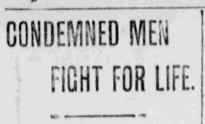
DESERET EVENING NEWS: FRIDAY, OCTOBER 10, 1902.



King and Lynch Case Being Heard Before Judge Booth Today.

THIRD MOTION NEW TRIAL.

King Was Caim and Lynch Was Nervous During the Proceedings-Arguments of Counsel.

The hearing of the third motion for a new intal in the case of the state vs Robert L. King and James Lynch, who were sentenced to puy the death penalty for the murder of Colonel Godfrey Prowse, which occurred at the Sheep Ranch gambling house on Commercial street, on Sept. 10, 1900, was brought up before Judge Booth this morning in the criminal division of the fistrict COUPL.

The condemned men were brought in The condemned men were brought in from the penitentiary this morning by Warden Bow and Guards. Use and Stowe. They were brought into the court come about 15 minutes before court opened and spent the time in smoking. ExChief of Police Hilton was in attendance during the arguments and greeted both the prisoners and had a brief talk with them. They were near-by dressed and appeared to be in good ly dressed and appeared to be in good physical condition. King, during the arguments, was decidedly calm, but Lynch appeared very nervous and was atinually shifting his position, his head and eyes.

Lynch was represented today by At-brack Will F. Wanless, who defended defendants on the trial and has worked with initiring efforts on the case for over two years. King's in-terests were looked after by Attorney H. C. Edwards of this evity and C. M. Garwood, a Denver attorney, who was sent out here by the Italian colony in that city, which has taken up the case of a fellow countryman and has ad-vanced the money to secure attorney. for him and hear the expense of paring the motion for a new trial. Dis-trict Attorney Eichnor presented the arguments on behalf of the state and

against the motion, Attorney Wanless opened arguments on behalf of De-fendant Lynch. He stated that since the case was tried, two mo-tions for a new trial beside the present stated one, were argued before Judge Stewart, One on the ground of an improper juror sitting on the case, and the other on newly discovered evidence. The mo-tions were both overruled, but it ap-pears from the decision of the supreme-case that he court had no court in this case that the court had ne jurisdiction on those matters. Course taen moved that the ruling on those motions be set aside and, that they be considered at this time. Judge Booth vertuled the motion.

Dist, Atty. Elehnor moved to have the affidavits of King, Myers, Garwood and Mace stricken from the files fo the reason that they were not files within the statutory time, they having been filed only filis morning. The court roled that he would consider all the affdavity.

Mr. Wanless then proceeded with his argument. He read the first affidavit of John Mace, the Colorado convict, who met Matthews, Davenport and

his store the evening of the shooting, that it was probably Strange instead of King. The affidavit of Attorney Garwood set out the fact that he visited Strange at the Colorado penitentiary and ob-tained the photographs which were shown to the other witnesses and that ie same were photographs of said

Mr. Edwards then read the affidavit f James Lynch, which sets out that ing was not in the affair at all but that there was a man with him greatly resembled King. He to deposed that King was into the that the allidavit of John Mice true in so far as it relates to Strange being connected crime. The attorney then b

authorities on the point that these affi davits were in the nature of newly dis overed evidence and were ground new trial. In his mind, he said. when these affidavits were of t-was clear that a jury w hink of connecting King with this rime. He argued that the individurime. ality of the two men was just as dis-tinct now as before they were place in trial, and the court could protect the innocent man and grant a new trial to

one and refuse if to another. At the conclusion of his argument the court took a recess until 1:30 o'clock at which time District Attorney Elchor opened his argument on behalf of he state.

In the course of his argument he con-tended that King should have had Lynch placed on the stand at the trial to testify to the facts which he (Lynch) set out in his affidavit. He was there in court and if King knew as there in court and it which the king was out Lynch was positive that King was of connected with the crime he should ave placed him on the stand at that ine. He argued that the affidavit of nch was certainly not newly dis-vered evidence and not admissible in this motion because all the facts there-in were known to King at the time of the trial. He ridiculed the idea that witnesses. Meyers and Wittenberg could be better able to identify a per-ter the observation of the time of the the son by his photograph a year after the crime than by the person himself or the night the offense was commit-ted. The affidavits of Mace and Lynch he argued, were not admissible as newly discovered evidence and, taking them out, the defense had nothing lef to support their motion for a new trial

Mr. Elebnor concluded his argument t 2:25, and was followed by Attorney Idwards, who was followed by Attor-ey C. M. Garwood on behalf of deendant King.

TAKEN UNDER ADVISEMENT.

After the conclusion of Attorney larwood's argument, Judge Booth tool the matter under advisement and will render a decision about Nov. 1.



Judge Stewart today dismissed the folowing cases, the same having been sottled out of court: Salt Lake City vs J. C. Nielsen; A. B. Sawyer vs Salt Lake City; Lorenzo Dickert vs Salt Lake City; Rallroad company; and W. H. Atwood vs O. S. Bocker.

stock

In the estate of Frank H. Dyer, de ceased, Judge Hall today gave the ex-ecutor permission to invest \$10,000 in Rocky Mountain Bell Telephone Co.

The case of Samuel E. Mendel vs Louis Berets, which has been hanging fire since 1893, came to an abrupt ending yesterday afternoon in Judge Stewart's court. The case was called for trial and was proceeded with until all the evi-dence for both sides had been intro-duced and the attorneys were arguing the case, when the two litigants very noticed to retire to a corner of the controom and engage in conversition few minutes later they interrupted the attorney and informed him ital they had compromised the suit and he uld ask the court to have it dismissed. which was done.

The action arose over the purchase of a Saddle Rock and Arcade restau-ants by Berets for which he gave two notes in part payment. The restaurants failed and a receiver was manual training, rather was the pur appointed and an action commoneed to pose and object of it the bringing ou edlect the notes, which terminated yes-edday by a compromise by which plaintiff is to receive \$200 and the costs of uit are to be equally divided between the parties. Ir. D. McPherson has filed suit in the I. D. Mernerson has then some in the district court against John Bergiard, Charles Stafund and write and the Western Loan and Savings company to foreclose two mortgages on 18 acres of land in section 22, township 2 south, 1 cast, given to secure three ange promissory notes aggregating the sum (f \$868. It is alleged that Defendant Berglund is indebted to plaintiff in the um of \$541 on two notes secured by mortgage on the above property, and that Shailund and wife are indebied to him in the sum of \$227, which was secured by a second mortgage on the same property which had been transerred to them. The Western Loan and Savings company claims a lien on the property, which plaintiff asks to have eclared subsequent to his itens. Judg mont is asked against Berglund for \$641 and \$90 attorneys' fee, and against Staffund and wife for \$227 and \$40 at-

STATE TEACHERS HAVE ADJOURNED.

cause, but sulkiness cannot be cured by shaking. Cheerfulness and content-ment cannot be put into a boy with the lash, as Squeers would have done with poor Mobs. "The best cure for sulkiness is proper

(Continued from page one.)

tion and play. Avoid antagonism the sufky child. Women are muci herier in dealing with the trouble than men. Above all, believe in the boy. Elessed is the man or woman who puts faith in a boy. Don't be formal and

remonial. "The best male teacher is the end who remembers his own boyh of. A pain with the head of a man and procart of a boy is the man who can it? the bad boy up, Cultivate the boy's love, and love him yourself, and you may lift him as high as your spropathy

"Trust the boys. I never trusted a boy in my life that went back on me. The boys will recognize the disk of the. The boys will recognize the disk of the who is willing to trust him. You should let them have their share in the man-agement of the school and it will help them. Let the boy make a picture frame, set his creative genius to work, ins and he will help you. Must the have ing and he will help you. Meet the boy where he is and you will help him and make a friend of him. Let him see that you are human and natural. Do decent things for him and he'il appreciate it. Be a chum with him, be interested in his hobby and get him interested in your hobby, especially if it's a nice one. your hobby, especially if it's a nice one. Be sympathetic and considerais of him, especially in his adolescent period. Sympathize with his whims, als moods and peculiarities. You can't interfere with a true thing in a boy's life with-out making it produce some form of sensuality. Don't mag the boy. Sym-pathize with him in his love affairs." Dr. Hushes here related the incident Dr. Hughes here related the incident of the little boy and his actions toward his Aunt Jane who was always nagging him. One day he wrote a letter and was be observed placing it in a hole in the ground. When asked what he was do-ing the little fellow produced the letter, which read as follows: "Dear Devilome and take Aunt Jane and take her uu (ek

quick." Concluding Dr. Hughes said: "Take off your hat to the 'bid' boy because you recognize in him a boy created in the image of God. Love him. If you do you may lift him. Never lose faith in him. Stand by him. Your faith may be the one thing under heaven in God's hands that will save the boy." At the close of the lecture President

At the close of the lecture President Stewart pleaded for the co-operation of the parents and said it was the inten-tion to organize a parents' section of the State Teachers' association. After the appointment of necessary committies for today's work, and the an-nouncement of a lecture this morning on "The Ideal Teacher," benediction was pronounced by Prof. Marshall.

MANUAL TRAINING.

What Dr. Hughes Said in His Leeture on This Subject.

The lecture by Dr. Hughes yesterday afternoon was heavily attended and much appreciated. The subject was 'Manual Training," and in the hands the doctor made a very interesting theme, Preceding the lecture the congregation sang "America," and and Principal A. S. Martin offered the in-

Dr. Hughes began by stating that the greatest revelation of the nineteenth entury, so far as the schools were conerned, was kindergarten and manual training. From the former evolved the latter, and it was perhaps one of the greatest essentials leading up to book knowledge. "Put the whole boy to school" should be the one ideal kept in view, and therefore manual training should be kept well in the for ground. The speaker believed in edu-cational rather than economic manual

The production of things

so. It made tradesmen and equipped men generally for whatever station in life they were called to occupy. It didn't follow that those who took man-THATCHER ON ual training, must of necessity became workmen, but those who did become such wers properly trained and better able to battle with the world.

swam for ten minutes, going so far ou that some of the ladies were afraid he

auld never return. After the swim th foctor was presented with a small bot

intaining an artemia gracilis.

beine shrimp, water, sand and sea-wee The collection was made by Prof. Stev

lie Pollock.

art and the presentation by Miss Rosa

RICH DRUNK ARRESTED.

Is Found on Him.

TRIP TO THE LAKE. Dr. Hughes Has an Interesting Time At Saltair.

Mr. Blair Resigned as Manager Last night's ouilng to the lake Over Three Weeks Ago. nanned in honor of Dr. Hughes, was horoughly enjoyed by all participating The doctor seemed to be especially pleased and the manner in which he disported himself in the water was a caution to all who stood around and witnessed it. Plunging into the lake he

Reply of Kinw & Erlanger Expected Tomorrow-Most Members in Kansas City Awalting Orders.

[Special to the "News,"] Logan, Oct. 10 .- Treasurer George W. Searched at Police Station-\$649.70 "hatcher, Jr., of the "Corianton" confpany, who returned home from Kansas 'ity yesterday, will leave for Salt Lake As a rule, a man arrested by the poon this afternoon's train to confer with lice does not believe that the officer is the owners in that city. Mr. Thatcher doing a great kindness to him; neveris unwavering in his faith as to the final theless in some cases it is a fact. This success of the production. It was everymorning Officer Hurt found a man on where highly spoken of by theatrical First South street in an almost helpmanagers and critics, True, it had some less condition from measuring side prejudice to overcome. This was of two walks up side down, so to speak. The stuff he had been drinking had such a hold on him, he couldn't He down without holding on. In other words he kinds-firstly because it came out of the west, and, secondly, for the reason that its authorship was "Mormon." These had what is known as a champagne ap-petite with a beer income drunk on however, were not great and were quite easily dissipated when the facts were That is not all he had. When Officer Burt searched him he was astonished to extract from the man's pockets the sum of \$643.70. It was in greenbacks, known. In all probability "Corianton" will be taken to New York for its real test. If it is able to emerge from that big theatrical center with success back gold and silver. He managed to make Desk Sergeant Smith understand that of it there is little doubt that it can tour the country in triumph.

his name was Nils Wikstrom, that he had been working for some railway Mr. Thatcher stated today that Mr. Blair resigned his management of the company and that yesterday he drew about \$800. He immediately started play three weeks ago, and that since that time he (Mr. Thatcher) had acted as manager all the time. For two weeks out hugging the bar until he went be-yond the limit, he had more sail than preceding the Kansas City engagement Mr. Blair acted as advance agent. ballast and when the officer found him he was all mops and brooms. He had Neither be nor Mr. Eugene Lewis nor Capt. Wash Young returned to Utah with Mr. Thatcher. So far as Mr. a few warm personal friends of about two hours' standing tagging around him. They probably heard of the money. He was carefully searched and Thatcher knows they are now at Kansas City with the rest of the members of the company. Two weeks ago last Saturday night

Mr. Thatcher notified the members that the then current season of "Corianton" would probably end with the Kansas would probably end with the Kansas City engagement, whereupon Miss Lane promptly tendered her res-ignation, which was accepted, and on Sunday last she departed for New York, where she is probably looking for another engagement. On Saturday night is was decided that nothing further would be done pending negotiations with Klaw & Erlanger.

negotiations with Klaw & Erlanger, And there was an extended discussion of the matter between Mr. Thatcher and Mr. Perley, who represented Klaw & Erlanger. When it was over Mr. Perley left at once for New York to lay the matter between these manages. The the matter before these mangers. Th future of "Corianton" doubtless de pends largely upon the reply that Mr. Thatcher will get from these gentlemen

CASTLE SUSPECT RELEASED. tomorrow. Personally he is of the opin-ion that it will be favorable and that it will be presented at the Manhaitan theater in New York on Oct. 20, The man, Frank Williams, who was arrested a few days since at Cheyenne and brought here by Sheriff Layne, suspected of being Castle, the road agent, was released from custody last night, In the meantime most of the members of the original company are awaiting the decision that Mr. Thatcher will telethe officers having become convinced that he is not the man wanted. It is understood that Williams has consult-ed an attorney, with a view to com-mencing an action against the county

graph them on hearing from New York. If Klaw & Erlanger decide favorably they will take charge of the production at once. It is understood that they will re-engage such members of the

any as they desire, which in all probability will be a majority of the

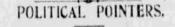


cluding these directors of the hotel company: Rebecca E. Little, Nettle L. Reinsimar, Lorella L. Horne, Nellie V. Little and Aaron Keysor. The sale was conducted for the hotel company by the real estate firm of Little & Little. The different lots will be gradually built up with residence houses on Sec-ond East street and business structures n First South street, as the new own-

ers find opportunity. The house is an historic mansion, and was an object of admiration in the early days. It was built 20 years ago by Mayor Little at a cost of \$40,000, and was occupied by him and his family for 10 years, until his death. The place was later conducted as a hotel roperty, the Grand hotel, but for the Referrer, the Grand hoter, but for the last year or so has been rented to the Keeley Institute people who will re-main in possession for the present. The building was for years much in ad-vance of other residences in the city, with its large roomy apartments and

lofty ceilings, and attractive style of architecture. When pulled down, it will be much missed.

Free Fire Insurance would not pro-tect you, if you could get it, but with a policy in the old reliable Sun of Lon. don, you not only get protection but prompt and liberal adjustment. HELD & COMPANY, Agents Prone 1412x 45-46 Commercial Blk.



The Republicans held a big rally in Heber City last night. The speakers were Lewis T. Cannon, Chairman Jas. H. Anderson, Receiver George A. Smith and Hon, Joseph Howell, each of whom and Hon, Joseph Howel, each of whom advocated in strong terms the merits and virtues of Republican principles The meeting was presided over by Judge A. C. Hatch and was held in the Turner Opera House, where there was an eo-thusiastic gathering of Republicans.

Judge King will speak in Heber City People's Gas 3.4.9 The Young Men's Republican club of Manhattan Ry, 184%, 184%, this city will hold a rally in honor of Senator Clark of Wyoming, somewhere along about Oct. 20. The respective political headquarters in this city are besieged with visitors from far and near these days. An enthusiastic gathering of Demo-rats listened to Judge King at Coal-

Chairman Cannon of the Democratic

. . .

Judge Bastey and John Bowman will

open the Margan county campaign for the Republicans Oct. 13, holding a meet-ing on that evening at Peterson.

Alex. H. Tarbet has gone to Port-

PERSONAL

land to visit with his mother.

tillo, is a guest at the Cullen.

ion trip.

Horace Eldredge is in town

Eureka, shaking hands with friends.

V. C. Roeder, an attorney of Poca-

G. W. Mover has gone cast on a vaca-

M. H. Kriebel and family of Portland have removed to this city to reside.

England, arrived in town today en

mannen

BUSINESS NOTES.

Today's local bank clearings amount

ow that these necessities have

site of a very handsome

ial structure to be creeted by the own-rs of the site; in fact a modern, fire toof building of six or eight stories my be looked for. The property is

of the finest business locations in the

The firm of F. Auerbach & Bro. is ex-

AFTERNOON MINING CALL

Many Participated.

tructure adjoining.

tisfied, there is a sudden disposition to

heen

by a dozen individual purchasers in- | mento and California. Some gains we cluding these directors of the hotel | recorded and the prices of this mergin recorded and the prices of this morning were well maintained. The market shows much strength and CO

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with only a medium demand prices hold firm and with a tendency upward. The regular call closed with the foi-lowing business recorded:

Ajax-2,760 ... artsa--2,000 'on, Mercur-100 1.92 ngot-2.000... 1,00 May Day-7,900 Sacramento-2,500 ..., .. Sacianten et al. 200 California - 2.800 184 'entury-100 'etro-1,000 111 114 3 ctor-1,200

Upen. High Low. 381 39 3848 u. Ry. Com., Preferred. Norf. & West. 7336 Col. Fuel Com. So. West. Com. 8530 6634 Preferred enn. Coal Iron 63 63% 3978 8834 S. Steel Com. Preferred Anaconda Cop. Amalg. Cop.... $\begin{array}{c} 62\% \\ 122 \\ 102 \% \end{array}$ Amn. Sugar

ankee-S00 ... with its large roomy apartments and Friday, Oct. 10.

Wabash-800

NEW YORK STOCKS.

Brecial. (By lensed wire to A. A. Gibson ('o., 215 South Main street.)

Strange in Ogden on the morning after the shooting. In the affidavit he says that Davenport told him that John Strange and Matthews had gotten into trouble in Salt Lake the night befor and wanted to get out of town. He told affiant that they had held up the Sheep Ranch club and had killed a man. The left for Wyoming that night and later Davenport showed atlant the Sal Lake papers which had an account King's arrest for the crime and both he and Matthews said that King was not in their crowd, and that they did not know him. Davenport and Strang said that they had planned the holdu, white they were in the Idaho stat prison. Strange said that he was th man who bought the valise and hand kerchiefs from witness Meyers to u in the holdup, and that he shot Pre-

The counsel argued that the abov affidavit affected Lynch's case becauit would cut out the testimony of wh nesses Meyers and Wittenburg, identified King as the man who pur-chased the value and handkerchief and as the man who ran down the alley after the shooting and entered the Casino saloon.

The law holds," said Mr. Wanless "that the acts of co-conspirators are evidence against each other when the conspiracy is proven, but where such conspiracy is not proven such acts are not evidence. Now if the witnesses armistaken as to the identity of Kinas they say they are in these affidavits then there could have been no conrpiracy between these two defendants, and the acts of one could not be con-sidered as evidence against the other, there could have been no pro-imeditation proven against Lynch, hence the jury could not have brought in a verdict of guilty of mfrder in the first degree, but would have brought in a verdict in a lesser de-gree, for which we are fighting on behalf of Lynch. I contend that all these affidavits affect Lynch and the test-mony against him should go out as

"Made says in his affidavit that five men planned the holdup but only four men carried it out. Now the reason that the fifth man backed out was be-cause the other man wars of Joint caue the other men were all drunk. That shows that Lynch was not in such a responsible condition as to be capa-ble of planning such a crime, but that he was led into it by a daring criminal who both before and after this affal who both before and after this affair had served time in state prisons. We hold that these affidavits prove that King was not connected with the affair at all, hence he and Lynch were not co-conspirators and the acts of King, who, on account of his superior intel-ligence, was accredited by the prosecu-tion with having planned this affair, could not be used against Lynch and there exclusive was not promediation: there certainly was not promoditation on his part proven at the trial.

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"The law ays that if it turns out that one of the conspirators is inno-cert, they must all be granted a new trial. I contend that if the jury had known that Meyers and Wittenburg were testifying falsely, it would have affected the case against Lynch as welt as king, and I believe that King is innocent of any connection with this crime and if he is granted a new trial I contend that Lynch, his co-conspira-tor, should also be granted one."

tor, should also be granted one. Attorney H. C. Edwards then argued on behalf of Defendant King. He read the affdavits of William E. Wittenberg, William Mvers. Attorney C. M. Gar-wood, Lynch, Mace and King, and cited a number of authorities to uphold his arguments

The adidavit of Wittenberg stated that after being shown a picture of John Strange, who Mace said had fired the shot that killed Prowse, he was satisfied that Strange was the man whom he saw run down the alley and into the saloon after the shooting and not King. Meyers set out in his affi-invit that, after being shown a pic-

torney's fee Mary & Hirschvogel has filed suit against Joseph L. Hirschvogel for a di orce on the grounds of crueity, dess on and failure to support. ere married in Germany in July, 186 and plaintiff alleges that her husbar has cruelly beaten and abused her and has deserted her and falled to provide ier with the common necessaries the asks to be awarded the custody of her only minor child.

Sylvana Lawson also wants a divorce rom her husband, Thomas Lawson, o the ground of cruelty. She married d endant in this city on April 3, 1901 alleges that her husband has treated ber in an inhuman manner. She asks for the restoration of her malden name, Sylvana Williams, and for alimony and costs of suit.

MULLIN ARRAIGNED. Pleads Not Guilty to Burglarizing Springville Postoffic. At 1:20 this afternoon, George Mul-

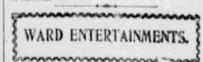
in, the alleged Springville postoffic lurgiar, was taken handcuffed, to U. S emmissioner Twoniey's office and ar-igned on the charge of burglacizing postedice. He was in charge of I Marshal illeywood and Detective He was in charge of U have and Gillespie, who made the lever capture and recovered part of te stolen property. Mullin pleaded no uiliy, and his case was set for prelin ary heating on Monday, the 20th, at

In default of \$1,000 bail he was taken in charge by Marshal Heywood.

and the state of the TO CURE A COLD IN ONE DAY Take Laxative Brown Quinine Tablets. All drag-gists refend size money if it fails to cure, E. W. Grove's signature is on each box. 26c.

MYTON HAS MONEY.

Maj. H. P. Myton, Indian agent at the White Rocks agency, left for the agency this afternoon, with \$70,000 for disbursement, among the Indians for lands taken from them for settlement. A heavy escort of cavalry will accomany the major from Price to the res ervation.



A decidedly interesting entertainment will be given in the Ninth ward annex this evening for the benefit of the Sunday school. It will be comprised of musical novelties and a dramatic sketch ture of Strange, he was mistaken in identifying King as the man who bought the value and handkerchiefs in Squires-Best quartet will participate. in which there will be some good tal-ent. The Juvenile orchestra and the

was not the great consideration of the whole faculties. This training should be introduced at the prope time: were it not, urging would be of no avail, for the boy would have no sympathy for it did it not exercise it-self naturally. Manual training should

be educations! for all, not merely utili-tarian as it had been in the past in European countries. The general pur pose should be the bringing out of the whole man. In this connection Dr. Hughes said he admired the man who was willing to accept any new system which possessed virtues over the old A potent argument for the virtues of manual training was that in conserva-tive England there were 5,000 manual training schools where 10 years age there were but 50.

Manual training brought out the fac ulties of the boy, enlarged his ideals and caused him to transform things, thus transforming himself at the same The teacher's duty was to plan system which would bring about this transformation. Boys were called destructive and bad because they had not been given the privilege to become otherwise. If granted the opportunity otherwise. If granted the opportunity they would assert the virtues that were them and would become valuable embers of the community.

Some boys did not care for the book ourse. These should be nurtured in the kindergarten and then placed in ntact with appliances which would not only prove interesting to them, but yould bring out what there was in hom. Schools such are required were i operation at Cornell and in Mon-real-schools where the constructive endency was encouraged, and the so alled "dull" boy placed right in hi ement. Producers among children ere always happy because the result their work brought forth happiness Don't insist on planning things for the hildren; let them plan for themse nd they will never tire in their efforts

Hughes was pleased to know that America this manual training spirit ad taken hold of wealthy men's sonnd a great many of them were toda roducers, notably one of the Vander lits, who had millions at his command ich a type of manhood brought forth the speaker's admiration. It was a benefit also physically, for it developed not alone the mind, but the body as well and made it strong, healthy and vigorous. Physical improvement was best produced by the employment of all the focultar. faculties.

Manual training created good discipline in the school, for it learned the bays to govern themselves, to control their actions and to lead them in pro-per channels. Fun in the school room was a good thing, and if properly en-couraged developed in the child a good it and a spirit to do the right thin he right time. The schools of year to had passed and gone-the boys day were now permitted to exhibit coper times the bubbling spirit of the

Dr. Hughes said that form size an elationship were three factors in the It gay xercles of manual training. hildren proper conceptions of them in all they undertook t The power of expression was als much value. It enlarged the exim more able to carry out any give The moral influences in such training

re also good. It gave the boy ful atrol of all the faculties, and openunderstanding to a proper concep-t of right from wrong. The desire work was also increased and a love it was a high moral element in child's life. Dr. Hughes expressed the conviction

Dr. Augnes expressed the conviction that there were too many negative pen-ple in the world today. What was wanted was active, go-ahead citizens, people who would push forward the consummation of all things in which they became interested they became interested. There were economic advantages al- be repeated tonight.

FLORENCE BITNER DEAD

placed in the drunk house

OGDEN HAPPENINGS.

Burglars at Wark - Castle Suspect

Released From Custody.

(Special to the "News,")

Ogden, Oct. 10 .- The shooting gallery

situated at 2010 Twenty-fifth street.

was entered by burglars some time last

night and a Winchester rifle (No. 58948),

a stag handle knife, six boxes of Win-

chester cartridges and a number of oth-er articles of small value, were carried

off. The thieves gained entrance to the establishment by breaking in a

window. The police are working on

the case.

Estimable Young Student Passes Away After Short Illness,

for damages for false imprisonment.

Death late last night claimed another of Salt Lake's popular daughters when Miss Florence Bitner succumbed after o brief illness of but eight days. The estimable and beloved young University student passed away at her home on Center street from the affects of spinal meningitis. The news of her demise comes as a great shock to her many friends throughout the city, for albough for some days past the young ady had been unconscious the best hoped. A little over a week ago was at school apparently enjoying best of health. Death found her conscious and she passed peacefully

The funeral services will be held at noon Sunday from the Eleventh ward meetinghouse. The services will be presided over by the bishopric of the Seventeenth ward of which ward the leceased young lady was a member, the change in the meetinghouse being me

change in the meetinghouse being made on account of the large auditorium of the Seventeenth ward being upstairs. Miss Bitner was born in Salt Lake is years ago, where she has resided al-most continuously. She was generally beloved by all who had the privilege of knowing her on account of her sterling qualities and loveable nature. As a student she was exceptionally bright, parine attained to her third year at having attained to her third year at the university where she was popular with teachers and students allke.

ON THE WAY HOME.

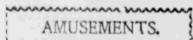
Judge Dichl and Bride Leave San Francisco Tonight.

Walter J. Meeks, clerk of Judge Dichl's court, received a letter from the judge today in which Judge Diehl said he and his bride would leave San Prancisco tonight for Salt Lake. Judge Dight said they had a most pleasant journey to the coast.

STILL HOLDING HIS OWN.

This the Word Concerning the Condition of R. W. Titherington.

At a late hour this afternoon, word was received from the Holy Cross hospital that Robert W. Titherington was holding his own and was no worse, t is said there are now hopes enter-amel for his recovery. The young man's mother arrived here today from Sagramente, Cal. as soon as she reached the city she was driven direct-ly to the hospital and has been at the bedside of her wounded son ever since



man man The Grand theater held the customary big audjence last night on the oc

casion of the presentation of "The Tide of Life." It belongs well up in the verage grade of "thrillers" and exer ised the customary charm over the upper regions of the house. The play is an exciting one, fashioned on the The play lines of the sensational dramas which used to be so popular ten years ago, and which Lincoln J. Garter is endeavoring to rejuvenate. The bill goes the remainder of the week with a Saturday

5 8 8 Alphonse & Gaston played to a fair house last night. Indeed the attendance was surprisingly good, considering the way the play has been "slated." It will

matimee.

left Salt Lake a few weeks ago. understood that it is the purpose to in-fuse the play with a lot of new blood, but nothing is known as to who will enact the leading roles. It is not ever ertain that Joseph Howarth will be reengaged as Corianton. The presump-tion is that he will be selected for the lace, as it is a conceded fact that

nuch of the success that has been dis layed in the production was due to his plendid acting. One thing seems to be settled and that ville last evening. s that Mr. Thatcher will not accom-bany the play on its future touring; no tate committee has received word that 'ol, William J. Bryan will be here Oct.

will be return to Kansas City as the affairs of the company can easily be wound up by him from this end of the hus. It is stated also that other theatical managers than Klaw & Erlanger ave been negotiated with and that in e event the latter do not close with e Salt Lake owners that such a deal an easily be consummated elsewhere. Mr. Thatcher declares that the at

tachment proceedings by James A. Gallugher of Salt Lake for \$170 worth of trunks was an altogether premature and useless action, as no such step was at all necessary, a fact that Mr. Galla-gher has now discovered.

RURAL FREE DELIVERY.

Many New Routes Recommended for Utah.

[Special to the "News."]

Tonight the marriage of Miss Mel-Washington, D. C., Oct. 10,-Reports vina Perry and Benjamin F. Johnson will take place at the home of the bride's parents, Mr. and Mrs. W. H. Perry, 464 east Eleventh South street. ove been received at the postoffice recommending the establishment of rural free delivery routes in Utah as follows: Elder Jesse W. Fox will perform the Ogden, Pleasant Grove, Provo City, eremony, and afterward a reception American Fork, Heber, Heoper, Dew-gville, Spanish Fork, and Springville, William S, Carter has been appointed vill be held. Elder Arthur L. F. Mac Dermott, late mokkeeper at 42 Islington, Läverpool.

costmaster at Sweetwater, Sweetwate ounty, Wyo., vice George C. Hulin, estened.

THE TEXT BOOK CASE.

Committee Named to Ask Supreme Court for Early Decision.

At a meeting of the county school sud to \$554,145.87 as against \$511,525.74 for perintendents held in Barratt hall yeshe same day last year. erday afternoon, a committee of three Local millers are looking for an ad-ance in flour because of the heavy superintendents was appointed to draw up a petition for presentation to the main shipments out of this state, and he disposition of growers to hold back upreme court asking that the famous text-book case be heard as soon as pos-

their stock. Up to within a week or two growers have been selling grain to relieve immediate necessities; but sible so that in the event that the work f the convention is sustained the books in the schools throughout the state may be changed before the end of the year, Supt. Ashton, J. L. Brown and Decker told back for a raise, and the **millers** ay that the farmer is very likely to get what he is after. Flour may 10 m 10 ter appointed on the committee, and they will submit a petition today for the signatures of the other superinten dents after which it will be filed in the The Walker Bros. corner at Second supreme court.

An Adapted Food

South and East Temple streets is and y to be utilized at no distant day 75 . or infents is a scientifically prepared ow's utility just the right percentage i fats and proteids. For forty-five tars Borden's Eagle Brand Condensed tilk has been the leading infant food 84 feet on East Temple street, and 126 feet on Second South street, and is one of the world. Use it in tea and coffee, i

LITTLE CORNER SALE.

Heirs Divide and Buy Their Own bending \$5,000 in remodelling the old lones bank building and improving the Property for \$63,500.

The Grand hotel property at the corner of First South and Second East streets was auctioned in parcels yesterlay afternoon, the proceeds amount-Stocks Were in Good Demand and ing to \$63,500. The purchasers were the

company, composed mostly of the heirs of the late Mayor Feramorz Little, and who have not been satisfied with the returns from the property. The caller lot was 20x251 rods, which was divided up but 17 means

The mining exchange session this afernoon resulted in a very fair business in Utah issues being recorded. Stocks entire lot was 20x2515 rods, which was were quite generally active while trad-divided up into 17 parcels and bid in ing centered in Ajax, May Day, Sacra-

881/8 Preferred 10014 10015 9954 1001 Cana, Pacific ... 1345 1345 1335 1344 Y. Central., 153% 154 Ills, Central.... 147 147 14636 146 Ont. & West... 2354 237a Wabash Com.. 23 335 Preferred ..., 481₄ 483₄ 473₄ 473 Penna, Ry..., 1623₄ 1624₁ 161 Reading Com., 695₄ 695₈ 687₈ 69 Lou. & Nash... 137 1374₂ 1364₂ 137

PROBATE AND GUARDIANSHIP NOTICES.

Consult County Clerk or the respective signers for further information.

IN THE DISTRICT COURT, PRObate division, in and for Salt Lak-County, State of Utah. In the matte of the estate of Benjamin P. Howells deceased. Notice, The 1 tition of Thomas F. Howell administrator of the estate Benjamin F. Howells deceased, prayli for the settlement of final account administrator and for the distribut of the residue of said estate to the per-sons entitled, has been set for hear ing on Friday the 24th day of October, A. D. 1902, at 10 october a. m., at the County Court House in the Court Room of said Court. In Salt Lake City.

Salt Lake County, Utah. Witness the Clerk of said Court with the seal thereof affixed this Sth day (Seal.) of October, A. D., 1902, JOHN JAMES, Clerk, By C. Frank Emery, Deputy Clerk, James H. Moyle, Attorney.

IN THE DISTRICT COURT, PRO bate division, in and for Salt Lake County, State of Utab. In the matter of the estate of Frederick Madsen deceased Notice. The petition of John Chr the executor of the estate of Free erikka Madsen, deceased, praying for the settlement of final account o said executor and for the distribution of the residue of said estate to the per of the residue of said estate to the per-sons entitled, has been set for hear-ing on Friday the 24th day of October, A. D. 1992, at 10 o'clock a. m., at the County Court House in the Court Room of said Court, in Sait Lake City. Sait Lake County, Utah. Witness the Clerk of said Court with the seal thereof affixed this 10th day (Seal) of October A. D. 1992.

(Seal.) of October, A. D., 1902. JOHN JAMES, Clerk.

By C. Frank Emery, Deputy Clerk, James H. Moyle, Attorney

ABSTRACTS.

Three points to think of when you get a. Abstract of Tible to Real Estate

- I. Completeness. 2. Accuracy.
- 3. Responsibility.

The Utah Savings & Trust Co. invites an examination of its complete real estate records, of the methods adopted to secure accuracy, and of its ability to make good any loss caused by error or omission in its ab-stracts.

The value of an Abstract depends upon these three vital points, insist on an abstract from the Utah Savings Trust Co.

W. S. MOCORNICK, Pres. S. H. LYNCH Mgr.

livectors of the original Grand Hotel

