

DECATUR TESTIFIES IN HIS OWN BEHALF

Denies Flatly and Positively
Statements of Midshipmen
McCrary and Church.

SOME LYING SOMEWHERE.

Admits He Ordered Church to His
Room and Some One Compelled
Him to do Number 16.

Annapolis, Md., Jan. 2.—The court-martial proceedings against Midshipman Stephen Decatur, Jr., of Portsmouth, N. J., charged with the hazing of Midshipman Isaac N. McCrary of Texas and Gaylor Church of Pennsylvania, both fourth class men, were continued this morning, Decatur going on the stand in his own behalf. The testimony of Midshipman Decatur in his own defense reveals the fact that midshipmen in the United States navy are in direct conflict in statements they have made under oath.

Decatur denied specifically and positively all the statements made by McCrary and Church which connected him with the hazing. He said on the stand that he had never hazed either of the men and did not even know McCrary before he saw him in the court-martial room.

McCrary had testified positively during the first day's session that Decatur had ordered him to stand on his head and to do "Number 16," and Church also said that Decatur had given him a similar order.

The cross-examination brought from Decatur the admission that he had ordered Church to report to his room and that some one there had compelled the underclassmen to perform "Number 16." As Decatur was the only member of the court present, the prosecution will contend that this fact is sufficient to fix the offense of hazing on him. The defense contends that, under the charge, as well as the act of 1873, the mere countenancing of or allowing hazing is insufficient, and that active participation must be shown.

On cross-examination today Decatur was asked if he had ever seen the "Hungarian band." He said that he had, and that it was an organization of fourth-class men who sang and played the bands for upper class men. He admitted that they had performed in his room twice. The judge advocate is understood to have information that McCrary belonged to this organization, but Decatur said that the only member of it he remembered was Bennett.

The most interesting testimony, next to that of Decatur, was given by Midshipman F. B. Marston of Florida, who is also under charges for hazing and will be tried shortly. Marston was the first witness, other than the fourth class men, to state that any fourth class men were in the room with Decatur, and in that particular testimony corroborated that of Midshipman Church. He said that while he was in Decatur's room Church had come in and had been told to do "Number 16" in the closet, and afterward had been told to stop. He could not remember who had given the order, but was positive it was not Decatur.

His evidence was in strong contradiction to other evidence produced by the defense, as he said that a person could easily have been in the closet undergoing hazing and not been seen, while all the others said that if a person had been in the closet while they were in the room they would certainly have seen him.

It is understood that the "Hungarian band," reference to which was made by Judge Advocate Harrison, is one of the creations of the hazing system which the court of inquiry has discovered, and that quite a number of the upper classmen may be compelled to face charges based on the band's compulsory concerts.

The defense in Decatur's case closed today, and several witnesses in rebuttal will be brought by the prosecution. It is probable that the case will be finished tomorrow and given to the court. Decatur's case is attracting great attention and a desperate effort is being made to save him. He is a great-grandson of the famous naval hero of the same name and stands number six in studies in the class which graduates next month. He has some very powerful friends who are willing to help him in every way. Admiral Dewey is a relative, but little help can be expected from this source if Decatur is convicted.

After the reading of the record of the last day's session, Midshipman Charles S. Keller was called for the defense. He said that he remembered the day the

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photographs of the petty officers was taken (it had been testified to that this was the day of the hazing), and that he had been in Decatur's room after dinner. He testified that a number of midshipmen were there, among them Decatur.

The latter statement was evidently a surprise to the defense, as it corroborated the prosecution's testimony. He said that he saw no fourth class man in the room. On cross-examination he admitted that the petty officers had their pictures taken on several days.

Midshipman John F. Cox of the second class testified that he had been in Decatur's room after dinner on the day when the petty officers were to have their pictures taken. He had seen no one being hazed.

On cross-examination the witness said that some one might have been doing "number 16" or the "hanging rest" in a closet and the witness not know it, but he was sure that he would have heard the noise had any one been standing on his head.

Midshipman Robert V. Lowe, a classmate of Decatur, next testified. He had seen no one. Decatur, he said, had been in the room when the witness arrived and had left before the witness did. On cross-examination he admitted it was possible to come into a room and not see in the closet.

Midshipman Percival D. Nagle, Carroll E. Graves, G. K. Davis and Harold Jones also testified, but brought out nothing new. It is stated that Graves will be tried for hazing.

BREATHITT COUNTY'S POLITICAL TROUBLES ENDED

Jackson, Ky., Jan. 2.—Breathitt county's political troubles are at an end. Judge S. S. Taulbee, recently elected county judge, whose office was contested by former county judge James Hargis, noted leader of feudists, together with attorneys and friends went to Jackson last night, shook hands all around, mutually pledged good will and hearty cooperation in the re-establishment of law and order and decided to call off the contest which threatened to cause further bloodshed. Hargis agreed to a motion to dismiss the cases.

RUSSIAN RAILROADS.

Imperial Decree Issued to Prevent Interference With Working of Them.

St. Petersburg, Jan. 2.—An imperial decree designed to prevent interference with the working of railroads was issued today. It provides for the appointment of a special committee to control the services when occasion requires it. The committee is empowered to issue regulations and to inflict penalties in cases of their non-observance, to prohibit the holding of meetings to close commercial and industrial establishments to forbid the sale of newspapers, to disperse officials and to take other steps of a similar nature. In places where martial law is proclaimed, persons guilty of rebellion, high treason, the organization of strikes, incendiarism or the destruction of telegraph or telephone wires of railroad lines shall, the decree declares, be tried by court-martial.

FOR OCEAN RACING SCHOONER.

Bristol, R. I., Jan. 2.—An order for an ocean racing schooner yacht eligible for the 30 foot class, has been placed with the Herrshoffs and the preliminary work of laying down the boat in the shipyard here has been begun at the shipyard here. The yacht, if it is ordered, will be a 37 foot waterline, about 125 feet overall and is to be constructed of steel. It is expected that the keel will be laid within two weeks. The name of the man for whom the yacht is to be built is not disclosed here, but it is understood that he is a foreigner, and that the schooner will race across the Atlantic.

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YERKES' FAMILY WELL SATISFIED.

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Made Many Public
Bequests.

LEFT MONEY FOR A HOSPITAL.

This on the Death of His Wife—To be
Open to All Irrespective of
Race or Color.

New York, Jan. 2.—In his will, read today by Clarence A. Knight, his attorney, the late Charles T. Yerkes makes many public bequests, including \$100,000 in trust, the income to be paid to the University of Chicago for the maintenance of the Yerkes observatory at Lake Geneva, Wis. Provisions are made for the disposal of his New York home, after the death of his wife, to a corporation organized for the maintenance of his art gallery, the sum of \$750,000 to be given this project on Mrs. Yerkes' death. Mr. Yerkes also provides for a hospital to be erected in New York. His widow, son and others are provided for. The will was read to the members of his family today and they expressed entire satisfaction with its provisions. An epitome follows:

To Greenwood cemetery, \$15,000; to Mary Adelaide Yerkes, his wife, \$200,000, the homestead at the corner of Sixty-eighth street and Fifth avenue, together with all the paintings and works of art, statuary, bronzes, tapestries and bric-a-brac there and elsewhere. On the death of his wife, the premises, works of art, etc., to go to a corporation to be organized under the laws of the state of New York for the maintenance and preservation of an art gallery on the premises which is given to said corporation.

Five trustees are to be appointed to control what shall be known as the Yerkes galleries, one to be the mayor of New York and the other four to be designated by the Metropolitan museum of art. Upon the death of his wife the trustees are to pay over to the directors of the Yerkes galleries out of the one-half of the estate set aside for his wife the sum of \$750,000 in cash for the maintenance of such galleries.

To Charles E. Yerkes, son, \$200,000; also provided that the son Charles can dispose of by will of \$300,000 of the estate. To Bessie L. Rondinella, daughter, \$200,000; also provided that Bessie L. Rondinella can dispose of by will of \$300,000 of the estate.

For Ethel Link Yerkes, daughter of his nephew, Clarence Yerkes, \$100,000 in trust. To Louis S. Owsley of Chicago, \$50,000.

The income of sums from \$20,000 to \$50,000 to various relatives. The income from \$100,000 in trust to be paid to the University of Chicago, for care and maintenance of the Yerkes observatory, located at Lake Geneva, Wis.

The remainder of the estate to be invested and divided into four equal shares, the income from two of the shares to be paid to Mrs. Yerkes during her lifetime. His son, Charles E. Yerkes, and his daughter, Bessie Rondinella, during their life time, receive the income of the other two shares.

On the death of Mrs. Yerkes the will provides for a hospital in New York City to be known as the Yerkes hospital, the aggregate cost of the grounds and buildings not to exceed \$300,000. He directs that the hospital shall be open for the public without regard to creed, race or color, and any patient received or admitted whose financial means are not such as to enable the patient to pay for the necessary treatment shall be treated free. Provisions are made for the maintenance of the Yerkes hospital from the remainder of the portion of the estate going to Mrs. Yerkes and from the part going to his son, Charles E. Yerkes, the latter's share going to the hospital if he dies without issue, and at any rate after the children have reached the age of 21, less the \$300,000 which Charles E. Yerkes is authorized to devise by will.

In case his wife should notify the trustees that she desired to relinquish her right to use the premises at Sixty-eighth street and Fifth avenue as a home, then the trustees are directed to pay to the Yerkes galleries \$20,000 per annum out of the income set aside for wife and children under the fifteenth paragraph of his will.

Appoints as trustee under his will the Central Trust company of New York. In case that it refuses to accept then the Illinois Trust & Savings bank of Illinois is made trustee. Appoints his wife, Mary Adelaide Yerkes, Louis S. Owsley and the Illinois Trust & Savings bank as executors, and declares that his home is in the state of Illinois.

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It is famous for its cure and can always be depended upon. It counteracts any tendency of a cold to result in pneumonia. IT IS SAFE AND SURE. Price 25c. Large size 50 cents.

SECRETARY OF STATE STORMS REFUSES TO RESIGN

Indianapolis, Jan. 2.—Following a brief consultation with the governor's office today between Gov. Hanley, Secy. of State Storms and the latter's attorney, Mr. Storms made his first public statement since the demand made upon him by the governor for his resignation. Mr. Storms merely said he had refused to resign. Gov. Hanley said: "Mr. Storms has refused to resign his office. He still owes the state certain money."

It is said that the governor will take action at once. State Auditor Bigler today informed Secy. Storms that he cannot draw his salary for the quarter just ended. According to the auditor, Gov. Hanley had instructed him to withhold the secretary's salary warrant, which would have been called for \$1,525.

Secy. Storms, with other state officials made the regular quarterly settlement today. Mr. Storms paying into the state treasury \$25,267.

A NEW COCKTAIL.

Three Soldiers Concoct One and May Die as Result of Drinking It.

Cheyenne, Wyo., Jan. 2.—Private John Murphy of the Eleventh infantry, stationed at Fort Russell, Wyo., and two other soldiers may die as a result of a New Year's spree, during which they drank cocktails composed of bay rum, lemon juice and hair tonic.

A WOMAN'S SUICIDE.

Commits Self Destruction by Throwing Herself in Front of Train.

Phoenix, Ariz., Jan. 2.—A woman named Mrs. Rinders committed suicide by throwing herself across the Maricopa & Phoenix railway track at Tempe tonight in front of a passenger train enroute from Phoenix to Maricopa. The body of the woman was cut squarely in two. She stood by the track above the depot with a satchel in her hand as the train approached and, when the train was too near for the engineer to reverse the throttle, she dropped her satchel and fell across the rails and was instantly run over.

Nothing can be learned of her identity. She was in poor health and had lived in Tempe two or three months. Three or four people witnessed the woman's tragic death.

CATHOLIC MISSIONS CASE.

U. S. Supreme Court Affirms Decision Refusing to Take Jurisdiction.

Washington, Jan. 2.—The supreme court of the United States, which Justice Peckham today affirmed the decision of the United States circuit court of the district of Montana in refusing to take jurisdiction in the case of the Montana Catholic missions vs. Missoula county, Montana.

The Catholic missions is a corporation which holds the property of the Jesuit fathers in Montana, including a large herd of cattle held on the Flathead Indian reservation in Missoula county, and this proceeding arose out of an effort on the part of the county authorities to take the cattle.

The mission association contended that authority to run the cattle on the reservation had been given by the Indians and by the federal government, and that the object in holding them there was purely charitable. The Montana circuit court dismissed the bill for want of jurisdiction.

CATTLE COMPANY WINS.

Washington, Jan. 2.—The supreme court of the United States today affirmed the decision of the supreme court of Arizona in the case of H. C. Herlick and others versus the Bouquillas Land and Cattle company, the decision being in favor of the latter.

This case involved a controversy over the Bouquillas land grant in Cochise county, Arizona, embracing 17,255 acres. The action was brought by about 30 settlers, who claim 20 years occupancy before the cattle company took possession. They ask for the restoration of the land, \$10,000 damages and \$10,000 a year rental since 1901. The cattle company purchased the

property from W. R. Hearst, and he from the claimants under a grant made in 1853.

HOTEL CLERK COMMITS SUICIDE.

Portland, Or., Jan. 2.—Chief Clerk Robert E. Brimsted of the Hotel Oregon committed suicide in his apartments in the presence of his young wife at an early hour today. He shot himself in the temple with a revolver. Domestic infelicity is assigned as the cause for his act. Brimsted was one of the best known hotel men in the northwest.

Pure Blood is a Defense. It means safety. A person whose blood is in an impure and impoverished condition is in the greatest danger of catching any infectious or epidemic disease. Dr. Kennedy's Favorite Remedy is the mildest, safest and surest purifier of the blood, thus striking at the root of Kidney, Liver and Bladder diseases. \$1.00 at all druggists.

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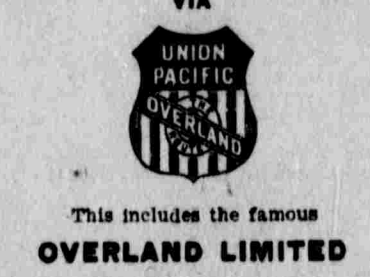
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"THE LAGOON ROAD."

Salt Lake & Ogden Railway. SIMON BAMBERGER, President and General Manager. Time Table in Effect Nov. 28, 1905. LEAVE SALT LAKE, 6:30, 9:30, 12:30, 3:30, 5:30, 7:30 p. m. LEAVE LAGOON, 7:30, 10:30, 1:30, 4:30, 7:30 p. m.

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CURRENT TIME TABLE

DEPART.

No. 1—Los Angeles Limited..... 4:15 p.m.
No. 1—Los Angeles Express..... 12:30 a.m.
No. 51—For Stockton and Tintic. 7:45 a.m.
No. 53—For Nephi & Sanpete Valley..... 8:00 a.m.
No. 53—For Garfield..... 11:30 a.m.
No. 53—For Nephi..... 4:45 p.m.
No. 51—For Nephi and Lynn..... 9:30 p.m.

ARRIVE DAILY.

No. 4—Los Angeles Limited .. 6:45 p.m.
No. 1—Los Angeles Express 6:30 p.m.
No. 52—From Lynn & Nephi..... 5:50 a.m.
No. 54—From Garfield..... 1:20 p.m.
No. 54—From Nephi & Sanpete Valley..... 1:30 p.m.
No. 54—From Nephi..... 5:35 p.m.
No. 53—From Tintic & Stockton. 6:30 p.m.

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Oregon Short Line Time Table

IN EFFECT Jan. 1, 1906

ARRIVE:
No. 4—From Ogden, Chicago, Omaha, St. Louis, Kansas City and Denver..... 5:15 a.m.
No. 12—From Ogden, Portland, Butte and San Francisco..... 8:30 a.m.
No. 6—From Ogden and Intermediate Points..... 9:30 a.m.
No. 12—From Ogden, Cache Valley and Intermediate Points..... 11:45 a.m.
No. 4—From Ogden, Cache Valley, Butte, Portland and San Francisco..... 7:35 p.m.

DEPART:

No. 5—For Ogden, Omaha, Chicago, Denver, Kansas City and St. Louis..... 7:10 a.m.
No. 7—For Ogden, Portland, Butte, San Francisco and Intermediate Points..... 10:30 a.m.
No. 1—For Ogden, Omaha, Chicago, Denver, Kansas City, St. Louis and San Francisco..... 1:30 p.m.
No. 11—For Ogden, Cache Valley and Intermediate Points..... 4:10 p.m.
No. 3—For Ogden, Denver, Kansas City, Omaha, St. Louis and Chicago..... 5:55 p.m.
No. 9—For Ogden, Cache Valley, Butte, Portland, San Francisco and Intermediate Points..... 11:45 p.m.

NOTE:—Train numbers shown above are Oregon Short Line train numbers and do not apply to Pacific coast trains of Ogden or the Union Pacific east thereof.

THE DENVER & RIO GRANDE RAIL ROAD

CURRENT TIME TABLE

In Effect Dec. 20th, 1905.

LEAVE SALT LAKE CITY:

No. 10—For Heber, Provo and Marysville..... 8:00 a.m.
No. 10—For Park City..... 8:30 a.m.
No. 4—For Ogden and East..... 8:50 a.m.
No. 11—For Denver and Local..... 10:25 a.m.
No. 5—For Ogden and West..... 10:35 a.m.
No. 1—For Ogden and West..... 1:45 p.m.
No. 3—For Denver and East..... 3:50 p.m.
No. 8—For Provo and Eureka..... 5:00 p.m.
No. 112—For Bingham..... 1:10 a.m.
No. 112—For Bingham..... 3:00 p.m.

ARRIVE SALT LAKE CITY:

No. 6—From Ogden and the West..... 2:40 a.m.
No. 12—From Ogden and Local Points..... 9:50 a.m.
No. 7—From Eureka and Provo..... 10:00 a.m.
No. 5—From Denver and East..... 10:25 a.m.
No. 14—From Ogden..... 2:25 p.m.
No. 2—From Ogden and the West..... 3:40 p.m.
No. 101—From Park City..... 5:15 p.m.
No. 6—From Heber, Provo and Marysville..... 6:00 p.m.
No. 112—From Bingham..... 10:50 a.m.
No. 112—From Bingham..... 6:40 p.m.

All trains except Nos. 1 to 6 inclusive stop at intermediate points. Ticket Office, Dooly Block, *Phone 206. L. A. BENTON, Gen. Agt. Pass. Dept.

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