From the view-point of the man who wants to buy a house the paper is not complete unless it carries the ads. of all houses in the city that are for sale

DESERET EVENING NEWS.

As "Hold-Fast is the only dog," so "keep trying" is the only success-creed. There's a better job for you, if you could fill it—so keep trying to get it in "the want ad. way."

TRUTH AND LIBERTY.

10 PAGES—LAST EDITION. THURSDAY, SEPTEMBER 21, 1905. SALT LAKE CITY, UTAH. FIFTY-SIXTH YEAR.

PACKERS ENTER PLEA OF GUILTY.

They are Samuel Weil, B. S. Cusey, Vance D. Skipworth And Chess E. Todd.

HEAVY FINES WERE IMPOSED.

Weil Was Fined Ten Thousand Dollars and the Other Three Five Thousand Dollars a Piece.

THE JAIL PROVISION WAS WAIVED

Arrangement Was Made With Attorney-General Moody—Conspired to Solicit Rebates.

Chicago, Sept. 21.—Four officials of the Schwarzschild & Sulzberger Packing company of Chicago, were fined an aggregate of $25,000 by Judge Humphreys in the United States district court here today. The fines followed a plea of guilty to indictments charging conspiracy to accept railroad rebates. The defendants were Samuel Weil of New York, vice president of the company; B. S. Cusey, traffic manager; Vance D. Skipworth and Chess E. Todd, assistant traffic managers.

Mr. Weil was fined $10,000, the other three $5,000 each.

With the entering of the pleas, the declaration was made that unless at least one of the cases is immediately settled the life of Samuel Weil, vice president of the company and one of the defendants, is in jeopardy. He is said to be a nervous wreck and fears were entertained for his life if he had been allowed to continue under the strain of a trial. The plea was entered, it is declared, after a complete understanding had been reached between counsel for the defendants and Atty.-Gen. William H. Moody.

After a complete understanding had been reached between counsel for the defendants and Atty.-Gen. William H. Moody, while in Chicago the attorney-general was apprised of the condition of Vice President Weil and it is said agreed to the entry of a plea of guilty, with the understanding that the jail provision of the law under which the indictment was returned should be waived and merely a fine imposed. The same concession was made in the case of the other three defendants.

The four defendants were charged with unlawfully combining and agreeing to solicit rebates for the Schwarzschild & Sulzberger company from the Michigan Central Railway company, the Chicago, Rock Island & Pacific, the Grand Trunk Western railroad, the Lehigh Valley Railroad company, and the Mobile & Ohio Railroad company.

Charges were made that the defendants conspired with each other in presenting supposed claims for damages, which were in reality claims for rebates.

The plea made today does not in any way affect the charge of interference with government witnesses made in a previous indictment returned against Cusey and other Schwarzschild & Sulzberger men. The four defendants were in the federal court building, and all but Weil appeared before Judge Humphrey. They were accompanied by Atty. Weissenbach and Atty. I. M. Boyson and J. J. Herrick.

The fines carried with them a provision that the defendants be confined in jail until the fines were paid. The fines, however, were paid immediately, Mr. Max Sulzberger giving his check for the total amount, $25,0000. The check, after being duly certified, was accepted as payment of the fines and the defendants then left the court room.

Dist. Atty. Morrison discussing the case after adjournment of court, said:

"I am perfectly satisfied with the matter as it stands. The defendants came into court, pleaded guilty and the court showed leniency in its sentence. The fine is heavy, but the imprisonment provision is there, the most important part of the law. I think it was a very fair consideration of the matter. It was proven conclusively by the government that after the issuance of the injunction by Judge Grosscup, the Schwarzschild & Sulzberger company withdrew from the combination. They were independent, but in order to carry on their packers it seems it was necessary for them to accept rebates. The results today only go to show that the government has now lodged an opening wedge in the question of rebates. We have found a way to proceed and it seems the proper one. It seems to me that the government is in a fair way of breaking up the entire rebate evil in this country."

From the books of the government it is shown to take evidence against the four defendants and bring about their indictment, the government spent $16,000. The cases against Armour & Co., and others were continued until next Wednesday.

STARVATION IN SPAIN.

Emigrants from Andalusia Leaving for South America.

Madrid, Sept. 21.—Dispatches from the famine districts of Andalusia say that entire trains of emigrants are leaving to embark for South America. Many families are abandoning their homes and farms. Some villages in Gallela have been totally deserted through despair of receiving the promised relief. The steamship companies announce that 15 steamers loaded with emigrants will leave Andalusian ports in October. The press is urging the government to adopt energetic measures against wholesale emigration to America.

Traveled on the Steamers.

New York, Sept. 21.—Having been passengers on three different steamers, to which they were successively transferred, 1,002 persons arrived here today in the steerage of the steamship Graf Waldersee. These passengers were the first party of immigrants to be subjected to the cholera quarantine regulations which were recently applied to steerage passengers leaving Hamburg and the enforcement of these precautions caused the numerous transfers. They embarked originally at Hamburg on the steamer Moltke, but disembarked at Cuxhaven where they went aboard the steamer Bulgaria and were detained on that ship eight days. Finally the Bulgaria transferred them to Graf Waldersee.

MANY ARSON CASES.

They Will be Investigated by Chicago Grand Jury.

Chicago, Sept. 21.—Twenty-three arson cases, including two attempted murders and involving fraudulent insurance claims amounting to many thousands of dollars will be made the subject of a sweeping investigation by the grand jury. The inquiry began yesterday. One effect of the investigation will be a recommendation that an arson board be established which will keep a record of all fires reported to insurance companies. These greatly exceed those reported to the fire department. Another recommendation will be that assurance adjusters be required to take out an annual license. There are about 200 of these adjusters and some of them are believed to be in collusion with the incendiaries.

RAISED THE VARIAG.

Korean Emperor Bestowes Decoration on Admiral Arai.

Seoul, Sept. 21.—Admiral Arai, who refloated the Russian protected cruiser Variag, was given an audience by the emperor and decorated before he sailed for Japan on Tuesday last, Sept. 19. It is probable that he has been recalled to raise the Japanese battleship Misaka, sunk in the harbor at Sasebo.

The Russian cruiser Variag was sunk by the Japanese fleet at Chemulpo on February 9, 1904. The Russian cruiser Korietz was sunk at the same time.

DASTARDLY OUTRAGE BY "BLACK HAND" IN NEW YORK

Dynamite Bomb Exploded in Shop of a Man Who Refused to Comply With Demand for Money.

New York, Sept. 21.—With a roar that was heard for blocks and one which threw the occupants of an entire neighborhood of densely crowded tenements into a panic, a dynamite bomb was exploded early this morning on the steps of a tenement house in First avenue. The neighborhood was shaken as by an earthquake and scores of sleepers were thown from their beds. That nobody was seriously injured appears remarkable.

There are two stores on the ground floor of the house. One is a meat shop kept by Henry Blumberg and the other is a barber shop owned by Scarrito. Living on the other floors were 16 families. Last Tuesday Scarrito went to police headquarters with a letter sent to him signed "Black Hand." He said it was the fourth he had received. A demand had been made for $2,000 in cash but it was not made clear to whom or where he was to pay the money. He was told that detectives would work on the case and went home reassured. The bomb which exploded this morning was placed in his shop. Sleeping in a room back of the meat market was an employe of Blumberg. This man was so badly frightened that he became unconscious and it was half an hour before he could be restored.

Policemen had all they could do to restore quiet among the frightened tenants who fled in panic to the narrow hallways leading from their quartes and more than an hour elapsed before they would go back to bed. Much damage was done to doors, windows and woodwork but the house was not damaged structurally.

AN INDIAN CONVENTION.

One Will be Held at North Yakima, Wash., Oct. 9.

North Yakima, Wash., Sept. 21.—The first national convention of the representatives of the Indian tribes of America will be held here during the week of Oct. 9. Delegates will be present Washington, Idaho, Oregon, Wyoming, Montana, Utah and other states. The object of the convention is to organize a national discusion for the questions of vital importance to the Indians. Capt. Aneas of the Yakima tribe, is at the head of the movement. Lancaster Spencer of the same tribe is acting secretary. The Yakalma tribe is making arrangements to have a big "potlatch" and other amusements after the convention.

Prohibition Debate Prize.

Portland, Or., Sept. 21.—J. Percival Hagerman of Los Angeles, the southern California delegate to the Interstate Prohibition association's debate won the first prize. Miss Mary F. Balcomb, of Leland Stanford university, took second honors and Henry Ward, of the University of Washington, was awarded third place in the competition debate yesterday.

Price of Bolts Advanced.

New York, Sept. 21.—Coincident with meetings held here yesterday of steel manufacturers and their representatives, the nut and bolt manufacturers entered into an agreement by which the prices will be raised five per cent.

It was stated that trade conditions in all departments are most active and that iron is selling materially above the so-called pools schedule, manufacturers generally securing $2 a ton premium.

Cremated Wife and Children.

Madison, Ind., Sept. 21.—On Beatty's Ridge in Swiberland county, last night, George Ford, who is believed to be insane, cremated his wife and three children by setting fire to the house in which they were asleep. All four perished in the flames.

Naval Armistice Arranged.

Vladivostok, Wednesday, Sept. 20.—The Russian and the Japanese squadrons commanded respectively by Rear Admiral Jessen and Vice Admiral Kamimura met in Koruiloff bay Sept. 16, and the admirals arranged the terms of the naval armistice. The conference, which lasted five hours, determined on the zones in which ships of the nations are free to circulate and regulated the question of contraband.

LOSS OF THE MIKASA.

Strong Doubt Entertained that It Was Caused by Fire.

Tokio, Sept. 21.—Regarding the loss of the battleship Mikasa in Sasebo harbor, strong doubt is entertained that it was caused by a fire which started at the base of the mainmast. It is thought by some that it must have been due to an explosion from the outside, followed by the greater explosion of the magazine. Otherwise the disaster is declared to be impossible of explanation.

NOT THE HALF HATH BEEN TOLD.

Mr. Hughes Says That the Meat Of the Life Insurance Inquiry Has Not Been Reached.

PERKINS AGAIN ON THE STAND

Asked to Produce Certain Checks—He Is Told that Facts Not Motives Are Wanted.

New York, Sept. 21.—The probing of the methods of life insurance companies was resumed today by the legislative investigating committee. Before the days' proceedings were begun Charles E. Hughes, counsel to the committee, said he believed that facts of more importance and greater interest than any developed thus far still remained to be brought out. "We have not yet reached the meat of this inquiry," said Mr. Hughes, "in fact we have only started it."

The first witness today was John F. McCullagh of Albany, who is employed by Andrew A. Hamilton. The checks for $100,000 given by the New York Life Insurance company to Mr. Hamilton bore McCullagh's name as an endorser, but the witness said he knew nothing about the checks except what he had read in the newspapers. He did not know whether Mr. Hamhilton appeared before legislative committees, nor did he know anything about his employer's account in the New York State National bank of Albany. He did not know of any other account of Mr. Hamilton's in Albany, but knew he was elected a director of the Albany Trust company about a year ago. The witness said he did not know where Mr. Hamilton's books were nor did he now know where to find any of his employer's cancelled checks. Mr. McCullagh said further that he knew nothing whatever about the $100,000 paid to Hamilton and concerning which Mr. McCall, president of the New York Life Insurance company, was examined yesterday.

George W. Perkins, vice president of the New York Life Insurance company and a partner in the banking firm of J. P. Morgan & Co., was the next witness. He was asked to produce the check for $800,000 given to J. P. Morgan & Co., by the New York Life Insurance company for $800,000 bonds of the Navigation syndicate. These bonds were sold by the New York Life Insurance company to J. Pierpont Morgan & Co., at the close of the calendar year, Dec. 31, 1903, and bought back on the next business day, Jan. 2, 1904. The check was offered as evidence. An accompanying check for $266, Mr. Perkins said he did not know about, but would look it up. The check of J. P. Morgan & Co., for $800,000, in payment for the bonds also was asked for.

Mr. Perkins then presented a statement of the New York Life Insurance company's joint accounts from 1897 to 1905.

Mr. Perkins presented a number of other financial statements that had been requested.

Among the joint accounts Mr. Hughes found a participation of the New York Life Insurance company with C. T. Wing & Co., in which on the purchase of railroad bonds to the sum of $1,780,000, the New York Life Insurance company received a profit of $32,753.

The witness did not know what profits the firm of C. T. Wing & Co. got in the transaction.

"From this account it looks as if the New York Life put up all the money," said Mr. Hughes. "Do you know whether that is true or not?"

"I do not. I am not the bookkeeper, but I presume the accounts are correct."

Mr. Perkins was temporarily excused and Milton Monroe Madison, a bookkeeper of the New York Life, was called. He identified extracts from the books of the New York Life showing that in the Wing & Co., account the New York Life Insurance company paid out $1,700,000. Some bonds were withdrawn by the insurance company, leaving $1,280,000 bonds in the joint account.

Mr. Perkins was recalled and said:

"We went into this transaction to get business bonds as cheap as possible. I fear, sir, that you are under the impression that we went into this business so as to let others make money out of the transaction, but that is not so."

"We will skip the motive," interrupted Mr. Hughes, "let us get at the facts. I do not wish to discuss the matter at all with you. Let us have the facts."

"All right, sir."

"Did the New York & Security Trust company buy any bonds for your company?" asked Mr. Hughes.

"I cannot say, for that was four years before I took charge of the finance department of the company."

Mr. Perkins said that in 1898 the New York Life Insurance company took $2,100,000 of Chicago & Northwestern 3½ per cent bonds in joint account with Goldman, Sachs & Co., a portion of which were sold with a profit for the insurance company of $13,740.

Bookkeeper Madison was recalled and testified that the profits were shared by the life insurance company and Goldman, Sachs & Co., and that if there had been a loss it would have been shared equally.

Mr. Perkins again took the stand and said that in another joint account with Goldman, Sachs & Co., the latter company bought the bonds amounting to $1,140,000, and that the New York Life carried them until they were sold. The profits were divided, each receiving $12,184.

It was shown that the profits of the New York Life Insurance company from 1899 to 1901 inclusive in joint accounts were $388,382.

A number of other joint accounts were gone over and then Mr. Perkins asked and was granted permission to make a statement.

"In these joint accounts," he said, "we have never made a loss. Our profits from 1897 to date have been on these joint accounts, $635,922, and when the value of the bonds withdrawn is considered the profits of every description run up to $886,604. There is one other person, however, connected with the contracts I would like to mention in order to have his name on the record, Mr. Hughes himself. He is a policyholder in the New York Life Insurance company, and as such is a party to all these contracts."

"Considering my vital interest in these matters," said Mr. Hughes, "I intend at a future date to probe very fully into them."

Brotherhood of St. Andrew.

Chicago, Sept. 21.—When the twentieth annual convention of the Brotherhood of St. Andrew opened at the University of Chicago today 800 members were present representing many nationalities. Among them were six full blooded Sioux Indians, from chapters of the order in South Dakota, Nebraska and Minnesota and Chang Kim, a Chinaman from Honolulu.

"The cloistral" life of the delegates was put into full operation today when all the delegates assembled early for a communion service with which each day's services begin.

Arbitration Treaty Signed.

San Sebastian, Spain Sept. 21.—King Alfonso today signed a treaty of general arbitration between Spain and Belgium.

UNDERWRITERS ADOPT A COMPROMISE RESOLUTION

Hartford, Conn., Sept. 21.—At today's session of the National Association of Life Underwriters a threatened split over the adoption of a resolution presented by Delegate J. J. Raleigh of St. Louis denouncing mis-conduct in insurance circles was averted and a compromise resolution was adopted.

The resolution recommends full publicity in relation to all insurance transactions. It was as follows:

"Whereas, with the present time the attention of the public is directed to evils recently discovered in the business of life insurance to the extent that the long record of faithful handling of the funds of policyholders, in the American life insurance companies is in danger of being overlooked, now therefore, be it

"Resolved, That the National Association of Life Underwriters record the fact that the funds of the policyholders in life insurance companies of America have during the past half century been administered with a fidelity, integrity and ability which recent events have but served to emphasize; and be it further

"Resolved, That for the best interests of the policyholders and the companies, both of which in a special sense are committed to us, the association suggests full and free publicity of all the operations of the life insurance companies as best calculated to minimize future opportunities for evil and to retain the confidence of the public in the best and what will surely grow to be the greatest system of organized beneficence in the world—the business of life insurance."

C. W. Scovel of Pittsburg was elected vice president. The next annual convention will be held at St. Louis.

OYSTER BAY CONFERENCE ADMITTED TO BE IMPORTANT

Oyster Bay, Sept. 21.—Secy. of State Root, Senator Henry Cabot Lodge of Massachusetts and Joseph H. Choate, who spent last night at Sagamore Hill as guests of President Roosevelt, left for New York this morning.

The conference between the president and his visitors was admittedly important. As indicated in these dispatches last night the principal topic of discussion was the recent disclosures in the conduct of the life insurance companies of New York being made by a committee of the New York legislature. The president has in course of preparation his annual message to Congress, and as he proposes to discuss the insurance question in that message with special reference to federal legislation for the regulation of insurance, he desired to confer with his close friends as to the manner in which he should treat the subject.

The conference last night continued until a late hour. No details of it are obtainable. It is known, however, that the president has urged strongly the enactment of such legislation as will give the federal government supervisory control of insurance companies.

Whether the disclosures regarding the payment by certain corporations of campaign funds were considered at last night's conference cannot be told.

To Repatriate Russians.

Odessa, Sept. 21.—The government has chartered the American steamer Garonne, which, with the Angara and the volunteer fleet steamers St. Petersburg, Kostroma and Nizhni Novgorod, will start for Japan soon to repatriate the Russian prisoners.

The Peace Congress.

Lucerne, Switzerland, Sept. 21.—The international peace congress at its session today approved the report of its committee favoring a rapprochement between France and Germany by the establishment of a closer commercial and political relations.

Montana Confederate Veteran.

Helena, Mont., Sept. 21.—Paul A. Fush of Phillipsburg, Mont., commanding the Northwest division of the United Confederate Veterans, has issued an order for the annual reunion to be held in Helena Oct. 6.

A Determined Suicide.

Philadelphia, Sept. 21.—George Finkelstein, a former lodging house keeper of this city, tried to end his life today in a horrible manner. Finkelstein had been accused by the police of permitting illegal voters to register from his establishment and been virtually driven out of business. He brooded over his misfortune and sought death by knife and fire. He was found in his room in a lodging house with his throat and wrists cut and his head lying in a fire that he had made of a pile of newspapers. Physicians say he cannot recover.

Demurs to Packers' Plea.

Chicago, Sept. 21.—United States Dist. Atty. Morrison today filed a demurrer to the plea of abatement made yesterday by the packers defendant in the beef trust case. The demurrer alleges insufficiency of allegations in the plea of the packers.

COOK COUNTY COURTHOUSE.

Three Men Are Fatally Injured While Pulling it Down.

Chicago, Sept. 21.—Four men were injured here today, three fatally, in the old county courthouse, which is being town down to make place for a new structure. The flooring in the center corridor of the fourth floor of the building gave way, burying the men in the debris. The injured men were taken out alive and removed to a hospital.

Cholera Bulletin.

Berlin, Sept. 21.—The official bulletin issued today announces that five new cases of cholera and three deaths were reported from noon yesterday to noon today, making the totals 222 cases and 78 deaths.

CALIFORNIA LIMITED WRECKED

Five Cars Derailed on the Atchison, Topeka & Santa Fe at Walton, Kansas.

FORTUNATELY NO ONE KILLED.

A Number of People More or Less Seriously Injured—Cause of Trouble Unknown.

Kansas City, Sept. 21.—Five cars of the California limited, train No. 4, eastbound on the Atchison, Topeka & Santa Fe railroad, were derailed at Walton, Kansas, a small station just west of Newton, last night. Several persons were injured, but it is believed that only one, Fred Kempnick of Chicago, second cook in the diner, who was badly scalded, was seriously hurt. He may die. No one was killed.

Among the injured are the following:

Fred. Kempnick, Chicago, second cook, probably fatally.

Grant Conrad, Los Angeles, member of board of public works, slight.

John Callendar, Los Angeles, slight.

Effie Lawrence Havlin, vaudeville actress, slight.

Miss Violet Dale, vaudeville actress, slight.

The train was made up of a composite car, a diner, and five sleepers. All but the two last sleepers left the track. None of the cars was badly damaged. The train was running at the rate of 35 miles an hour. The injured were started for Topeka, and the wrecked train was made up and sent east after several hours' delay.

The cause of the wreck has not yet been determined.

MANAGER HURLEY'S STATEMENT.

Topeka, Kas., Sept. 21.—General Manager J. E. Hurley, of the Atchison, Topeka & Santa Fe road, said today at noon of the wreck of the eastbound California limited, near Walton, Kas.:

"There were a composite car, a dining car and four others derailed by spreading rails. Not a passenger was killed nor any bones broken. Five passengers were injured.

"Fred Kampnick of Chicago, cook, seriously injured, and will probably die. A kettle of boiling water was spilled over him.

"Grant Conrad, Los Angeles, a member of the board of public works, shoulder sprained.

"James Callender, of Los Angeles, ankle sprained.

"Effie Lawrence Havlen, member of a vaudeville circuit, ankle sprained.

"Viola Dale, member of a vaudeville circuit, slightly injured.

"Miss Viola Dale's injuries are slight.

"At this hour the track is cleared and the most seriously injured are en route to the Santa Fe hospital in this city.

OLD MEN PAST SEVENTY FOUGHT A BLOODY DUEL

Used Knives—Stood Breast to Breast And Knee to Knee and Cut, Slashed and Stabbed.

New York, Sept. 21.—Two men, both past 70 years of age, inmates of the Bridgewater, N. J., poorhouse, fought a duel yesterday with sharp kitchen knives and both are likely to die.

The fighters were George Potts and Edward Riley. While sitting around the institution smoking they quarreled and exchanged blows with their fists. The men were warned by the keeper but when he had left the room the old men met and calmly agreed to fight a duel with knives. Going to the kitchen they secured the sharp pointed ones used in peeling potatoes and started by separate routes to a remote spot on the grounds where they believed they could fight out their differences without interruption. Arriving there the men rolled up their sleeves and began slashing at each other. They were standing breast to breast and knee to knee, covered with blood, stabbing each other in the back and sides, when the keeper was informed. So desperately were the fighters engaged that it was necessary to knock both of them down. If they recover they will both be arrested. The men, who have lived together in the institution for some time, refuse to say what started the fight.

THE ODD FELLOWS.

Next Year Sovereign Grand Lodge Will Meet in Toronto.

Philadelphia, Sept. 21.—The sovereign grand lodge of Odd Fellows today decided to meet next year in Toronto.

The question of separating the patriarchs militant from the sovereign lodge was referred to the committee on state of the order. The questions of the proposed affiliation with the Manchester Unity of England and the erection of a sanitarium were laid over until tomorrow.

Gift to Smith College.

Northampton, Mass., Sept. 21.—When Smith college was opened today President L. Clark Seeley announced that Andrew Carnegie had promised $125,000 to the college providing friends of the institution will raise an equal amount. The money is to be used for the erection and maintenance of a new biological laboratory.

Yellow Fever Bulletin.

New Orleans, Sept. 21.—The yellow fever record of the last 24 hours shows one death and 15 new cases here.

Professional Golf Players.

Hamilton, Mass., Sept. 21.—The professional golf players who are here for the United States golf championship tournament have agreed to form an association to join with the Western Professional Golf association in creating what will be known as the United Professional Golf association of America. At a meeting last night an executive committee was appointed consisting of George Low, Stewart Gardner, Willie Andrews and Alex. Smith, from the New York district and Alex. Ross, Donald Ball and Donald Ross from the Boston district.

Over four score of the most expert golf players in the country, including the present and past champions, assembled today on the links of the Nyopia Hunt club for the first round of the twelfth open championship of the United States Golf championship. In addition to the large number of professional players entered, eleven of the leading amateurs came here to participate in the event.

The 18 hole course, 5½ miles long, is considered particularly difficult owing to its many traps and 310 strokes was believed to be the minimum possible for even the best player in the four rounds. The especial favorites were the present champion, Willie Anderson, of the Apawamis club of Rye, N. Y., and two former champions, Willie Smith of Mexico, and Lawrence Auchterlonie of the Glenview club, Chicago. That the former amateur champion, Walter K. Travis, of Garden City, also might negotiate the course in an average of 78 for each round, was the belief of many.

Today and tomorrow will be devoted to medal play of 72 holes.

The first of the noted players to attract attention was Mr. Travis, who made a fair start, taking the first nine holes in 38 as did his partner, R. S. Stimpson of Chicago. The crowd, however, waited, largely for the appearance of the present champion, Mr. Anderson, who played with David Brown.

THE PEACE TREATY.

M. Plancon Arrives in St. Petersburg With It.

St. Petersburg, Sept. 21.—M. Plancon, secretary of the Russian peace commission, reached here today bearing the treaty signed by the plenipotentiaries which was turned over to the custody of the foreign office. News of the arrival of the document was communicated to his majesty by telegraph. The foreign office will now prepare a copy of the treaty for the emperor's signature. He will not sign the copy signed by the plenipotentiaries. The emperor's copy will be especially engrossed on parchment and will commence with the emperor's name and titles, all in Russian, and then the preamble, also in Russian, reciting in part the act of ratification. Then will follow all the articles of the treaty in French and at the end will be another paragraph in Russian completing the act of ratification, after which will follow the emperor's signature which will be countersigned by Foreign Minister Lamsdorff. To this document will be affixed the seal of state on wax, the wax being enclosed in an especially made silver case to ensure its protection and preservation. The leaves of the treaty will be bound by special silken cords.

NOT GONE BACK TO SAVAGERY

Native African Missionary Educated in Ohio.

Westenville, O., Sept. 21.—Mrs. Clayton D. Judy, United Brethren minister to West Africa, who has just arrived here from Freetown, South Africa, says that Daniel Flickinger Wilberforce, the native missionary who was educated in Ohio, has not gone back to savagery, but is still a member of the radical United Brethren church and was continuing his missionary labors when arrested by order of the English government and put in prison. She says that the arrest was made because he is the chief of his tribe and is therefore held responsible for any unlawful acts by the members of the tribe. He is accountable to the government for the good behavior of the tribe. Mrs. Judy's work is in the same district as Wilberforce's.

Sons of Veterans.

Gettysburg, Pa., Sept. 21.—The last sessions of the Sons of Veterans encampment was held today. The ballots cast for national commander have not all been counted, but enough is known to assure the election of Harley V. Speelman of Cincinnati.

Senator Emmons' Trial.

Sacramento, Cal., Sept. 21.—The trial of former State Senator E. J. Emmons was resumed today. At the morning session his membership in the last legislature was established and Detective Hartling told of occurrences prior to and including the passing of the alleged bribe money. No new facts were elicited, but many objections were entered by the defendant's attorney.

KILLED AT SMELTER.

George Falas Struck by Piece of Crust Suffers Broken Back.

(Special to the "News.")

Bingham, Sept. 21.—George Falas, a Greek, aged 21, was instantly killed at the Yampa smelter at 2 o'clock this morning while cleaning out a blast furnace. While chipping off slag a piece of crust weighing about 50 pounds came down the downtake and fell a distance of about 18 feet. It struck the young man squarely between the shoulders, breaking his back. A plank screen had been erected as customary to protect the laborers, but he was standing in the danger zone when struck. An inquest was held by Judge Lee over the remains and a verdict brought in in accordance with the facts.

CADETS ASSIGNED.

Midshipmen Barker and Wallace of Utah Given Positions for Next Year.

(Special to the "News.")

Annapolis, Sept. 21.—Supt. Sims of Annapolis has announced appointments of officers to the midshipmen's brigade, Naval academy for the coming year.

Among the officers named are W. C. Parker, ensign 8th, company third division, and S. W. Wallace, lieutenant 10th, company fourth division, both of Utah.

These officers are now in Utah spending their vacations preparatory to returning for their final year in the Naval academy. They are due back at the academy about the middle of October.

MRS. M'DANIEL DEAD.

Provo Woman Passes Away From Ailment of the Blood.

(Special to the "News.")

Provo, Sept. 21.—Mrs. Sarah McDaniel died at her home here this morning as a result of an ailment affecting the circulation of the blood. The deceased was born at Albany, N. Y., Feb. 14, 1840, and came to Utah with her parents, Hyrum and Eliza Buys, in 1858, locating at Bountiful, where she married John McDaniel, now deceased. Later they moved to Alpine, and 20 years ago came to Provo, which has been their home ever since. Mrs. McDaniel leaves two sons and four daughters. One son, 28 years of age, has been unable to care for himself and has been given most tender care and devotion by his mother, which labors are supposed to have broken her health.

SECOND BATTLE FOR HIS LIFE.

Man Sentenced to Die Begins Fight to Save Himself From The Gallows.

THE LAST JUROR IS SECURED.

Story of the Cruel Killing of Conductor And Motorman Now Being Retold to the Court.

DETAILS ALL GONE INTO AGAIN

Crime Was One of the Worst That Ever Shocked the Community—The Witnesses Today.

The rehearing of the case of the state of Utah against James M. Shockley was resumed this morning in the Third District court before Judge George Armstrong. Shockley stands accused, and once found guilty of murder in the first degree and was sentenced to death, he making the choice of being shot. Through a technical ground he secured a rehearing by order of the Supreme court to which an appeal was made by his attorneys, Wilson and Smith.

After having entered the exhibits entered at the trial in April of last year and the identification of the transcript of the evidence heretofore produced, the examination of witnesses was commenced.

FIRST WITNESS.

Mr. Hurd, the first man on the scene of the tragedy was the first witness called this morning. His testimony was practically a repetition of that given in the formal trial. He testified that on the night of the tragedy he and his wife had just returned home and that within a few minutes of their return they heard a noise like a shot. At first they did not think it a shot but within 10 or 15 seconds they heard two more in quick succession. At this point Mr. Hurd left the house and running out saw a street car standing still on the corner of Thirteenth East and Second South streets. In one end a man was sitting. On entering the door of the car he observed Motorman Gleason lying face down on the floor with his head directly to the north. He was apparently dead. He then observed the man in the end of the car on the seat. It was Conductor Brighton. He was in great agony and would not or could not talk. He observed that his overcoat was on fire on the left side about the middle of the trunk. Mrs. Hurd attempted to follow her husband into the car and to restrain her from doing so and seeing the tragic sight he then left the car, but later re-entered it.

After cross examination by Mr. Smith, in which nothing new was adduced, Mr. Hurd was excused.

MISS EARDLEY TESTIFIES.

Miss Eardley, who was employed in a home near the scene of the tragedy, was next called. She testified to having ridden home on the car operated by Motorman Gleason and Conductor Brighton, leaving the intersection of Main and First South at 11:30 on the night of the murder. After leaving the car in front of her home she went into the house and three or four minutes thereafter she heard some shots. Mr. Smith did not cross examine this witness.

MOTORMAN'S STORY.

George McAllister, a motorman employed by the street railway company, was the next witness. He was on car No. 78, which left the town at 12:05 on the night of the murder. He testified that at 12 o'clock the car operated by the men who were killed, No. 77, should have been in town, but was not. When No. 78 reached Thirteenth East and Second South they found car 77 idle on the track with the lights on. He described the scene just as given in the testimony of Mr. Hurd. He was present and assisted in the removal of the bodies.

CONDUCTOR CORROBORATES.

Stephen Reid, a conductor, who made the trip with Mr. McAllister, was called. His testimony was in corroboration of that previously given. In addition he was one of those who helped to get Mr. Brighton to the Beckstead home, and to also assist in placing him in the patrol when he was removed to the hospital. The cross examination brought out nothing new.

BULLET IN THE CAR.

Allan H. Burt, also employed by the railway company as a motorman, was next called. He testified to having left the car barn on a car operated by two men employed on the night shift at the barn. The scene when he arrived was the same as before detailed except that Mr. Brighton had been removed from the place. In his examination he stated that he had examined the car at the time and that he had found a bullet on the west seat near the door on the north end of the car. The bullet introduced in evidence in the former trial was produced, and he was asked to state if that was the bullet he had found. He stated that it was. He also stated that a few days after the shooting he had made an examination of the car and that he had found another bullet in the door of the car, lodged in the wood a little above the handle.

At this point an adjournment was taken until 3 o'clock this afternoon, with Mr. Burt still on the stand.

LAST JUROR SECURED.

At yesterday afternoon's session of the court the jury was secured by the acceptance of the eleventh man for whom several venires have been drawn and exhausted. When the selection of the talesmen had been completed, Mr. Shockley stated that he was entirely satisfied and from his mien no one would surmise that he felt in any great danger of the death penalty again being imposed. The jury as completed is as follows: J. J. La Bee, J. J. Hunt, Edwin Rushton, S. S. Case, W. G. Sherrick, Frank O'Reilly, C. S. Burton, John Rowell, J. K. Nicholson, J. H. Lindsay, S. A. Ahlberg and Edward Whittemore.

The case, with which nearly every-