

shattered by this decision, which was "Now, why didn't Sheets arrest Bell? Regard the three men in the station as strangers. Bell asked McWhirter if he made on the opening of court this af-The decision overruled a motion of the defense to dismiss on the showing made by the prosecution, and is a decided step forward in the long march of the case towards its ultim-

WANTED BY POLICE.

ing in Ogden, is Missing.

(Special to the "News.")

bank, and this he drew out late Satur-

election is in progress today to

lege, while people who pay only a small personal property tax have the franchise in this instance. The out-side people are complaining much at

PLAYED "DOMINO WHIST."

So Say Men Arrested in Raid on

Kenyon "Club" Room.

The men arrested in the Kenyon hatel

the state of affairs.

own handwriting and on printed slips.

furnaces, but that prior to an invention inally worked out at the smeller the bag house was a failure for the reason that the sulphur gas in the smoke de-stroyed the bags. To remedy this con-dition it is explained that zine oxide was finally introduced into the smoke, and that this oxide formed a zine sul-phate with the sulphur gas, in which form the gas could be collected in the bags as a solid, and thus presented from escaping into the air and doing damage in combination with the wa-ter of the atmosphere as sulphurous acid.

county check David Matchson of Weber may run for state treasurer on the Republican ticket, contesting the posi-tion with Mayor Anderson of Manti, who has already announced himself as the leader of the southern delegation. George Halvorsen of Weber wishes the nomination for attorney-general to proceed Major Breaden he also hardes succeed Major Breeden, he also having come from Ogden, E. W. Robinson, for-

tion of the copyright law. This decision affects every phonograph, graphophone, music box and mechanical plano manufacturer in the country. Senator Smoot

ntroduced a bill early in t

nake the manufacturer of such repro-

ducing devices lawful by direct legisla-tion. No action has been taken on the

bill pending the rendition of an opinion of the court. The decision today will

SMOOT OFFERS AMENDMENTS

TO ALDRICH CURRENCY BILL

be need either in takin holey of in bonds such as are authorized by the bill. The proposition is designated to keep the funds of the smaller banks in home cities and towns instead of hold-ing out inducements to carry large re-

New York, Feb. 24.—Dominicio Cella, brother of Girolamo Cella, the wealthy importer who was found lying in his office in west Broadway early yester-day, and Girolamo Stephenson and

PLAYED PART IN MURDER

POLICE SUSPECT BROTHER

serves in bigger cities.

ald the passage of the Smoot bill,

ssion to

today will

El Paso, Tex., Feb. 24.—Three chil-dren of Mr. and Mrs. W. A. Davis, the eldest three and a half years old, were burned to death yesterday af-ternoon, in a fire which destroyed their home in Santa Rosa, N. M. It is supposed the fire was started by ex-plosion of a gasoline stove while Mrs.

Brown.

ate submission to a jury. Judge Thurman of counsel for sheets took the presentation of his defense in hand, when the jury had been brought into the room following the decision requiring that the defense be put on.

In outlining his case he said that the witnesses he proposed to call were Police Serg. Hempel, former Chief Sheets, ex-Detective Raleigh. Capt. Burbidge, two policemen, Oflicer Burt, two second-hand men, Mr. Philipps, a reporter, and several others "who would contradict all evidence directly connected with the giving of a bribe. Serg. Hempel was the first called.

Arguments by Judge S. R. Thurman upon the motion for a dismissal in the Sheets bribery trial on the ground that evidence bearing upon the crime ' has not been corroborated and by Dist. Atty. Fred. Loofbourow and County Atty. Hanson against such a decision were heard by Judge Morse this morning. The speeches consumed the entire forenoon, the jury first being dismissed until 2 o'clock this afternoon, when Judge Morse said he would return his verdict. All addresses were able efforts and earnest. The state's two lawyers spoke very briefly but piled up good points, strong points against the granting of a dismissal while Judge Thurman made a clever appeal for that stop. When both sides had finished the auditors were left "up in the air" and few men who have been listening to the trial throughout would Vesture an opinion as to what the ccuri's decision would be,

#### POINT OF LAW.

The arguments hinged upon the stat. ule of Utah given at the head of this article and the rulings made upon it also given. The defense argued upo the statute from an absolute interpretation of course while the prosecutio Quoted the cases named in which broad er mouning is given the statute itsel When court convened Judge Thur man announced the defense had question of law to discuss to which th jury would not care to listen. The jur the floor again and offered the motio dismissat.

#### NO CORROBORATION:

The state having rested the case, begin, "we ask for a dismissal; fo discharge of the defendant as ip not been connected with the defarged. The accomplices, who information says paid the mone-tot be considered unless other evi-e was introduced to corroborate was not done. We have no conten then that tame offense was not com-natured  $\mu$  the Antier roominghouse; i is not for as to say what, but we as

(Bell) had taken his money and Mc-Whitter said no. There was no cause for the chief to arrest anyone but he did ask "shall I arrest this man?" and McWhiter responded in the negative, saying he wanted his money. There was before the defendant the indica-tion a crime had been committed, but there was also before the defendant in

city are on the lookout for one Herthere was also before the defendant in body, the principal victim of the game or the robbery or whatever refusing to give his assent to arrest of Bell. Put yourself in the defendant's frame of mind as he was then; there was noth-ing against Bell. McWhirter said Bell took none of his money and had none of it. bert Bean, who is wanted on several charges of obtaining money under false pretenses. The man is a cigarmaker, and was employed in a local factory. He had some money in the Ogden State

of it "True, McWhirter said he was one of the gang, but he didn't want him arrested.

#### PASSES CONVERSATION.

"Some conversation followed and Bell "Some conversation followed and Bell made a proposition to get some of the money back. This was agreeable to the victim. If there are any material points in the evidence on this they do not occur to me now. The next point is when William comes in, with Alex-ander, Raleigh, Hempel, the chief and others in the room. The latter two are in the office door and William hears them whispering about the robbery. Sheets asked Hempel, testified William, if anyone knew about it and was told someone had telephoned that the boys had gone out to New England addi-tion. The significance meant to be in

The significance meant to this, I suppose, is that the chief had information of the affair. But so far there was nothing raised to show that the defendant was going to get a money from any of the principals. any

"AS IT WAS THEN."

"It was sought to show, I presume, that the defendant did not do all possible in a case which afterwards developed to be so serious. We must eliminate this seriousness and regard the affair as it was laid before the de-fendant that day. Why, Alexander McWhirter himself, believed the chief was doing all in his power until out-siders filed his mind with new ideas. siders filled his mind with new ideas.

ECHO ANSWERS "WHICH!"

"Going back to the station, when Sheets permitted Bell to go out and get some of the money back, was it an evidence of bribery or did it justify McWhirter in his belief that Sheets was doing all in his power to help

"Is there anything criminal in the act that Sheets refused to give to a eporter information of the crime? Do on the charge of running a gambling house and gambling, were on trial this morning before Judge Dichl. The case was icers rush to newspapers when they bear of a crime, with the perpetrator it large? McWhirter said the chief dd them to say nothing or it would o hard with him, but didn't be add to the same breath that the chief exlained his success in capturing the liminals depended on slience!

#### SNEERS AT BRIBERY.

USED UP AN HOUR.

Judge Thurman rounded out this point and then sat down. He started

(Continued on page two.)

morning before Judge Dient. The case was taken up at 9 o'clock and went over un-til this afternoon, following the city call, for argument. The accused are mamed in the complaint as Pat Lynch, Pat Hog-au, E. S. Goock and S. Munroe. They were arrested at the Kenyon on the night of Feb, I7, by Officer Convers who testi-fied that the men were playing poker for money. He described the gune and declared that he saw as much as \$5 on the table. SNEERS AT BRIBERY. "The only scintilla of evidence was lell's statement that he paid the money in a second-hand store. Bell said he aw an old man in the store but the tate didn't dare put the old man on the stand to corroborate that state-men! Why? If the old man would have said he saw the defendant and fell in his store it would have been some corroboration, but no, the state fid not call upon the store man, and for good reason." (At a previous hear-ng, Goalen, the old man, testified he tover saw Sheets in his store.) USED UP AN HOUR table. The defendants were placed on the stand and each swore that the game play-ed was domino whist and that the game was not for money. At the conclusion of the testimony the matter was con-tinued until late this afternoon for argu-ment.

near.

## DE SAUTELLE ARRAIGNED. C. E. Do Sautelle, the employment

tew minutes. ried. Thomas Lawrence, Erness Thomas Lawrence, Erness Ita, Otto Larson, John Deter, Nobert Smythe and Fred Rob-Nobert Smythe and Fred Rob-Man the arms av all agent who was arrested on the charge of obtaining \$75 on fulse pretenses, was arraigned before Justice of the Peace Dana T. Smith this morning and enter-ed a plen of not suffly. The case was set for hearing Wednesday morning at its colorised 16 o'clock.

acid. The promise is made in concluding that on account of this bag house the smoke of the smelter will no longer do any material damage to the crops, trees, cr other vegetation of the plain-tiffs or any of them, or to their health or the health of their families. The smelter is represented by Attor-neys Andrew Howat and W. H. Dick-son. Herbert Bean, Accused of Check Kit-Ogden, Feb. 24 .- The police of this

DECREE IN SMOKE CASE Judge Marshall in the United States Judge Marshall in the United States court filed a decree this noon in the smelter smoke case of S. M. Whit-more and Ralph Jenkins vs. the U. S. Smelting company and the Bingham Copper & Gold Mining, in favor of the plaintiffs, the decree being the same as in the Godfrey smoke case against the four smelters, and which has been pub-lehed in full in the panets. lished in full in the papers.

ROBBED AN INDIAN.

#### Noble Redman Frisked for \$100 by Two Negro Women.

bank, and this he drew out late Satur-day afternoon. He then began the drawing of checks in varying amounts, believed to be in the aggregate sev-eral hundred dollars. These he readi-ly cashed and pocketed the coin. Bean's operations did not end there. His own mother had about \$60 in the bank, from her hard earnings as a seamstress. This sum he in some manner secured, and then going to his mother and putting up a hard luck story he obtained from her about eve-cy cent she had in the house. He soon afetrwards disappeared and since that time his whereabouts is unknown to Ogden people. Descriptions of Bean An Indian, who says his name is Indian to Ogden people. Descriptions of Bean have been sent broadcast, and photo-John, complained to the police last night that he had been robbed on Commercia graphs will be mailed to cities far and alley by two negro women. The redskin could not make the police understand just how he was robbed, but this morn-ing he showed up at police headquarters An election is in progress today to determine whether or not a high school building shall be erected, at a cost of \$90,000. But little interest is being taken at the polls, the total vote at 1:30 being as follows: First ward, 59: Second ward, 62: Third ward, 50: Fourth ward, 97: Fifth ward, 65. At this rate not more than 1,000 votes will be cast during the day. None but taxpayers are permitted to gain with another Indian, one who could again with another indian, one who could talk some English. He explained that the two negro women accosted him on Commercial alley and while one threw her arms around his neck the other ro-lieved him of \$10. Two women were ar-rested hast night but John failed to idn-tify them and they were released. None but taxpayers are permitted to vote. Persons living outside the city, but owning thousands of dollars' worth of property inside, are denied the privi-

ONE FIREMAN KILLED

SIX OTHERS INJURED

\$250,000.

with fire in the slx-story block

of the Davls-Smith Furniture

company, at Nineteenth street

and Pacific avenue, opposite the

Northern Pacific depot, about 8

George Hill, of Engine com-

pany No. 4, slipped from a lad-

der and fell from the third

story to the pavement. He was

carried to the railroad depot

face. Lawrence lost all his hale. The losses are roughly a

relock this morning.

EXPLOSION OF OIL LAMP

Pittsburg, Feb. 24 .- Three person

#### RAID COCKING MAIN.

New York, Feb. 24-Six men and more than 100 game cocks were cap-tured at an early hour yesterday morn-ing in the basement of a saloon on Long Island. The raid was made by the police and agents of the Society for the Prevention of Cruelty to Ani-mals. A big cocking main was in progress when the officers swooped down upon the place and only one man upon the place and only one man

# ROMAN SERENITY TOTTERS.

Popular , Feeling Runs So Righ at Capital Unusual Measures Taken.

Rome, Feb. 24.—Over 100 senators, composing the high court which is jadging the case of Nunzio Nasi, the former minister of public instruction, who is charged with embezzlement from the state treasury, have been locked up since this morning in the Palazzo Madams, the meeting place of the senate. The Palazzo has been clear-ed of fall clerks and servants excrossed electric wires are the state treasury, have been locked up since this morning in the palazzo Madams, the meeting place of the score of the senate. The Palazzo Madams and servants ex-

Davis was calling upon a sick neigh bor.

#### REWARD MAN CAPTURED.

Amarello, Tex., Feb. 24.—The Paris, Texas, express agent today identified a man arrested by Sheriff Hughes at Shanrock, Texas, 80 mlles east of this city, as A. E. Richmond, the missing express driver, who is charged with having stolen \$5,000 in transit at Paris last July and for whose capture a reward of \$500 has been offered. The man, who was found living on s ranch near the Texas-Oklahoma line, was known at Shamrock as W. H. (Special to the "News.") Washington, D. C., Feb. 24.—Senator Smoot today offered an amendment to the Aldrich currency bill providing that national banks in non-reserve cities must hold 20 per cent of their deposits in reserve instead of 15 per cent as the law requires, but additional 5 per cent of the reserve requirement may be held either in lawful money or in bonds such as are authorized by the

NELSON IN WASHINGTON.

er to get in working majorities this fall than has been the recent record, dur-ing the time of Republican walk-overs. What possibilities has the "American" party to carry the county of Salt Lake this fall, is one question Republican politicians are weighing with care. (Special to the "News.") Washington, D. C., Feb. 24.--A. F. Nelson, superintendent of public in struction of Utah, is here to atten-the sessions of the National Educa-tional association, which convene here the wask here this week.

#### EDUCATORS IN CONFERENCE.

Washington, Feb. 24.—A conference of the chief school officers of the states and territories with the United States bureau of education, was held here to-day. Roland P. Falkner, of the Na-tional Civic federation, Alexander Sum-mers, statistician United States bureau importer who was found lying in his office in wast Broadway early yester-day, and Girolamo Stephenson and Caesar Blanchi today were held with-out hall, to await an investigation in-to the cause of the old man's death. Cella was found unconscious and near death, by a poleeman who had been called by Dominicio. His skull had been fractured by several blows from a hammer, and there were stains from acid on his lips. In the office the police found a letter signed by Cella, which still it was impossible for him to live ionger "the life I lead in my home." Dominicio seid he was passing the office early yesterday when he noticed that the padlock which usually se-oured the door was not in its place. He entered and found his brother's body and at once notified the police-man. Cella lived only a few minutes after the policeman arrived. At first it was belaved that he committed suicide, but the coroner decided that the wounds could not be self-inflicated and ordered an investi-sation. Shority afterwards he direct-ed that Dominicio Cella and Blanchi be distained. Girolamo Cella is said to have had a fortune of half a mil-lion dollars. education, and others, addressed the conference.

#### CANNED FRUIT RESPONSIBLE.

Salina, Kas., Feb. 24.—Fifty persons at Solomon, near here, were made ill Saturday night by eating canned fruit at a dinner given at the Monte-suma hotel by a local elevator com-pany. Mrs. W. L. Olson, George Ste-phens, Mrs. Schuyler Gould and Mrs. Dan. Carlin are in a dangerous condi-tion. The others are recovering The others are recovering.

#### OLD RIVERMAN DIES.

East Liverpool, Ohio, Feb. 24.—Capt. Allison Martin, 72 years old, well known to Ohio and Mississippi river men, died today at his home near Ches. ter, W. Va. Capt. Martin rendered valuable service during the Civil war, piloting vessels in the transportation of Union troops on the Ohio and Mis-souri rivers. ouri rivers.

#### RAILROAD LOSES APPEAL.

Washington; Feb. 24.—The question whether the rate law, known as the Hepburn act, repeals section one of the Elkins' act prohibiting rebates by railroads, was involved in the case of the Great Northern company vs the United States, which was desided to day by the supreme court of the United States against the railroad company and against the contention of such reand aginst the contention of such re-

Jacksonville, III., Feb. 24.—A criminal charge will be brought against three attendants employed at the Illinois hos-pital for the insane in this city, who are alleged to have bruially benten William Manczes, a patient 54 years old, who is thought to be dying as the re-sult of outrageous treatment at the asylum. Whether the charge shall b-one of marder or assault depends the outcome of Menczes' injuries. M-bers of the executive asylum comp The case was instituted in the United States district court from the du of Minnesota, which court fined railroad \$1,000 each for 15 viola violations

### ASSASSIN IDENTIFIED.

of the first section of the Eikins law.

Letters Convince Police Murderer I Angelo Gabriele, an Anarchist.

bers of the executive asylum con-tee who are making a preliminary vestigation plan drastic action. A result of his injuries, Menezes, who at the institution only two days, paralyzed and has lost the faculty of speach.

n dollars

ATTENDANTS NEARLY KILL

INMATE OF INSANE ASYLUM

Jacksonville, 1il., Feb. 24.-A criminal

# merly mayor of Logan, is mentioned as

# a candidate for secretary of state, and for this position, which has a record of not going to any one county partic-ularly in the past, J. U. Eldredge, Jr., Salt Lake county's clerk, is also mentioned.

#### EARLY CAMPAIGN. The recently announced movement in

the Republican party for a council preceding the usual fall convention, and an opening of the campaign in the spring, instead of in the fall, has an

Interesting explanation, and it is in the fact that legislative votes will be hard-



# CAUSES FIRE AND PANIC

Pittsburg, Feb. 24.—Three persons were seriously burned and 20 others field to the street in their night clothes early today when an oll lamp in the home of John Gishick exploded, setting fire to the house. The lamp fell from its fastenings on the wall, showering Mrs. Gishick with burning oil. She was retaily burned while her husband and fatally burned while her husband and a boarder were severely injured. Twen-ty bearders fied panic-stricken from the upper stories and a number were slightly injured in the mixup.

# this fall, is one question Republican politicians are weighing with care. Another is: What effect will the hard times have in sending a larger number of Democrats back to the legislature than came last year? And still another deals with the probable increase of the Socialist vote through agitation in the labor world, coupled with adverse fi-nancial conditions. These questions have vital relation-

were eight Democrats last year, and this was when Republican policies most completely swept the country. These with 13 new Salt Lake county votes in the house and the senate, and the pres nake the situation which is driving for ward the early spring activity.



Tacoma Fire Scene of Stubborn Fight With Flames-Loss Tacoma, Wash., Feb. 24 .-One fireman killed and six injured is the record of a fight