JUDGE BEATTY FINES MR. HEINZE

As a Punishment for Contempt Imposes Twenty Thousand Dollar Fine Upon Him.

MONEY MUST BE PAID TODAY.

Reservation of Decision on the Other Counts Keeps Imprisonment Sentence Over Defendant.

Butte, March 30,-- "The judgement of this court is that F. Augustus Heinze, Josiah H. Trerise and Alfred Frank stand guilty of contempt of court in ause No. 70, and that Carlos Warfield is not guilty and is discharged. As punishment therefor I will impose a fine of \$28,000 upon F. Augustus Heinze, \$1,000 upon Alfred Frank and \$1,000 upon J, H. Trerise. This money to be deposited in the First National bank of Butte, Mont, by 11 o'clock tomorrow (Thursday) morning, to the credit of George sproule, clerk of the United States court for this district, or the defendants are to be taken into custody by the United States marshal and con-

by the United States marshal and con-tered to Helena, there to be confined until the fines are paid." The above was the judgment of Judge Beatty this morning in the United States court, when he passed upon cause No. 70, an action brought is the Butta & Boston Mining court upon cause No. 10, an action Brought by the Butte & Boston Mining com-pany against the above defendants for entering the Michael Davitt lode claim and extracting therefrom valu-able ore, on what is known as the en-argite vein. It was the judgment in argite company argite of three counts.

the of three counts. Heinze and the other defendants were in the courtroom and heard the decree of the court. Not a muscle moved in the features of Mr. Heinze, while Tre-ties smiled faintly and Frank hung his

hed. Mr.Heinze came into court a few min-utes before judgment was announced and remained standing near the door. The judgment pronounced applies only to the first count against the defend-ants, there remaining two other counts, that in cause 37 and that in cause 77. In both these actions Carlos Warfield was acquitted and discharged, while Heinze, Trerise and Frank were each roand guilty.

ound guilty's reservation of decison on two of the three counts on which Heinze was charged with conwhich heins the effect of keeping an im-tempt has the effect of keeping an im-prisonment sentence hanging over heinze. Judge Beatty announces, however, that there will be no imprison-ment if the fine is paid and there are no further violations. But his order regarding a permanent inspection board the mines, the court says, is final. Any infraction will be severely pun-shed. The Amalgamated and Heinze interests are trying to agree at a conerence this afternoon, on a board of

A. L. Frank is superintendent of the Johnstown Mining company and J. H. Trerise is superintendent of the Rarus Judge Beatty was called in from the United States district court of Idaho by Judge Knowles to try the case. It is not thought any mine will be closed by the decision or any men own out of work.

WINES, CORDIALS **AND EXTRACTS**

of cod liver oil act about the same on a weakened system as a cocktail does on an empty stomach. If any good is accomplished in either case the medical world has yet to find it out. The reason Scott's

Emulsion affords effective and permanent relief and cure in all wasting diseases is because it restores health through

alcoholic stimulation. ing to get an appeal from the decision of Judge Knowles, who enjoined us from working these ore bodies. The case was twice tried in the federal court: the first time Judge Knowles instructed the time Judge Knowles instructed the jury to decide against us: the jury was then locked up for 35 days, considered the judge's instructions three days further, and, not obeying the court's order, was discharged. Then the Amalgamated Copper company had a bill tried at Wash. ington authorizing the transfer of fed-

eral cases. The case was then tried at Helena, lasted 50 days, and the jury brought in a unanimous verdict giving us the ore bodies. Ten months later Judge Knowles reversed the verdict because he alleged that the jury might be influenced by certain articles aprearing in the local newspapers against the Standard Oil company. Im-nie d'ately we asked Judge Knowles to either vacate the order of injunction or to continue it. That was the only way to muke the matter appealable to the

circuit court. If he vacated it they could appeal, if he continued it we could appeal, if he allowed the matter to stand there would be no appeal, which would leave us with no redress.

"Our counsel considered we were enjoined in a proceeding based upon an improper complaint, and this is the point we wanted to bring before the appellate court, but as long as Knowles refused to make any order of any kind there was nothing which could be brought tefore the court of appeals. "Under the circumstances there was nothing to do but to raise the point in

this way. Judge Beatty's decision is that he will not go behind the court's order and ascertain what it is based upon. However, now we are in a po-sition to appeal. By making this move we believe we might get courts to pass upon the point of law concerned. We have not done so, but we have won the right to appeal should we maintain the injunction was improperly issued. The entire question involved that point of law. Judge Beatty de-cided that he would not go into the question of the validity of the injunction, but merely into the matter of contempt. His decision does not controversy yet gives us the right to appeal. "Of course we will comply with the order of the court, which merely re-quires deposit pending final adjudica-

DESERET EVENING NEWS: THURSDAY, MARCH 31, 1904.

FOR TARGET PRACTICE. Large Fleet Gathers Off Pensacola

For That Purpose. Pensacola, Fla., March 30.-With the arrival here today of the gunboats New.

port and Castine from Colon, the larg-est fleet of United States warships ever est neet of United States warships ever assembled in target practise, includes seven battleships, five cruisers, seven gunboats, five monitors, two torpedo boat destroyers, besides a number of tenders, coulers and supply boats. The fleet includes more than 25 vessels of various classes. The battleship Alabama has established a new world's record for rapidity and accurateness in firing all classes of guns. She came into port today after a week spent at the target range, and her officers report that her record is much better than that of the Kearsarge, made last week. The percentage is being worked out by the target inspectors.

Red Cross Society Row.

Washington, March 30 .- The committee to investigate the differences be-tween the majority and minority of the American National Red Cross society has received the reply of the majority members to the remonstrance of John M. Wilson and 21 others. The reply says that the remonstrants nowhere indicate by any prayer what relief, if nourishment, not through any, they deem necessary, and say that all objections to the by-laws have been

removed and every known demand or request of the minority has been met. The reply says that the organization would have made all possible efforts to satisfy the remonstrants and that the respondent is ready to produce any pa-pers at any time and place indicated by the committee, but asks what papers are necessary to the full disclosure of the truth. The reply answers in detail numerous other charges and says that the president of the Red Cross is now confronted by a conspiracy to rule or ruin

Iron Bed Makers Strike.

Chicago, March 31 .- Two hundred iron bed makers are on strike at the plant of the iron bedstead company Thirty-eighth and Rockwell West streets, because the firm charged sev-eral employes with being incompetent and refused to pay them the union scale. A number of brass and iron moulders are also on a sympathetic strike. The union had rearranged the wage scale to fit the cases of the alleged incompetents and the firm refus-in" to consider the scale, the strike was ordered.

Official Trial of the Vera Cruz.

New York, March 31 .--- An official trial has been given the gun-boat Vera Cruz built here for the Mexican government. Standardized on the mile course off Sands Point in Long Island sound, the vessel attained a maximum speed of 16.514 knots and a mean speed of 15.949. During the endurance run up the sound she showed a speed of 15.95 knots.

On board the Vera Cruz were several representatives of the Mexican govern-ment among them being Capt. Manuel Azuta of the navy.

New Theater for Chicago.

Chicago, March 31 .- Ground will be roken in May for a theater on the site of the Ferris wheel park, Wrightwood avenue and North Clark street. The promoter of the enterprise, Adolph En-gel, former manager of the Haymarket theater, said the new playhouse will cost \$150,000, and will be devoted to high class production. The theater will be known as the Lake View theater and

and of 62 miles an hour when drawing six vestibule passenger coaches weigh-ing a total of 225 metric tons. Of Herpicide Is In Giving It a Thor-ough Trial. No effort was made to develop full speed, but the trial proved the possibility of introducing a sixty-mile schedule without any change of roadbed or rolling stock.

A NEGRO PARTY.

Will Adopt a Platform and Name A Presidential Candidate.

East St. Louis, March 30 .- W. T Scott, a negro, has announced that prep-arations have been completed for a national convention for the nomination of tional convention for the nomination of a negro candidate for president. The convention will be held in St. Louis, July 6, the date set for the national Democratic convention. The name of the new party is 'The National Civil Liberal party,' and a platform will be adopted which. Scott says, will call for government ownership of transporta-tion facilities and a nension list for tion facilities and a pension list for former slaves.

American Su cides in Japan.

New York, March 31 .- Advices from Tokohama are to the effect that Daniel Bacon, Jr., the 21-year-old son of a New York capitalist, has committed sucide there by shooting. Bacon's death was announced here March 11 as having been due to pneumonia. He was in Ja-pan in search of health. It is now said that, while attending a birthday party with 30 or 40 friends, he suddenly com-plained of lilness, stepped into an ad-joining room and shot himself.

the "News" to be printed Saturday, will be a great number to send away to friends interested in Utah.



felenen ander and and We Offer and Recommend the Stock

A PROSPEROUS LOOK.

It Is Indispensible In Business. A man is not known any more by the

There is only one test by which to judge of the efficiency of any article and that is by its ability to do that which it is intended to do. Many hair acket he wears than he is by the kind of an office he does business in. He cannot expect customers to flock to some grim and dreary old office in a structure that looks like it ought to be which it is intended to do. Many har vigors may look nice and smell nice, but the point is—do they eradicate Dandruff and stop falling hair? No, they do not, but Herpicide does, because it goes to the root of the evil and kills the germ that attacks the partities from whence the hair gets its ndemned by the building inspector. That was all right a few years ago, but with the introduction of steam heat, electrical fixtures, burglar proof vaults, ornamental tiling and other modern conveniences an office looks like the home of a cliff dweller without them. And then it is always best to be in the heart of the business district, where people have seen your name displayed on the window and can find you easily. You probably agree with us, and if you are looking for neatly equipped modern offices, it will pay you to take a tour of inspection of the New Security Trust Sold by leading drugs to The Herpicide in stamps for sample to The Herpicide Co., Detroit, Mich. Z. C. M. I. Drug 37 Building, owned by McGurrin & Co., In-

vestment Bankers.

All advertisers desiring space in the big spring and Conference edition of the "News" on Saturday should send in their orders immediately.

A Warning.

To feel tired after exertion is one thing; to feel tired before is another. Don't say the latter is laziness-it purpose of hearing the President's Re-port, the election of officers and direcisn't; but it's a sign that the system lacks vitality, is running down, and tors for the ensuing year, and for the needs the tonic effect of Hood's Sarsaparilla

It's a warning, too—and sufferers should begin taking Hood's at once. Buy a bottle today.

The spring and conference edition of he "News" to be printed Saturday, will be a great number to send away to friends interested in Utah.

have organized for a Great Sale of Men's Suits to be held



ONCE I HAD A HUSBAND



Barton, the renowned Silver-



Co., Special Agents.

NOTICE.

The annual meeting of the stockhold-ers of Zion's Co-operative Mercantile Institution will be held in the Institu-

tion's Office, No. 15 to 33 South Main

Street, Salt Lake City, on Tuesday, April 5th at 1 o'clock p. m., for the

THE REAL TEST

HISTORY OF THE CASE.

. The litigation which resulted in F. Augustus Heinze being fined today is of four years' standing and is over the Michael Davitt claim, adjoining with the Rarus mine, owned by Heinze. and the Pennsylvania, owned by the Amalgamated Copper company. In the latter part of 1899 the claim was put under injunction by Judge Knowles of the United States district court, both parties to the suit being enjoined pending decision as to title, which de-cision is still pending. Up to June f last year both parties observed the ajunction. Then the Heinze forces, awning the Rarus, it is alleged, he. can to mine the claim, in open viola-tion of the court's injunction. Federal inspectors appointed by Judge Knowles were refused admittance to the Rarus, whence they wished to get into the Davill, even when guided by United States Marshal Lloyd. Then the cir-cuit court judges called in Judge Beat-ty to decide whether or not the orders of the federal court had been vio-ated. Three weeks ago Heinze, Terthe and Frank were arrested by Mar-the and Frank were arrested by Mar-thal Lloyd, on Judge Knowles' order, after they had refused the marshal and federal inspectors admission to the mine. They were allowed to go on farole until Judge Beatty could get bre.

HEINZE MAN TALKS.

Discussing the decision, one of inze's superintendents said: "For seven years we have been try-

We Risk It Druggists Who Sell Dr. Miles' Nervine Agree, If It Fails. To Refund Cost. Of course we reimburse the druggist.

You know him, and trust him. Dr. Miles' Nervine is medicine for your

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LIMITED

It cures diseases of the internal orcans, by giving tone to the nerves which make these organs work.

It is a novel theory-not of anatomy. but of treatment; first discovered by Dr. Miles, and since made use of by many wide-awake physicians, who appreciate its value in treating the sick. If you are sick, we offer you a way to made well-Dr. Miles' Nervine. This medicine is a scientific cure for

tre disorders, such as Neuralgia, leadache, Loss of Memory, Sleeplesss, Spasms, Backache, St. Vitus' ince, Epilepsy or Fits, Nervous Pros-

By toning up the nerves, Dr. Miles' estorative Nervine will also cure those seases of the internal organs due to disordered nervous system. Some of these are: Indigestion, Bil-

os Headache, Kidney Trouble, Chronio dipation, Dropsy, Catarrh, Rheuma-

"My brother had nervous prostration, and may not expected to live. I pre-restorative Nervine, and now he has fully recovered. You remember I wrote ago, when I had hervous trouble. I Presh its merits to everyone." - REV. A. D. MYERS, Correctionville, Iowa. RS. Correctionville, Iowa. Tite us and we will mail ou a Free Trial Package of Anti-Pain Fills, the New, medy for Pain. Also Symp-for our Specialist to disgnose and tell you what is wrong 0 right it. Absolutely Free. R. MILES MEDICAL CO., ORIES, ELKHART, IND.

The text of the decision shows that the fine is practically a deposit pend-ing final adjudication of the ore bodies in controversy. In an interview this afternoon Judge Beatty said:

"Should later developments in the trial of the case prove that Mr. Heinze

is entitled to this ore the money should be returned to him, or at least a part of it; but I believe in any event he should pay a fine for the violation of the injunction order. Should the plaintiffs be entitled to the ore, I be-

lieve the money should be turned over to them to apply on the payment of the judgment."

INVITED TO A CONFERENCE.

Butte, Mont., March 30 .- Judge Beatty today invited the attorneys of the respective parties in the contempt pro-ceedings to meet in chambers with him immediately after he had finished de-livering his decision in the case, and confer together with a view to reaching some agreement regarding the applica-tion of Attys. Forbis and Evans on behalf of the Butte & Boston and the Boston & Montana companies for a perpetual inspection order allowing an inspection at all times of the workings of the Rarus and Johnstown claims, supposed to lead to the Michael Devitt lode. The conference was attended by the attorneys for both sides of the controversy, and the matter of an amicable set lement was discussed at length. Finally Mr. Forbis, for the Amalga-mated company, announced that it would be impossible to reach an agree-

ment, and said that the court might as well make an order for the inspection, It was then agreed that an order would

be granted for an inspection of the workings two times each week. An order to that effect will probably be signed Thursday morning.

CHICANERY AT ALBANY. Attempt to Alter a Bill to as to Favor Gamblers.

New York, March 30.—Considerable stir has been caused by the discovery at Albany that a change had been made in the enacting clause of the Wain-wright bill, framed with a view to compeling patrons of gambling houses to testify against the keepers. The bill was an exact copy of Dist.

Atty. Jerome's measure introduced in the senate by Dowling and was to take

effect immediately. The assembly codes committee, to facilitate matters, took up the Wainwrigh, bill and while discussing it, found the date of enact-ment had been changed by an unknown penman to read "effective Sept. 11, 1904." The chairman declared that nothing would avail the plotter as the committee will consider the Dowling copy instead of Assemblyman Wainwright's.

SPENCER'S AUTOBIOGRAPHY

Thought Little of Ruskin and Less of Carlyle.

London, March 31 .- The Times this morning publishes advance extracts from the autobiography of Herbert Spencer, which give interesting and curious remarks made by the philoso-

pher. For example, he says: "After reading six books of the Iliad, I felt that I would rather give a large sum than read to the end." And "after a perusal of Ruskin's "Stones of Ven-ice' I have lost all faith in Ruskin's ice' I have lost all faith in Ruskin's judgment; doubtless he had a fine and eloquent style, but he has uttered mul-titudinous absurdities."

Referring to Carlyle, Herbert Spencer says "that he either could not or would not think coherently."

The philosopher expresses admiration for George Ellot, both physically and intellectually, but says the report which was current that he was in love with and intended to marry her was

will have a seating capacity of 1,495. Mr. Engel has been interested in amusement enterprises for 35 years in New York and Chicago. He admits that several prominent capitalists are backing his project, but is reticent as to their identity.

Max Josephs in Australia.

New York, March 31.-Lawyer Max Josephs, whose disappearance from his office two years ago baffled the police. is said by his father to be alive and well in Australia, although he was long ago given up and insurance on his life collected from the Royal Arcanum. Josephs had an office in Wall street and lived in Brooklyn with his wife and child. Two years ago Mrs. Josephs received a note from him saying he had been called to Mount Vernon on business. Another letter from that place

the following day said he had been de-tained. His failure to come back led to an immediate search, but all trace of the lawyer was lost in Mount Ver-non and after the Hudson had been dragged and watched for several weeks he was given up. The letter to his father made no ex-planation of Josephs' action. Giant Three Cylinder Locomotive Berlin, March 30 .- A giant three-cylnder locomotive, which it is the intention to exhibit at the St. Louis expo-sition, was tested on the military railroad today in the presence of a large company of civil and military per-sonages. The engineer of this locomotive works on the forward part and speaks with the fireman through a speaking tube. The locomotive alone attained a speed of 80 miles an hour free

The one object of this announcement is to show that FREE TRIAL bottles of

MARY T. GOLDMAN'S

GRAY HAIR RESTORER

will bring back the original color of gray and faded hair and will have the hair clean, fully and natural. It has no sediment and is there-fore harmiteas. Not a dye, Societain are the results that we are perfectly wilding to rest any possible future raises upon what can be demon-strated with these trial bottles. Can we do any-

of your hair, also send sample of hair. Address MARY T. GOLDMAN, 501-527 Goldman Bullding, St. Paul, Mins.

Largo Bottle \$1. Propaid. We have agenta in every city.

NOTICE. It could up the for every five sample bottle we wond out. If we did not have a prepar-ation that will sell on its marits fater, could we afferd this method of introduction! For Sale by

Z. C. M. I. Drug Dept.

ARROW COLLAR

15 CENTS, 2 FOR 25 CENTS

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ble future sales upon what c ed with these trial bottles. C i more fair! We pay postage never fried our preparation. i address and be sure to tell us the



30.000 Union Gas & Pipe Line Company Fully Paid and Mari-Assessbig This Certifices that : A Jo Hallace is the maning Difly Miensand I Shows of the hugh at Hick of Anion Gas & Pipe Tine Company. transtrate only on the becking the Copportion by the holdes hearfun hessen er by Hlenney upon surrender of this feilig me In Millions Mingriller Alexander Instant the Confort to be

This company has leases on approximately six thousand acres of land near Farmington and west of Salt Lake City. Some of this land was formerly developed to a partial extent and results as given in report of Mr. John Wolfe, the widely known gas expert of Findlay, Ohio, prove it to be a territory worthy of extensive explora-MR. WOLFE SAID: "I DO NOT KNOW OF ANOTHER GAS FIELD THAT SHOWS SO STRONG OR HAS BETTER INDICATIONS OF PERMANENCY, OR ONE SO LARGE AS THIS FIELD FROM THE SAME AMOUNT OF DEVELOPMENT."

per a g & the Innehuens

SL.DD HAND

In addition to its valuable land this company has secured a right of way for a pipe line from the old gas In addition to its valuable land this company has secured a right of way for a pipe line from the old gas field to the works of the Utah Light & Railway Co., of this city, with which company it has a five year contract for its product. Among the stockholders and directors of this company are W. S. Ravenscroft, who is extensively interested in the oil and gas fields and the manufacturing interests of Pennsylvania; M. S. Cline, president of the Elk National bank, Pennsylvania; J. W. Boileau, who is identified with the oil gas and coal fields of Pennsylvania and Ohio; Dwight M. Lowrey of the noted law firm of Harriety & Lowrey, Philadelphia; A. J. Wallace, oil oper-ator of Butler, Pennsylvania; E. A. Halsey, capitalist, Chicago, and W. C. Bigger, secretary and attorney for the Welch Oil company of Ohio. Most of these men have personally inspected this field. Our services in connection with the organization of this company enabled us to secure a portion of the treasury stock for market, which we now offer at FIFTY CENTS PER SHARE. If you expect to participate in the profits that are sure to follow the development of this field you should send your subscription now. Active operations will begin within a few days.

J. H. Bigger & Co., Fiscal Agents, 200-201 D. F. WALKER BUILDING.





