

MAZZUCHI CASE IN COURT AGAIN

Divorce Proceedings Once Decided in Favor of Defendant Being Re-Tried.

LITTLE GIRL GOOD WITNESS.

When Asked if She Understood Solemnity of Taking "Oath" Answers Readily, "Certainly."

The old Mazzuchi divorce case, which has been up several times in the past year, was heard again today before Judge Morse. It was continued until 2:30 o'clock this afternoon. Chronologically, the history of this case is as follows:

Sept. 6, 1906, Suit filed by Mrs. Angela Mazzuchi.

Oct. 16, Amended and supplemental complaint filed by her.

Dec. 18, Decree in her favor rendered and \$20 alimony granted.

April 26, 1907, Defendant files motion for new trial.

Sept. 20, Trial granted (set for Oct. 11, 1907, postponed).

Nov. 16, Answer to amended complaint filed by Mazzuchi.

Today, New trial on.

MARRIED IN 1878.

The Mazzuchis were married in Italy, October, 1878, and have five children. In her complaint Mrs. Mazzuchi alleges cruelty, in that her husband beat her, called her names and subjected her to all sorts of indignities.

The woman, Joe, a 21-year-old son, and Josephine, a 12-year-old daughter, presented the wife's case.

LITTLE GIRL TESTIFIES.

Josephine is a dark-eyed and dark-haired child, exceptionally bright and unhesitating in her replies. As she stepped towards the witness box, Judge Weber asked her if she knew what she did when she took an oath "to tell the truth, the whole truth and nothing but the truth."

"Certainly," was the ready answer. "Sweetest," answered Judge Weber, who represents the plaintiff, her mother, Josephine took the stand and narrated an incident wherein her father beat her mother.

"A little brother went into my father's room and found a nickel. Next day he found a bag of money. This was turned over to mother, and just then father came in. He called my mother bad names in American and hit her."

"Was this the only time they ever had trouble?" was asked her.

"No; they always quarreled," answered the girl.

"LOTS OF STUFF."

Joe Mazzuchi speaks English, but not so clearly as his sister. "Tell the court what you know about trouble between your parents," commanded Judge Weber.

"Lots of stuff occurred," answered the young man. "He would call her bad names and often he struck her. This was over five years ago. Since then they had just stuff."

"What do you mean by stuff?"

"Talking quarrels," answered young Mazzuchi. "My father would call her names and threaten to kill her. One night I came home and there were marks—red marks—on her neck. The kids told me she was struck. This statement was ruled out because it was mere hearsay."

"UGLY-FACE" HURT MOST.

Mrs. Mazzuchi is an intelligent appearing little Italian woman. Every question put to her brought forth a torrent of words uttered rapidly and accompanied by gestures and facial contortions.

No end of trouble was caused by tendencies to go into a history of the family, as all her testimony had to be interpreted. When asked just what "had, ugly, vile and harsh names" her husband had called her, she replied, "Ugly-face."

There were others, far worse, but it took time and trouble to remind her of them. But "ugly-face" grated and hurt worse than the others, no matter how offensive.

E. O. Leatherwood, for the defendant, tried to have Mrs. Mazzuchi and her children admit that the whole quarrel and trouble was caused by Mr. Mazzuchi's determination to have the husband's land over \$2,000 worth of property in South America. This line of questioning brought out nothing but denial.

MOTION FOR NEW TRIAL.

In his motion for a new trial, Joe Mazzuchi explained that he had not been properly represented, that he was ignorant of legal technicalities. He mentioned the fact that his wife was going to sue him for divorce to a lawyer, but gave him no instructions to institute counter-attack. The lawyer never suspected Mazzuchi intended that he should take a hand in the case, so when the trial began Mazzuchi was without representation. Upon this showing the granting of the motion was made. Mazzuchi for years conducted a store on State street, and is now in business here.

COMMERCIAL ELY.

MH at Property May Not be Started Before April.

(Pollack's Special Wire.)

Houston, Dec. 12.—The News Bureau says: We are informed that the contract of the Cumberland Ely-Nevada Consolidated Co. at Ely will not go into commission before April, when an initial capacity of 100 to 1,000 tons is scheduled to be ready. The steps

Dyspeptics

Give instant relief in Sour Stomach, Heartburn, Nausea, all discomforts of indigestion and dyspepsia. Pleasant and economical. Medium size, 25c; Large, \$1; handsome aluminum bombonier, 10c. Druggists or mail. Made by HOOD It's Good

Cataracts

Relieve Nasal Catarrh, allay inflammation, soothe and heal the mucous membrane, sweeten and purify the breath. Best remedy for Sore Throat, 50c, or \$1. Druggists or mail. C. I. HOOD CO., Lowell, Mass.

Another is scheduled to blow in May following the starting of the concentration of the Cumberland Ely-Nevada Consolidated Co. in April the company will be prepared to furnish 15,000 tons of ore, which will be gradually increased to 40,000 tons in August. After that the company's concentration expenditures upon the big smelter and concentrator at Steptoe it is figured that the Cumberland Ely Co., which is remaining \$200,000 in cash. The Cumberland Ely Co. is materially better off in cash than the Nevada Consolidated, but a meeting in the consolidated Copper Co. might obviate any lack of cash on the part of the Nevada Co.

LUKE WANTS COMMISSION.

The Merchants Protective association has filed suit in the district court against W. H. and J. W. Marsh, seeking to collect its commission for an account collected for the defendants by the plaintiff.

GIVE CLARENCE A CHANCE.

Clarence McDaniels stole 35 cents from his sick mother. He was caught in the house and then spent it in somewhat reckless fashion. He was before the juvenile court yesterday and was committed to the industrial school, though his commission was suspended until he was given a chance to reform.

DISLIKES WIFE'S FAMILY.

Wife Jessie, he evidently wanted her, but none of her family. They were married in 1902. Mrs. Marsh, seeking to collect its commission for an account collected for the defendants by the plaintiff.

KILLED HIS WIFE.

Then C. M. Colby Inflicted Fatal Wounds on Himself.

Minnesota, Dec. 12.—C. M. Colby, a janitor in the Oxford building early today, killed his wife by striking her head from her body with a razor and then attempting to kill himself. He cannot recover.

Lillian Colby, their daughter, aged 18, said that when she and her mother were dressing early in the morning, her father had proposed that they all die together, saying he would turn on the gas.

Trouble over property transactions is said to have prompted the deed.

SAVED THE HORSES BUT MAN BURNED TO DEATH

New York, Dec. 12.—While the firemen labored to extinguish a fire and save the horses from a stable in East Ninth street this morning, one man was burned to death and another man and a woman narrowly escaped death from suffocation in a house in the rear of the stable.

The fire broke out in an upper story of the building, which was a small structure containing nine horses, was practically destroyed with its contents when Chief Chief was notified that there were persons in the building behind the stable, the lower floor of which was ablaze. Denouncing the police for failing to notify him earlier, Chief Crozier sent his men into the house. They found the body of William Zibel in a closet, where he had taken refuge and been suffocated by smoke.

Robert Dwyer and his wife were found unconscious in an upper hallway. He had tried to save his wife and before becoming unconscious threw his coat over her face, thereby saving her life. Mrs. Dwyer was quickly revived but Dwyer, who was in serious condition and did not respond to the treatment readily.

It is believed he will recover. The nine horses in the stable were burned to death.

STATE TREASURER RICE.

Motion by Atty.-Gen. Galen to Dismiss Suit Against Him.

Helena, Mont., Dec. 12.—Atty. Gen. Galen today filed a motion in the district court to dismiss the suit brought by the commonwealth against State Treasurer Rice to recover approximately \$48,000 alleged to have been collected and retained by him as interest on deposits of public funds.

The petition sets forth that evidence to convict is unobtainable, that the treasurer's bond has been raised three times and is unobtainable, and that pending and that the legislature when it passed the new laws rescinded a recalculation of the alleged amount, and resolutions requesting dismissal on the ground that it had been a time honored custom.

FRICION BETWEEN CONREID AND DIRECTORS

New York, Dec. 12.—The World this morning states that there is friction between the directors of the Metropolitan Opera House and Henrik Conreid, the director, which will probably lead to the director's resignation at the end of the present season.

None of the directors and Conreid has a quarrel, but it is said that there is much dissatisfaction with Mr. Conreid's management of the opera house and particularly with the fact that a number of very prominent singers who were in the market for American engagements were engaged by Mr. Hammerstein for the Manhattan. The latest difficulty between the opera manager and Conreid is a fight in which Mme. Tetrazzini, who was secured by Mr. Hammerstein.

HUGHES REPUBLICAN LEAGUE ORGANIZED.

Strause, N. Y., Dec. 12.—A large number of prominent Republicans last night organized the Charles E. Hughes Republican League of Onondaga county, electing officers and arranging to extend the organization throughout the county. It will affiliate with the Hughes League of New York City, the local club, which includes in its membership men who have been prominent in the Onondaga Republican organization, will meet in a fight in the primaries for national delegates.

MRS. LONGWORTH DOING WELL.

Washington, Dec. 12.—Surgeon General Rixey, one of the attendant physicians on Mrs. Longworth, after visiting the patient this morning, stated that she appeared in good health and was in excellent condition following the operation for appendicitis performed yesterday.

AFTERNOON ON 'CHANGE.

Stocks bid. Asked.

Albion 2.00 2.05

Alton 2.00 2.05

Adax 2.00 2.05

Bullion Beck 2.00 2.05

Carls 2.00 2.05

Can. Metall 2.00 2.05

Columbus Con 2.00 2.05

Daily 2.00 2.05

Daily Judge 2.00 2.05

Daily Queen 2.00 2.05

Eagle's Nest 2.00 2.05

Eagle & Blue Bell 2.00 2.05

Grand Central 2.00 2.05

Horn Silver 2.00 2.05

Little Bell 2.00 2.05

Lower Mammoth 2.00 2.05

Lou Dillon 2.00 2.05

Mammoth 2.00 2.05

May Day 2.00 2.05

Nevada Hills 2.00 2.05

Nevada Fairview 2.00 2.05

Ontario 2.00 2.05

South Swains 2.00 2.05

Utah Mine 2.00 2.05

Uncle Sam Con 2.00 2.05

Butler Liberty 2.00 2.05

Beck Tunnel 2.00 2.05

Black Jack 2.00 2.05

HOW SOME DELAYS OCCUR.

A New Orleans man wrote to Postmaster Thomas, Nov. 5 last, enclosing four cents in stamps, stating there was a package for him in the Salt Lake general delivery, and would he please forward the same. But the commissioner forgot to sign his name, as nothing could be done. The postmaster received today another letter from the same party, stating the fact that he had sent a request three weeks previous, enclosing postage, and again requesting the postmaster to forward the package; but again the party neglected to sign his name. The address was 1207 St. Charles avenue. This however, does not give, and he must be kept waiting until he can think it worth while to sign his name.

J. M. DAVIS APPOINTED.

Effective this date, Mr. J. M. Davis is appointed acting general superintendent of the O. S. L. with headquarters at Salt Lake City, vice Mr. E. Buckingham, resigned.

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Butler Liberty 2.00 2.05

Beck Tunnel 2.00 2.05

Black Jack 2.00 2.05

Colorado Mining 2.25 2.25
Crown Point 12 12
Emerald 10 10
Ingot 10 10
Iron Horse 234 234
Jays 10 10
Joe Bowers 10 10
Lead King 10 10
Little Chief 10 10
Mountain Lake 10 10
New York 10 10
Scottish Chief 10 10
South Columbia 10 10
St. Louis 10 10

Daily Judge, 100 at 4.00.
Lower Mammoth, 100 at 52; 100 at 51; 600 at 50; 500 at 49; 100 at 48; 30.
May Day, 1,000 at 25; 1,000 at 25.
Uncle Sam, 2,000 at 16; 800 at 15.
Beck Tunnel, 200 at 21; 200 at 20.
Colorado, 1,200 at 2.25; 500 at 2.20; 30.
Mountain Lake, 100 at 25.
New York, 1,000 at 15.
St. Louis, 1,000 at 15.

NEW YORK CLOSING STOCKS.

New York, Dec. 12.
Atchison, pfd. 79 1/2
Atchison, pd. 80
Baltimore & Ohio 80 1/2
Canadian Pacific 149 1/4
Chicago & Northwestern 134
Chicago & North Western 139
Colorado Southern 129 1/2
Denver & Rio Grande 129 1/2
Denver & Rio Grande pfd. 58
Erie 10 1/2
Illinois Central 12 1/2
Louisville & Nashville 90 1/4
Mexican Central 14 1/2
Missouri Pacific 50 1/4
New York Central 111 1/2
Pennsylvania 111 1/2
Reading 90 1/4
Rock Island 14 1/2
Rock Island pfd. 29
St. Paul 10 1/2
Southern Railway 129 1/2
Southern Railway 129 1/2
Union Pacific 114 1/4
Union Pacific pfd. 79 1/2
Wisconsin Central 12 1/2
Great Northern pfd. 114 1/4
Northern Pacific 114 1/4

MISCELLANEOUS.

Amalgamated Copper 45 1/2
American Car & Foundry 29 1/2
American Locomotive 35 1/2
American Smelt. & Refining 60 1/4
Brooklyn Rapid Transit 71 1/2
Colorado Fuel & Iron 18 1/2
International Paper 8
National Biscuit 65 1/4
National Lead 35 1/2
Packard Motor 71 1/2
People's Gas 76 1/4
Pressed Steel Car 19
Pullman Palace Car 14 1/2
Standard Oil 45 1/2
Fidelity Union 94 1/4
United States Steel 25 1/2
United States Steel pfd. 86 1/4
Western Union 55 1/4
W. P. Mfg. 18 1/2
Mackay Co. 50 1/4
Do. pfd. 53

REPORT MADE TO THE SECRETARY OF STATE OF THE STATE OF UTAH, OF THE CONDITION OF THE ZION'S SAVINGS BANK & TRUST COMPANY.

Located at Salt Lake City, in the County of Salt Lake, State of Utah, at the close of business on the Ninth day of December, 1907.

RESOURCES.
Loans and Discounts 33,086,822.53
Bonds, Stocks, Certificates, etc. 708,125.98
Real Estate 36,000.00
Due from National Banks and State Banks and Branches 275,341.42
Due from State Banks and Branches 275,341.42
Cash on Hand 1,029,823.84
Current Expenses and Taxes 518.75
Total 34,447,272.65

LIABILITIES.

Capital Stock paid in 300,000.00
Surplus Fund 50,000.00
Undivided Profits 29,968.15
Interest Reserve 42,708.15
Dividend Reserve 9,942.00
Tax Fund 10,316.59
Savings Dept. Int. @ 3 and 4 per cent 4,825,214.41
Cashier's Checks 25,324.49
Time Certificates of Deposit 28,809.92
Total 34,447,272.65

STATE OF UTAH, COUNTY OF SALT LAKE.

O. C. BEEBE being first duly sworn according to law deposes and says that he is Cashier of the above named bank and that the above and foregoing report contains a full, true and correct statement of the condition of the said bank at the close of business on the Ninth day of December, 1907.

Correct Attest: O. C. BEEBE, Cashier.

THOMAS G. WEBBER, Notary Public.

Subscribed and sworn to before me this Twelfth day of December, 1907.

WILFRED P. SMITH, Notary Public.

STATE OF UTAH, OFFICE OF THE SECRETARY OF STATE.

L. C. S. TINGEY, Secretary of State of the State of Utah, do hereby certify that the foregoing is a full, true and correct copy of the statement of the above named company now on file in my office this 12th day of December, 1907.

L. C. S. TINGEY, Secretary of State.

REPORT MADE TO THE SECRETARY OF STATE OF THE STATE OF UTAH, OF THE CONDITION OF THE STATE BANK OF UTAH.

Located at Salt Lake City, in the County of Salt Lake, State of Utah, at the close of business on the Ninth day of December, 1907.

RESOURCES.
Loans and Discounts 8,692,252.27
Overdrafts 6,981.42
Bonds, Stocks, Certificates, etc. 79,635.25
Furniture and fixtures 20,363.44
Title plant 40,990.00
Real estate 27,726.81
First mortgage R. 97,104.65
U. S. Bonds 19,925.00
Cash on hand 293,491.99
Current expenses and taxes 4,300.00
Total 9,075,765.83

LIABILITIES.

Capital stock paid in 250,000.00
Surplus Fund 150,000.00
Undivided Profits 22,662.10
Reserved for int. and taxes 4,879.45
Deposits 1,089,317.15
Total 433,543.70

STATE OF UTAH, COUNTY OF SALT LAKE.

Heber M. Wells being first duly sworn according to law deposes and says that he is Cashier of the above named bank and that the above and foregoing report contains a full, true and correct statement of the condition of the said bank at the close of business on the 9th day of December, 1907.

Correct Attest: HEBER M. WELLS, Cashier.

J. J. HALLORAN, Notary Public.

Subscribed and sworn to before me