

FIVE YEARS FOR TWO AUSTRIANS.

Martin Sutta and Yoso Bachich Sentenced for Their Part in Riot at Bingham.

MUST FACE ANOTHER CHARGE.

In Passing Sentence Judge Armstrong Reviews the Case and Scores the Prisoners.

Martin Sutta and Yoso Bachich, the two Austrians convicted of assault with intent to do bodily harm in connection with the Bingham riot at Bingham on March 24, appeared before Judge Armstrong in the criminal division of the district court this morning and were sentenced to five years in the state prison at hard labor, the maximum penalty for the offense of which they were found guilty by the jury. In the riot one Austrian was killed, another wounded in a struggle with Deputy Sheriff Chidister and the officer received a severe wound in the leg which necessitated its amputation and may yet result in the officer's death.

Five Austrians were arrested and charged with assault with intent to murder Deputy Sheriff Chidister. One of them, Frank Devio, the man who shot Chidister, was released upon giving bail in the sum of \$1,000 and has disappeared. Two others were found not guilty and discharged but the jury found Sutta and Bachich guilty of assault with intent to do bodily harm. The men will yet have to stand trial upon another charge of assault with intent to murder Frank Devio and John Bogdan, but that case has been continued until some time next month.

COURT REVIEWS CASE.

In passing sentence upon the defendants he used the following words: "In this case the facts have been presented to the court at the trial, and it seems that this assault had grown out of trouble between the Austrian residents of Bingham canyon, and it seems to be the result of a fight. I don't know whether to say feud or not. It seems to me there has been trouble between sets of Austrians, as near as the court can understand. From the testimony it seems that there was shooting on the part of one set of Austrians at or into the home or house of another Austrian, probably two. I don't know whether they both lived there or not. Meulen and Bogdan, I think they both lived there together. As a result of the shooting complaint was made to the officers of the law. The officer, with such others as he called to his assistance, went to the house where these parties lived, or stayed, or were, at least, some of them lived there, I believe, and some did not. The officer demanded a surrender in the name of the law. This was refused, and they received instead an assault. A jury of eight men has said that these two men, the defendants, took part in that assault. I believe there was sufficient evidence to warrant the jury in so finding.

"This country has invited, you might say, foreigners to come to our shore, to land and live here. But I have never heard of any invitation being extended to any man to come here and resist the enforcement of the laws of this country. Nor have I ever heard of any invitation being given to any person to come here and when an officer of the law proposes to enforce an arrest under our laws, that they take the matter of resisting that arrest in their own hands, and by concerted action attempt to defeat the action of the officers of the law.

"DEFIED THE LAW.
"This seems to me to be a case in which there has been a deliberate attempt to set aside the authority of this state, or of this county at least, and deny to this county the right of arresting these men because they didn't propose to be arrested. It is not going to be with the sanction of this court that any such steps are taken. And the officers of the law will be protected by this court so far as its jurisdiction can reach and effect such acts. I believe it is the duty of the court in a case of this kind, where there has been a deliberate attempt to set aside the authority of the law and resist the authority of the law officers of this county to make an arrest when the parties are convicted by proper trial and proper proceedings, to enforce the law to its very limit. The judgment and sentence of this court is that you and each of you be confined in the state prison of the state of Utah at hard labor for a period of five years."

COURT NOTES.

Judge Morse has rendered judgment by default in favor of plaintiff in the case of James K. Shaw against Mary Schmidt et al for the sum of \$179.27 with \$18.20 costs and \$25 as attorney's fees.

Upon motion of Dist. Atty. Loomis, the case of the State of Utah against John Masters, charged with a felony, was dismissed by Judge Armstrong yesterday. The district attorney was of the opinion that the evidence was insufficient to convict the defendant, hence the dismissal of the case.

As the evidence was insufficient to warrant submitting it to the jury, Dist. Attorney Loomis today asked that he be relieved from filing an information in the case of the state of Utah against C. A. Allen, and his request was granted by Judge Armstrong. Allen is charged with assaulting Archie Webb in a Pullman car in the Oregon Short Line yards.

Upon motion of Dist. Atty. Loomis, Judge Armstrong has ordered that no information be filed in the cases of the state of Utah against Langford and the state of Utah against Mrs. A. Bradford and Sarah Drayton. Langford was charged with resisting an officer and the two women were charged with procuring. The district attorney considered the evidence in the cases insufficient to warrant submitting them to a jury, hence they will be dismissed.

SUMMER COLDS.
Laxative Bromo Quinine, the world-wide cold cure, removes the cause of colds, the full name and look for signature of E. W. Grove, Inc.

For stylish clothes see Daniels, the artistic tailor, 22 West Second South.

Free clam bake at Lagoon Labor day.

TEA
Do you think all tea is alike?
Do you think all tea is alike?
Your greatest treasure your money if you don't like Schilling's Tea.

CHRISTIAN ENDEAVOR.

Program for Convention to be Held at Provo Sept. 9.

Following is the program for the seventeenth annual convention of the Utah State Christian Endeavor to be held at Provo, on Saturday, Sept. 9 next. The exercises of the convention will be preceded, the previous evening, by a preparatory service and mass meeting of the young people's evangelized societies in the First Congregational church of this city, at 8 p. m., as follows:

PROVO SATURDAY, SEPT. 9TH.
PROVO OPERA HOUSE.
10:00—Prayer and devotional service led by Miss R. M. Ward.
10:30—Address of welcome, Rev. S. H. Goodwin.
10:45—Response to address of welcome, Mr. Horace H. Smith.
11:00—Announcements and appointments of committees.
11:15—Reports of officers.
11:30—Address: "How to Help the Young People," Rev. R. S. Walker.
11:45—Address: "The Junior Society," Mrs. E. H. Dorman, State Sup't.
11:55—Address: "Personal Prayer and Personal Work," Miss Louise M. Beitz.
12:45—Address: "The Lesson Union as an Aid to the Local Society," Mr. C. A. Broadbent.

1:00—Business meeting, report of committee and election of officers.
2:00—Lunch.
2:15—Address: "The Junior Society," Mrs. E. H. Dorman.
2:30—Song service, conducted by Mr. Will Walker.
3:45—Workers' conference, conducted by Mr. Von Ogden Vogt, general secretary Utah State of Christian Endeavor.

Open to all.
(Bring note books.)
Refreshments.
1:15—Prayer and devotional service, led by Mr. E. H. Dorman.
1:30—Reports of committees.
2:00—Address: "The Message of Baptism," Mr. Von Ogden Vogt.
Benediction.

A special train leaves R. G. W. depot at 7:45 a. m. Saturday, Sept. 9, for Provo, leaving at 4:15 p. m.

BREAKFAST FOODS.

State Chemist Finds Them Good But of Short Weight.

State Chemist Harms has just completed, at the instance of the state dairy and food department, a careful examination of a lot of cereals and breakfast foods which were picked out at random in the local stores. In his report, the chemist says: "This class of foods forms an important and at the same time a considerable portion of our food supply, for nearly everybody partakes at least once a day of some particular cereal breakfast preparation. During the past 10 years, a very large variety have been placed before the public. Under fanciful names, these foods are usually put up in attractive packages and in the majority, some prize, coupon or even display or similar articles are included. "These foods are generally prepared from oats, wheat, barley and corn, and as a rule, are free from adulteration, although a portion of one cereal is sometimes substituted for another. Formerly, the breakfast foods consisted entirely of the coarsely ground raw cereal and required a long time of cooking to prepare it for use as food. At the present time, the bulk of these preparations have been subjected to more or less preliminary cooking and drying whereby they are prepared for use at the table in a much shorter time and their keeping quality also enhanced. The so-called rolled oats are prepared by softening the grains through steaming, after which they are crushed between rollers and then dried. In other cases, the cereals are more or less baked or kiln dried, and in the malted cereals, a certain amount of malted barley is used. This class of foods is seldom adulterated, owing to the cheapness in price of the raw material. "Twenty samples representing the leading brands found in our market were subject to examination. All were found to be free from adulterations, mustiness, mould, insects or other foreign material, as well as an abnormal odor and taste. However, considerable short weight was found in several samples."

FRUITS FROM NEVADA.

Local Dealers Look for Good Supply During the Winter.

Local dealers look for a heavy business in shipments of early fruits and vegetables into Provo, Salt Lake and Ogden after the first of the year from southern Nevada, and say that had the San Pedro road been completed last winter, the movement of vegetables and fruits northward would have begun then. So Salt Lake markets are pretty sure to be well supplied with "all the delicacies of the season" after Jan. 1, until the California fruits begin to arrive heavily.

SCHIED IS MANAGER.

Salt Lake Man Gets Good Place on Board of Underwriters.

The many friends of Karl Schied, who has been acting manager and supervisor in charge of the district of the Pacific board of fire underwriters, will be greatly pleased to learn that he has just been appointed permanent manager of the board in Seattle. Schied, who has been in the fire insurance business for many years, is a very competent and energetic man, and his appointment to the position of manager of the board is a great honor to him and to the insurance community of the Pacific coast.

PHYSICAL CULTURE.

Board of Education Introduces New Course in the Schools.

The city board of education at its special meeting held today, after a lengthy argument, voted to create the office of supervisor of physical culture in the city schools and to introduce a course of instruction in that work in the grade schools. At yet the salary of the office has not been definitely fixed nor has any one been appointed to the position.

position. Some of the members voted for the matter with the understanding that the salary would not be over \$1,500 per year so the salary will not exceed that at any rate.
Messrs. Thomas and Henderson both made strong arguments in favor of physical culture, while Mr. Newman was opposed to it on the ground that the board could not afford it at present. The report of the committee on teachers and school work recommending the creation of the office was adopted. Newman casting the only negative vote.
Mr. Glanque made a motion that sewing be taught in the high school. The matter was referred to the committee on teachers and school work. Supt. Christensen was instructed to see that all the principals reported for duty at once.
Tomorrow Clerk Judd will pay the salaries of the officers and janitors for the month of August.

COUNTY TREASURER'S REPORT.

Following is the report of County Treasurer Carbis for the month of August:
Balance on hand \$ 94,697.79
Total receipts 25,344.63
Total 119,942.42
Total disbursements 18,253.35
Balance Aug. 31, 1905: General expense fund 7,706.54 Tax sale redemptions 7,706.54 County school fund 5,735.69 State interest and jurors 749.00 Bond interest fund 12,200.00
Total balance on hand \$101,607.57

LATE LOCALS.

Today's local bank clearings amounted to \$769,469.15, as against \$382,299.20 for the same date last year.

Secretary of State Tingey has issued a call upon the state and private banks for a statement of their condition up to the close of business on Aug. 25.

The remains of J. W. Thomas, the drug store suicide, were shipped last evening to Colorado Springs over the Rio Grande, for interment.

The Light & Railway company will be resting the wires on East South Temple street in a few days, and reduce their number.

The Elks are planning to maintain two private clubs in one of the local hospitals, which shall be primarily for members of the order.

William A. Robinson, chief clerk to General Superintendent A. E. Webb of the Rio Grande, had the misfortune this morning to fall and break his leg. The accident happened at the depot. Mr. Robinson was promptly taken to St. Mark's hospital where he is resting easily.

The band of the Denver Letter Carriers, and a delegation of the Letter Carriers' association, will be in this city this evening en route to the Portland fair, and with Salt Lake carriers are to picnic at Lagoon tomorrow. The band will do considerable entertaining, and the "New" office will not be forgotten.

J. C. Leary has returned from Montpelier, Ida., where he has completed the establishment of five stock yards for the Short Line. The shipments of live stock are slowly very heavy there some of the receipts reaching 100 cars, as it is reported. Montpelier is destined to become a great stock shipping center, like Hile, Colo.

Dealers report a good deal of baled straw being received from all parts of the country, wholesaling at 15 to 25 cents and retailing at 30 and 35 cents per bale. The demand for straw at the hay and grain stores is reported light, as not a few of the stubble are buying direct from the farmers, and letting the middle men go.

Contractor Campbell says that the Federal building would have been finished some time ago but for the delay by the government in furnishing letter boxes for the postoffice. However, the boxes were shipped from the east 15 days ago, and ought to be received any day. In accordance with the recommendations of the postmaster, several of the large windows on the south corridor have been accepted to expedite the business of the postoffice.

Bids for the new Masonic building will be called for by the 15th inst., and it is the intention to have ground broken afterwards as soon as possible. The Masons believe that the erection of the proposed fine building there will hasten the time when the street car management will carry out the idea of Mr. Brinkley, which is a street car village west of the Jordan where all car operatives can reside, and where a great barn may be built for all the cars in the service. This will leave the disposition of the Second East street car property for residence purposes.

The state board of pardons will meet on the 16th inst., in the supreme court room, when the following petitions will be considered: For—James Weathers, convicted of burglary, second degree; Samuel Richards, burglary, Frank Edgington, burglary; Frank Deane, petit larceny; For Parole—Edward R. Averett, assault with a deadly

weapon; Thomas Imlay, adultery. Commutation of Sentence—Charles A. Larson, rape.

Portland, Or., Docks on Fire.

Portland, Or., Sept. 1.—The Oceanic dock, lying on the east side of the Willamette river about 40 rods northwest of the Oregon Railroad & Navigation company's shops in lower Albina caught fire at noon today. The first boat responded immediately but in the face of a wind blowing about 25 miles an hour it was powerless to save the big barn-like wooden structure which is about 166 feet long and 10 feet wide and in a few moments the whole building was a mass of flames. The building is worth in the neighborhood of \$100,000. The fire does not seem to be spreading. Three general alarms have been sounded.

Yellow Fever Statistics.

New cases at New Orleans, since 6 p. m. Thursday, 10; total to date, 1,923; deaths, one; total to date 278.

Grand Labor Day Celebration!

Salt Palace!

Admission Free

Free motor race: Heagren vs. Sam- uelson—2 p. m.

Free baseball: Dubel Tailors vs. As- sembly—3 p. m.

Matinee dance 3 to 6 p. m., admission 10 cents, tickets good for 10 cents for refreshments. Confectionery distrib- uted free to all.

Come and bring your lunches. Spent the day with us and save railroad fare.

WEATHER REPORT

Record at the local office of the weather bureau for the 24 hours ending at 6 a. m. today:
Barometer reading at 6 a. m., 25.3 inches; temperature at 6 a. m., 56 degrees; maximum, 80; minimum, 51; mean, 68, which is 1 degree below normal.
FORECAST TILL 6 P. M. SATURDAY.
Local forecast for Salt Lake City and vicinity:
Fair tonight and Saturday; warmer Saturday.
WEATHER CONDITIONS.
Precipitation occurred over portions of New Mexico, Montana, Arizona, Minn- ousota, North Dakota, South Dakota, Min- nesota, Illinois, Texas and Louisiana. It was falling this morning at Miles City, Winnipeg, Chicago and St. Paul.
The lowest temperature was at Lan- der, Wyo., 34 degrees at time of observa- tion. The relative humidity at Salt Lake City was 20 per cent at 6 a. m.
J. J. ATT.
Local Forecaster.

BORN.

RAWLINS—At Forest Dale, Sept. 1, 1905, to Mrs. Ruby Young Rawlins, a 9-pound boy. All well.

DIED.

LINDSAY—At Taylorville, Sept. 1, of typhoid pneumonia. Ella Lindsay, daughter of Mr. and Mrs. J. S. Lindsay, and niece, aged 18 years.
Funeral services at Taylorville, Mo., inclusive, Sunday, Sept. 3, at 11 a. m. Remains may be viewed at family residence Sunday from 9 to 10:30 a. m.

BOWERS

Jeweler
235 South Main Street

HOW MISERABLE

One who has a mouth (or) of bad teeth. Better have them attended to.

Dr. Loy B. Duncan, DENTIST,
Over Walker Bros. Dry Goods Store, S. E.

ST. MARY'S ACADEMY

SALT LAKE CITY, UTAH.
Boarding and Day School for Young Ladies. Complete Classical and Commer- cial Courses. Music, Drawing and Painting. For catalogue address, SISTER SUPERIOR, Salt Lake City, Utah. School reopens Sept. 1st.

YOU KNOW ABOUT THE WATER SUPPLY.

LEAVE SOMETHING ELSE UNTIL TOMORROW. DO THIS TODAY—Place Your Fire Insurance with the

SMEDLEY-WAKELING

Fire Insurance Agency,
ABSOLUTE SECURITY GUARANTEED.
204 Atlas Block.

50 Doz Men's un- laundred White Shirts 50c and 65c quality— 25c	2 inch. all Silk Wash Taffeta Ribbons, 10c quality— 5c	"American Lady" Corsets, new models, regular \$1.35— 68c	Ladies' and Misses' 25c Plain and Ribbed Hose— 12½c	10c Bleached or Un- bleached Muslins, for (per yard)— 5c	Corticelli Silks, all colors, always 10c a spool— 5c
5c Coates Thread, Black or White— 2½c	<h1>WONDERFUL OFFER FOR SATURDAY!</h1> <p>WITHOUT RESERVE, ANYTHING IN THE STORE AT EXACTLY HALF PRICE</p> <p>This Offer Includes Everything from a Spool of Coates' Thread to the Finest of Ready-to-Wear Garments. All Notions—All Dress Goods and Silks—All Muslin underwear—All Knit Underwear and Hosiery—All Suits, Waists and Skirts—All Domestic—All Linens—All Ribbons—All Neckwear—All Fancy Goods—All Gloves and Mitts—All Corsets.</p> <p>All Shoes, Including New Fall Styles, Half Price—Just One-Half What You Usually Pay</p> <p>SATURDAY—One Day Only—SATURDAY</p> <h2>New York Cash Store</h2>				Men's 15c Four Ply Linen Collars— 7½c
All Muslin Under- wear, at exactly— ½ Price					Men's Soft and Stiff Felt Hats, new shapes ½ Price
All Notions and Fancy Goods— ½ Price					150 Kid Gloves, new stock, (per pair)— 75c
15c "Red Seal" Dress Gingham— 7½c					Ladies' Side and Back Combs, all val- ues— ½ Price
All Linings at ex- actly— ½ Price	<p>25c Unlaundred White Shirts— 25c</p> <p>Men's Soft and Stiff Felt Hats, new shapes ½ Price</p> <p>150 Kid Gloves, new stock, (per pair)— 75c</p> <p>Ladies' Side and Back Combs, all val- ues— ½ Price</p>				
All Wrappers and Kimonas, exactly— ½ Price	<p>33c Wash Silks, in black, white and col- ors, regular 65c— 33c</p> <p>Extra Fine Black Sateen Underskirts, regular \$1.75— 88c</p> <p>Black and Colored Silk Underskirts, regular, \$7.50— \$3.75</p> <p>\$3.00 Utz & Dunn Shoes for Ladies and Misses— \$1.50</p> <p>\$2.00 Shoes and Ox- fords, new shapes (per pair)— \$1.00</p>				
All Hand Bags and Pocket Books— ½ Price	<p>All Ladies' and Chil- dren's Knit Under- wear— ½ Price</p>				
Men's 25c Suspend- ers, seven different styles— 12½c					