the bottom of the shaft where Durand was working. He was in-stantly killed. The opposing stage lines to White Horse and White Pass are having a merry rate war. The fare was origin-ally \$125, but the companies commenced cutting rates and now the White Horse resulting in the dispersal of a Boer langer at Neispan. The Boer losses were two men killed, four wounded and route has it shaved to \$60, to meet the White Pass cut. 94 made prisoners, including Field Cor-net DeVilliers, Capt. DeJaager and

anginion, be any change in the civil administration will do very well. dature at the academy, so tutefour classes would be known But there is an active insurrection in full blast in the islands, and only the military are capable of handling the situation. The army does not lack in seniors and juniors, but the ne heat the present style was so far made and had obtained for any mass that any departure was intrasible. The same might hold increases and when the volunteers were on The same might hold ience: and when the volunteers were on he matter of graduating certithe islands men able in all branches of life were at hand. Every emergency the baller of graduating certi-ties the now were diplomas, while the olleges baccalaureate degrees moves. It was true that bachelor sitary science might be awarded, | holds good.

Senate Proceedings.

Washington, Jan. 22 .- A resolution used yesterday by Mr. Lodge of setts, authorizing the comthe on Philippines to make an in don of the Philippine question for that purpose to sit during the and adopted by the Senate soon

er il convened today, Mr. Bacon of Georgia offered a res-Secy. Wilson read the reports of the agricultural department's agents in atta providing that the committee on rating consider the expediency or ming a special edition of the Con-Hawaii, Honolulu and Alaska, which will soon be published.

manual Record for sale to the gen-minable at \$2 for the long sessions in 1 is the short sessions. He had he some action ought to be tak-Favorable Report on Irrigation Bill.

Washington, Jan. 28 .- The Senate committee on public lands today or-dered a favorable report on the irrigain by Congress to insure to the general the doings in Congress. Under the tion bill recently agreed upon by the senators and members of the House of Representatives from the semi-arid states. There was no objection in the committees and the motion to report system, he said, it was imposof the public to be kept informed with work of Congress. It was no markin, he said, upon the newsthe bill was carried unanimously, but Senator Berry reserved the right to offer amendments when the bill is taken t publish reports of congression. up in the Senate for consideration. No wings. No newspaper could b present to its readers more brief synopsis of the proceed-the two branches of Congress. amendment was made in committee. Later in the day the bill was reported by Senator Hansbrough, chairman of haley remarked that his newsthe committee. erience extended back orty and fifty years. When he

progress is being made.

Bulletin on Flour Products.

the department in this respect is meet-

unger the newspapers of the devoted considerable attention Washington, Jan. 28 .- The census bureau has issued a preliminary report regarding flouring and grist mill prodproceedings of Congress, and in anne, at least, he thought they It makes the following she wing eturn, with interest, to their for 1960, with increases and decreases dince 1890: The number of establishments, 25,258,

have resulted from a neglected cold.

he wan a member had looked after Ricc's affairs for about farty years. The

o'ution was adopted. ment of commerce then was increase \$7 per ment; capital \$218,714,104. increase 5 per cent; wage earners aver-age number 37,073, decrease 22 per cent; ponding amendment being Mr. Fettus providing that the ment of labor should not be made wages paid \$17,703,318, decrease two per cent; miscellaneous expenses \$10,325,588 ter of the proposed of the new dedecrease 22 per cent; cost of material \$475,826,845, increase 10 per cent; value after a brief discussion the amendf products \$560,719,063, increase 9 per is rejected, 19 to 33. cent.

scon then offered an amendment og that the name of the new de-Albert T. Patrick Trial.

should be the department of rodal hua w New York, Jan. 28 .- The cross-examination of Dr. Hamilton Williams, coro-ner's physician who was present at the eiron, in charge of the bill. the amendment, and it was autopsy on the body of William Marsh But withdrew his amendment ofwas resumed today at the trial lew days ago transferring the Albert T. Patrick. In reply to gues tions by Mr. Moore of counsel for Pat-rick, Dr. Williams said it was possible commerce commission department. He had been conto he said, since offering the that disease of the kidneys might so ag-gravate the lungs that death would ensue in an hour. The kidneys might be diseased, although of normal size and

the functions of the commisother amendraents being offered. interview of the senate of the amendment of the senate.

and a watery condition of the lungs. "Are these the conditions you found in the lung taken from Mr. Rice's body?" asked Mr. Moore. bureau was stricken from the "To a degree, yes."

a just of the new department. On re-direct examination the witness in the hurcaus of the new departsaid there were certain conditions in the left lobe of the lung that could not

The bill then was passed.

So Friction in Philippines.

today Security At the cabine t read a Chaffee which and eivil authorities in the ry encourag His state ery gratifying by oberz of the and gen Wheaton's Gen. Wheaton and up incidentally, and Secy. Root Mat Gen. Wheaton's moust which Wheaton 1899.

plar, and after a ride over the city in the morning he will take lunch at the Pendennis club. In the afternoon the admiral will be escorted to the Mahas brought out military men able to deal with the situation and this still sonic Widows and Orphans Home and the Industrial School of Reform, where he will address the children, and off Thursday evening a Templar ball and reception will be given at the Galt ed to the regular army in which he had risen through each successive grade to the rank of major general. stmaster-Gen. Payne talked briefly about the progress of the new regula-

Tomorrow afternoon a reception will tions for "weeding out" publications from second class mail. The course of be given in honor of Mrs. Schley and Mrs. Marion Taylor at the latter's resi-dence, and Friday afternoon Admiral ing with opposition, but satisfactory and Mrs. Schley will leave for Nashviile.

Crab Orchard Burned.

Crab Orchard, Neb., Jan. 28 .- The main part of Crab Orchard was destroyed last night by fire, the origin of which has not been determined. loss is estimated from \$30,000 to \$50,-000.

Fire in Rippey, Iowa.

Des Moines, Iowa, Jan. 28 .- Fire broke out in the town of Rippey, Greene county, at 1 o'clock this morning and destroyed the business portion of the place, entailing a loss of \$50,-000.

Probing St. Louis Municipal Affairs

St. Louis, Jan. 28 .- A number of the same question. "In the case of Ol-sen vs Bagley, 10 Utah 495, this court held that "The title to be acquired unwitness, among them former members of the city council and house of delegates, were examined today by der the statutes authorizing the sale of land for the nonpayment of taxes is grand jury that is investigating the suburban street railway bribery case. regarded as stricti juris, and whoever It was stated by Circuit Atty. Folk this afternoon that in all probability sets up a tax title must show that all new arrests in connection with the case would not be made before tonight, complied with.'

possibly not until Wednesday. Receitly, after the \$135,000 said to have been deposited by the Suburban that the property had been assessed in the names of both H. P. and W. H. Folsom, joint owners, and that their ful names had been inserted in the delinrallway company or its representatives, had laid in safety deposit boxes mor than a year, a renewed demand was made upon the holder of the Suburban quent tax list published and the failur to describe the property in said list as being in Sait Lake City, vitiates the have upon the noncer of the Suburban keys to the safety deposit boxes and for the money. This demand being re-fused, it is said, that compromise of half the money was offered by the combine representative. At this junctax sales and hence destroys appellant's slaim of title to the land in controversy The opinion is concurred in by Chlet Justice Miner and Justice Bartch ture, on the advice of attorneys, i

G. Turner, president of the Suburtan railway; T. G. Jenkins, general man-ager, and Philip Stock, said to be the suburban's representative, apperred voluntarily before the grand jury and told frankiy all thef acts in the case.

Bank Blower and Burglar Arrested Frank Gustin. At 12:30 today the ex-amination was not concluded and it St. Louis, Jan. 28.-In John Lawrence Mason, arrested early today company with two other men. Chief of Detectives Desmond thinks that he has one of the men who robbed the Nationamined. A neglected cold might cause il Stockyards bank at East St. Louis. incumonia accompanied by congestion Magon has confessed to the chief as made all the safe-blowing and burglars' tools in possession of the three nen who were arrested. He told the chief contradictory stories about the bank robbery at the National Stock-

formerly employed at the Kenyon as a waitress and she alleged that Mr. Porvards One of the other men arrested with ter had wrongfully withheld her trunk from her which she sued to recover. Mson admitted that his real name is tamuel Cuilen, and that he lives in The verdict is for the recovery of The witness reiterated his belief that trunk or \$65. its value, together with Bridgeport, Conn. Tom Lane, the third the conditions found were due to the nember of the party arrested, said he inhalation of a gaseous irritant. Capt. James A. Baker of Houston, Texas, testified that the firm of which was born in Wales. tion thereof.

Destructive Boiler Explosion.

Witness represented Mr. Rice while Pat-rick was representing the helrs under the will of Klizabeth, the second wife of Mr. Rice. Mrs. Rice had disposed of, in her will, certain property in which Mr. Rice claimed she had no interest. The witness met Patrick in \$898 and 1889. "Patrick thought the case should be enire is returnable today and the dee war had been appoint. 1859. 1859. Patrick thought the case should be settled." said Capt. Baker. "Various amounts from \$250,000 to \$500,000 were spoken of by Mr. Patrick, but I told him Mr. Rice felt greatly outraged by the will and had no doubt of winning tween \$200,000 and \$300,000.

100114-0		Falls	to the	Ground
100000000000000000000000000000000000000	A Distance of the second s			

The case of Emma E. Johnson vs Andrew Shulsen was today dismissed, upon stipulation of the attorneys in Decision in Tax Title Case in Fuvor the case, by Judge Morse. The com-plaint as filed by Richards and Ferry attorneys for plaintiff, prays for \$20,-000 damages for slander and defama-

tion of character. The specific charges in the complaint are that on or about the 6th and 11th days of March, 1900, and at divers othe APPELLANT TO BEAR COSTS. times, defendant did utter and publish false and defamatory matter concern ing Mrs. Johnson to the effect that she was a woman of unchaste charac-ter, that Peter Johnson, her late husband, was not the father of her child Action Was Brought to Quiet Title to born between the date of their mar-riage and his death, that her former

husband, John Loogren, was not the father of her first child, and that she killed her late husband, Peter Johnson, by poisoning him. Mrs. Johnson alleges that all the statements were uttered wilfully and maliciously by Mr. Shul-sen and that they were "false and unthis morning handed down the decision of that court in the case of William The defendant in his answer true." denied each and every allegation. Asper, special administrator of the es-The case was dismissed at the cost of plaintiff.

COURT NOTES.

Judge Stewart is still engaged in hearing the Van Alstine will contest court and taxing the costs upon appelcase.

The action was brought to quiet title The case of W. H. Cromer et al ve to lots in Folsom's addition to Salt Lake City which M. C. Moon, the appellant, Martha T. Arthur was submitted to the ed adversely to the plaintiff, setjury in Judge Morse's court today. ting up a tax deed issued in 1895 as his case is an appeal from a judgment for title. The only question involved is the validity of the deed. Justice Baskin \$110.90 in favor of plaintiffs rendered in the justice's court of Morris Sommer. The suit was brought by plaintiffs to recover from the defendant \$100 as comin his opinion quotes from a decision of the court in a former case involving mission for the sale of real property.

In the case of Fred Gibson vs Susannah Barlow et al. Judge Hall today rendered a decree in favor of plaintiff and ordered the sale of the property in controversy. The decision was ren dered upon the pleadings in the case the requirements of the law have been and orders the proceeds of the sale of the property to be divided among the The failure of the appellant to show parties in interest. The property in-volved is a part of lot 8, block 21, plat B, and is valued at about \$1,200.

AN OLD MAN IN COURT.

George Moore, Aged 72 Years, Pleads Guilty to Housebreaking.

George Moore, a man 72 years of age,

who was arrested yesterday afternoon by Officer Gillespie on the charge of Jacob Champley, charged with adul-tery, was taken before Judge Diehl this morning for preliminary hearing. housebreaking and stealing a clock from Mrs. Daisy Uhl of 50 north First The examination is being conducted by Assistant County Attorney Riter and the accused is represented by Attorney ty to the theft. He said, however, by way of extenuation of the offense that the door of the house was open and he did nat "break in." Mrs. Uhi-testified that she saw the old man near was continued until tomorrow afternoon at 2:30. When court adjourned today witnesses for the state were being exher home and that she missed the clock just a few minutes before. A Mr. Ward testified that Moore sold him clock. After hearing the evidence

In the case of Fanny Couch vs Don Judge Diehl held Moore to the district Porter, tried before a jury in Judge Morse's court yesterday, a verdict was given for the plaintiff. Miss Couch was court and remanded him to the custody of the sheriff.

REYNOLDS RESIGNS.

Succeeded by Winter as Secretary of Church Board of Education.

the general Church board of education, held this morning in the office of Prest. board was received and accepted Reynolds felt compelled to take this acon on account of the pressure of othe business. The board thanked Mr secretary and appointed Arthur Winter to the position.

Myrtle White is suing her husband. The following marriage licenses were Athelbert White, for a divorce in the issued today: district court. The cause for divorce Alfred Rogers, * Evanston, 21, and very good.

hoped shortly to lay the communication and the reply to it before the house. have not been on speaking terms for some time and that when the doctor passed and spoke to him, his manner London, Jan. 28.-A. long dispatch from Lord Kitchener, dated Johanneswas insolent and he slapped him on burg, Monday, Jan. 27, gives detail of the neck. the military operations since Jan. 21. They are mostly unimportant but indi-

"I am not thin skinned and I am tired of his insolent manners," he said, cative of continued activity on the part "and I don't want him to recognize me of the Boers. General Methuen's yeo manry got in trouble near Rictola on the streets. Last night Dr. Ellerbeck swore to a

Mary Shaw, Evansion. 30) George B. Nevills, Meeteetse, 28, and Hattle Con-way, Meeteetse, 34; H. B. Jensen, Provo, 34 and Mary E. Butterdeid, Her-riman, 24; C. M. Hartshorn, Murray, 34, and Minnine M. Smith, Murray, 22.

A RUSH AFTER DALY-WEST

There was a rush at Daly-West on

he exchange this afternoon and the

nammer remained suspended over the

ransactions in this stock for some con-

siderable time while it was dealt in by

the brokers at fluctuations within the

50-cent boundary. The sales were as

follows: 50 at 25.00; 300 at 24.75; 500 at

24.50; 50 at 24.85; 50 at 24.80; 500 shares being sold altogether, closing at 24.75

Carisa dropped a couple of cents un-

at the close this morning.

To be Recognized by Dr. Ellerbeck.

and 24.85.

Western Transvaal, and lost eight men killed, five wounded and 41 made pris complaint against the erstwhile Senator charging him with assault and battery oners. The latter have since been re leased. This was offset by Gen. Bruce The warrant was issued by Judge Dichl and served by Sergeant Burbidge. The Hamilton's pursuit of the Boers in prisoner put up \$5 for his appearance in court today and was released. vicinity of Ermelo, Transvaal colony

He failed to put in an appearance when his name was called and his ball was accordingly declared forfeited. Dr. Ellerbeck was on hand to prosecute the case and after court adjourned asked the judge to issue a bench warrant for Nebeker and punish him for the as-sault which he claimed was totally unwarranted. The court said he would think the matter over. In the meantime it is understood the doctor will pay heed to the mining man and pass him on the streets without deigning to

LATE LOCALS.

ers surrendered. The other encounters have already been reported.

Cornet Bodes' command q while discussing the question

The week's Boer losses were 31 men killed, 20 wounded, 322 made prisoners, and 53 men who surrendered.

Lodewate DeJaager, a former membe of the Volksraad. In addition" Col

Plumer captured 55 Boers. Lord Klichener reports that Field

render. Boles and three of his follow-

Col

quarreled

The government of Holland has of The Socialist Labor party meet to-morrow night, in their rooms on the fourth floor of the Hooper block, to dis-cuss the subject of "Party Discipline, red in the most friendly terms to hel n bringing about peace in South Afri ca. In a communication to the British government the Dutch government sugand the program of the working classgests that it might be permitted to a a sort of diplomatic agent for th

Boer celegates. The government, however, expressly cleavows any attempt at intervention nd does not mention any terms.

It was learned by a representative of the Associated Press that the British rovernmant infers that it would nive been approached unless the Dute delegates now in Europe we

ling to accept the cardinal points he British peace terms, so frequently anounced in parliament Lord Lansdowne, the foreign secre ary, replied in irlendly terms to the

Verherlands protosal, but instituted in rubles in order to ascertain th of the powers delegated to Mr. Krug and the other Boar representatives Europe to act in Fehalf of the burghers Great doubt is expressed at the for-

ign office here as to whether any neg-lations carried on by the Boer dele-ales through the Dutch government er her channels will prove effectual, refactory guarantees in this respen be secured, negotiations will be gun. This doubt is in regard to the

nthority of Mr. Kruger and others a weak for the fighting burghers is per ptible in the statement Mr. Battour ade in the house of commons today as A supplementary army estimate of C5.000,000 was issued this afternoon making the total expenditure for the

illion dollars' worth of timber

Seattle, Wash., Jan. 28 .- A special to

Russo

army during the year £92,915,000. Sol Krotki, of Richfield, were adjudge involuntary bankrupts, on petition of Corrupt Practices Act Sustained.

the Paris Millinery company of this Columbus, Ohlo, Jan, 28,-The su preme court of Ohlo today handed L. H. Mandell reports the following

own a decision sustaining the Gar-eld corrupt practices act. The decireal estate sales: Mrs. Anna Brixen t Alfred Bell, two brick houses and 4x1 on was given in the case of L, rods, at 628 South Fifth East stree for \$4,500; Francis Clark to Anna Brix Russell against the state. laimed that conformity to this act en, two acres between Ninth and Tenth south streets for \$1,850; Sher ould not be required of candidates for The case comes from Cuya-Congress. man estate to local partles-names not given, 5x10 rods on Main street between Eighth and Ninth South hoga county. Timber Swept Out of River.

streets for \$1,500. Deputy County Clerk Eldredge was unable to be at his post of duty toda,

on account of a severe attack of tonsilitis. James Murphy, the well known trav-Preferred Death to Disgrace.

eling man, is at the Kenyon from St Louis. He says that while busines was found very good, only in spots the general tenor was encouraging. H the Times from Dawson, January 27, via Ashcroft, January 28, says: Thomfinds trade in the intermountain states

Searching for the Condor.

Victoria, B. C., Jan. 28 .- The British survey steamer Egeria sailed from Es-quimalt this morning to search for the missing Condor. She is the fourth ves-sel to sail, the Grant, McCulloch and Phaeton being already out. The Egeria is the last of the fleet at Esquimalt and only two torpedo destroyers, both out of commission, are in port. The only other vessel available for the search is the Canadian steamer Quadra, which is at her wharf here.

Cold in East Moderating.

Chicago, Jan. 28 .- The cold wave in the extreme northwest has moderated materially, the temperature ranging from zero to four below. At 4 o'clock the thermometer in Chicago was four degrees below zero and at 10 it was one degree below. Predictions are that there will be further moderations of the cold as the day advances and that there will be no more zero weather with this cold wave.

Coal teamsters renewed their war on big down town buildings today. The Coal Teamsters' union decided that its members should cart no coal to buildings where gas is used during the summer months.

At 8 o'clock 100 drivers were ordered to stop by officials of the union and promptly obeyed the order.

President Albert Young of the Coal Ttemsters union, said:

"We have already stopped hauling of coal to the Old Colony building, the Monadnock, the Palmer house and the Auditorium and before night not a unteamster will be bauling coal to buildings that use gas for fuel during the summe

"During the last cold snap our men vere worked to death. Buildings that had formerly used fuel gas found out that coal was necessary and our men had to work night and day and at that were unable to meet the demand, Many of the regular coal burners were com-pelled to wait for coal and suffered greatly on account of our inability to supply the demand."

Milton Booth, secretary of the Coal Teamsters union, said

"We are not in the fight alone, but have the support of the coal men. We would have conducted the campaign alone had it been necessary, but with the ald of our employers we are in a much better position to conduct the fight and it will be a lively one."

Big Private Building Project.

Chicago, Jan. 28 .- One of the largest Chickgo, Jan. 22.—One of the hardese private building projects in the hla-tory of Chicago, involving an expendi-ture of \$2,250,000, has been provided for by the purchase from C. W. Marks by A. Montgomery Ward of the property at the sourt wast corner of Michigan avenue and W. shington street for \$500.-Huntington, W. Va., Jan. 28 .- Half a 000. The building planned for this ground, which has a frontage of 162.6 million dollars worth of three today by swept out of Guyandotte river today by the breaking of booms. Great dam-age is reported along that stream by the unusually high state of the river. stories having been granted by special city ordinance. The section to replace the eight-story structure between this and the new Ward building will cost \$1,250,000, and will conform to the new as Middleton, chief accountant for the | building.

At the regular monthly meeting of \$100 damages for the wrongful deten-Joseph F. Smith, the resignation of Judge Morse has issued an addition-George Revnolds as secretary of the al venire of the jurors to serve in the civil division of the district court. The of the following names: S. F. Kershaw, of the following names: S. F. Aershaw, Geo. B. Margetts, F. D. Higginbotham, Jr., L. C. Sinclafr, H. P. Lytle, John Breeze, Geo. Lucas, B. A. M. Froiseth, J. H. Evans and Geo. R. Emery, Reynolds for his very efficient work as

MARRIAGE LICENSES.

tract. The following named persons were to-

The following named persons were to-day adjudged bankrupts in the federal court and their cases were referred to Judge Baldwin: George J. Johnson, of this city: Bergen DeMott, Jr., of Grantsville: George H. Berlin of Salt Lake: Brigham T. Pyper, and William L. Harlow, also of this city. Max and Contracted of Bickbald were adjudged

city.

from Mrs. Daisy Uhi of 50 north First pany on November 15th, 1001, paid them West street, appeared before Judge \$18,917.75. The complainants are now Dichl this afternoon and pleaded guil- suing for the sum which they allege is

A very nice program has been prepared, and it is expected that the friends of the beneficiary will attend in full force. The Lindsley Bros, have filed a suit against the Telluride Power company in the United States court for the sum of \$12,157. They allege that they contracted

to deliver to the Telluride company a ot of cedar poles to the amount of \$31 074,75. They claim they delivered the poles on May 15th, 1901, and the comdue them as the balance of the con-

The eastern mail, due this morning, did not show up in Ogden because of trouble east on the main line, and the hort Line came down with a stub and only with local passengers. The mail is scheduled to arrive some time this evening. A concert will be given in the Four-

recognize him.

teenth ward assembly rooms tomorrow evening, for the benefit of Mrs. Mathilde Christie, one of the oldest members of the singing society Harmonian

