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# THE DAILY NEWS

TRUTH AND LIBERTY

SATURDAY, JUNE 13, 1903. SALT LAKE CITY, UTAH.

IF YOU DON'T TELL the people through the newspapers what you have to sell, you can't sell your goods. Our subscribers read the ads.

LAST EDITION—24 PAGES.

FIFTY-THIRD YEAR.

## Prince Peter's Election Sure.

### So Regarded in Belgrade—Mirko of Montenegro May Have Some Votes in the Skupshchina—Here and There a Republican Tendency is Noticeable—Notices Placed on City Walls Prohibiting Assemblies of the People.

Belgrade, June 12.—At midnight last night tranquility prevailed here. The streets had practically been deserted since 9 p. m., with the exception of small military patrols which paraded the thoroughfares. The palace was guarded by a cordon of infantry and all the ministerial residences in the vicinity of the palace were closely guarded by detachments of troops. A general feeling of cheerfulness pervades the city and according to reports, the country also. The city continues to be flagrant.

fact that the king and queen of a friendly state have fallen victims of a violent death and that the obnoxious dynasty is being supplanted in the territory of Serbia is now extinct. The most fervent desire prevails in Russia that Serbia, after this fearful crisis, may be able to pursue peacefully its course of her national life in the direction which the patriotism of the people and a proper conception of their supreme interests will indicate.

Former Minister Tudorovic has succumbed to his wounds.

Minister of Commerce Genesich, in an interview, said he considered that if there was any republican tendency in the cabinet it was insubstantial. The election of a ruler, he thought, could not occur before Tuesday but it was almost certain Prince Peter Karadjewich would be elected.

It is understood that there is a movement to fix \$3 as the minimum wage to be paid to miners. In fact that such a movement is being made is known here that the strongest action taken will be the presentation of this request to the mine owners, and that there will be for the purpose of striking talk as possible, for both of these are damaging to business interests. Some of the miners, notably the Silver King, already have a wage schedule with \$3 as a minimum. The minimum at the Daily-Work was recently raised to \$3.75 for muckers and \$3 for miners. The Daily-Work at the Ontario is \$3.50, and at that at Casimiro it is more, the minimum there being \$3.50; but that is on account of the mine being farther out and harder to get at.

London, June 13.—A special from Rome says a semi-official note published there declares that whoever is elected the king of Serbia will have to exact the punishment of the murderers of King Alexander and Queen Draga, as civilized countries cannot tolerate a ruler who is a murderer in his own country should be occupied by assassins.

Minister of Finance Peter Karadjewich has written an autobiographical letter to King Victor Emmanuel, its contents are not generally known, but it is supposed that Prince Peter refers to ascension to the throne and asks what attitude the king of Italy would take if the foreign office here denies that an agreement has been reached among the powers concerning Serbia.

Vienna, June 13.—It is now known that the late King Alexander lived in a state of terror during the last weeks of his life. Nightly soldiers belonging to the plotters of his death were ordered from roof to cellar, peering into all dark corners for bombs, being into the king was securely locked in his bed chamber by the adjutant in the presence of a police commander.

It is also stated that for several weeks the late queen had prepared for flight, independent of the king, who is supposed to have been gradually reconciled to the project of his divorce from Draga and his marriage with Princess Exena of Montenegro. The conspirators are reported to have learned this fact through a telephone message, a continuation of the Obrenovitch dynasty, hurried the task of extermination.

Lately King Alexander vainly tried to become reconciled with exiled Serbians which also increased the anxiety of the conspirators.

Queen Draga's sisters were permitted to have a last look at the body of the late queen. They say the corpse was shrouded in white silk. The youngest of Draga's sisters was carried away unconsensually in the night, and the present circumstances would be dangerous. The chances of Prince Mirko of Montenegro are said to be slim.

Constantinople, June 12.—The terrible drama at Belgrade caused stupefaction at the Yildiz palace. The palace was addressed by the sultan, who was able to listen to the details published in the newspapers and allowed those who conversed with him to speak of the "death of the king and queen of Serbia" and would not permit them to use the word assassination.

It is announced here that King Charles of Roumania, who was honored by the sultan of the sixteenth regiment of Serbian infantry which performed the massacres at Belgrade, has severed his connection with the regiment which he considers has given such horrible proof of lack of military honor.

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## Burnt to Death In a Flat Fire.

### Five People Lose Their Lives in One in New York—Police Claim Hallways of Building Had Been Covered With Oil—Saturated Rags Also Scattered About—Firemen Do Heroic Work.

New York, June 13.—Five persons were burned to death early today in a flat building at 347 East 115th street. It is believed the fire was of incendiary origin. The dead: Theresa Delecco, aged 4. Camillo Delecco, 2 years old. Alfredo Delecco, four months. Francisca Stamano, four months. Giuseppe Cipriano, 24 years.

It is claimed by the police that the hallways of the building had been covered with oil and that bundles of rags saturated with the same substance also were found scattered about the place. The fire was discovered by Lilio Delecco, who lives on the third floor of the building. He was caring for a sick child when he smelled smoke and looking into the hall found it filled with smoke and flames. He cries against the other tenants, most of whom escaped. Delecco, one child and his wife, were taken down a fire escape by a policeman who tried to warn for others but was surrounded by flames at the third floor and was preparing to jump when the firemen arrived. At this time the building was burning furiously but 15 were sent up the ladders in an effort to rescue others. Cipriano was found on the top floor still alive but unconscious. He was taken to the hospital, where he died half an hour later. Again the firemen started up the ladder but they were forced back by the blaze and further search of the building was impossible until the fire was extinguished. The bodies of the three Delecco children were found on the third floor. Cipriano is thought to have assisted members of the Stefano family to the street and was overcome when he returned to make further rescue. The police are of the opinion that the fire was of incendiary origin. There have been a number of incendiary fires in tenement houses in this locality and a number of lives have been lost.

## STATE RESTS IN PAYNE CASE

### Motion for Dismissal Denied by Judge Morse.

Such Permission Granted Him by the Court—Files an Affidavit of Impeccability.

At 10:40 o'clock this morning the state concluded its testimony in the case of the State of Utah vs. Dr. E. S. Payne, which has been on trial for a week before a jury in Judge Morse's court. At the conclusion of the testimony, the jury was excused until Monday morning at 10 o'clock, and Attorney Wanless presented a motion to the court for the dismissal of the case against defendant on the grounds that the corpus delicti has not been established by the state, and that no criminal act has been traced to the defendant, or no evidence introduced to show any criminal act on his part.

## DOCTOR GOES TO HIS HOME

### Such Permission Granted Him by the Court—Files an Affidavit of Impeccability.

At one point during the argument of Mr. Wanless, Mrs. Payne again gave way to her feelings and wept for several minutes. Judge Morse stated that he did not care to hear from the state on the motion. He denied the motion for the reason that it is not within the province of the court to determine the guilt or innocence of the defendant or to pass upon the evidence which was so ably presented by the attorney for the defense.

## CHICAGO WAITERS.

### They Are Going to Carry the War Into the Restaurants.

Chicago, June 13.—With the union employees of 26 hotels, including practically all the large hotels already on strike, the officers of the Cooks and Waiters' union announce their intention of again turning their attention to the restaurants, cafes and caterers. They had night and day to strike with their movement for better working conditions and if necessary even the existence of their organization on one effort to invade the resources of their local and international unions. Particular attention, it is declared, is to be given to the department stores, restaurants and their move will be against the hotels, which they did not touch thoroughly among the hotels, the strikers have succeeded in only partially crippling the hotel service. Many of the affected establishments served breakfasts with varying degrees of success today and already there is a noticeable influx of outside help which is being taken on as fast as presented. These, together with the small number who had the help that has remained local, enable many of the hotels to care for their guests with comfort.

## THE MARCONI CASE.

### Soldiers Sent for an Important Witness Returns Without Him.

Jackson, Ky., June 13.—When the Marconi case was resumed today Commonwealth's Attorney Byrd stated that the detail sent out to locate the witness Henry Freeman, a badly wanted fugitive, had returned without the man. Lieut. Cannard and Deputy Whitaker, sent by the Commonwealth, stated that Goodie Combs, who went along on the orders of Judge Redwine, to the surprise of the soldiers, when within a hundred yards of Freeman's house, ran ahead and fired two shots. He claimed to have seen something in the room. When the soldiers arrived at Freeman's house he was not there. Evidence showed that he had run away when he heard the shot, and that he had seen the man. Freeman fled behind and his imprint in the earth was fresh. His wife admitted that he had been there and she was held, but Judge Redwine refused to have her as a witness. The anti-Hargis people say that Freeman is an important witness, and they feel that he has been hired to remain away from court. Mr. Byrd said he would have to close the case without Freeman and submitted the case of the Commonwealth. Atty. O'Neil, for the defense, moved for peremptory instructions dismissing the defendants. Judge Redwine excused the jury to hear the argument of the motion.

## MEASUREMENTS GIVEN

### City Engineer Kelsey was Then Called to the Stand—He Settled the Width of the Blocks Between Dr. Payne's Office and the Streets were 62 Feet in Length.

City Engineer Kelsey was then called to the stand. He testified that the blocks between Dr. Payne's office and the streets were 62 feet in length and the streets were 122 feet in width. Mr. Wanless also moved to strike out Mr. Kelsey's testimony, but the motion was denied. Detective Chase was recalled to further identify the cloth which was taken from Miss Hill's body. Dr. Payne was accordingly sworn for the purpose. At the conclusion of his examination, the court stated that he thought it would be an injustice to deny him the right to have the witnesses named in the affidavit, so the order was entered for the witnesses to be subpoenaed at the expense of the state. The court then took a recess until Monday morning at 10 o'clock.

## A GREAT ABSTRACT.

### That in Grand Central Case a Voluntary Document.

The abstract on appeal in the case of the Grand Central Mining company vs. the Mammoth Mining company, appellant, which has been filed in the supreme court, is one of the largest ever printed. The abstract is in five volumes and contains a total of 1,750 pages, and the amended abstract filed by respondent is in three volumes and contains 608 pages, making the total number of pages in the abstract complete 2,358. The transcript of all the proceedings in the case contain 1,200 pages of typewritten matter. There is about 300 words on each page, making a total number of words in the transcript of 1,500,000.

## MOTION FOR DISMISSAL.

Mr. Wanless then moved the court that the case of the state vs. Dr. E. S. Payne be dismissed and that the jury be instructed to return a verdict of acquittal without requiring the defendant to introduce any evidence. In arguing the motion Mr. Wanless said: "The grounds on which I base the motion are: First, that the corpus delicti has not been established; and second, that no criminal act has been traced to the defendant, and no evidence of criminal intent has been introduced. There is nothing in this case to show that the woman might not have come to Dr. Payne's office suffering severely and asked him to perform the operation to save her life. That would not be a criminal act for him to perform such an operation under such circumstances. The doctors both say that the operation was performed two hours before death. The testimony is that she died at about 12 o'clock and according to their testimony the operation must have been performed at about 10 o'clock. It is not probable and reasonable that she might have had that operation performed elsewhere and then went to Dr. Payne for relief. The state's witness, Mrs. Bond, stated that she saw Miss Hill at about 10:30 o'clock. She is a respectable woman who would not have had the operation performed at Dr. Payne's office. The testimony of the expert negatives the idea that Dr. Payne gave her chloroform for the purpose of performing the operation. There is nothing in the case whatever to show that the woman died in any other manner than that stated by Dr. Payne. The state is not to be allowed to introduce theory of guilt against the defendant. We contend that the woman might have died from the effects of chloroform in a hundred ways. There is no word of evidence that she might not have been overcome and staggered into Dr. Payne's office, as he states she did, for relief. That woman is not to be held responsible for the operation for her, and there is no evidence here to connect this old man with the crime. We contend that there is no evidence here which negatives the theory of innocence and we think the defendant should be discharged."

## MRS. PAYNE WEEPS.

At one point during the argument of Mr. Wanless, Mrs. Payne again gave way to her feelings and wept for several minutes. Judge Morse stated that he did not care to hear from the state on the motion. He denied the motion for the reason that it is not within the province of the court to determine the guilt or innocence of the defendant or to pass upon the evidence which was so ably presented by the attorney for the defense.

## APFIDAVIT PRESENTED.

Attorney Wanless then presented an affidavit of impeccability sworn to by Dr. Payne, and asked that the witnesses mentioned in the affidavit be subpoenaed for the defense at the expense of the state. The witnesses named in the affidavit are Hattie Lyon, the mysterious woman whom Dr. Payne states, called at his office while Miss Hill was there, and Dr. H. A. Anderson, who will be used as an expert witness by the defense.

## IN MATRIMONIAL CASE.

John R. Marton, a prisoner at the state prison, was today examined as to his sanity by Drs. C. Young, T. G. Odell and County Clerk James and was committed to the state mental hospital at Provo, upon motion of Dist. Atty. Eichner. Marton is a half-breed Indian and was convicted of grand larceny in San Juan county in November last and was sentenced to 2 1/2 years by Judge Johnson. His condition is supposed to be due to exposure to the severe weather at the time of his arrest.

## SMELTER ON SHEBIT LAND

Inspector's Report on Same Received by Commissioner Jones and Lease Recommended.

## WINWARD DENIES.

### Says He Has Not Been Untrue to His Wife Susan.

Alexander Winward has filed an answer to the divorce complaint recently filed against him by Susan A. Winward. There he denies that he has been untrue to his wife. By way of explanation he alleges that Mrs. Winward has a violent, spiteful and unmanageable temper and has treated him in a cruel manner, using vile and abusive language toward him. He alleges that in January, 1902, he was severely injured in a street car collision, and that he has since been unable to bring the time he suffered from his injuries but compelled him to submit to her insulting language. He therefore asks that she be awarded the divorce and also the custody of their seven children.

## ELISON DIVORCE CASE.

The testimony in the divorce case between M. Ellison and M. Ellison against Clyde H. Ellison, recently acquitted of the murder of A. S. Watson, will be heard before Deputy Clerk J. U. Edwards, who was appointed judge today by Judge Hall as special referee to hear the testimony and report to the court.

## FOR PARTITION OF PROPERTY.

Benjie D. Wilcox et al. by their guardian, Rodney Wilcox, today filed suit in the district court against Maria Eastrough et al. for a partition of the south half of lot 4, block 42, plat A and the north four rods of the south half of lot 8, block 12, plat A, which is owned as tenants in common by plaintiffs and defendants. The defendants also filed their appearance and consent to judgment according to the prayer of the petition, that the first named piece of property be set apart to defendants and the other to plaintiffs.

## SAYS HE'LL "MAKE GOOD."

### Promise of Missing Saloon Man Who Turns Up in San Francisco.

P. J. McDermott, one of the proprietors of the Court saloon on Fourth and State streets, who, on Monday morning, defaulted and took with him between \$500 and \$600, has been located. He went directly to San Francisco from this city, and today Mr. Carey, his partner, received a letter from him. McDermott expresses sorrow for what he has done and promises to "make good" to Carey even if he has to work for him for nothing. He said that he was intoxicated when he took the money and says he did not know what he was doing. He expressed great sorrow for leaving his wife, and declares that he will make everything all right with her.

## MARION COMMITTED.

### Inmate of State Prison Admitted Mentally Unsound.

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## MISS RAMSEY AT PAYSON.

### She and Dr. Browne Were Enthusiastically Received.

(Special to the "News.") Payson, Utah, June 13.—Miss Emma Ramsey was greeted by an enthusiastic audience in her home town last night. Many from Tintic and adjoining towns came to hear her and a crowded house showed its appreciation of Utah's talented young singer.

## NAVAL CADET SMITH.

### Passes Physical Examination and is Accepted at Annapolis.

(Special to the "News.") Annapolis, June 13.—Reuben E. Smith, Utah, passed physically yesterday and was admitted as midshipman.

## EARLY SETTLER DEAD.

### Peter Ahlstrom, a Sanpete Pioneer Passes Away.

Peter Ahlstrom, one of the pioneers of Sanpete county, passed away at his home in Mantli this morning of general debility. Word to that effect was received in this city this morning by the son-in-law of the deceased, J. G. Weaver, a well known local writer. Peter Ahlstrom came to Utah in 1852 and shortly afterwards took his family to Sanpete where he settled. His sons were among the founders of Tropic.

## CHILDREN'S DAY AT SALT LAKE.

### Manager Langford announced this afternoon that he had decided to set apart Tuesday next as children's day at Salt Lake. On that day the company proposes to take care of every youngster between the ages of 4 and 14 years free of charge. It is believed that the rush to Salt Lake on that occasion will be something terrific. Needless to say there will be some parents there also.

## STILL MISSING.

### James Bannan's Parents Worried Over His Disappearance.

James Bannan, the 13-year-old son of Michael Bannan of 25 North Sixth West, whose strange disappearance was chronicled in Thursday evening's "News," is still missing and his parents and friends are greatly worried over it. The police department has telegraphed all over the world, but up to date not the slightest trace of him has been found.

## CONTRACT AWARDED.

### The state board of insanity, at its meeting yesterday afternoon in Provo, awarded the contracts for an engine, electrical generator, boiler, pipes, etc., for the new building at the State Mental hospital, to the Salt Lake Hardware company upon its bid of \$3,744.

## CHARGED WITH ROBBERY.

A man giving the name of John Anderson was arrested this morning by Sergeant Roberts on the charge of robbery. It is alleged that he took a drunken man named Louis Richter into a hallway on Commercial street and robbed him. The man told the police that he saw Richter slip on the sidewalk on Commercial street and that he carried him into a hallway and robbed him. When searched, Anderson had \$24.

## The Northern Securities Co.

### It Will Be Voluntarily Dissolved—Stocks of the Northern Pacific and Great Northern Railroad Companies Will Be Distributed Among the Shareholders—Appeal in U. S. Supreme Court to be Prosecuted.

New York, June 13.—It is stated by the New York American that the Northern Securities company will be voluntarily dissolved and that the stocks of the Northern Pacific and Great Northern Railroad companies will be distributed among the shareholders. In this manner the properties mentioned will be returned to their former owners. That preparations are being made for the dissolution of the Securities company is declared by the American to have been learned on the highest authority but officials of the company refuse either to confirm or deny the statement. It is said, however, that the appeal now pending in the United States supreme court will be carried to its conclusion so as to establish the legal status of such companies by the court of last resort.

## AN ENDORSEMENT OF SALT AIR.

### General Boards of Mutual Improvement Associations Commend The Action of Management in Abolishing the Sale of Liquors At the Resort and Pledge Their Influence in Its Favor.

The following resolutions were adopted by the general boards of the M. I. A. in 1902, and at a meeting of the general board of Y. M. M. I. A. last Wednesday, June 10, 1903, the matter was again brought to the attention of the members, and the general secretary was ordered to furnish each ward president with a copy of the resolutions, with the instructions and the request that they give them their serious and immediate attention, and observe the instructions therein contained.

"Resolved, That the members of the general board of the Young Men's and Young Ladies' Mutual Improvement associations do hereby approve of and endorse the action of President Joseph P. Smith and the management of the Salt Lake Beach company in abolishing the sale of liquor of all kinds at that resort."

"Resolved, That the secretaries of our associations be, and are hereby instructed to inform the superintendents of stakes of this action, and request them to notify every ward officer thereof, and to advise every stake to encourage a universal influence in favor of Salt Air."

## MISS RAMSEY AT PAYSON.

### She and Dr. Browne Were Enthusiastically Received.

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## POSSIBLE PROBLEM TO FACE.

### Utah Mine Owners Interested in Outcome of Conference at Lagoon Today—Rumbles of an Impending Midsummer Strike—Big Excursion from Park City.

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