

JURY IN CALHOUN CASE DISAGREED

Trial That Consumed Months and Cost Tens of Thousands of Dollars Ended in a Fiasco.

TWO JURORS FOR CONVICTION

May be a Retrial—Defendant Disappointed and Court Disgusted.

San Francisco, June 20.—Terminating in a disagreement of the jury, with 19 men determined on acquittal and two steadfastly resolved upon conviction, the trial of President Patrick Calhoun of the United railroad, came to an end at noon today. Five months and a week had transpired since the wealthy street car magnate, a descendant of Patrick Henry, made his first appearance in court to answer to the charge of offering a bribe of \$4,000 to a superior to obtain a privilege for his corporation, and a period of 24 hours had been consumed in fruitless deliberation.

NO DEMONSTRATION

The trial, which will stand as a record in the history of western litigation for many a year ended quietly and without demonstration. The courtroom in Carnegie hall was well filled, but the sudden climax did not permit of an attendance gathered from far and near, such as characterized the five days of argument and the vigil of last night. The defendant and his attorneys, as well as the chief officers of the prosecution, refrained from comment upon the disagreement when it was recorded and quickly departed from the courtroom. But five ballots were taken, as it developed, and three of these were within the first few hours after deliberation had commenced. Upon the first vote the jury was evenly divided, four for acquittal and four for conviction.

Two of them joined the majority upon the second ballot, and one of the remaining two announced his determination to remain out a month if necessary. Noon was the hour fixed for the jury's appearance in court, and all the principals were in their places when the session convened. Judge Lawlor, announced that he ascertained, before coming to court, that the jury appeared to be hopelessly divided. Asked by the court if there was any hope of a verdict each juror replied "no" as his name was called.

After ordering the discharge of the jury, Judge Lawlor drew his chair to

AFTER DOCTORS FAILED

Lydia E. Pinkham's Vegetable Compound Cured Her.

Willimantic, Conn.—"For five years I suffered untold agony from female troubles, causing backache, irregularities, dizziness and nervous prostration. It was impossible for me to walk upstairs without stopping on the way. I tried three different doctors and each told me something different. I received no benefit from any of them, but seemed to suffer more. The last doctor said nothing would restore my health. I began taking Lydia E. Pinkham's Vegetable Compound to see what it would do, and I am restored to my natural health."—Mrs. E. DONOVAN, Box 230, Willimantic, Conn.

The success of Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, is unparalleled. It may be used with perfect confidence by women who suffer from displacements, inflammation, ulceration, fibroid tumors, irregularities, periodic pains, backache, bearing-down feeling, flatulency, indigestion, dizziness, or nervous prostration.

For thirty years Lydia E. Pinkham's Vegetable Compound has been the standard remedy for female ills, and suffering women owe it to themselves to at least give this medicine a trial. Proof is abundant that it has cured thousands of others, and why should it not cure you?

The edge of the platform nearest the jury box and addressed to the 12 men some informal remarks, criticizing severely the laws and usages that made possible the expenditure of three months in empanelment of a jury and congratulating and thanking them upon their worth as citizens. He declared that the courts were utterly helpless to prevent such occurrences and recommended that the legislature be influenced by the people to make alterations in the laws that governed court procedure regulating the empanelment of juries.

Under the order of the court, the attorney was expected to fix a date for another trial upon the same indictment at tomorrow morning's session of court.

"I am ready to try this case again, and I will go ahead tomorrow if necessary," said Mr. Heney an hour after the adjournment.

CALHOUN'S STATEMENT.

In a long statement issued by Mr. Calhoun tonight he said:

"Of course, I am disappointed at the

Good Tea

Is refreshing, healthful, and invigorating.

But use good tea.

Poor tea is dear at any price.

Hewlett's Uncolored Japan Tea is Always Good.

failure of the jury to acquit me of the unjust charge which have been brought against me. I should have liked my vindication by the jury to have been absolute. And yet, when all circumstances are considered from the fact that 10 members of the jury were in favor of acquittal, it must be recognized that I have won a substantial victory. The record of the case demonstrates that my trial was most unfairly-unparalleled in the annals of American jurisprudence. The judge was hostile, the assistant district attorney bribed and the administration of the criminal law of this state disgraced. I propose at the proper time and in a proper manner to submit formal charges against Asst. Dist. Atty. Francis J. Heney for receiving bribes as a public officer and against Rudolph Spreckels and James D. Phelan, who financed the prosecution, for having paid them."

COURT'S REMARKS.

In closing his remarks to the jury prior to their discharge, Judge Lawlor paid attention to the length of time required to secure a jury in this state. He said in part:

"There is another thing I think jurors ought to keep in mind, because the subject is becoming a serious one, and it is that the hardship does not arise so much from the necessity which the law recognizes that jurors shall be withdrawn from their activities and kept in confinement, but it is the extraordinary duration of judicial proceedings. The courts are utterly helpless to obviate that very great and growing evil. There must be something wrong in the laws of a state where it takes three months to empanel a jury to try any issue, and I think that the necessity of the hour is that the people should take some steps toward the simplification of judicial procedure, so that instead of occupying three months to procure a jury it could be secured in a few days. If that be done, and if the rules which are slavishly followed today because they have been adopted in the remote past were modified, there would be less occasion to complain of the hardships incident to the discharge of jury service and the duration of judicial proceedings."

Dyspepsia is our national ailment. Burdock Blood Bitters is the national remedy for it. It strengthens the stomach membranes, promotes flow of digestive juices, purifies the blood, builds you up.

PROF. DE MARTENS DEAD.

Was a Distinguished Russian Authority On International Law.

St. Petersburg, June 20.—Frederick de Martens, late professor of international law in the University of St. Petersburg, died today. He was taken ill while on his way to his estate in Livonia and died in the railroad station in Valka.

Frederick de Martens was a privy councillor and had been permanent member of the council of the ministry of foreign affairs since 1882. He was professor of international law in the University of St. Petersburg from 1871 to 1907. He was born in 1845. Edinburgh, Cambridge and Yale universities made him an LL.D.

He was the second Russian plenipotentiary at the peace conference at The Hague in 1899, and president of the second commission. Several times he was chosen by European and American powers as international arbitrator. He was president of the court of arbitration in Paris in 1899 and between Great Britain and Venezuela, arbitrator between France and England, England and Holland and the United States and Mexico.

"I have been somewhat costive, but Doan's Regulents gave just the results desired. They act mildly and regulate the bowels perfectly."—George B. Krause, 808 Walnut avenue, Altoona, Pa.

ALLEGED BLACK HAND COULDN'T FURNISH BAIL

Cleveland, O., June 21.—Pisano Gail, who was arrested at Meadville, Pa., Saturday by Postal Inspectors Pate and Herford for alleged complicity in the Ohio Black Hand operations, was given a preliminary hearing before United States Commissioner Marlett last night and committed to the county jail in default of \$5,000 bail. He will be tried on June 23 with Antonio and Joseph Nusso, arrested here in the same case 10 days ago.

Any skin itching is a temper-taster. The more you scratch the worse it becomes. Doan's Ointment cures piles, eczema—any skin itching. At all drug

SUMMER EXCURSIONS ON NICKEL PLATE ROAD.

Chicago to New York and return \$3.50. Chicago to Boston and return, \$25.35. On sale June 1st. Limit 30 days. Low rates to other eastern destinations. Inquire of local agent, or address John Y. Calahan, General Agent, 107 Adams St., Chicago.

Barbecue Day, Saltair, Wednesday, June 23, 3,000 pounds of beef, 2,000 loaves, of bread served free.

WANTS JAPAN TO INTERFERE IN HAWAII

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ELECTRIC CARS COLLIDED HEAD-ON

Result Was Ten Persons Were Killed and Forty More or Less Injured.

BLAME LAID ON MOTORMAN

But He Is Dead—Said to Have Disregarded Orders to Wait for Westbound Car.

South Bend, Ind., June 20.—Ten persons were killed and 40 injured in a wreck on the Chicago, Lake Shore & South Bend railway in Porter county, Indiana, last night, two of the big electric cars colliding head-on.

THE DEAD.

Charles Johnson, Ed. Gilbert, F. A. Lake, Ray F. Merriam, South Bend, Ind. W. A. Barber, S. T. Moore, L. R. Lyke, George Reed, motorman, east-bound car, Michigan City.

According to Gen. Manager H. U. Wallace, the wreck was due to disobedience of orders by Motorman George A. Reed, who was killed. Reed was instructed to wait at Wilson, a short distance west of Balleystown, the place of the disaster, for the westbound car. He did not do so and the cars crashed together.

The eastbound car, running as train No. 59, it is stated, was going at the rate of 50 miles an hour, to make up lost time. The eastbound car was telegraphed to stop at Wilson. In this train were all of the killed and most of the injured. Rescue work soon was started, but darkness greatly interfered. W. H. Parry of Gary, Ind., was among the first to realize the extent of the catastrophe. The arm of a man lay near him in the sand, which aroused him to begin rescue work.

KILLED IN SMOKER.

All but one of the killed were in the smoking compartment of the car in the front. This space, originally used as a baggage and freight room, was fitted up for the use of the smokers and was crowded. Supt. Welsh of the Interurban line, was in Michigan City when the accident occurred. When he learned of the collision he also discovered that it would be impossible to run electric cars to the scene because the trolley wires had been broken. Three physicians were sent in a gasoline traction speeder and three more dispatched as soon as possible in an automobile. When the physicians reached the place they found a score of farmers and villagers endeavoring to care for the wounded and to extricate the dead and dying. They were working under difficulties, the only light being furnished by a few lanterns. All around the wreck lay the injured, covered with blankets brought from nearby homes.

One of the heroes of the wreck was C. A. Simmons of Benton Harbor, Mich. He lost consciousness immediately after the collision. When he recovered his eyes were lying in the sand near a ditch. Both of his legs were broken, but when Dr. Axe of Michigan City reached him and tendered surgical aid he refused it, saying the physicians should give his time to others more seriously injured than he.

"My legs are broken," he said, "but my head is all right, and I guess I can stand it while they work."

Mrs. Guy Stutzman of Mishawaka, who suffered from a deep gash in the back of the head, was holding a one-year-old baby at the time of the accident, but the infant escaped without a scratch.

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The Jiji has supported the leaders of the higher wage movement ever since the strike of the Japanese sugar plantation hands was called. The editors of the paper were searched on June 11 and numerous papers were seized by the territorial authorities, which it is alleged, convinced evidence of a widespread conspiracy among the Japanese on the islands. Y. Soga, editor of the Jiji, was indicted twice by the territorial grand jury following the seizure, once on a charge of conspiracy to incite riot and once on a charge of conspiracy to commit murder. He was released on furnishing \$2,500 bail bonds to cover both indictments.

The efforts of certain of the Japanese to give the Hawaiian situation an international aspect are apparently concentrating here, as is evidenced by the Jiji's appeal to the Japanese government.

"THE ROOT OF ALL EVIL"

In the Summer time is your stomach. Be careful what you put into it—

HUSLER'S FLOUR.

of conditions there. This investigation, it is asserted, will show the necessity of transferring the management of the flour mill from the New York commission to the war department.

Gov. Cochran refuses to discuss the agitation started by the veterans against what they call intolerable conditions. He said if the president chose to make an investigation, his position would be vacated. He added that he had heard charges of graft in connection with the management of the home. "But the idea of graft is absurd," he said, "any grafting is done, it is not by the management of the home."

A VITAL POINT.

The most delicate part of a baby is its bowels. Every ailment that it suffers with attacks the bowels also endangers in most cases the life of the infant. McGee's Baby Elixir cures diarrhea, dysentery and all derangements of the stomach or bowels. Sold by Dr. J. C. McGee, Drug Dept. 112 and 114 South Main Street, Salt Lake City.

Removal Notice.

Dr. Wm. F. Reer physician and surgeon, also Dr. Wm. S. Hudson dentist, removed to 61-23 Boston Bldg.

Griola's Ballet at Saltair.

5:15 and 8:15 p. m. each day. A beautiful act. Admission 15c, 25c, 50c.

Barbecue Day, Saltair, Wednesday.

June 23, 3,000 pounds of beef, 2,000 loaves, of bread served free.

TO CHECK SMUGGLING.

New York, June 21.—In the hope of checking the wholesale smuggling which was discovered to be in progress at this port, James S. Clarkson, the surveyor, will appoint 100 additional special watchmen and on July 1 an order will go into effect whereby all packages including trunks, suitcases and boxes, must be corded and sealed after being examined by the inspectors and before they can leave the steamship pier. The watchmen will be employed to keep their eyes on steamships as soon as they arrive and until they leave port again so as to prevent the lowering of the trunk and other parcels over the sides of the vessel into small waiting boats.

SAWTELLE SOLDIERS' HOME.

Inmates Will Complain to Pres. Taft When He Visits Los Angeles.

Los Angeles, June 21.—When President Taft comes here next September, he will be waited upon by a delegation of the dissatisfied veterans at the Sawtelle soldiers' home, who will request him to make an investigation.

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NOTICE TO CONTRACTORS.

Sealed bids will be received up to Saturday, June 26th, 1909, at 7 p. m., by the Board of Education of Granite School District for the erection of two four-room school buildings, one to be erected at Pleasant View on 21st East between 11th and 12th South Streets, and one at Hunter, above 21st East, between 11th and 12th South Streets. Plans and specifications may be seen at the office of N. Edw. Liljenberg, architect, 220-231 Commercial Bldg., Salt Lake City, Utah. Each bid must be accompanied with a certified check of a percent of the amount of the bid made payable to the Board of Education of Granite School District. The successful bidder will be required to give a bond in a sum equal to one-half of the amount of the contract price. Bids will be opened at the office of the Board of Education of Granite School District, 1909 South State Street, Saturday, June 26th, 1909, at 10 a. m. Rights reserved to reject any or all bids.

BOARD OF EDUCATION.

Granite School District.

NOTICE TO CONTRACTORS.

The Board of Education of Granite School District will receive bids up to Thursday, July 1st, 1909, at 7 p. m., for the following work: Two class rooms, and a detached boiler and toilet building to be erected on the site of the old school building, above 21st East, between 11th and 12th South Streets. Plans and specifications may be seen at the office of N. Edw. Liljenberg, architect, 220-231 Commercial Bldg., Salt Lake City, Utah. Each bid must be accompanied with a certified check of a percent of the amount of the bid, payable to the Board of Education of Granite School District. The successful bidder will be required to give a bond in a sum equal to one-half of the amount of the contract price. Rights reserved to reject any or all bids.

BOARD OF EDUCATION.

Granite School District.

NOTICE.

To the stockholders of the Ophir Consolidated Mining Company, Principal place of business, Salt Lake City, Utah. Notice—There are delinquent upon the following described stock on account of assessment No. 3, levied on the 8th day of January, 1909, the several amounts set opposite the names of the respective shareholders as follows:

Cert.	Name	Shrs.	Am't.
16	E. B. Millard	100	\$2.00
18	S. T. Whitaker	100	2.00
19	S. T. Whitaker	100	2.00
20	S. T. Whitaker	100	1.00
21	Peir von Ehrenheim	100	2.00
22	Peir von Ehrenheim	100	2.00
23	S. T. Whitaker	100	2.00
24	S. T. Whitaker	100	2.00
25	S. T. Whitaker	100	2.00
26	S. T. Whitaker	100	2.00
27	S. T. Whitaker	100	2.00
28	S. T. Whitaker	100	2.00
29	S. T. Whitaker	100	2.00
30	S. T. Whitaker	100	2.00
31	S. T. Whitaker	100	2.00
32	S. T. Whitaker	100	2.00
33	S. T. Whitaker	100	2.00
34	S. T. Whitaker	100	2.00
35	S. T. Whitaker	100	2.00
36	S. T. Whitaker	100	2.00
37	S. T. Whitaker	100	2.00
38	S. T. Whitaker	100	2.00
39	S. T. Whitaker	100	2.00
40	S. T. Whitaker	100	2.00
41	S. T. Whitaker	100	2.00
42	S. T. Whitaker	100	2.