

spoke only once or twice during the morning.

Dr. Evans was still upon the stand when luncheon recess was taken.

THAW'S CORRESPONDENCE SENT.

Pittsburg, Feb. 28.—Acting upon the advice of Hartbridge and Peabody of counsel for Harry K. Thaw, on trial for the murder of Stanford White, J. D. Lyon, vice president of the Union National bank, this morning sent to New York the correspondence which Thaw had carried on with the bank since June, 1906. Mr. Lyon has hesitated about sending this correspondence, and wrote to Dist. Atty. Jerome asking for instructions.

Today he received a letter from Thaw's counsel stating that there was no objection to forwarding the letters and the package was at once sent to New York.

STROTHER TRIAL.

Story of the Defense the Center of Interest in Today's Proceedings.

Culpepper, Va., Feb. 28.—The expected story of the defense from the lips of the defendant in the trial of James and Philip Strother, charged with the murder of William B. Bywaters, their brother-in-law, last December, was the center of interest in today's developments in that case.

Mrs. Bywaters, who lay ill in bed when the shooting occurred, in her pathetic story upon the stand yesterday, said her recollection of the events connected with the tragedy was hazy. Mrs. Bywaters, her sister, testified that she saw Philip fire the first shot at Bywaters, which statement Philip Strother has already corroborated. Mrs. Bywaters has sworn that her betrayal was under promise of marriage, that she pleaded with Bywaters to make honorable reparation, and she has told the story of the time to Washington for the criminal operation which she dreaded, his indifferent treatment of her, the forced marriage, his attempted flight, and in general way, the shooting that followed.

Soon after court opened today James A. Strother, one of the defendants, was called as a witness. He was permitted to tell the story of his sister's wrongs. Although at times visibly affected by the strain under which he has labored since Bywaters was killed, he remained calm and between the dead man and his sister in a straightforward manner.

Bywaters agreed to marry Viola, witness said, when told he must marry her condition became known to the family, but after the ceremony Bywaters became indifferent to Viola. He became abusive and the demand was made that he remain with Viola on the night of the tragedy.

He detailed the quarrel between Mrs. Bywaters, her husband, and Bywaters, in which Bywaters insisted that he must go to Culpepper that night. Bywaters left them, going to Viola's room.

"I told him that we intended to watch him to see that he did not get away. He sprang from Viola's side, tearing himself from her arms and made a dash for the rear door."

"What happened then?" asked the prosecutor.

"The next thing I heard was a shot. Philip fired at Bywaters as he ran down the stairs."

"Did you fire on him while he was in the bedroom?"

"My recollection is that we fired just as he climbed out of the window. We did not fire until he was out of the window."

A pathetic interlude in the testimony came when the defendant after completing his story of the tragedy, told of his mother's admonition to him to protect her girls, Jim."

PLAGUE IN GERMAN AFRICA.

Berlin, Feb. 28.—It is officially announced that two cases of the plague have occurred at Tadmora, German Africa, and also that one case was covered on board a British steamer which arrived recently at Muzina. The colonial authorities are taking every possible precaution to prevent a spread of the pestilence.

IN THE HOUSE.

Eight-hour law to be Reported Favorably on This Afternoon.

With an amendment excluding factories from the provisions of the act, House's eight hour law will be reported upon favorably to the house today. As the measure now stands, in all mines and smelters eight hours shall constitute a day's work, while in factories the number of hours has been fixed at 10.

On motion of Kuchler the committee to investigate the alleged publication of false quotations was increased by the addition of two members to the committee. The speaker appointed as such additional members Representatives Long and Barrett.

Speaker Joseph took the various committee chairman to task for disregarding his requests several times a general protest followed and explanations were in order for half an hour. The chairman of the special committee having under consideration the Galveston bills, promised a report on those tomorrow. The Judiciary committee has some 60 measures pending before it, and the speaker said if some action were not taken the session would close for 30 days after the lawful closing date.

A motion was presented by Tolton that opening debate be hereafter limited to three minutes each and closing debate to five minutes, and that members shall only be allowed to speak once on any bill except by consent. This motion came from H. B. 7, which is Pedersen's bill defining the qualifications of persons applying for marriage, met with opposition and agreed to report the bill back for amendment with one or two amendments. The form of oath is omitted, and another qualification for the list, and with these amendments the bill will, no doubt, pass both houses and become a law.

Two reports were submitted from the committee on education, each being signed by four members thereof. The

Sweet's

London
Butter Toffee

Has the call wherever it has been introduced—the natural consequence of offering what appeals to cultured tastes. Sweet's London Butter Toffee is the Old English style of confection, with a few American improvements. Wrapped in small squares, about caramel size, and put up in the packages.

reports were related to Thompson's H. B. 145, and out of consideration for the father of the bill, who is absent, consideration of the reports was deferred until Monday at 2 o'clock, when it will be made a special order.

ROAD OPEN MONDAY.

Nine Hundred Men Repairing Washouts on Salt Lake Route.

The local officials of the Salt Lake Route report their assertions that their road will be open by Monday. T. M. Sloan, assistant general freight and passenger agent, has wired the local officials that a wire from R. E. Wells, general manager, who is on the ground, says that the road will be opened by Sunday or Monday. Four gangs of men are now at work, one at each end of the washouts and two working in both directions from Caliente. The gang which was working on the Goeche branch is at Caliente. About 80 men are repairing the damage.

ANOTHER COLD WAVE DUE.

Contrary to expectations, the skies cleared up today, leaving a crisp, cold and bracing atmosphere for the last day in February. But as there is a heavy low area approaching from the northwest, the local weather office predicts cloudy weather for tomorrow, and a very likely rain for Saturday. Another cold wave is sweeping over the far north, with lowest mercury at 20 degrees below zero.

SOCIAL AND PERSONAL.

Gov. and Mrs. Cutler were guests of honor at an elaborate dinner last night given by Mr. and Mrs. W. W. Ritter, about 15 guests, and the affair. The table was beautifully decorated in yellow and white with a setting of ferns, daffodils being used with the yellow and white. The place cards were yellow and white. The guests included Mr. and Mrs. Heber W. Wells, Mr. and Mrs. R. W. Young, Dr. and Mrs. J. T. Kingsbury, Mr. and Mrs. Richard Morris, Mr. and Mrs. William Young, Mr. and Mrs. William Young, Mr. and Mrs. W. S. Crismon.

Another delightful affair of yesterday was the luncheon given by Mrs. Russell Tracy and Mrs. F. B. Stephens, the rooms being bright with jonquils and greens in feathery sprays of ferns. About 25 guests enjoyed the event.

Mrs. W. P. Kiser has for her guest Mrs. E. J. Chambers of New York.

Miss Edna Cohn is expected home from New York this week having spent the past year there and in a trip abroad.

About 12 guests enjoyed the hospitality of Mr. and Mrs. L. C. Miller last night at the dining room of the hotel. The decorations being in daffodils.

Mrs. E. T. Harvey entertained at a pretty luncheon today in honor of Mrs. Halm, and Mrs. Clarence T. Brown.

Mrs. A. J. Gustin who has been spending a few weeks with her daughter, Mrs. Joel Priest, leaves today for Pasadena.

Mrs. Sheldon L. Butler left yesterday to join Mr. Butler in New York.

Mrs. R. J. Gunningham gave a bridge tea yesterday at the dining room being in violets and ferns and about 16 guests present. Prizes were awarded the winners at each table.

The March musical of the Ladies' Literary club will be held at the club house Thursday evening, March 7. Mr. Fred Graham has charge of these musicals, has been fortunate in securing for the date the services of Miss Freda Stenhouse, a soprano who will be passing through the city on her way east after filling engagements in the northwest. It is by special arrangement that Mr. Graham is able to present Miss Stenhouse in a hall with the limited seating capacity of the club house affords therefore only enough tickets will be given out to completely fill the hall. Miss Stenhouse has achieved much success wherever she has appeared throughout the United States and Canada. Her voice is of great compass and rare quality, with a sympathetic vibrant timbre. This musical will be one long to be remembered by the fortunate enough in obtaining tickets before the limited number has been disposed of. Applications for tickets can be made to Mr. Graham.

IN HONOR OF MRS. E. B. WELLS

Notable Event Takes Place in the Lion House Dining Hall.

ANNIVERSARY OF 79TH YEAR.

Women's Press Club Tenders One of Utah's Foremost Mothers a Banquet and Congratulations.

A notable event took place yesterday at the Lion House when the Utah Women's Press Club tendered its founder, Mrs. Emmeline B. Wells a banquet in celebration of her 79th birthday.

Two large tables were laid in the dining hall and decorated in the club colors, purple and green, each table having for a centerpiece a potted purple cyclamen draped with dainty crepe paper in the purple and green, while at each place were place-cards in the form of double hearts which were hand-decorated and hand-written by Mrs. Martin Francis, with sentiments from the poems of the guest of honor. The programs tied with ribbons in the same colors were also at each place. At the head of one table sat Mrs. Wells, with the club president, Mrs. Minnie J. Snow, facing her. Mrs. Katharine Smith, a guest, of the occasion presided at the other, and at the foot sat the toastmistress, Mrs. Ruth M. Fox, and 30 guests in all, sat about the two tables. The president, Mrs. Snow, called for the reading of the card sentiments, each guest responding. This was followed by the reading of an original poem of greeting by Miss Josephine Spencer. Mrs. Zina Young Card introduced the toastmistress, Mrs. Ruth M. Fox who throughout repeated successive laurels in her clever and apt speeches. The toasts were to the press club, as a tree and the thought that it was taken by Mrs. H. E. Schiller who gave a comprehensive outline of the club in its various capacities, her subject being most cleverly handled.

Mrs. Minnie J. Snow responded to "The Germ," as "The Original Thought" and how potent the thought becomes when it is put into words and deed, illustrating it with the Press club, which had had so long a life and whose future might reap laurels of usefulness and achievement.

"The Root," symbolizing "the foundation" was happily exemplified by Dr. Ellis B. Shipp, who paid a tribute to the club, and the importance of the Press club's founder, whose persistence and well grounded ability and sturdiness of purpose had sent forth this tree.

Mrs. C. C. R. Wells had an appropriate theme in "The Trunk," i. e., the organization, and in characteristic thorough style told of the importance of completeness in this "The Club Officers," typified as "The Branches," was Mrs. Emma Jensen's toast, and was a comprehensive summary of the club's work.

Mrs. Lucy B. Clarke in "The Honorary Members," named in the program as "The Twigs," gave a powerful and effective theme. Application, she declared, to dictionaries, friends, and nature itself had yielded her ambiguous definitions of the word "twigs." Finally she gave it as "a small growth" and other uncomplimentary references had rewarded her researches in other directions.

Mrs. Wells responded with a beautiful and original poem suggestive of the tree, and the members of the club, who spoke of their own significance as a part of the whole.

One of the prettiest studies of the program was of the members as "The Leaves," given by Florence Snow Critchlow, who spoke of their own significance as a part of the whole.

The program ended with the presentation of a basket of violets and lilies of the valley from the club house. The basket was a beautiful one, and the members of the club, who spoke of their own significance as a part of the whole.

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of such animals and before the sale, such animals must be proven to come within the provisions of sec. 13, R. S. A bill of sale must be given by the officer to the purchaser and the proceeds of such sale, less costs, must be paid over to the state. Any unauthorized person catching, branding and selling such animals in violation of law, is liable to arrest and prosecution for grand larceny.

IN DIEHL'S COURT.

Woman in Peach Street Case Pleads Not Guilty to Immorality.

In Judge Diehl's court this morning Mrs. Lena Maguri was arraigned on the charge of immorality. She pleaded not guilty and the case was set for March 5.

Robert Cochrane, charged with assault with a deadly weapon, was released on his own recognizance and the case continued until March 5.

John Dougherty and Charles Hall, accused of robbing a Greek of \$5, were held to answer to the district court. In default of bail they were remanded to the county jail.

RASH-ROYLANCE CO.

New Firm Absorbs Martin-Hillman Fruit & Produce Co. Today.

The Rash-Roylance Fruit & Produce company, the new firm formed by the union of the Rash Fruit & Produce company of this city and the William M. Roylance Fruit & Produce company of Provo, completed today the acquisition of the Martin-Hillman Fruit & Produce company of west Second South street, and the business of the latter company will be continued under the name of Rash-Roylance company, which has for several years been local manager for the Martin-Hillman company.

40,000 TREES FUMIGATED.

County Horticultural Inspector Sorensen Tells of Work This Month.

County Horticultural Inspector John P. Sorensen has filed the following report with the county commissioners in regard to the work of his department for the month of February:

In the month of February in one nursery, 40,000 trees left over from November and December were fumigated and partly inspected, also some 20,000 seedlings were fumigated. In another nursery 6,000 trees besides some small ones were fumigated and inspected and 2,000 young seedlings for grafting. There were six large parcels of trees, besides 2,000 rose bushes imported from outside the state, inspected and fumigated according to law. A lot of United States government seeds, about 200 packages were received and distributed and remailed. An article about spraying was also published in the county paper.

The spraying as now conducted is of many grades and varieties. Most of the spraying is done to clean the trees of insect pests and to preserve the fruit from worms, scab and scale. But there is also a great deal of spraying of ornamental trees and shrubs, which is simply to spray to comply with the law, never minding if it does any good or not. But that kind of spraying is happily decreasing and in another year or two will be a curiosity to find. But there is a great deal of work required to instruct people how to spray, what to spray for, when to spray, and what to use. A great deal of work is required to instruct people how to spray, what to spray for, when to spray, and what to use.

The spraying that should be attended to from now on in February until the buds break here in Salt Lake and surrounding valleys should be the so-called winter spray. Thirty pounds of fresh lime put in a barrel, then add 15 pounds of sulphur on top of said lime, and add 10 gallons of boiling water, stir half a minute, look out so you don't get lime in your eyes, cover quick with a blanket or carpet, invert a tub over the barrel and pour the mixture on the top to keep the top from blowing off, now let stand say one-half hour, then fill your barrel with water, and spray with it. Some advocate adding a little of the mixture to the water, but if made properly it is not needed. The heat generated by the boiling water, and the lime is so much stronger than ordinary boiling water that boiling afterwards is only a waste of time, except you have water with under pressure. This mixture sprayed on a tree so it is wet all over, will destroy all kinds of scale especially the cotton scale, the peach curl, the peach twig borer, the woolly aphid, the eggs of the green apple, the red spider, and will destroy the millions. It will also destroy fungus diseases, and cleanse the orchard from all pests that can reach. The reason that all codling moth larvae and all borers are not destroyed by this spray is that they are hidden away under the bark and in holes where nothing can reach them before the warm spring weather causes them to come out. We have no spray so generally effective for all purposes as this lime-sulphur spray. We used in old times to add 40 pounds of sulphur to the lime, but this is not needed. Lime at 25 cents a bushel and sulphur at three cents a pound makes this effective spray very cheap. Say about 14 cents a gallon.

As herein modified, the decision of your office is affirmed. The papers are herewith returned. Very respectfully, E. A. HITCHCOCK, Secretary.

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W. P. Noble will leave Sunday on a business trip through Nevada and California.

Police Believe They Have Gang of Holdups Who Robbed Berrum.

Detective Shannon, Sergt. Roberts and Officer Moore went to Fort Douglas this morning and placed under arrest four holdups, who will be charged with assaulting and robbing Harold Berrum last night. The men have not been identified by the victim, but it is claimed that the authorities have a good case against them. The men gave the names of Ralph Orr, J. J. Lynch, Robert Jantiss and E. N. Blenness.

SALE OF ESTRAYS.

Attorney-General Breeden Renders Opinion on That Subject.

Attorney General Breeden rendered today an opinion on the sale of estrays, in response to a query from County Attorney Benjamin Cameron, Jr., of Panguitch, as follows:

"Sec. 13, R. S., as amended by chapter 3, session laws of 1903, forfeits certain animals to the state. This does not mean that any person may catch, brand, and sell such animals, and retain the amount received from the sale. The animals referred to in this section must be turned over to the proper officer of the county and notice given by him by advertisement in a newspaper or posted notice of the time and place of sale."

Frank M. Nye, congressman elect from Minnesota, is a brother of the late Bill Nye, one of the most original and ingenious humorists America has ever produced. Mr. Nye is a native of Maine, born at Shirley, March 7, 1852. His parents removed to Wisconsin

when he was very young, and he was educated in the public schools of that state. Mr. Nye removed to Minneapolis in 1886. He has been engaged in the practice of law for twenty-eight years and has achieved much reputation in his profession.

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MINING CLAIM DECISION GIVEN

E. A. Hitchcock, Secretary of the Interior, Affirms Land Office Action.

INVOLVING ANNA MARIE LODE.

Mining Property at Park City Responsible for Long Communication From Washington, D. C. Today.

Following is an extract from the decision of the secretary of the interior, of Jan. 21 last, in the Anna Marie Lode mining claim at Park City, and received this morning, at the U. S. land office in this city:

Where several contiguous mining claims are held in common and expenditures are made upon an improvement which is intended to aid in the development of the claims so held, and which is of such a character as to redound to the benefit of all, such a general improvement is properly called a common improvement. In legal contemplation these terms import a single, distinct entity, not subject to physical subdivision or apportionment in its application to the claims intended to be benefited by it. The entire body of claims held in common, the group as ordinarily designated, not the individual claims separately considered, is the beneficiary on the one hand, while on the other, the common improvement in its entirety is the means or agency by which the common development of the community benefit, such benefit accrues and attaches to, and becomes available for, the claims as a body, not as individuals, and the reason of the construction of the common improvement and as soon as the construction takes place. The physical act of sinking a shaft, or driving a tunnel, which is a common improvement, makes this so; not the certificate of the surveyor general to that effect.

Where two or more persons own property in common, each owner has only an undivided interest therein, represented by no physical or tangible part of the property itself, but extending to each owner the whole thereof. By a simple computation the value of such interest, based upon the value of the entire property, is easily ascertained, and each claim of a group developed by a common improvement has an undivided, but nevertheless, beneficial and ascertainable interest in the common development work. By a calculation based upon the number of claims in the group and upon the value of the common improvement, it is readily ascertained whether the equivalent of the required expenditure, therein represented for the benefit of each claim is represented in the common improvement, and whether more or less, and also what credit for each claim to such claims are embraced in any particular patent proceedings.

TWENTY-THREE IN THE GROUP.

In the case at bar 23 claims are embraced in the group involved, and the number of claims is established at 23, as is shown by the record. Fourteen of these claims have been accredited with the sum of \$200 each, derived from the value of the common improvement, and three claims are accredited with nothing from this source. Such a method of accrediting claims to credit to be derived from a common shaft, merely as to the exigencies of the case seem to require, is destructive of the essential value of the common improvement. To undertake to set apart or apportion a physical segment or section, or an arbitrarily fractional part of the common improvement, and accredit the value thereof to a particular claim is in violation of the theory of a common benefit accruing from the value of the common improvement. The scheme here invoked for adjusting the monetary worth of the benefit derived from a common improvement is, on its face, manifestly unfair, and the result but little short of absurd. The department is of the opinion that it is unwarranted and unauthorized by, and contrary to, the law.

Equally, therefore, the arbitrary apportionments heretofore made of physical segments of the Silver King shaft to individual claims already carried to entry, was in violation of this principle. As to all the company's claims which had been located prior to the commencement of the development project, which are contiguous to the ground and which have been the beneficiaries of that project, the whole improvement or project is common, and each claim therein has an equal undivided interest therein. If the Anna Marie is one of those claims, the full facts must be shown, whereby it may be made clearly to appear what claims of the group are embraced within the common development enterprise and what claims are particularly benefited by the improvement from the 900 foot level, in order that the due and full share of the cost or value of the improvements to which each is entitled may be determined. Before any further assignment of credits can be made out of the cost of the available improvements, or any of them, the number of claims having an equal share in a common ownership, to be developed through or by means thereof, must be shown, conformably to the ruling in the case of the Silver King.

REASONABLE TIME GIVEN.

The company will be accorded a reasonable time to be fixed by your office, within which to make an additional showing along the lines herein indicated. If to the contrary, the same satisfactory showing is not made within the time so to be fixed, and it appears to the satisfaction of your office, from the record as made up, that the improvements required relative to expenditures are sufficient in value, and such character as to redound to the benefit of the claim in question, the entry may stand, in the absence of other objection, otherwise, it will be cancelled.

As herein modified, the decision of your office is affirmed. The papers are herewith returned. Very respectfully, E. A. HITCHCOCK, Secretary.

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