

ON SATURDAY NIGHTS the Real Estate columns of the "News are closed" by those interested in buying or selling Real Estate.

LAST EDITION.

THE DESERT EVENING NEWS.

TRUTH AND LIBERTY

TUESDAY, JULY 14, 1903. SALT LAKE CITY, UTAH.

HISTORIAN'S OFFICE.
Church of Jesus Christ
of Latter-day Saints.

IT IS HOMES
That the advertiser wants to get into.
The "News" is the Home paper of
the community.

FIFTY-THIRD YEAR.

His Holiness Passing Away.

Today's Deliriums Convinced His Doctors That the Disease
Has Affected the Brain—His Organs are Ceasing to
Perform Their Natural Functions—Gave a Message to
Rampolla—Was Given the Franciscan Benediction.

Rome, July 14, 6:20 p. m.—The pope showed such a revival this afternoon that four cardinals, Cavochi, titular archbishop of Nazianza; Nossella, patriarch of Antioch; Trippe, the prefect of the congregation of indulgences, and Cavagnis, were permitted to enter the sick room.

HE HEARS STRANGE SOUNDS.

He said: "No, no. Don't you see his head? He makes no sound, and other things as he moves." It is evident that the pope is making a great effort and straining all his nerve to maintain calmness and to have his mind clear. He succeeds occasionally, but an attack of delirium follows this, and each is stronger than the preceding. The delirium which his frail, almost transparent, body offers to disease is really marvelous.

Dr. Mazzoni was asked for an explanation and said:

"It is a phenomenon which, as far as such, cannot be explained."

THE CATASTROPHE NEAR.

The doctors consider the catastrophe near. It is imminent if it is to take place through cardiac paralysis, or if the cerebral anemia which is the cause of the present delirium.

CARDINALS HURRY TO VATICAN.

Rome, July 14, 12:55 p. m.—The news of the grave condition of the pope spread rapidly and many cardinals and members of the diplomatic corps hurried to the Vatican.

LAPPONI LEAVES ROOM.

Rome, July 14, 1:25 p. m.—Dr. Lapponi has left the sick room and to see his sick daughter. This is taken to indicate that the pope's danger is less imminent.

ORGANS NOT ACTING.

Rome, July 14, 2:55 p. m.—The organs of the pope are gradually ceasing to perform their natural functions. All processes of elimination have ceased and no more nourishment is taken.

NO CHANGE REPORTED.

Rome, July 14, 4:30 p. m.—No further change has been reported in the pope's condition. His three nephews are remaining near the sick chamber.

RAISES HIS BODY.

Rome, July 14, 6 p. m.—By the great effort of his mind, the pope has just raised himself to a sitting position and insisted upon getting out of bed, returning thereto in a few moments.

MAINTAINS HIS REVIVAL.

Rome, July 14, 7 p. m.—The revival of the pope's mind, which he has maintained since the afternoon of the 13th, has been no recurrence of the delirium. Late this afternoon he talked with perfect lucidity.

GREAT REGRET IN GERMANY.

Berlin, July 14.—The imminent death of the pope caused general regret throughout Germany. There has been no recurrence of the delirium. Late this afternoon he talked with perfect lucidity.

RECEIVES FRANCISCAN BENEDICTION.

"I now wish to have the Franciscan benediction." Fortunately, Cardinal Vives y Tuto, who is a Capuchin, was at the Vatican, and he administered the benediction to the pope.

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States and parliamentary trace flags left Ciudad Bolivar and crossed the border into La Soledad. The Castro's authorities received the embassy, a priest, who said he came in the name of the foreign consul, the bishop and the priest, and asked Gen. Gomez to depart, promising to return. The associated Press correspondent questioned him concerning his reasons for holding the United States flag, as he was not an American. The priest replied: "Because the flag of the United States is respected everywhere."

OUR MARTYRED PRESIDENTS.

N. Y. School Board Refuses to Place Memorial Tablets in Schools.

New York, July 14.—It has been decided by the board of education that it could be poor policy to impress upon the youthful mind the martyrdom of Presidents Lincoln, Garfield and McKinley. Accordingly, a proposition for the erection and presentation of tablets in memory of the martyred presidents to the public schools of the city has been voted down.

MOAT HOUSE MURDERER.

Samuel Herbert Douglas Hanged at Chelmsford Jail for the Crime.

London, July 14.—Samuel Herbert Douglas, the perpetrator of the Moat house murder, was convicted at the Chelmsford assizes June 23 of the killing of Miss Camille Cecil Holland at Chelmsford, Essex, and sentenced to death. He was hanged at Chelmsford jail at 1 o'clock this morning, after confessing his crime.

THE MOAT HOUSE MURDERER.

The Moat House murder, as it was called, was committed four years ago and hope of solving the mystery had almost been given up when the body of the victim, Miss Holland, was discovered in the Moat house grounds. Miss Holland was the owner of Moat House.

About four years ago, Douglas, who was supposed to be her husband, had never been married to her, made his appearance there, and Miss Douglas, supposed to be his sister, took up her residence on the place. Miss Holland was then disappeared suddenly and Douglas was charged with abetting a crime.

The result of the conference at Sagamore Hill has not yet been disclosed, but a strong intimation is given that the petition may not be forwarded to the Russian government. The desire of both the president and Secy. Hay is that the Kishineff incident should be forgotten in its consideration might prove embarrassing to this government in its diplomatic negotiations with Russia. In a result the document was not placed in the hands of the president until today.

ORDERS TO THE KEARSARGE.

Captain Hemphill Receives Instructions to Take His Ship to Frenchman's Bay at Highest Speed—Best Record for an American Battleship of Her Class Expected.

Portsmouth, Eng., July 14.—Capt. Hemphill, of the U. S. S. Kearsarge, received instruction today to take the ship to Frenchman's Bay at the highest speed, with the best coal and oil at the highest speed, with natural draft, to Frenchman's Bay. This is the first occasion in time of peace that an American battleship has been subjected to such a severe test. It recalls a similar voyage of the battleship Oregon during the war with Spain. Divers commenced work this morning on cleaning the propellers, and 1500 tons of coal will be stored tomorrow. Capt. Hemphill will follow the great cruise Friday morning.

Admiral Lord Walter Kerr, visited the Kearsarge this morning. He was received by Admiral Cotton and Capt. Hemphill.

SENATOR KEARNS HAS RETURNED.

Comes Back Enthusiastic Over the San Pedro Road.

Senator Thomas Kearns returned home last night from a trip of about three weeks duration at various points east. When seen for the "News" this morning the senator said that his trip was of a business nature entirely, and had no political significance whatever. He refused to discuss the postoffice difficulty in the local office with reference to the cause of the removal of Mr. A. Dougherty from the position of treasurer or the probability of his reinstatement.

POSTOFFICE DIFFICULTY.

Mr. Snell Serves Notice.

The notice that Mr. Snell sent to the women is as follows:

"Salt Lake City, Utah, July 8, 1903.—You are hereby notified to deliver up to me possession and quit the premises now occupied by you as a tenant from week to week, known as No. 1, Victoria avenue more particularly described as follows:

"Beginning at a point 50 feet south and 140 feet east from the northwest corner of lot 7, in block 37, plat A, Salt Lake City survey, running thence north 80 feet, east 17 feet, south 80 feet and west 17 feet to the place of beginning. On or before the 27th day of July, 1903, (Signed) L. J. SNELL, Owner."

FOREIGNERS IN PHILIPPINES.

Collector Schuster's Decision Affects British Business Men.

London, July 14.—The Times' correspondent at Hongkong, in a dispatch referring to Collector Schuster's decision on the foreigner under contract can be allowed in the Philippines, says that this interpretation of the United States immigration law menaces all the foreign business-houses and banks, which are chiefly British. The British firms construe the decision as an attempt to drive them from the islands, and they are endeavoring to secure the trade.

SEVERAL NEGROES BADLY BEATEN.

New York, July 14.—Several negroes have been beaten in a rioting in the vicinity of West Sixty-second street and Amsterdam avenue Sunday. Several negroes in the neighborhood were severely beaten by a mob of whites.

INJURED ENDOEAVORS RESTING EASY.

Denver, July 14.—Those persons injured by the collapsing of tent Endeavor in a windstorm yesterday afternoon, are reported today to be resting easy and all, it is believed, will quickly recover. That none of the great audience, numbering 6,000 to 8,000 persons, was killed or fatally injured is regarded by Christian Endeavorers and others as a miracle.

CHARGED WITH DROWNING COMPANION.

New York, July 14.—William Black of Stockton street, Brooklyn, was charged yesterday afternoon with a small revolver alleged to have been used in the drowning of a companion.

OUTRAGE BY CATTLEMEN.

Blew Up a Small Pock Master's Home.

Newcastle, Wyo., July 13.—A small stockmaster southeast of Gillette was visited by a band of masked cattlemen a few days ago. Dynamite was placed under his humble old house, windmill and watering tank, and all were blown to atoms. He was bound to a post while the work of destruction was going on, and when the mob left they advised him to leave the country and make no further attempt to rebuild.

ALBRECHT PLEADED GUILTY.

Rather Than Fall to Respond to His Recall.

St. Louis, Mo., July 13.—Rather than fall to respond to the recall of his two years' furlough, Albrecht of Germany today pleaded guilty to a charge of grand larceny in the circuit court at Clayton and was sentenced to three years in the penitentiary.

A SERVANT CONSPIRACY.

Object Was to Avenge the Death of Alexander.

Richmond, Va., July 13.—It is said that the Servian authorities have unearthed a conspiracy to avenge the late King Alexander's death. A search of the frontier prison has revealed a plot to assassinate the king.

AMERICAN MARKSMEN MUCH PLEASED.

London, July 14.—The American marksmen who competed at Hilly were much gratified to receive President Roosevelt's congratulations on their victory in the shooting at the Palma trophy.

Important Conference.

President and Representative Jewish Citizens of the B'nai B'rith Have One on Petition to Russia on Kishineff Outrages—It May Not Be Presented—It Is Not Desired to Disturb Diplomatic Relations.

Oyster Bay, L. I., July 14.—An important conference was held at Sagamore Hill today between the president and representative Jewish citizens of the society of the B'nai B'rith, regarding the petition to the Russian government on the Kishineff outrages. Besides the president, the parties to the conference were Simon S. Wolf of Washington, Oscar S. Strauss and Leo N. Levi of New York.

The administration has been embarrassed by the delay of the representatives of the B'nai B'rith society in presenting the petition. A draft of the petition was handed to President Roosevelt several weeks ago by Mr. Wolf, but it was decided after some consideration to modify the text of the petition before presenting it formally to this government for transmittal to Russia. Time was desired, too, to obtain the petition the signatures of representative citizens of the United States of all the religious faiths. As a result the document was not placed in the hands of the president until today.

The result of the conference at Sagamore Hill has not yet been disclosed, but a strong intimation is given that the petition may not be forwarded to the Russian government. The desire of both the president and Secy. Hay is that the Kishineff incident should be forgotten in its consideration might prove embarrassing to this government in its diplomatic negotiations with Russia. In a result the document was not placed in the hands of the president until today.

MEASURES A GENUINE DISPOSITION TO PUNISH.

It is suggested that the whole matter may be resolved into a brief statement through diplomatic channels to the Russian foreign government that such a petition is in the hands of the United States, thus leaving it to Russia to say whether it would or would not receive the document if it were presented. It would close the incident without subjecting United States relations with Russia to a strain and it is regarded as the most effective as the actual presentation of the petition.

Members of the Jewish committee, together with Dr. Albert Shaw, editor of the Review of Reviews, and his friend from England, Maurice Sheldon Amos, were the guests of the president at luncheon.

Secy. Root left today for Washington. He said that he could not sail for England before the 23rd of August because it was desirable that he should see the general staff in full operation before he left the country.

DUBASSERY'S MURDERER FOUND.

Kishineff, Russia, July 14.—The murderer of the boy Dubassery, whose death was charged to the Jews and which was the immediate cause of the massacre, has been discovered. He is a gardener and has confessed that the boy's uncle committed the crime.

The new governor of Kishineff, Prince Kishineff, has exchanged visits with the leading Jews of the city.

"Quash" the Indictment.

Luke's Lawyers Plead for That, Alleging That County Attorney Westervelt Was Illegally Present and That the Relation of Attorney and Client and Debtor and Creditor Existed Between Defendant and Two Grand Jurors.

Judge C. W. Morse this morning

heard arguments on the motion to quash the 10 indictments returned by the late grand jury against Francis G. Luke, in which he is charged with removing and concealing and altering and defacing a public record. The motion to quash is based on the grounds that County Atty. Westervelt had no right to be present in the grand jury room during the consideration of the Luke case, and that grand jurors L. E. Hall and C. V. Anderson were not eligible jurors for the reason that the relation of attorney and client, debtor and creditor existed between them and the defendant Luke at the time the indictments were found.

The motion was made by Atty. E. A. Walton and A. L. Hopough, his co-counsel, for the defendant, Mr. Luke. Atty. Westervelt and Dist. Atty. Eichner argued against the motion. At the conclusion of the arguments Judge Morse took the matter under advisement until 1 o'clock this afternoon. There is no doubt but that the court will rule against Luke on the first ground of the motion, concerning the right of the county attorney to be present in the grand jury room in the absence of the district attorney, for that reason the jury asked for instructions from the court before permitting Mr. Luke to be present and the court instructed the jury to allow him to conduct the investigations in the absence of Mr. Eichner. As to the second point, it is considerable doubt as to the court's ruling.

THE MOTION TO QUASH.

The motion to quash the indictments is as follows:

Comes now the defendant, Francis G. Luke, in a written action, by Atty. E. A. Walton and A. L. Hopough, his attorneys, and moves the court to set aside the indictment upon which the said defendant is arraigned, upon the following grounds:

1. That a person who is not the district attorney nor an attorney for the state of Utah nor acting at the request of the district attorney nor an attorney pro tem for said state, was permitted to be and was present during the consideration of the grand jury finding the indictment herein, and that the charge embraced in said indictment was under consideration.

2. That the defendant had not been held to answer before the finding of the indictment herein, and there existed a good ground for challenge to the following individual grand jurors, that is to say:

As to the grand jurors L. E. Hall and C. V. Anderson that they were not eligible jurors as provided by law for the reason that the relation of attorney and client, debtor and creditor existed between the said Luke and the said Hall and the said Anderson at the time the said indictment was found.

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