DESERET EVENING NEWS FRIDAY FEBRUARY 8 1907





Schwartzfager, the Trainwrecker, May Escape Consequences Of His Crime.

APPLICATION FOR RELEASE

Will be Heard Saturday-Juvenile Court Only Can Handle Youthful Offenders.

Ogden, Feb. S .- Roy Schwartzfager, the youthful trainwrecker who last month wrecked a Union Facific freight train at Peterson, Morgan county, killing the engineer and seriously injuring several others, and who was bound over to the district court on the charge of murder and since released from custody on \$5,000 bond, was yesterday surrendered to the sheriff of Morgan county by his bonds-

wenty-fifth street saloon and the two became quite friendly and had several drinks together. The new made friend invited him to the theater, after which he took him to a place and there robbed him and blacked him eye. SUIT FOR FLOOD DAMAGES. Martin Moran, who resides at 2726 Monroe avenue, is the first to take steps to recover damages from Ogden Steps to recover damages from Ogden City caused by the recent flooding from the heavy storms and thaw. Through his attorney, Joseph Chez, he has, filed a claim against the city for \$750 dam-ages. In his claim he sets forth that his property and house was badly dam-aged because of between four and five feet of water inundating the same

was yesterday surrendered to the sheriff of Morgan county by his bonds-men and was later brought to Ogden and confined in the county fail. Last evening his attorney, W. L. Maginnis, appeared before Judge Howell and fied an application for a writ of ha-beas corpus, on the ground that he is being unlawfully held at the county jul; that the justice of the peace of Morgan county before, whom he had his preliminary hearing, had no jur-isdiction over him, because he is under age and if guilty of any crime should have been taken before a juvenile court to be triad. Judge Howell made the writ returnable Saturday morning at 10 of lock. At that time Schwartz-fager's attorney will ask that the writ be issued. Dist Atty, Halverson will appear in behalf of the state and op-pose the granting of the writ. Under the ruling of Judge Howell, however, in the case of the state against Rose Rolley, wherein he held that no court has any jurisdiction over any child 18 years of age or under, except the juvenile court, and that the ourly consistent that can be meted out is commitment to the State Indus-trial school for any crime; unless it be that the crime alleged was committed in some part of the state other than a city of the first and second class, then the accused must be given a trial feet of water inundating the same. That the flooded condition was caused by the defective drainage system of the dty in draining the hollow just east of his place. The claim will go before the city council next Monday night to that the crime Alleged was committeed in some part of the state other than a city of the first and second class, then the accused must be given a trial before the district judge who must sit as a juvenile judge and hear the case. Should the writ be granted an-other complaint will be drawn up and the young man will immediately be taken into custody again and brought before Judge Howell for hearing, but it is believed that under the law as set down by Judge Howell the greatest punishment that can be imposed on the young man, although charged with murder, is a reform school sentence. The position in which the juvenile court law places felony cases against any person under 18 years is deplor-able in the extreme, as to matter how be acted upon. The board of directors of the First National bank and the Ogden Savings bank, which are governed by the same directors, have decided that because of the great increase in the business of the savings bank a separate cashier was necessary, hence John Pingree was released as cashier of the savings bank released as cashier of the savings bank released as cashier of the savings bank and Charles Barton who has beeu paying teller at the bank for years, He is a very competent young banker. Mr. Pingree will continue as cashier of the First National bank and all the directors were re-elected. The report submitted shows the institution to be in a most prosperous and substantial conable in the extreme, as no matter how serious the crime, as in the case igainst young Schwartzfager that of murder according to the allegations dition.

of the complaint, he cannot be sent to the penitentiary to pay the penalty for the crime. DAMAGE SUIT HEARING. The further hearing of the damage complaint, he cannot be sent

Manager, 466 24th St. E. A. Larkin. . Telephone 138-k. Advertisements for the Daily. Saturday and Semi-Weekly News accepted on the same terms as at the Sait Lake Office.

Circulator, John J. McGregor Ind. Tel. 151 2245 Wash, Ave. Office with Lambert Paper Co. Payments for the Daily, Saturday and Semi-Weekly News should be made to the circulator. Delivery made by carrier on the same terms as in Salt Lake.

ROBBED AND BEATEN.

NEW BANK CASHIER.

suit of A. I. Stone administrator of the estate of B. F. Eccles against the Union Pacific has been continued to Monday morning. The greater part of yesterday was occupied in taking ex-pert testimony on the matter of the rules governing the making out of train orders. The prosecution contends that if the telegraph operator had prop-erly made out the orders the Azusa wreck, in which a number lost their lives would never have occurred. A number of men who at various times have acted as telegraph operators for different railroads throughout the Unit-ed States testified that the rules re-guired them in writing out orders to give the time both in numerals and written out, and the prosecution claims that the operator who made out the or-ders for the ill-fated Azusa train crews falled to carry out this rule in-asmuch as he only placed the time in the orders in figures, and that the time that order we Many beautiful flowers were about the bler and a long cortege of car-riages with sorrowing friends followed the body to its resting place in Moun-tain View cemetery. tain View cemetery. WEDDING LICENSES.

Dr. T. E. Straup of Bingham Canyon, Utah and Miss Florence A. Richards of Salt Lake City, were granted a license to wed by the county clerk. A license was also issued to Patrick O'Neil 37 and Miss Selma Lehman, 20, both of St. Louis, Mo.

BAD MEN CAPTURED.

BAD MEN CAPTURED. Two men giving the names of James A. McFall and C. W. France, were arrested at 1 o'clock this morning in the Pacific saloon on Twenty-fifth street. Subsequently they confessed that they had tried to enter the Mon-tana pawn shop, owned by White & Kurtz but had been scared away by the night man inside. They stated that they intended to hold up Mrs. Charles who operates a restaurant on Wall avenue near the depot. The arrest followed a conversation be-tween the men which was overheard by Officer Burke, who promptly sumwas incorrect, which caused the traine to come together. John Wyatt, a resident of Harrisville, reported to the police today that he had been robbed of his watch and money by a man who gave his name as Lacy, Wyatt says that he met the man in a

by Officer Burke, who promptly sum-moned Officers Cooney and Vance and all three got their men.

ROSE ROLLEY CASE.

Rose Rolley, whose case has caused considerable disturbance in the Og-den courts owing to her claiming to be under age, appeared before the juvenile court this morning, and the charge of grand larceny against her was dismissed at the request of the county attorney. She was immediately respected by Darpin Shearing Wilson

county attorney. She was immediately re-arrested by Deputy Sheriff Wilson on a similar charge. This atternoon she will be taken before Justice of the Peace Chandler of Wilson pre-cinct when it is believed that evidence will be forthcoming showing her to be over 18.

BRIEFS AND PERSONALS.

Mrs. G. B. Roberts has gone east to visit for a few weeks with relatives. Suit was filed in the Second district court by C. F. Roberson against A. A. Steed, Jr., to recover \$200 alleged to be due on promissory notes dated March, 1904.

The Virginian theatrical company did not arrive in Ogden until after 9 o'clock last evening, but they were o'clock last evening, but they were greeted with a large audience, who waited until after 10 o'clock before the performance commenced. Tonight "At Yale" will be played at the Grand. David Eccles of the Amalgamated Sugar company, accompanied by his wife and two daughters, left Orden for the east, where they will spend a short time, then sail for Cuba, where several weeks will be spent in looking up the sugar and lumber industries, in which Mr. Eccles is extensively in-terested. terested.

terested. Part of the Weber Stake academy new building has been fitted up for basket ball practise. This will enable both the first and the second teams to get in better shape for their league games. The second team meets the high school team on Friday at 4:80 in the new armory; and the first team most prosperous and substantial con-

FUNERAL OF CHARLEY STE-PHENS. the new armory; and the first team plays the L. D. S. U. of Salt Lake in the same place at 8 o'clock Saturday night.



young man, who passed away suddenly at Bews, Nevada, were particularly dis-tressing. It so happened that neither father nor mother nor any relative could be in attendance at the last rites but friends of the young man and of the parents, who about 13 years ago, were well known and respected residents of Ogden, were present in great number and left nothing undone which could testify to their respect for the dead man and their sympathy for his parents. Rev. D. W. Crane of the Meth-odist church, delivered a brief but eloquent and touching fu-neral sermon. The members of Rev. D. W. Crane of the Meth-odist church, delivered a brief but eloquent and touching fu-neral sermon. The members of the Fraternal Order of Eagles were present as a provider of the series of electric power plant is owned and run by the city, for which it gave bonds for its construction. It furnishes light for all the streets o fthe town, all business houses, schools, and churches and powpresent as an organization and mem-bers of that order were pall-bearers. At the open grave the ritual services of This is the first time in the history of

Springville that anything of the kind

PATRIARCH HUNTINGTON DEAD

PATRIARCH HUNTINGTON DEAD. Springville, Utah Co., Feb. 8.—Pa-triarch O, E, Huntington, the first man to teach school in Utah, died suddenly here yesterday afternoon of neuralgia of the heart, being ill only two hours. The deceased gave no symptoms of approaching dissolution and although 83 years of age ate a hearty dinner and attended to the chores about his home as usual. He performed a number of missions, was an active member of the Church and served several terms as city council-man here. The funeral will be held at 1 p. m. Sunday. at 1 p. m. Sunday.

Torturing eczema spreads its burning area every day. Doan's Continent quick-ly stops its spreading, instantly relieves the itching, cures it permanently. At any drug store.

AMERICAN FORK. ART EXHIBIT IN SCHOOLS.

Teachers' Convention-Spring Plowing

Commenced-Midland Quintet. Special Correspondence.

American Fork, Utah Co., Feb. 7,-The farmers are already preparing for spring work and plowing has com-menced on upper land, which is in splendid condition. A break in the Utah County Light and Power company pine line and

A break in the other county bight and Power company pipe line, caus-ed by rock from the mountain side crashing into it, was fully repaired so that the citles of the north end of the county are still enjoying the lights and power.

ART EXHIBIT.

The public schools have secured the Turner art exhibit, and each evening this week a program will be presented to the school patrons patroninzing the

On Saturday the 9th inst., Prof. On Saturday the 9th inst, Prof. Eastmond will hold a convention for the teachers of the north end of the county here, and a portion of the day will be devoted to visiting the art ex-hibit and the pictures will be ex-plained by Mr. Eastmond, who has charge of the art and manual train-ing in the county. ing in the county

MEETINGHOUSE DEDICATED.

Impressive Services Mark Completion Of Handsome Church Building.

Special Correspondence.

Paradise, Cache Co., Feb. 4.—On Sun-day, Feb. 4. a large congregation at-tended the dedicatory services of Para-dise ward meetinghouse. Two of the poresidency of the stake and six mem-

NEW STAR ON AMERICAN FLAG.



This section is having an abundance of rain, and the snow is melting rap-

COALVILLE.

SUMMIT COUNTY AFFAIRS. Stake Conference-Prest. and Mrs. M. W. Taylor Honored.

Special Correspondence. Coalville, Summit Co., Feb. 6.-The stake conference was held here on the 2d and 3d. Elders John Henry Smith and Rulon S. Wells were present, and meetings were well attended.

COUNTY AFFAIRS. The county commissioners met Mon day and transacted routine business Bills were allowed to the amount o \$618.88, and the bonds of the justice o

\$115.88, and the bonds of the justice of the peace and constables were approv-ed. The following road supervisors were appointed: Arthur Richens, Hen-erer; A. R. Jones, Echo: William Moore, Castile Rock; Joseph Black, Coalville: Edward Staley, Upton; William Staley, Pine View; Roy McMichael, Hoyts-ville: Alma Gibbons, Rockport; S. M. Walker, Peca; J. H. Seymore, Oakley; J. A. Woolstenholme, Marion; C. W. McCornick, Kamas; John O'Driscoll, Francis; E. B. Murphy, Woodland. Recorder's fees for the month of Recorder's fees for the month of January were \$128.15; clerk's fees,

A heavy rain has prevailed for three

ays; the snow has disappeared and the roads are quite muddy. The city has installed another boiler at the electric light plant, so that there will be no more shutting off the light for example lights for repairs. Elider William Allen left here yester-day for Salt Lake and will start from there this week for a mission to Ger-

PREST. M. W. TAYLOR HONORED. A number of the high council and bishops met at President Moses W.

Taylor's home on Saturday evening in a social gathering. The evening was spent in speeches, songs, recitations and games. A beautiful onyx clock was presented to Mr. and Mrs. Taylor by the visitors in appreciation of their esteem. Nice refreshments were serv-cd, and a pleasant evening was spent.

There's nothing so good for a sore throat as Dr. Thomas' Eelectric Oil. Cures it in a few hours. Relieves any pain in any part.

GRAND CANYON, Scenic Resort Preparing for Large Tourist Traffic.

Special Correspondence. Grand Canyon, Ariz, Feb. 2.-Many people have inquired about the posicifice address of your correspondent, whether it is a definite place or just anywhere within the 5.00 square miles of country known us the Grand Canyon of Arizona. There is such a place as Grand Canyon. It is made up of three hotels, several cottages and work shops, and some curio and photographic buildings. The population is about 200 th is the terminus of the Grand Canyon railroad and is aduated on the very brink of the canyon. Tourist traffic at this time of year is of necessity light. Still, there is seldom a down the trail to the synny dells below and on down the trail to the spring travel. The Cameron Hotel is temporaaily closed for the rush of the rush of the canyon. Correspondence.

The Grand Canyon Transportation com-pany has a force of men at its aerial transway, making preparations to take people to the north rim vicinity, when the snow melts a little.

the snow melts a little. The "Game Preserve" is a reality. The Catalo experiment which was begun on the Buckskin mountains last summer will have a new impetus. Fencing material is being shipped to make the necessary breeding pastures. The Persian sheep are wintering in House Rock valley. Your cor-respondent saw the flock of 560 out there, producing their interesting lop-eared lambs in January. It has been a theory that perhaps two crops of lambs could be produced each year-sort of for ion process, Crop No. 1 at least is doing well. Word comes to us, authendically, that health.

Biscuit

the canyon. His "Romance of the Cole-rado River" is the most authentic and comprehensive account of the "rand Can-yon that has been as yet published.

A REAL PROPERTY OF THE RE

Woman loves a clear, rosy complex-an. Burdock Blood Bitters purifies the plood, clears the skin, restores, sound

JAMES STILLMAN ILL.

New York, Feb. 8.-James Stillman, president of the National City bank, who sailed about a month ago for Eu-rope, is seriously III in Paris, with an affection of the intestines. It was learned here vesterday. His condition, it appears, is such as certainly will pre-clude his return to his own country. He is in the hands of Paris specialists. He is in the hands of Paris specialists, Mr. Stillman was in poor health when he departed from here and the sea voyage, which was expected to help him, proved injurious. The residence which Mr. Stillman lately bought in Paris will soon be ready for his



ing in the county. The last and best attraction brought to our city by the school facuity, "The Midland Quintet" will hold forth in the Opera House on the 12th inst. It comes highly recommended.

PARADISE.

The "News" is delivery by carrier every night (Sunday excepted) at 75 cents per month. All payments and complaints should be made to R. J. Dugdale, sgent for Dally, Saturday and Semi-Weekly News. Orders taken for Church Works. Residence, 572 Fourth North St. 'Phone Ind. 36-M.

PROVO DEPARTMENT

SNOWSLIDE CONDITIONS.

Southern Utah Independent Telephone Co. Gets Franchise-Other News,

Special Correspondence.

special Correspondence. Trovo, Utah Co., Feb. S.—Thore are an experience of the second second second second or the railroad tracks and the flume of the Telluride Power company. The stanage to the flume is not yet deter-nined as all of the snow has not be company expects to have the re-pairs completed this week. Much second the second second second of the builed portion is not known. The company expects to have the re-pairs completed this week. Much second second second second second the relative of the snow has not be company expects to have the re-pairs completed this week. Much second the company expects to have the clity were pipe line. The Donaras have sustained a loss of about \$2,000 by destruction of property. In addition to this the promotes and the washing away of promotes and money to replace them in prove and money to replace them in the tellephone france them in the tellephone france the second NEW TELEPHONE FRANCHISE

NEW TELEPHONE FRANCHISE.

The board of county commissioners has granted a franchise for the con-struction and maintenance of a tele-phone and telegraph line along the county road from Payson to the coun-ty line between Utah and Juab coun-ties to C. A. Watson and C. C. Adams, funstees for the Southern Utah Inde-pendent Telephone company, hereafter to be incorporated. to be incorporated.

GARDEN CITY NOTES.

The stockholders of the Provo Mer-tantile company met yesterday and sected the following directors: W. T. Ercanbrack, Levi A. Colvin, J. B. Walton, M. C. Newell and R. W. Brere-ton.

Funeral services over the remains



of the late George G. Hales were held today in the Spanish Fork Third ward meetinghouse. John Shephard has been appointed deputy constable of Benjamin precinct by the board of county commissioners. On account of the temporary bridge across the Provo river near Olmsted being washed away the rural delivery on route No. 2, will not be delivered every day on both sides of the river, till such a time as the bridge can be replaced, or the trench on the main road can be repaired. The carrier will deliver one day on the south side and on the north side of the river the day after. James Oler and John C. Nelson have appealed to the Fourth district court from judgment of a fine of \$50 imposed on Oler and \$10 imposed on Nelson by Justice Bezzant of Pleasant Grove on conviction of assault and

Nelson by Justice Bezzant of Pleasant Grove on conviction of assault and battery committed on Alex Ellis.

FREE LIBRARY BENEFIT.

FREE LIBRARY BENEFIT. The ladies' public free library fair committee have outlined the plan of the fair to be given in the opera house to raise funds for the library as follows: The fair will open at noon on Feb. 25, with the B. Y. U. board in attend-ance. Addresses will be made by Mayor Frisby and Dr. F. W. Taylor, chair-man of the library committee. On the evening of the opening day, a concert will be given, and on the evening of the closing day a grand ball will terminate the event.

the event.

closing day a grand ball will terminate the event. During the fair a large number of booths will be open to the patronage of the public, and will be filled with an endless variety of articles calculated to catch the eye and tap the pocket book of the visitor. Committees have been appointed to arrange for the building of booths, ad-vertising, decorating, serving luncheon and punch, and to prepare for the con-cert and ball. Mrs. T. N. Taylor, chairman of the central committee is desirous of se-curing all the co-operation possible, and all interested are invited to co-operate with her. It is thought the fair will last three days. The first effort of the ladies in con-ducting the skating rink Wednesday night was quite successful, about \$45 be-ing realized.

MERCANTILE CORPORATION.

MERCANTILE CORPORATION. Articles of facorporation of the James A. Martell Mercantile company have been filed with the county clerk. The company is organized to do a general mercantile business in Spanish Fork, with a capital stock of \$50,000, in shares of the par value of \$10 each. The officers are James A. Martell, president and manager; Joseph Han-son, vice president; Thomas E. Mor-gan, secretary, treasurer and assist-ant manager. These with Theodore Dedrickson and Eva Martell Hodson constitute the board of directors. CUTTING AFFRAY AT PAYSON

CUTTING AFFRAY AT PAYSON.

George Ballard of Payson, was brought over today to serve a 30-day entence in the county jail imposed by Justice Ross of Payson on a blea of guilty to assault entered by defendant. The sentence is considered a light one under the circumstances. It is stated by the officers that Ballard was in-toxicated in a restaurant in Payson

at 4 o'clock yesterday morning and engaged in a row, which Ora Gardner of Clinton tried to pacify, and that he was cut with a knife by Ballard. The wound is on the left side and is he left side and is considered dangerous. Ballard claims he was so drunk that he did not know what he was doing.

ACUTE RHEUMATISM.

Deep tearing or wrenching pains, occa-sioned by getting wet through; worse when at rest, or on first moving the limbs and in cold or damp weather, is cured quickly by Bailard's Snow Liniment. Os-car Oleson, Gibson City, IL, writes, Feb. 16, 1902; "A year ago I was troubled with a pain in my back. It soon got so bad I could not bend over. One bottle of Bal-lard's Snow Liniment cured me." Sold by Z. C. M. L. Drug Dept., 112 and 114 South Main Street. B

SPRINGVILLE. PATRIARCH HUNTINGTON DEAD

Landslides in Springville Canyon-Power Plant and Property Damaged.

Special Correspondence.

Special Correspondence. Springville, Utah Co., Feb. 5.—Today Mayor H. T. Reynolds and members of the city council went up Springville canyon to inspect the damage done by rain and land slides, and with much difficulty and danger went over the scenes of destruction, finding condi-tions more serious than they expected. Hobble creek is a rushing torrent of muddy water, the result of the recent rains which have so softened the earth and snow on the mountain sides that as many as 100 landslides have occurred within the last two days on both sides of the canyon in a distance of three miles, damming the creek in several old one.



The war department has ordered the alteration of the flag made necessary by the admission of Oklahoma into the Union, now an aggregation of fortysix states. The department has also fixed on the spot for the new star, and now flagmakers are hard at work preparing new banners with an additional star in the lower right hand corner. It is now in order for every patriotic American either to provide himself with a new flag or to add a star to the At prices so surprisingly cheap, values so far above the usual, styles so exceedingly protty and assortments of such great range of variety, that it would positively be an injustice to yourself to miss it. Remember, just one more day to benefit by our great offerings. SATURDAY NIGHT positively sees the end of this greatest of all sales with its Record Breaking Bargain Values.

AND

INFANT'S FURNISHINGS.



FLEECE LINED WRAPPERS AT 45c, sizes 32, 34 and 36 only, dark colors, protty patterns, all made extra full with deep flounce, with or without cape over shoulder, trimmed with washable braid, values up to \$1.75, reduced for

