

TRAIN FELL INTO DEEP BLUE OCEAN

Santa Fe Engine and Seven Cars
Run Off Into the Bay.

THE STRIKE IN NEW YORK.

American Syndicate Will Gridiron
Cubs with Railroads - Pennsylvania
Dividend - Railroad Notes.

An engine and seven empty cars of
the Santa Fe road were thrown into the
bay from the new Santa Fe wharf in
San Francisco today, by the breaking
of an apron. No one was killed or as
far known.

The New York Strike.
Buffalo, N. Y., May 1.—Commissioner
Webster of the State board of arbitration
received the following message from
the superintendent of motive power of
the New York Central, in office at
New York this morning:

"Your message delivered in my office
by Western Union people at 5:30 o'clock
this afternoon, has been received and
will be given the most careful consideration.
It was stated at the strike, and the
railroad freight handlers were working.
A meeting of the Brotherhood of
Railway Trainmen has been called for
this afternoon. Its object was evidently
regarded as important at strike
headquarters. The Brotherhood is composed
of passenger train men and
breakmen employed on the roads diverging
from Buffalo. They have threatened to
strike on the roads where the car
repairs are on strike, claiming that
the lack of proper inspection is a
menace to life.

New York, May 1.—Supt. Arthur M.
Waitt will leave for Buffalo tonight to
confer with striking employees. He said
he would try to arrange a satisfactory
settlement of the wage schedule, but that
the reports showed no freight trains
as the result of the strike, and he
thought the company was carrying too
many men on its pay roll for the
amount of business it was doing.

Declared a Dividend.

At Philadelphia today, the board of
directors of the Pennsylvania road
declared the regular semi-annual dividend
of 2½ per cent, payable May 31st,
to stockholders registered on the books
of the company April 30.

MONTANA CENTRAL STRIKE

All Freight Conductors and Brakemen Quit
Their Work Today.

Trouble Is Over a New Schedule
Which Was Ordered to Go Into
Effect on This Date.

Word was received in this city today
that all freight conductors and brakemen
are out on strike on the Montana
Central. The trouble is over a new
schedule which went into effect today.
The new schedule is the same as was
accepted on the main line of the Great
Northern some months ago, over which
there was some trouble. No effort has
been made by the company to apply it
to the Montana Central until today.

TO GRIDIRON CUBA.

American Syndicate's Plan as to the
Big Railroad System.

A special to the New York Tribune
from Montreal today says: Sir Wm. C.
Van Horne has again sent out some information
respecting the syndicate which
has been organized to supply Cuba with
railways. Sir William is the organizing
and controlling spirit of the enterprise
and associated with him are American
capitalists, including Wm. C. Whitney,
W. Mackay, Levi P. Morton, J. J.
Hill, H. M. Widener, H. M. Plummer and
others. Lines upon which syndicate has
already been secured and which will
be taken into the combination are
the Havana, Matanzas, Sagua, and
Cienfuegos roads, the latter of which
is the most important. The syndicate
will build a system of lines running
from Havana to Matanzas, and from
Matanzas to Sagua, and from Sagua
to Cienfuegos. The syndicate will
also build a line from Havana to
Sagua, and from Sagua to Cienfuegos.
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from Havana to Sagua, and from Sagua
to Cienfuegos. The syndicate will
also build a line from Havana to
Sagua, and from Sagua to Cienfuegos.

Authority for the proposed new lines
has been secured. The syndicate has
been granted the right to build the
lines, and the syndicate has been granted
the right to build the lines.

MR. TANNER INJURED.

David Archibald who was coming to
the city this morning, says that at
Dingham Junction a train came near
striking the hind end of a buggy which
was crossing the track, missing the
horns by but a few inches. The horse,
which was being driven by Nathan
Tanner, 76 years old, was thrown
by the train, and the driver was
thrown overboard. Mr. Tanner was
picked up by Mr. Archibald and others,
and was in a very bad condition, having
fallen into the water. It is thought
that the old gentleman received a severe
shaking up and possibly some other injury.
The driver escaped unhurt.

Freight Business Began.

The Santa Fe railroad began its
freight service to and from San Francisco
today by way of Port Richmond.
Freight trains will not be run for
several days.

Sumpter Valley Line.

Vice President David Becks of the
Utah and Pacific was in town today,
he is interested in the building of the
Sumpter Valley line, and the company
is president. He reports good progress
in the extension of that line. Engineer
Joseph A. West having made the necessary
surveys. The work is also in
charge of the construction and is pushing
work as fast as possible.

RAILROAD NOTES.

New offices for the Illinois Central
have been opened in Denver.
Leo Marx, of the Rio Grande Western,
has gone on a visit to Porto Rico.
The Union Pacific has let a contract
to double track its line from Cheyenne
to Ogden.

Vice President Bancroft of the Short

line in Butte with President Burt of
the Union Pacific.

It is stated that "Dick" Nelsen will

successor of the late B. R. Watson as
general agent here for the Burlington.
An average speed of 48 miles an hour
was recently made in a run of the fast
mail on the Burlington from Burlington
to Chicago, 205.5 miles.

W. C. Spence is arranging with the
railroads for special rates for the Brigham
Young anniversary celebration on June 1st.

Purchasing Agent Charles Hayward
of Chicago and Northwestern heard
an organ recital and visited Salt Lake
yesterday. He travels in a special car.

The Oregon Short Line has issued a
new tariff sheet on wool shipments and
one of the clauses reserves the right of
the company to route the same according
to its own liking.

The Rio Grande Western is tugging
at a long string on the wool question,
it is making much discussion of the
question, but will win the day. The Colorado
line will not be far behind at the
west.

The Rio Grande Western's bridge at
Green River is now under construction.
The bridge is a steel truss bridge, and
will be a substantial affair and cost
about \$50,000. There are six spans
of 165 feet each.

Commencing Sunday some changes
have been made in the Rio Grande
Western time tables. The train which
now leaves here at 5:10 p. m., the time
on the Salt Lake train is shortened a
few minutes. The time between here and
Denver is cut down one and one-half
hours.

Chief Engineer Bethel, who is in
charge of the Oregon Short Line
surveys who are now at work in the
Bonneville valley, in the vicinity of Star,
left last night for Salt Lake for a
conference with the head engineers of the
road. He expects to return the fore
part of the week—Boise Statesman.

The Union Pacific gives notice that
May 1st will re-establish the freight
privileges. The notice says that the
date indicated cattle and sheep from
points west of North Platte may be un-
loaded at any point east of North Platte
and will not be subject to the usual
additional freight charges except
switching.

A Kansas charter was granted last
night to the Kansas City, Mexico &
Orient railway company, of which A.
H. Sullivan of Kansas City is the pro-
moter. This is the line Mr. Sullivan
proposes building in connection with
lines already under construction in
Mexico and California to the Gulf of
California, the Pacific terminus to be
Toluca, Mexico. The authorized capital
is \$2,000,000.

The recently elected directors of the
Central Pacific Railroad company of
Utah, the successful ones of the
Central Pacific Railroad company of
California, have elected the following
officers for the ensuing year: President,
Isaac L. Hewitt, secretary, J. A. Smith,
treasurer, N. T. Smith. It was an-
nounced that an additional \$1,500,000
of 5 per cent mortgage bonds, or a total
of \$2,500,000 of the bonds, would be
issued and the proceeds of the sale of
the bonds would be used for the
construction of the Central Pacific
sinking fund.

Miss Bessie L. Shirley has made
arrangements with the Rio Grande
Western and Denver & Rio Grande for
special rates for a personally conducted
excursion to Denver and back, leaving
here on June 2nd, and returning on
June 15th. The excursion will go to
Glenwood Springs, where
both the hotel and the
evening will be the order, then
to Florence, Cripple Creek, Leadville,
Colorado Springs, and Denver. In each
and every city similar events will occur.

Feeding in transit for livestock
will be established in Nebraska, May 1st.
Stock and sheepmen generally through-
out the west, who have been a well
founded grievance against the trans-
portation companies on that account,
will look upon this as good news. In
the case of the schedule issued by the
Union Pacific at the end of last month
in regard to the privileges of feeding in
transit east of Elgin, Kan., at points
on the Union Pacific, the new schedule
privileges only apply to shipments
which are completed within the space
of one year.

John Sebastian, general passenger
agent for the Chicago, Rock Island &
Pacific, says: "Our proposition
through the Western Pacific, for ex-
cursion for special excursions to and
from Colorado and Utah points have
been rejected. I have now served notice
that we will take independent action
and place rates and arrangements in
effect for our line in accordance with
original proposition, and will sell tickets
from all Missouri river gateways
July 1st, and 15th, in addition to
dates named." The dates named in
the original notice for westbound ex-
cursions from Chicago and intermedi-
ate points were June 2nd, July 1st
and 15th, and August 1st, and for east-
bound excursions June 23rd, July 1st
and 15th, and August 1st.

An important decision of the Inter-
state Commerce commission has been
issued at Omaha, reducing the rate
for sugar shipments from California
east. The commission in the case was
filed by A. J. Gustin on behalf of the
merchants of Kearney, Neb., against
the Burlington, Missouri Pacific, Rio
Grande and the Southern Pacific
railroads. The opinion filed is volumi-
nous. The bill of complaint, in so far
as it affects this Burlington road, is
dismissed, but the Union Pacific does
not fare so well. The commission con-
siders the rate of 50 cents per ton on
sugar from the coast to Omaha as
unreasonable. It is in the nature of
business between these points, showing
that the rate is affected by the rate
via ocean vessels between New York
and Omaha. The commission is of the
opinion that by reason of this competition
the Union Pacific is entitled to haul sugar
cheaper to Omaha than to Kearney,
where no such competition exists. It
is not entitled to charge 40 cents in
addition, therefore the rate is re-
duced to a more reasonable figure
of 30 cents. The maximum rate
charged at Kearney is 65 cents to
Omaha.

NOT AN APPLICANT.

Dr. Jos. T. Kingsbury today said
that the report contained in a morning
paper that he was an applicant for a
position in the Agricultural college at
Logan was entirely untrue. "It is news
to me," said the professor. "I have
been approached upon the matter, but
have refused to consider it. I am not
an applicant for the place."

THE

thin baby

You always expect to see
a baby plump and rosy, don't
you? Thinness in a baby
is a disease. If not corrected
serious results follow. The
first year often determines
the health for the whole of
a long life.

Scott's Emulsion

is a true and tried friend to
the little ones. It gives
them just the plumpness all
healthy babies should have.

25 cents. Sold by all medicine dealers.

Constipation,
Headache, Biliousness,
Heartburn,
Indigestion, Dizziness,

Indicate that your liver
is out of order. The
best medicine to regulate
the liver and cure all
these ills, is found in

Hood's Pills

25 cents. Sold by all medicine dealers.



SEED TIME AND HARVEST.

This is the time of year when planting
is in order. If you are careful of the
seed you will be rewarded by the har-
vest. Care in buying is the seed which
produces future prosperity. You
can save money by using
Three Crown Baking Powder
Extract and Spices. They are sold by all
grocers and guaranteed to give perfect
satisfaction or money refunded.

HEWLETT BROS. CO.

PERSONAL.

Mrs. J. C. Elliott King left for Min-
neapolis today.

Postmaster Thomas has returned
from the East.

Fred Nelson, editor, Democrat and
general politician, is up from Provo.

C. H. Moon of St. Anthony is a Salt
Lake visitor today and is registered at
the Kenyon.

A. E. Hyde, who was recently injured
in a mine accident in Tintic, is improv-
ing nicely.

Mrs. Fowler and daughters of Corinne
returned home this morning after hav-
ing spent the winter here.

Mrs. G. E. Darby of Mountain Home,
Idaho, is visiting here and registered at
the Walker House this morning.

H. G. Dunham, of St. Louis, of coco-
nut fame, and P. H. Boyce, Grand
Juror, are guests at the Cullen.

Geo. A. Gibbs left today for Montana
and the East. After a short visit in
the north he will go East and visit Boston.

W. B. Forsyth of Corinne is here on
a short visit. He is enthusiastic over
enterprises of the Bear River Land
company.

Marshall Miller is suffering from a
swelling upon his neck, which is sup-
posed to be the effect of a recent attack
of the grip.

F. P. Gridley, manager of the Sweet-
water Coal company, is here, accom-
panied by Mrs. Gridley. They stop at
the Manitou.

Willis Johnson is a visitor from Cir-
cleville and with others who live in
that section is very thankful for the re-
cent railroads.

Hon. David H. Peery of Ogden came
down this morning to attend a meeting
of officials of the Deseret National bank,
in which he is a director.

Winnemucca Silver State Mrs. C. S.
Varian arrived from Salt Lake City
Thursday to attend the funeral of her
nephew, Ernest McDougal.

Cardston Record: Miss Emma Mac-
donald expects to leave for Salt Lake
City next week, her health making the
change necessary.

W. J. Dooley, delegate at large from
Nevada to the Paris exposition, is in
town. He will soon take his departure
for the land of frogs.

R. C. Land of St. George is in town
and says the country down in the vicinity
of his home, since the storms, is
looking like a veritable paradise.

Whitney Polache, one of the general
agents on the Pacific coast of the Har-
vard Insurance Co., is in Salt Lake City
today, and says the company of the com-
pany, Heber J. Grant & Co.

John Dalton, Manassa, Colorado, O.
C. Halgren, Franklin, Ida.; and Wil-
ber Gibbs, Rock Springs, Wyoming,
are new arrivals in town today and
are registered at the White House.

Dr. P. Gustave Junker of Frankfort,
Germany, is on his way to attend the
general conference in Chicago of the
Methodist church here yesterday.

N. Mackey Taber of the Brown hotel
of Denver stopped at the Kenyon
last night, accompanied by Mrs. H.
N. Gray of San Francisco, his mother-
in-law, who left with him for Denver
today.

H. Martin, proprietor of the Hotel
Colorado, Glenwood Springs, is visiting
here and makes his home at the Ken-
yon. Hanwood M. Cushing of the Den-
ver & Rio Grande acts as chaperone to
the visitor.

Pocatello Tribune: Miss Ruby Young,
who has been teaching the school at
Small, Idaho, arrived here today to
spend a couple of weeks visiting with
Mrs. P. B. Shaw, before leaving for
Salt Lake City.

At the Kenyon today are these new
guests today: E. H. Adams, New York;
H. Sells, Chicago; J. R. Edgell, Nephi;
R. Storm, Los Angeles; H. P. Strickling,
Chicago; F. J. French, Weiser, Idaho;
H. A. Sutton, Chicago; C. H. Willis, Ogd-
en.

Pocatello Advance: Thos. H. Davis
left yesterday for Salt Lake, to seek
rest and medical aid. Mr. Davis con-
tracted a severe cold some days ago,
which has settled on his lungs, and
which he has not been able to shake
off.

Boise Statesman: Mrs. T. J. Nipper
has shipped her household goods to
Salt Lake, to which city she will shortly
remove. Mr. Nipper being engaged
in business there. Rev. C. R. Baker
will occupy the residence, 922 State
street.

Everett (Wash.) Independent: Wind-
sor R. Rice and D. E. Erwin of the Rio
Lumber company left on the morning
train for Salt Lake City after being
here several days looking over the ex-
tensive improvements to machinery
now under way at their mill. The mill
will resume running shortly with an
abundance of power.

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paper that he was an applicant for a
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have refused to consider it. I am not
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DID NOT WAIVE A JURY TRIAL.

Supreme Court Declares Rule 9 of
District Court Null and Void.

CHERRY IS MANDAMUSED.

Decision in Case of the State, Ex. Rel.
George Nichols, vs. A. N. Cherry,
Judge.

Rule 9 of the Third district court re-
ceived a death blow at the hands of
the Supreme Court today, Chief Justice
Bartch, in an opinion handed down this
forenoon, holding that it imposes limi-
tations and requirements not exacted
by the statute relating to jury trials in
civil cases.

The rule referred to required the pay-
ment of \$5, five days before the com-
mencement of a term, but the Supreme
Court holds that such a rule cannot
control when the setting of causes is
made within less than five days of the
commencement.

The decision was rendered in the case
of the State of Utah, ex rel. George
Nichols, vs. A. N. Cherry, judge of civil
branch of the Third district court.
This was a proceeding in mandamus,
originally in the Supreme Court. The re-
lator is plaintiff in the case of George
Nichols vs. the Oregon Short Line Rail-
way company, now pending in Judge
Cherry's court.

On the 2nd of last February the case
was called in order that it might be set
for trial. Attorney Jarlov Ferguson,
not in harmony with the Constitution
and the statute of the State, re-
fused to appear, and the plaintiff was
then argued and submitted for decision
on the merits.

The principal questions in the case
were whether the plaintiff really did
waive a jury trial, and whether the
constitution and statute of the State, re-
lating to such a case, and rule 9 of the
district court, the plaintiff waived a
jury.

Attorney Ferguson maintained that
the statute and rule of the court were
in harmony with the Constitution, and
that even if they were he had com-
plied with both the statutory and con-
stitutional provisions in his demand.

The court held that the plaintiff
did not waive a jury trial, and that
the Constitution and statutory provi-
sions of the trial of a civil case, at law,
by a jury, is a personal privilege, which
cannot be waived by the plaintiff, and
that the court should not set aside the
demand in open court at the time of set-
ting the case for trial, and that the
plaintiff should be allowed to set the
case for trial at a later date.

The court ordered a writ of mandamus
to issue commanding Judge Cherry to
grant a jury trial by jury.

There are a number of other litigants
who will be affected by today's decision,
and having been agreed upon by them,
they have agreed to set their cases
for trial at a later date.

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COURSE IN UTAH HISTORY.

Presented at the University Summer
School the Coming Summer.

For the first time in the career of the
University summer schools, that institu-
tion announces a course in Utah history
under instruction of Levi S. Young.
The course will be done by lectures sup-
plemented with outside reading. Particular
attention will be paid to the early Span-
ish explorations in the West, and the
early settlement of the state.

Mr. Young has been conducting a
class in the University during the pre-
sent year, and has achieved much success
in his chosen line of work. The State
Constitution will be studied in connection
with the general history.

COUNTY BOARD MATTERS.

Bids for the sprinkling of the four
county districts were opened at yester-
day's meeting of the county commission-
ers, but in the absence of chairman Tay-
lor, who was detained at home on ac-
count of sickness, no definite action was
taken and the matter will be considered
next week. In the meantime Clerk
Dunbar was instructed to tabulate the
bids.

The Opel Wheel Club asked that the
resolution closing East Temple street,
between South and bicycle for the
past two years, be set aside and the
street reopened. Referred to Commis-
sioners Woolley and Whitaker.

The board to place bridges across the
ditches running along the east side of
State between Eleventh and Twelfth
streets, and between Twelfth and
Broadway addition to Salt
Lake City. Reference to committee on
roads and bridges.

Abel John Evans appeared before the
board and stated that the Utah sugar
company was desirous of obtaining a
title to the land on which the property
for the purpose of constructing a pipe-
line.

JUDGE TIMMONY'S COURT.

Joseph Sharkey, who appeared in the
court room in a drunken condition yester-
day and asked the court to give him
his belongings, was today and an-
nounced his home, and he had a ticket
for Leadville and would use it if a
chance was given him. He is now en
route for Colorado.

The three Indians who imbed "fre-
water" to an alarming extent yester-
day, were not in order. They were
arrested as John Jim, Mary, and
Jane. When asked if they were drunk
one of the squaws said: "Me lay down.
Me wake up. Me be here. Me don't
know." They were allowed to go.

John Greenland said he guessed he
was drunk but it was the first time and
he was allowed to go.

John Ford assured the court that he
came from "Alta City" and was a
miner. He admitted his guilt to drunken-
ness, but it being his first appearance
he was permitted to go.

The case against S. L. Bright, charged
with violating the license ordinance,
was dismissed, owing to the failure of
the prosecuting witness to show up.

Old Charles Pierce was, according to
the testimony of Officer Parry, intoxica-
ted yesterday, but the old man said
he was not as the court decided to be-
lieve the officer, and Pierce was sent
up for five days.

Paul Reicher entered a plea of guilty
to the charge of assaulting one C. S.
Arnold, and was fined \$50 or fifty days.

Pat Harrigan will put in ten days
for getting drunk this morning and
kicking in the door of a First South
street saloon.

WARD REORGANIZATION.

A conference was held in the Thir-
teenth ward on last Sunday evening at
which Charles A. Johnson was chosen
as second counselor to Bishop Empey,
to take the place of Hamilton G.
Bart, who duties in the High Priest's
quorum are such as to demand nearly
all his attention. President Angus M.
Cannon conducted the proceedings and
delivered a splendid address.

WILL NOT GO TO COLLEGE IF CAUGHT

The Young Man Will Probably
Graduate From Penitentiary.

SMOOTH SUBSCRIPTION MAN.

Collected Money for Magazines, but
was Not Authorized - Pocketed
the Cash-Official Letter.

During the month of April there ap-
peared in this city a young man of
pleasant address who solicited sub-
scriptions ostensibly for Munsey's and
the Cosmopolitan, each for the sum
of 75 cents per annum. The young man
issued printed receipts for the money,
which was paid, and stated that his
anxiety to get subscriptions came from
the fact that the publishing company
offered a prize to the agent who first
sent in 1,000 subscriptions, and this
prize was a college education. After
paying \$1.50 for the two magazines,
wishing to help the young man with his
education, Mr. J. A. Johnson, of the
Co-op. Wagon & Machine company
wrote to the Cosmopolitan Magazine to
see if all was well, and this is the reply
he got should be the fact that he had
sent in a receipt for the sum of \$1.50,
in relation to a receipt given by Myran
West. It causes us regret to state that
the Cosmopolitan Magazine being the
personal property of Mr. John Brien
Walker. A further cause for suspicion
on the part of those whom he has sol-
icited subscriptions, and by the way,
subscriptions at a cut rate on a mag-
azine as cheap as 10¢.

We recognize fully the seriousness of
this matter, and have endeavored to
number of towns to stop Mr. West's
career. Unfortunately, very few com-
plain of him until two weeks after giv-
ing him subscriptions, and by that time
he is far away on a route that is
peculiar for its erratic jumps."

REFUSED MARRIAGE PERMIT

James E. Campbell and Hannah Cooper,
an Aged Couple, Create a Scene.

The truth of the old adage "There's
many a slip 'twixt cup and lip" had an
apt illustration in the county clerk's
office today, when a "young couple"—
whom Clerk Seare said were "old
enough to know better"—insisted
their desire to take each other for
better or worse, and got the worst of it.

The parties gave the names of James
E. Campbell and Hannah Cooper, and
said they lived in this city. The former
gave his age as 63, or thereabouts, and
the latter said she could do the "old
man's work better, if not more so."

"Surely," said Mr. Seare, addressing
the woman, "you know the year in
which you were born."