

## COURT DENIES WRIT OF MANDATE

"The Mileage Case" of Justin R. Davis Decided by Supreme Court.

### ADVERSE TO STENOGRAPHER.

Decision is One Watched by Court Reporters Throughout the State With Great Interest.

"The mileage case" of Justin R. Davis, court stenographer to Judge Chas. W. Morse has been decided adverse to Davis by the supreme court. In an opinion handed down today the court denies the writ of mandate asked for in the petition and dismisses Davis' petition.

Davis filed a petition in the Third district court asking that a writ of mandate issue directed to State Auditor J. A. Edwards requiring him to show cause why a peremptory order should not issue requiring him to draw a warrant in Davis' favor upon the state treasurer in payment of a claim for \$33.60 which had been denied by the auditor. Davis set out that he had entered a contract with Judge Charles W. Morse as provided by law to act as court reporter. He cited that the statutory provision relating to such contract might authorize the payment of 10 cents per mile to court reporters for distance actually covered by them in the discharge of their duties and that he had obtained from Judge Morse a certificate to the effect that he had actually traveled 336 miles in performing his duties. The petitioner thereupon presented his claim to the state auditor, requesting that it be paid. Edwards refused to make settlement. The petitioner relied upon the statute fixing the salary of court reporters not to exceed \$8 for each sitting of court and upon the further provision that the contracts may provide for the payment of 10 cents per mile for mileage actually covered in the discharge of official duties.

### WHAT OPINION SAYS.

The opinion of the supreme court, written by Justice Frick, is that "at first blush we were inclined to agree with the petitioner, and if it were not for a constitutional provision, which we think stands in the way, we would be inclined to hold that the petitioner should prevail in this proceeding." The opinion relates that the section of the constitution which provides that no board of examiners impose upon it a duty of examining all claims against the state except those of salaries or compensations of officers fixed by law. In regard to the section of the constitution, the opinion states the provisions of the constitution making it his duty to draw his warrant for such claims approved by the board and for salaries or compensations of officers fixed by law or for moneys expressly appropriated by law. The claim for mileage would have to be passed by the examiners before it could be paid and the petitioner does not state in his petition that this is the fact, the opinion holding that the claim is not an official salary nor for official compensation approved by law. The general demurrer interposed by the auditor is said by the opinion to have been well taken and is sustained. The opinion infers that the question before the court brings out others, which, however, it would not be prudent at this time to rule upon. The decision is one that has been watched by court reporters throughout the state with interest, as it affects their mileage payment and, in a general way, indicates what method must be taken to secure advantage of the mileage clause of their contracts.

### BEFORE JUDGE RITCHIE.

Verdict for \$368.52 Against Railroad—Utah Light & Ry. Co. Wins Case.

John Daniels was awarded a verdict for \$368.52 by a jury in Judge Ritchie's court. The judgment is against the O. S. L. railroad and is for wages on overtime.

The second trial of the suit of David E. Evans against the Utah Light & Railway company resulted in a verdict for the defendant. The suit came to an end yesterday in Judge Ritchie's court. Evans was suing for \$25,000 damages for personal injuries.

As the first definite step toward forcing their position, the board of regents of the University of Utah has commenced an action in the district court in which an injunction directed to the Telluride Realty company is sought, preventing it from carrying out its intention with regard to backing its lots in the direction of the University campus. The trial of the action, it is believed, will present an intricate tangle for adjudication.

Walter Simms must stay in jail for a longer time. The application for a writ of habeas corpus presented by Atty. Newton, in Simms' behalf, was thrown out of court when the county attorney filed a complaint charging Simms with being a vagrant. The court, it being clearly shown that Simms was not being detained without legal authority.

William Fisher has been found guilty of burglary in the second degree by a jury in Judge Armstrong's court. The trial of Fisher required two days' time, and the jury deliberated only 20 minutes.

**It will be a good Saturday's job for you to come in and buy one of these \$6.50 suits.**

They're real clothing bargains

Richardson & Adams

472 MAIN STREET.

## "A Good Name at Home"

"In a tower of strength abroad"—and the excellent reputation of C. I. Hood Co. and their remedies in the city of Lowell, where they are best known, inspires confidence in the world over, not only in the medicines but in anything their proprietors say about them. "If Made by Hood It's Good."

"I believe Hood's Sarsaparilla the best all-round family medicine known today." Mrs. G. D. Farley, 632 Wilder St., Lowell, Mass.

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Hood's Sarsaparilla is sold everywhere. In the usual liquid, or in tablet form called Sarsatabs. 100 Doses One Dollar. Prepared only by C. I. Hood Co., Lowell, Mass.

utes. He will be sentenced Monday with H. Spitznagle.

The new trial granted Arthur Brown, accused of forgery, had once found guilty by a jury in Judge Armstrong's court, has been continued for the term. The case was set for Jan. 29.

### ASKS VACATION OF DECREE.

Heber J. Grant Claims Illegality of Service of Summons.

Heber J. Grant has filed suit in the Third district court against Franklin Lawrence, asking that a decree quieting title in him to certain real estate in which Mr. Grant had claimed an interest, be set aside and vacated. It is alleged in the complaint that the sheriff's return on the summons alleged to have been served upon Mr. Grant at the time the sheriff's deputy who served the paper certified that the summons had been left with Mrs. Heber J. Grant at the latter's usual place of abode. Mr. Grant sets up that at the time the summons was alleged to have been served he made Liverpool, Eng., his residence and did not learn of the entering of the decree until six months after the action in court was taken.

### CHARGED WITH ROBBERY.

A woman giving the name of Jennie Howard, an inmate, it is said, of a house of ill-fame, was arrested early this morning by Officer Lyon on the charge of robbery. It is alleged that she stole \$11 from a stranger. The man, whose name was not given to the public, advised to lay his case before the county attorney.

### OPINION AS TO STATE LANDS.

Atty. General Breeden Replies to Query Concerning Holdings of Lessees.

Attorney General M. A. Breeden rendered an opinion today, holding that the lessee of state lands can not hold more land than the statute allows. The opinion is addressed to the state board of land commissioners, in reply to a query submitted to the attorney general, and is as follows:

"Gentlemen—Your favor is before me in which you submit for my official opinion the following questions, to-wit: 1. Is it lawful for the purchaser or lessee of state lands to assign some or less of the state lands to another purchaser or lessee, when the latter has already exercised his full individual rights under the law, to purchase or lease from the state?"

"Replying to the first part of the foregoing question, I beg to advise you that I am unable to find any law prohibiting a purchaser of state lands from assigning or selling the same to another purchaser, regardless of the amount of land held by the purchaser. The limitation of the amount of acreage one individual or corporation may purchase under section 14, chapter 64, session laws of 1896, refers to lands as are sold at public auction in the county where such auction is held. In my opinion, under section 5 and 16 of this chapter the state board has the right to sell without limitation, and the purchaser is not limited in his disposal of the same.

"Therefore I must answer the first part of your question in the negative and the second part of the question must be answered in the affirmative. "Section 27 of chapter 64, session laws of 1896, covers the question of leasing state lands and places a limitation on the number of acres to be leased. The limitation of state lands—one person or corporation may legally hold under leases, etc. If a person or corporation holds the maximum acreage under lease from the state, such person or corporation is prohibited from receiving directly or indirectly any greater amount, and any assignment of a lease, by another person or corporation holding state lands to such person or corporation without the consent of the board, would be void and it would be the duty of the board to so declare it. It is unnecessary to further elaborate upon the question under discussion and will advise you in accordance herewith."

### SULLIVAN DOWN THE LIST.

Several Other Cases to Come Up Before His Trial Starts.

Monday morning will be a busy time for Judge Armstrong. Before the trial of Joe Sullivan is taken up, J. C. Ward, accused of grand larceny, will be arraigned. William Fisher, found guilty of burglary in the second degree, will be arraigned before Judge Spitznagle, said to be Fisher's accomplice, will plead to the information filed against him.

## CROFT FAMILY'S TROUBLES AIRE

One Member Charged With Selling Junk to Buy Automobile.

### BROTHERS ARE ON EACH SIDE

Plaintiff Says He Was Not Allowed to See Company's Books Although a Stockholder.

The troubles of different members of the Croft family came before Judge Morse informally this morning. A complaint filed by the Utah Foundry & Machine company and Fred Croft against Robert Croft some time ago cited certain alleged acts on the part of Robert Croft, and asked an order compelling a settlement of the accounts of the foundry.

### WHAT PLAINTIFF SAYS.

Croft, the plaintiff, cited that he had repeatedly asked as a stockholder to share in the profits and dividends of the company and had been refused that and also access to the books to find out how much was coming to him. He also alleged that the defendant and his associates had sold scrap iron belonging to the company and had bought automobiles, all with the company funds without making an account, part of the moneys being claimed by the plaintiff.

### HEARING COMING.

N. V. Jones appeared in court this morning as the attorney for the company and Robert Croft, and asked that the name of the company be stricken from the files as a party plaintiff. Benjamin N. Smith, for the plaintiff, had no serious objection and the company now appears as a co-defendant. The airing of the trouble will soon come up before Judge Morse and the difficulty in the family will be adjusted, if the efforts of Fred Croft avail him.

## ESTIMATE OF EXPENSE

Board of Public Works Submits Itemized List of Necessary Expenditures For the Coming Year.

The board of public works, as required by the new ordinance, has prepared its estimate of the expenditures for the coming year. The list will be submitted to the board of estimate and appropriation, which was created in the new ordinance, and the amount of expense included in the estimate for the year's work in the several city departments. The estimate of the board is as follows:

### SALARIES.

Chairman of board ..... \$ 500  
Four members (\$200 each) ..... 800  
Clerk ..... 1,200  
Stenographer ..... 900  
Chief inspector ..... 1,500  
Total ..... \$4,900

### MISCELLANEOUS.

Printing ..... \$ 500  
Advertising ..... 300  
Care of horse and buggy ..... 350  
Office supplies ..... 175  
Total ..... \$1,225

### STREET AND SIDEWALK REPAIRS.

Labor ..... \$1,400  
Material ..... 1,900  
Total ..... \$3,300

It also is set out that the cost of inspection last year was approximately \$15,000, but a large portion of this sum was paid from special funds. Following is a statement of distribution of the inspection charges:

Curb and gutter ..... \$ 257.00  
Street paving ..... 3,631.28  
Sidewalk paving ..... 1,431.90  
Sewers ..... 1,455.58  
Watermains ..... 805.81  
Electric works ..... 725.50  
Intercepting sewers ..... 2,271.22  
New watermain supply ..... 326.43  
Big Cottonwood conduit ..... 486.00  
Miscellaneous ..... 3,000.00  
Total ..... \$14,977.82

### THREE INCORPORATIONS.

Articles of incorporation of the Utah Forest Grazers company were filed with County Clerk Eldredge yesterday. The amount of capital stock is \$3,000, divided into shares of the par value of \$1 each, and 21 stockholders are in the company. George Austin is president, Albert Smith, vice president; C. B. Stewart, secretary and treasurer. The purpose of the corporation are given as dealing in real estate and live stock.

The American Falls Furniture company filed articles of incorporation with the county clerk yesterday. The capitalization is \$10,000, in shares of \$1 each, and the officers are, P. A. Sorenson, president; R. Hager, vice president and treasurer; T. R. Brown, secretary. The shares are 50,000 in number, of the par value of 10 cents each. The officers named are, Fred E. Smith, president; L. N. Morrison, vice president; M. F. Murray, secretary and treasurer.

### FOUR DEMURRERS FILED

United States Smelting Company Wants Dismissal and Tells Why.

Four separate demurrers have been filed with the clerk of the federal court by the United States Smelting company. The demurrers are one of the many legal steps marking the "smelter smoke" cases. The demurrers are to complaints by P. A. Leslie, Julius Stephenson, George M. Spencer and John P. Pherson. The smelting concern asserts that it is improperly joined with co-defendants; that the damage alleged to have been done by it is not shown, nor that damage was done by its plants; that it is not any ground for equitable relief; that there is joined, a claim for damages recoverable in an action at law, only, and a prayer for relief can only be had in equity. The demurrers, each and all of them, ask for dismissal. The other companies involved in damage suits are the Utah Con. and Bingham Copper corporations.

### STATE TRIP PLANNED.

The state board of equalization will visit Provo Monday; Sanpete county Tuesday; Juab county, Wednesday; Carbon county, Thursday; Boxelder county, Friday, and Cache county, Saturday.

## BECHTERS PUT UNDER BIG BOND

State Anxious to Hold Valuable Witnesses for Sullivan Trial Monday.

### BAIL PLACED AT \$1,000 EACH.

Prisoner Takes Statutory Time to Plead—He is Being Guarded Carefully.

Evidently fearing that they may leave the state and thus deprive the prosecution of valuable testimony, Sadie Becher, wife of "Tip" Becher, ex-convict and "fence," and James McGovern were placed under bonds of \$1,000 each by Judge George G. Armstrong in the criminal division of the Third district court this morning. Both witnesses gave damaging testimony against Joe Sullivan before Judge J. J. Whitaker in the city court during the preliminary hearing of Sullivan.

### THOUGHT HIGH ENOUGH.

Both were unwilling witnesses and they were brought into court this morning in custody. After their bonds were fixed they were returned to the custody of the sheriff until the bonds are furnished. It is believed that both witnesses will be unable to furnish the security, and that until the trial of Sullivan has been completed they will be forced to remain in the county jail.

### PLEAS MONDAY.

The trial of Sullivan, which many persons believed would occur this morning before Judge G. G. Armstrong, did not come up. Sullivan appeared before the court for arraignment and took until Monday morning to enter his plea. It is conceded that he will again plead not guilty and stand trial for his life, accused of the murder of Police Officer Charles S. Ford on Dec. 14, 1907, following the robbery of the Albany saloon at the corner of Fifth West and Second South streets.

### SULLIVAN APPEARS.

Sullivan was again brought into court heavily ironed and with his arms strapped behind him. He was freed while appearing before the court, but was soon taken into an adjoining room and bound hand and foot again and later returned to the state prison.

Following his pleading Monday, it is likely that the selection of the jury to try the ex-convict who stands before the court accused of one of the foulest murders ever committed in the state will occupy the greater part of the time Monday. It is not believed, however, that it will require more time than that and the taking of testimony will probably begin Tuesday.

### A. H. LINDSAY ARRESTED.

Charged With Robbing Mail Car at Elko December 4.

William McCrea, assistant United States district attorney and Deputy Marshal L. H. Smyth have returned from Ogden, where they went yesterday to investigate mail robbery cases. Ambrose H. Lindsay was placed in the county jail on a complaint charging that on or about the fourth day of December, 1907, he entered a mail car at Elko, Nev., and took therefrom a special delivery letter, signed by the postmaster in the Weber county jail because he could not put up the \$500 named as the sum of bail. His preliminary examination has been set for Feb. 1.

The complaint, signed by C. E. Booth, who avows to the facts put forth before Commissioner A. B. Patton, It appears the writer of the letter mailed it on a Southern Pacific mail car, and the letter was placed in the Weber county jail because he could not put up the \$500 named as the sum of bail. His preliminary examination has been set for Feb. 1.

### "RAZOR JACK" IN COURT.

Attorney Pleads That He is Sole Support of Aged Mother.

H. J. ("Razor Jack") Richardson was before Judge Armstrong this morning for arraignment on the charge of robbery and grand larceny. By his attorney, Jim Smith, he pleaded not guilty and his case will be set for trial during the present term of court. Smith, for Richardson, made an earnest plea to the court for a continuance of his case to the next term of court. Smith stated to the court that Richardson is the sole support of an aged and infirm mother and that if his case comes up shortly the condition of the aged woman will surely become worse, that she may die, in fact. Owing to the great number of matters awaiting the attention of the court, and which will come up in the next term, Judge Armstrong found it impossible to let the case go over, and the setting for trial during the present term will be made next week. Richardson is accused of having robbed S. H. Carmon of Europe in an alleyway off State street, between Second and Third streets, on Nov. 27. He and George Wilson and Paul Van Houten are accused of having held up and robbed Carmon of \$22 in money and a gold watch. Carmon offered this arrest of the three men by going over the city and pointing the men out to the police.

Wilson and Van Houten also appeared in court this morning to plead. Both waived their rights and pleaded not guilty to both counts of the information. They will be placed on trial next Wednesday.

### The Close of the Day's Work

A box of Elite's Whipped Cream Chocolates—then home and the loved ones.

### GOV. CUTLER ENTERTAINS.

Banquets Delegates to Dry Farming Congress at Commercial Club.

Gov. Cutler gave a luncheon this afternoon at the Commercial club to the following delegates to the dry farming congress: E. C. Chilcott, W. M. Jardine, E. H. Webster, L. J. Briggs, K. F. Plummer and W. C. Barnes of Washington, D. C.; A. Atkinson of Montana, B. C. Buffum of Wyoming, J. W. Paxman and C. W. Roberts of North Dakota, Douglas Vinton of Los Angeles, C. R. Root and J. T. Burns of Denver, A. J. Evans of Heber, E. D. Ball of Logan, J. G. McDonald, John Derr, Mr. Burdell, Fisher and H. J. Halloran of this city. The tables were set in the shape of the letter "M" with the governor at the head. The decorations were in smilax and carnations.

## INDIANS UGLY IN SOUTHERN UTAH

Stockmen Report Raids on Flocks And Fear Safety of Lives.

### APPEAL MADE TO GOV. CUTLER

Previous Reports Received Lend Weight to Stories—Big Hoof, Colorado Chief, Talks.

Indian troubles are again agitating the farmers and stock growers of San Juan county, and J. F. Barton and G. A. Adams appeared before Gov. Cutler today to urge prompt action suppressing the raids being made by the Indians on their flocks and herds on the winter ranges.

The Colorado Utes, who claim prior rights to the country, are crossing the border lines and making raids on the sheep and cattle in the mountains, and threatening the lives of the herders.

### NO AID OBTAINED.

The San Juan county stock growers appealed to the Colorado authorities, and to the officers in charge of the Indian reservations in Colorado, for assistance, but so far have been unsuccessful in their efforts. The San Juan county ranchmen fear that it will be necessary to call out the United States troops to drive the Indians to the Colorado line.

### BIG HOOFF TALKS.

Big Hoof, chief of the Colorado Utes, declares there are two sides to the story. He declares that the white man is ahead in his efforts to explore portions of the country, depriving the Indians of lands held for centuries by the forefathers, and that the white man is stealing from them everything that nature has provided.

### GOV. CUTLER INTERESTED.

Governor Cutler has received many reports of Indian troubles in Southern Utah and has taken the matter up with the department at Washington. Since receiving the report today Governor Cutler will again take the matter up with the department at Washington, urging some effective and summary action.

## POPPERTON PLACE SOLD

Samuel Newhouse Acquires the Big Tract of 140 Acres on the East Bench.

Samuel Newhouse has bought Poperton Place, on the east bench, amounting to 140 acres from the Denver Syndicate Investment company, a close corporation organized 20 years ago to handle Poperton place properties. The consideration is not stated, but it is claimed the millionaire will expend \$250,000 in building up the tract, and that Architect H. I. Cobb of New York has been commissioned to draw plans for artistic homes to be erected there. The improvements will include street paving, parking, beautiful entrances, landscaped gardens, on an elevated scale, planting trees, and the entire tract will be made an ornament to the city.

Popperton was laid out by Charles Popper, formerly resident of this city in a rough way, a year or so before the arrival of Gen. Connor with his troops from California, or in the vernacular of the day, he "squatted" the tract. The tract, which was a military reservation, included Popper's "squatter sovereignty," and when Gen. McCook was in command at Fort Douglas later with the Sixth infantry, he forcibly ousted Popper. The latter has since endeavored to reacquire the tract, and has influenced at Washington to have the order of the ouster suspended, and after a long, hard fight both in Congress and out of it, succeeded in getting the order of the ouster suspended, transferring the land to him. The location is excellent for residence purposes, as it is above the thick air and haze of the lower valley, and the air there is always fresh and bracing.

### FORESTRY SHOP TALK.

Big Banquet Tonight Closes Convention Held During Past Four Days.

The foresters in convention in this city spent the forenoon today discussing complaints laid before the department by stockmen and others. As it was of an informal nature and strictly "shop talk," there was little public interest at this time in it. By such discussions the department is kept informed of what is needed in the line of corrections, etc., and these ideas are laid before the higher authorities and eventually reach the heads of the department. Out of them grow policies, methods, etc.

Tree men in the city will close a most successful and instructive convention this afternoon. The grand finale comes tonight in the shape of an elaborate banquet, at which A. F. Potter, assistant United States forester and chief of the government grazing division, will be guest of honor.

A friendly tete-a-tete between Mr. Potter and numerous sheepmen was held at the Cullen last evening in which the latter told of their objections to the government control of grazing privileges. Mr. Potter explained the government's side, but said he would keep thinking all matters relating to the much-mooted subject over carefully and whenever a correction was found needed, would work for its creation.

### LATE LOCALS.

Elite—Patrons of this moving picture house will find something here worth their while all next week. Changes of program as usual Wednesday and Saturday.

A. L. Farwell Will Sing—At the afternoon services of the Pioneer stake conference, to be held in the tabernacle tomorrow, Alfred L. Farwell, baritone, will sing, "The Lost Chord," by Arthur Sullivan.

Mrs. Kirby's Funeral—The funeral of the late Charlotte I. Kirby will be held at the family residence, 291 Second avenue, tomorrow at 11 o'clock. Friends are invited. Mr. Kirby reached home from the coast yesterday afternoon and Mr. and Mrs. Ives Cobb and Kent Cobb are expected in time to attend the services.

Only One "BROMO QUININE," that is **Laxative Bromo Quinine** Cures a Cold in One Day, Grip in 2 Days

McDonald's Dutch chocolates know no favorites—the taste is as good to one as to another—a delicious, unforgettable taste.

McDonald, Salt Lake, exclusive manufacturer of fine chocolates.

## JACK LONDON AND WIFE ARRIVE FROM TAHITI.

San Francisco, Jan. 25.—Jack London and his wife arrived here today on the steamer Mariposa from Tahiti.

### ARRESTED FOR FORGERY.

Billings, Mont., Jan. 25.—H. S. Massingham, of Madan, N. D., has been arrested here on a charge of forgery. It was alleged that Massingham cashed checks in Billings, drawn on a Mandan bank in which he had no account. On advices from Mandan, Massingham was taken into custody.

### LT. HAZZARD'S CASE

Suddenly Adjudged and He Ordered To Military Hospital at Presidio.

Detroit, Jan. 25.—Lieut. Russell F. Hazzard, Seventh U. S. infantry, was court martial in progress at Fort Wayne, was suddenly adjudged several days ago for two weeks, by an order from the secretary of war, will in evidence. A similar order received yesterday, he removed today from Fort Wayne to the military hospital in connection with the Presidio, San Francisco.

Col. Corran, commanding the Seventh infantry, says that the order doubtless means that Lieut. Hazzard will be retired. He was so astounded that he requested the order repeated.

### GOLD SEEKERS.

More Disaster Overtakes Those Trying To Recover That Lost at Beach.

San Francisco, Jan. 25.—More disaster has attended the efforts of C. R. Johnson of Boston to recover the gold lost on the beach at Manzanillo, Mexico, in 1885, by the burning of the old Pacific mail side-wheel steamer, Golden Gate. A letter received here yesterday states that two men were killed and one killed by a blow from a large timber during a storm at Manzanillo some days ago.

In the same storm a gasoline launch that had been sent down to assist in the operations to assist in the operations, was sunk.

### FIRST ROCKSAND COLT.

New York, Jan. 25.—Word has been received in New York, of the birth of the first colt in America by Rocksand, the \$125,000 stallion imported by August Belmont, of the foal was born at Belmont's stud farm in Kentucky, its dam being the Rayon d'Or, mare Fench. As the first son of the famous winner of the 2,000 guineas, the derby and the St. Leger, it is expected to be a great colt. The foal will be viewed with interest, but to this it adds a strain of blood that has become prominent recently on the turf, the blood of the champion of the heavy tracing indirect female line to Colton, the champion of the turf, last summer, and winner of \$130,000 in purses.

### FOUR THAW WITNESSES ARRIVE FROM EUROPE.

New York, Jan. 25.—Four witnesses who are expected to testify for the defense in the trial of Harry K. Thaw for the killing of Stanford White, arrived here today on the steamer Adriatic from Europe. The first steamship had considerable difficulty in getting past Sandy Hook because of the heavy seas and it was on account of this and the storm of snow that the witnesses did not land yesterday. The delay in itself, aroused a suspicion among the court, early yesterday until Monday. Three of the witnesses who came on the vessel are physicians and the fourth is a nurse, who it is asserted, attended Thaw while he was ill in Europe.

The identity of the Thaw witnesses had been a closely guarded secret and with one exception the names had not become known. The fourth witness, Dr. Gaudabau of Switzerland, who treated Thaw in that country four years ago.

### BUTTE POOL ROOMS.

Efforts of Civic League to Close Them Ends in Failure.

Butte, Mont., Jan. 25.—The efforts of the Civic league of this city to close the poolrooms through the institution by County Attorney E. M. Murray of a suit charging Byron McNutt, manager of the M. & M. poolroom, with conducting a disorderly house and maintaining a nuisance, resulted in a speedy acquittal. The testimony of Justice John E. Doran. The testimony adduced showed that nothing of a disorderly character was carried on in the poolroom, and from the witnesses examined, the nuisance allegation could not be sustained.

There being no statute under which the poolrooms can be closed, the district attorney sought to show that the poolroom was a nuisance because of disorderly character, and therefore a nuisance under the Montana law.

### PLEADED GUILTY.

G. L. Thomas and L. B. Taggart to Conspiracy to Pay Shippers' Rebates.