

FIFTY-SECOND YEAR.

SATURDAY, NOVEMBER 2, 1901. SALT LAKE CITY, UTAH.

NUMBER 297

SULTAN ACCEPTS
FRANCE'S CLAIM.The Demonstration Has Its Effect—Turkey
Must Not Renew Her Interference With
Diplomatic Mail Bags.

Paris, Nov. 2.—The dispatch of Admiral Caillaud's squadron from Toulon to Turkish waters has already had its effect. The French foreign office today received a telegram from M. Bapst, counselor of the French legation at Constantinople, announcing that the sultan yesterday sent him a message accepting all the French claims, including the Loro delo claim. The port also telegraphed to the French minister of foreign affairs, M. Delcasse, informing him that the Chlorendo claim had been settled and that the sultan had signed an irade accepting the figure fixed by France for the payment of the claim. M. Delcasse proceeded to the

A THANKSGIVING PROCLAMATION

Pres. Roosevelt Designates Nov. 28 for Praise and Thanks to God
—Refers to Death of Pres. McKinley—As Much is Given
Us Much is Expected of Us.

Washington, Nov. 2.—President Roosevelt today issued his proclamation fixing Thursday, Nov. 28, as a day of national thanksgiving. It follows: "A proclamation—The season is nigh when, according to the time-hallowed custom of our people, the President appoints a day as the especial occasion for praise and thanksgiving to God. "This thanksgiving finds the people still bowed with sorrow for the death of a great and good President. We mourn President McKinley because we loved and honored him, and the manner of his death should awaken in the breasts of our people a keen anxiety and a resolute purpose not to be driven by any calamity from the path of strong, orderly, popular liberty, which, as a nation, we have thus far safely trod. "Yet, in spite of this great disaster, it is nevertheless true that no people on earth have such abundant cause for thanksgiving as we have. The past year in particular has been one of peace and plenty. We have prospered in things material and have been able to

NICARAGUA TERMINATES TREATIES

First is That of Giving Authority to United States to Construct
an Inter-oceanic Canal Across Nicaraguan Territory—
Other is the One Providing for Extradition.

Washington, Nov. 2.—The government of Nicaragua has terminated the treaty under which the United States was empowered to construct an inter-oceanic canal across the territory of Nicaragua. This action has been conveyed to the state department by the Nicaraguan minister for foreign affairs. That officer declares that the denunciation in nowise affects the friendly relations between the two countries and the Nicaraguan government desires the conclusion of new treaties. Besides the treaty of friendship, commerce and navigation of 1857 thus denounced, the same note conversely denounces the extradition treaty of 1870 between the United States and Nicaragua. Under the terms of the denunciation the first named treaty, covering the right to construct and

A LOVER'S CRIME.

Killed Husband of His Old Sweet-
heart and Shot Her.

Amsterdam, N. Y., Nov. 2.—Fredrick Bankert, at 2 o'clock this morning killed William Green by shooting him in the neck with a revolver and splitting his head open with a hatchet. Bankert also shot Mrs. Green and cut her head open with a hatchet, inflicting fatal wounds, and then shot himself through the heart, dying instantly. Bankert gained entrance to Green's apartment by climbing up a rope ladder on the outside of the building and entering a window. He was a suitor of Mrs. Green before her marriage, but his love was unrequited. For this reason he shot her on Nov. 2, 1895, and cut her with a razor, but she recovered from her wounds. For this crime Bankert was sent to state's prison, and was released from there about six months ago. Mrs. Green was formerly Miss Cora B. Harrison. She was an accomplished amateur actress and a handsome and attractive woman, 28 years old. Bankert was 30 and Mr. Green was 22.

Chief of Mail Depredation Division. Washington, Nov. 2.—Theodore Ingalls, of Louisville, Ky., has been appointed chief of the mail depredations division of the postoffice department. He will charge today, succeeding Equiano Speech, transferred to another branch of the service.

Army Appointments. Washington, Nov. 2.—The President today made the following appointments: War—Charles B. Nichols, surgeon of volunteers, rank of major; Joseph H. Herron, captain of cavalry; James B. Mitchell, captain, artillery corps; George C. Broune and Willie C. Metcalf, first lieutenants, Fort Rico provisions



THE ATTEMPT TO SELL THE PANAMA CANAL TO UNCLE SAM.

M. Hutin is president of the board of directors of the Panama Canal company and is endeavoring to sell the canal to the United States. He is chairman of the isthmian canal commission which has for some time been considering the merits of the two routes across the isthmus—the Panama route and the Nicaragua route. In the past two years, it is said, about \$2,000,000 has been expended for labor and materials used in continuing the excavation of the Panama canal.

A. J. PICKETT
ACCUSES SOMMER

A. J. Pickett, through his attorney, Judge Theodosius Botkin, today made application to the district court for a writ of prohibition to enjoin Justice Morris Sommer from trying a suit brought against him by Frank L. Gattung, his partner in an engineering manufacturing business. According to Pickett's complaint Justice Sommer, on October 19, issued a writ of attachment against plaintiff's property on the affidavit of Gattung and delivered the writ to an officer who has attempted to serve it by garnishment orders to F. Auerbach & Bro. and others. Plaintiff further states that no summons was served on him in this action, nor any notice of the commencement of the suit or of the issuance of the writ of attachment. He says that after waiting for seven days after the commencement of the action he voluntarily appeared in Sommer's court and filed his answer, denying that he owed Gattung as set up in the latter's complaint. He further states that Gattung, in violation of the partnership agreement, had attempted to remove the partnership property from the state to the injury of his creditors. Pickett's application then goes on to state that his application to discharge the attachment was heard in Sommer's court on October 30, when he introduced overwhelming and conclusive evidence to refute the charge made by Gattung. He states that Gattung, about to depart from Utah, had Justice Sommer "gave no consideration whatever to the evidence and wholly ignored the same, and arbitrarily and capriciously and without regard for his judicial office, did, without consideration or the exercise of any judgment, wrongfully overrule this relator's plea to challenge to said jurisdiction, and did arbitrarily, unlawfully and wrongfully, without the exercise of judgment or reflection, decide to hold said cause in his said justice's court and to exercise jurisdiction and jurisdiction in all the matters involved therein."

Pickett further avers that he has no plain, speedy or adequate remedy in the ordinary course of law to protect the assets of the partnership firm and the rights and interest of the creditors or himself in the partnership assets, and therefore prays the district court to intervene and prevent the mischief and irreparable damage that is threatened to be done by reason of the arbitrary, unlawful and wrongful conduct of said Morris Sommer as justice of the peace.

The writ of prohibition was granted today and reads as follows: "Now, therefore, this is to command and caution you that forthwith and forever refrain from exercising any jurisdiction whatever or in any manner or form over the action now pending in your court, wherein F. C. Gattung is plaintiff, and A. J. Pickett or A. J. Pickett & Co., is defendant, or that you show cause to this court on or before the 8th day of November, 1901, why you should not be so forever prohibited, and have you then and there this writ with your compliance herewith endorsed hereon, and your reasons, if you have any, why this mandate should not be made perpetual. In the meantime you will strictly observe and obey the above prohibition. Hereon fail not under penalty."

Promissory Note Case. The National Bank of the Republic today instituted law proceedings against Albert McDonald, Frank Beckstead and D. H. Bero, to recover on a six months' promissory note, for \$12,500, with interest at the rate of one-half per cent, executed by McDonald and Beckstead in its favor, on April 8th, and endorsed by Bero. The suit also calls for \$50 attorney fees.

Says He Was Abandoned. Thomas C. Wright is suing his wife for abandonment on Oct. 22, 1900. He asks the court to grant him a decree of divorce and the custody of his five-year-old daughter, Edith. The marriage occurred in this city on Oct. 30, 1895.

Cases Set. Judge Stewart made the following setting of cases: Boynton Furnace Co. vs Utah Stove & Hardware Co., Monday, Nov. 18. Margaretta Haun & Co. vs Rio Grand Western Railway Co., hearing of motion for new trial set for Tuesday, Nov. 5th at 10 o'clock.

John L. Turnbow vs Martin Beckstead; motion for new trial set for Saturday, November 9th.

Mrs. Brunton Divorced. Anna K. Brunton today divorced from John Brunton by Judge Hall. The grounds for the decree were desertion and non-support on the part of the husband. Plaintiff was awarded the custody of her 14-year-old daughter, Mary. The marriage occurred in St. Paul, Minn., in December, 1885.

Matthews vs Gilmore. In the case of Thomas Matthews et al vs Frank Gilmore et al, an injunction suit to restrain defendants from constructing or maintaining a dam in a certain ditch situated in section 27, township 1 north, range 1 west, Judge Stewart today retained the case until at \$1,400, and continued the case sine die. The case was placed at the head of Judge Hall's calendar for trial.

Will be Sentenced Wednesday. On motion of Attorney D. S. Truman, Judge Stewart this morning continued the time for passing sentence on Yedo Delvecchio, convicted of rape, until next Wednesday morning.

Other Cases. Margaret H. Rasmussen is no longer the wife of Hyrum Rasmussen. Judge Hall has severed the bond that proved to the support of his wife and three little children. Mrs. Rasmussen was awarded title to Rasmussen's property in Utah county.

In the divorce case of Ann B. Davis vs George M. Davis, Judge Hall yesterday ordered that one-half interest in the homestead at 428 West First North Street be set apart for the benefit of the five children, the other one-half to go to their mother, subject to a mortgage. The question of alimony was left open in the mean time. Mrs. Davis sued for \$35 a month.

Charles J. Hodge has commenced suit against H. F. Lawson, J. E. Bamberger and Josiah Barnett to quiet title to a certain area, between Wasatch and Muddy Gulch claims in the West Mountain mining district.

In the case of John Johnson, by W. T. Gutter, guardian ad litem, vs Emma E. Johnson, a suit to determine the validity of a deed by which Peter Johnson, shortly before his death, conveyed a thirty-acre farm in West Jordan precinct to his wife, Emma Johnson, Judge Stewart today found the issues for the defendant, holding that the deed is valid.

In the case of C. M. Lummi vs John F. Howell et al a motion to settle cross interrogations was argued by Barlow Ferguson for plaintiff and C. S. Patterson for defendant, and taken under advisement.

In the case of Carl Erickson vs Allen T. Dorsey Judge Morse found the issues for the defendant. The suit was to compel Dorsey to pay a \$27 check on which he had stopped payment at his bank.

Judge Morse heard arguments on the motion to dismiss the case of Louis Hyams et al vs Simon Bamberger et al and took the case under advisement.

The motion to dismiss the appeal in

NEW NICARAGUAN
CANAL TREATY.Pauncefote Brings Draft of It—Abrogates
Bulwer-Clayton Compact—English Ob-
jections—Senate May Not Ratify.

London, Nov. 2.—The first official statement of any kind made for a month in relation to the Nicaragua canal has been obtained by the Associated Press. It confirms the fact that Lord Pauncefote, the British ambassador to the United States, when he lands in New York today will have with him the draft of a new treaty, abrogating the Clayton-Bulwer treaty, which is in every particular satisfactory to Lord Salisbury's cabinet. Since a representative of the Associated Press interviewed Lord Pauncefote in London not one word officially authorized has been given out here with reference to the canal. The editorials which have appeared in England have been based entirely upon dispatches from the United States. This is explained by the rather astonishing announcement that all negotiations up to the present day have been entirely unofficial from a strictly diplomatic point of view, and that on four parties only depend the hopes generally shared for a successful bridging over of the diplomatic difficulty. These four parties, however, have been particularly searching. (The state department does not require to see a copy of the important document Lord Pauncefote carries in order to learn its terms, though, officially negotiations will only commence when the ambassador reaches Washington. Until that time the exact conditions of the new convention are withheld.)

THE QUID PRO QUO. Though it is admitted that Great Britain has agreed to put the Clayton-Bulwer treaty to one side and to acquiesce in the construction of the canal by and under the control of the United States, this concession from Lord Lansdowne's original contentions has not been granted without some real and fancied advantage to Great Britain. It would not be fair to say that a quid pro quo constituted the main feature of the proposed treaty, but that it will directly or indirectly result, is firmly established in the minds of the members of the cabinet.

ENGLAND'S OBJECTIONS. One of the most responsible officials connected with these and earlier negotiations said: "We never really objected to the construction of the canal but we did object to a cavalier abrogation of the Clayton-Bulwer treaty. It was in that spirit that Lord Lansdowne couched his reply to the United States Senate's rejection of the last Hay-Pauncefote treaty. It was not what you wanted to do, but the nasty way you said it, that was the chief reason for our opposition. Since then we have been approached in a rational, polite manner, and we have again endeavored to substitute for the Clayton-Bulwer treaty a treaty that will enable America to carry out a design which, in a broad sense, will doubtless benefit the whole world."

The nullification of the foreign office has doubtless done more than anything else to assure the assent of the British government to a new treaty. But almost the same breath must be mentioned the state department's willingness to agree to a reciprocal arrangement regarding the British West Indies and other British possessions. This, while in line with the views later attributed by cable dispatches to President McKinley and President Roosevelt, was so at variance with the British government's experience of the American attitude that they now regard it in the light of a quid pro quo for what they believe to be a concession over the Nicaragua proposal.

The allegation contained in some of the British papers saying Lord Lansdowne has tamely given up inherent rights

of the case of John Evans vs W. C. Husbands was granted.

In the case of G. H. Stevens vs R. E. West a motion for vacation of judgment and permission to file supplemental answer was argued and taken under advisement.

In the case of the National Bank of the Republic vs Fisher Harris et al the court entered judgment for plaintiff against Harris for the sum of \$335.72 and \$40 attorney fees, to bear 12 per cent interest from date.

WORTHY MOVEMENT. A Kindergarten Training Class to be Started for Sunday Schools.

The Latter-day Saints University, with the approval of the Deseret Sunday School Union board, will establish a Sunday School Teachers' Kindergarten Training Class, beginning Saturday, Nov. 9th, from 2 to 4 o'clock p. m., to run throughout the school year. The class will be in charge of Mrs. Donnet Smith-Kesler, and two representatives are invited from each ward in the stakes in close proximity to take the course. This will be a splendid opportunity for the Sunday school kindergarten teachers to perfect themselves in this important department of Sunday school work.

FOR HIS CHILD'S LIFE. A \$10,000 Suit Against the City, Result of Sixth Street Drowning.

Charles W. Johnson today commenced a damage suit against the city to recover \$10,000 on account of the death of his infant son, Ernest Bench Johnson, who fell into a ditch on L Street between Sixth and Seventh streets on July 25 and was sucked by the current into the flame at this point and drowned. The boy was only eighteen months old at the time of his death. Johnson's plea is that the ditch was a constant menace to the public safety in that it had steep embankments and was absolutely open and unprotected by rails, guards, bars or other protection.

Uncle Sam Wants an Answer. Copenhagen, Nov. 2.—The government of the United States has asked the Danish government for a decisive answer to the United States' offer to purchase the Danish West Indies. The Danish government will not make a reply before November 23.

LETTER FROM ALMA TAYLOR. Young Missionary Writes to His Old Friend, Bishop Empey.

Alma Taylor, the young missionary who is now in Japan with Apostle Grant, has written a letter to his old friend and Bishop, Nelson A. Empey. The communication states that a tropical rain storm has been over Yokohama for the past few days, almost great enough to duplicate the flood in which Noah figured so prominently. It was a heavier storm than the writer had ever written in the Rockies. Apostle Grant and his associates hope to soon be able to establish headquarters in Tokyo, the capital of the country.

COUNTY CASH. County Treasurer Dale's report for October shows as follows:

Balance on hand Oct. 1, 1901, \$7,336.14
Total receipts for month, 45,359.77
Total, \$52,695.93

The following disbursements were made:

General expense account, \$24,827.55
State juror and witness acct., 322.55
County school fund, 225.59
Tax sale redemption fund, 471.25
Judgment account, 627.57
Total, \$25,474.51
Balance on hand Nov. 1, 1901, 12,654.36
Total, \$52,695.93

This balance is distributed among the various funds as follows:

General expense account, \$4,497.19
County school fund, 109.45
State juror and witness acct., 322.55
County school fund, 225.59
Tax sale redemption fund, 471.25
Judgment account, 627.57
Total, \$5,453.60

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