

## AL MILLER CASE CONCLUDES TODAY

Matter Will Likely Go to the Jury Late This Afternoon.

### GIRL BROUGHT INTO COURT.

She Escaped From State Industrial School But Was Recaptured While Enroute to Butte.

The testimony in the case of the State of Utah against Al Miller, charged with criminal conduct with Irene Wray, a girl 15 years of age, was concluded in Judge Armstrong's court this morning and the arguments of the attorneys was commenced. The case will be submitted to the jury this afternoon. Dist. Atty. Loeftbour gave Atty. Newton for the defense a very disagreeable surprise yesterday afternoon when he had the girl in the case brought into court and placed on the witness stand to testify against the man whom it is claimed ruined her.

The girl in company with two others escaped from the state industrial school early last Saturday morning and was captured at Pocatello while endeavoring to beat her way to Butte. The attorney for the defendant knew that she had escaped and did not think that she could be captured and returned in time for the trial, but in this he was mistaken and was therefore much surprised when the girl was brought into the court room yesterday afternoon by a deputy sheriff.

### GIRL ON THE STAND.

She was the first witness called for the state and told of the relations with Miller from the time she first met him in July up to March 3, when she was committed to the industrial school by the juvenile court. At times she became very angry and at others she told her story in a calm and collected manner. On one occasion she declared in an angry tone that she had suffered and she was going to see that Miller suffered also and was sent to prison. She emphasized her statement by striking her fist forcibly upon the arm of the witness stand.

Her story was not shaken in the least by the rigid cross-examination of Atty. Newton. A number of objections were made by the latter to questions asked the witness on direct examination and the same were overruled by the court. The attorney excepted to the rulings of the court in rather a gruff manner and he was instructed by Judge Brown and Atty. Newton to be more respectful in his conduct in a more respectful manner, after which he changed his demeanor.

At the conclusion of her examination her mother was called as a witness and testified of the girl's age and conduct up to the time she met Miller. She was followed by Judge Brown and Atty. Newton. Atty. Newton thereupon requested that the district attorney be compelled to call the other two witnesses whose names were in the information. The court refused to grant the request.

### INNING FOR DEFENSE.

The witnesses in question were Emma Sahberg and Charles Baughman, who were in the room with the defendant and the Wray girl on the night in question. They were called to the stand this morning by the attorney for the defense. Miss Sahberg refused to answer a number of questions on cross-examination on the ground that they would incriminate her.

### NEW TRIAL GRANTED.

Supreme Court Reverses Judgment of the District Court.

An opinion has been handed down by the supreme court reversing the judgment of the lower court in the case of Benjamin Sanford, appellant, against Mark Kunkel et al, respondents, and remanding the case to the lower court for a new trial. The action was originally brought in this county to foreclose several mechanics' liens for services rendered in the construction of a house for Kunkel.

The Utah Lumber company also had a claim against the house for lumber and material furnished, and one night its agents went to Kunkel's property and moved the house to its new location, and placed it upon land belonging to the company. It was contended by some of the lien holders that the house was moved for their claim, just as well as the land upon which it was situated, and the lower court so held. Justice Straup in rendering the opinion of the supreme court holds that the land is liable first, and if the proceeds from its sale are not sufficient to pay the claims, then the house may be sold, no matter whose land it is on. The decision of the lower court is therefore reversed.

### DR. STEWART WON.

Wm. E. Taylor Lost His Suit Against Local Physician.

The jury in the case of William E. Taylor against Dr. Charles W. Stewart, which has been on trial in Judge Ritchie's court, returned a verdict in favor of defendant. Taylor sued to recover damages in the sum of \$5,250 for alleged malpractice, but after the evidence was all in it took the jury about 15 minutes to determine that the doctor was not guilty of mal-



### STATE STUDENTS' BIG U ON THE MOUNTAIN SIDE.

It Will be Reconstructed Tomorrow, the Faculty Having Granted a Half Holiday for that Purpose.

Tomorrow will be observed as a half holiday by the students of the University of Utah, and they will repair in a body to where the mammoth "U" adorns the hillside, for the purpose of reconstructing the same. The letter is made of lime, which last year was carried from an adjoining kiln. The elements have effaced part of the material and the remainder has become so blackened as to be very much obscured. New lime will be brought and laid upon the letter tomorrow, and plank will be laid in such a manner that rain will not damage the work done, as heretofore has been the case.

The "U" is 55 feet wide by 115 in length, and can be plainly seen from nearly every part of Salt Lake county. During the year of its existence, it has proved to be one of the best advertisements that the University has had. The first forming of the letter was brought about in a spirit of rivalry. One body of students placed the figure representing the class year upon the hillside. This was defaced by another group of "varsity boys," who arranged a figure of their own near by. At first a degree of ill feeling existed between the two classes, but at length peace prevailed and the students united in forming the great letter as it stands today. Hereafter the cleaning up and repairing of the "U" will be observed annually by the student body, and will doubtless be an occasion of much enthusiasm.

A number of candidates for places on the baseball and track teams have been turned down by a committee appointed by the faculty of the University of Utah. Various reasons are assigned for the action, the principal ones being deficiency in class work and absence without permission or excuse. The rules adopted by the authorities will be rigidly enforced, notwithstanding the fact that some of the most promising members will be lost to the University teams.

The list of those who have been urged to bring themselves up to the standard of work exacted, or be prohibited from participation in the inter-state meets, is as follows:

Milton Anderson, Nathan Smith, Ray Moore, Wilford Riser, Ray Pixton, Arthur Taylor, Alfred Kanole, Roger Jessup, Leonard Breeden, William Everett, Henry Cook, L. Smith, William Hunt, Charles Woolf, "Tub" Hennessy, Don Ray, Paul Boise, George Thompson, Jack Hume, Milton Liebman.

practise, hence a verdict was returned in his favor.

### SUIT FOR FORECLOSURE.

Filed by E. G. Winner to Recover Money Alleged to be Due.

E. G. Winner has filed suit in the district court against Annie A. Spring-fellow and four other defendants to foreclose a lien upon part of lot 25 and all of lot 26, block 1, Park Boulevard addition. The lien was filed against the property to secure the payment of a balance of \$40.25 alleged to be due for services rendered and material furnished for boring a well on the above property. In addition to the amount named judgment is also asked for \$6.60, the cost of perfecting the lien, and for \$25 as attorney's fees.

### SUIT FOR \$30,000.

Filed Against the San Pedro by Henry A. O'Donnell.

An action has been filed in the district court by Henry A. O'Donnell against the San Pedro, Los Angeles & Salt Lake Railroad company to recover damages in the sum of \$30,000 for injuries received by plaintiff while in the employ of defendant company on July 14, 1905. It is alleged that plaintiff was an engineer and while his engine was crossing a bridge near Crystal, Nev., he became alarmed at the manner in which it was rocking, which was due to the bad condition of the bridge. It is claimed, and jumped from the engine and received serious injuries.

### TO SET ASIDE JUDGMENT.

S. J. Fell has filed suit in the district court against the American Mercantile & Reporting Agency to set aside a judgment of \$499 rendered in the city court in favor of the agency and against the plaintiff in this action. It is alleged that at the time the judgment was rendered the complaint in the action had not been filed in the court and that it had been filed later and the filing mark changed to the proper date. The plaintiff alleges that he called at the clerk's office for a copy of the complaint so as to put in a defense, but was informed that no complaint had been filed against him. He was out of the state for several months thereafter, and upon his return was informed that a default judgment had been entered against him in the case upon the date he called for a copy of the complaint and could not get it. He asks therefore that the defendant be restrained from attempting to collect the judgment and that the same be set aside.

### SUIT FOR \$1,227.70.

The Bingham Coal & Lumber company filed suit in the district court today against George Russell and Louis A. Marks to recover the sum of \$1,227.70, alleged to be due for lumber and material furnished Russell for the construction of a building at Bingham for the Wagner Brewing company. Marks was on Russell's bond for the faithful performance of the contract, and hence is made a party defendant in the action.

### COURT NOTES.

Suit has been filed in the district court by E. S. Snellgrove against E. G. Frost et al, to recover \$2,457.15 alleged to be due for a judgment rendered in favor of plaintiff against the defendants.

### FUNERAL SERVICES.

Thompson—The funeral services over the remains of the late Mary C. Thompson, wife of Anthony S. Thompson, aged 47 years, will be held Thursday at 10 a. m. from the residence of William Burbridge, 155 West Second North street. Friends are invited to attend. Interment in City cemetery.

### THE MINIATURE BOOK.

"THE ROAD TO WELLVILLE"

Most powerful energizing book of the century. Found in pkgs. of GRAPE-NUTS and POSTUM.

## PROF. MCLELLAN RETURNED TODAY

Will Take Part in the Big Tabernacle Concert Tonight.

### EXPERIENCES ON THE COAST.

Prediction That a Tidal Wave Was Due At Certain Hour Caused a Great Deal of Excitement.

Prof. J. J. McClellan returned this afternoon, in time to take part in tonight's Tabernacle concert. He says that his trip to the Pacific coast was one of the most pleasant experiences of his life, and he succeeded in securing what he went there for, viz., a complete rest. He enjoyed an evening in attendance on grand opera by the Concord company, which was completely burned out in the five following the earthquake. Prof. McClellan met the noted eastern pianist, Klose, who is leaving the west for his health, and enjoyed meeting a number of old and new friends.

### EXPECTED TIDAL WAVE.

The Salt Lake then went to Victoria, B. C., via steamer, in company with Klose, instead of going to Los Angeles, as at first planned. They reached Cape Plattery, the day following, where news of the terrible disaster at San Francisco reached them, with the additional intelligence that "at 6 o'clock tonight a tidal wave is due here! It is coming up the coast!" It was then 4:30 p. m. Prof. McClellan said "I can never tell you how terribly excited we all were—I really was never in such a situation. The officers of the boat seemed to be also badly frightened, and there was a terror on all sides. For we well knew that if a tidal wave ever struck us at the rate of 60 miles an hour, where the water was 300 feet deep, we would not last any longer than would a match box in a furnace. Six o'clock came—the sky had been black all day, but it was growing more lark every moment, and a high wind was making the boat fairly jump. But, there was no tidal wave. At 7 o'clock it was blowing a gale, and my heart was in my mouth. I never expected to be in Zien again. But, the tidal wave failed to come, for we were landed safely at Victoria.

### AN IMPROMPTU RECITAL.

"I enjoyed meeting several artists in the quaint Canadian city, and we gave an impromptu recital in St. John's church, which was attended by the mayor and a number of local musicians whom Mr. Kent, a merchant and amateur singer, had gathered together. Mr. Klose and I went from there to Seattle where we had a most enjoyable time, and I played on several of the best organs. I was treated with rare courtesy. I heard the great artist Jean Gerardy, king of the cello, and he paid for the entire trip. Kubelik was the lion of the hour, as he had charmed hundreds the night before our arrival there.

### ALL THE WORLD AKIN.

"Early Sunday morning I bade adieu to my companion, Mr. Klose, and visited in Tacoma, Green Lake, Portland and the Dalles, enjoying the Columbia river scenery to the utmost. The interest of all classes of people is centered upon the sufferers at San Francisco. It showed me that after all the world is akin—closely so. I am thankful that good fortune took me away from San Francisco just when it did. "One of the most appreciated days of the entire trip was spent at the U. S. government docks at Bremerton, Wash., where the grand old Oregon and the cruiser Albany were lying. The visit to the Oregon was considered by Mr. Klose and myself a great treat, and a privilege. It was beautiful to see the devotion her officers and men paid the noted old battleship. Los Angeles was the objective point of my trip, after I had done San Francisco, and probably Pacific Grove, and it is my good fortune to have met Mr. Klose, to whom I am indebted for missing the most horrible of disasters. I am truly grateful to God for His mercy to me."

### TOTAL FUNDS RAISED.

School Officials and Pupils Contribute \$1,735.86.

The total funds raised by the school officials, supervisors, teachers and pupils of the city schools for the relief of the San Francisco sufferers amount to \$1,735.86 and several schools have not yet reported. L. F. Judd, the treasurer of the school relief committee, it is expected that the amount will be more than \$1,500 when the full reports are all in. Of the total amount already received, the sum of \$875 was donated by the school children and \$860.70 by the officers, supervisors, principals and teachers.

### MORE REFUGEES ARRIVE.

About Eight Hundred Reached Ogden This Morning.

(Special to the "News.") Ogden, April 25.—A train from the west brought into Ogden this morning between 700 and 800 refugees. Most of the arrivals today were people who were better clad than those who have been coming for the last few days. Comparatively few of them had to be looked after by the local relief committee, but all needing assistance were promptly supplied. Another train is expected this afternoon, on which will be about 1,000 refugees. It will probably be the busiest day for the committee of any to date.

Judge Murphy this morning rendered a decision in the case against J. W. Fair, charged with running a gambling house. The defendant was found guilty, and the court inflicted a fine of the paltry sum of \$5. People are astonished at this action, and wonder why Judge Murphy imposes such penalties, when the law against gambling is supposed to be strictly enforced.

Mrs. H. L. Griffin, wife of the well-known wholesale produce merchant, died at the family residence, 2561 Adams avenue, at 4:30 this morning, of diabetes. The deceased was highly respected, and leaves a husband and five children to mourn her demise.

### A HORRIBLE SIGHT.

Denver Man Saw Mother and Baby Fall to Death.

R. D. Gammon of Denver, who is now at the Kenyon, had certainly a thrilling experience as any traveler in the San Francisco disaster; as on being thrown out of bed by the earthquake in the Netherlands hotel he saw the ceiling over his room opened, and a woman with a baby in her arms drop down into his chamber from the room above.

Mr. Gammon shortly recovered his senses and hastened to the woman's assistance, when to his horror he found both mother and babe were dead. The two had evidently died from shock and fright. In the excitement and confusion, Mr. Gammon could do no more than give notification to the authorities of the nature of his find, as immediate steps to care for himself were necessary. He escaped from the hotel clad only in his night shirt, one slipper and a rain coat; and he says there must have been 200 people killed in the hotel.

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All Ladies' Tailored Suits that sold regularly at \$17.50, reduced to **12.45**

All Ladies' Tailored Suits that sold regularly at \$21.00 reduced to **15.95**

All Ladies' Tailored Suits that sold regularly at \$25.00 reduced to **18.75**

All Ladies' Tailored Suits that sold regularly at \$30.00, reduced to **22.00**

All Ladies' Tailored Suits that sold regularly at \$42.50, reduced to **30.00**

All Ladies' Tailored Suits that sold regularly at \$47.50 reduced to **35.00**

All Ladies' Tailored Suits that sold regularly at \$55.00 reduced to **42.50**

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