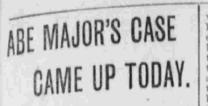
DESERET EVENING NEWS: MONDAX, DECEMBER 5, 1900.



Efforts to Secure New Trial of Man Convicted of Murder.

FITCH AND LEE ARGUE CASE

Sepreme Court Takes the Matter Under Advisement – Decision in a Few Days.

The case of young Abe Majors, alias ames Morgan, convicted and sentenced be shot for the killing of Police Cap-William Brown, at Hot Springs, car Ogden, on April 30, 1899, came up fore the State Supreme court today apon a motion for a new trial, based pen two grounds, the disqualification if two of the jurors and newly disovered evidence. All the members of the court were present. Hon. Thomas Fitch appeared in behalf of the contenned youth, and made an able and poquent argument in support of the The State was represented

Deputy Attorney General Lee, who, in a concise and logical took the position that appellant's y was not made upon the grounds ified in the statute, and cited nu-ous decisions in support of his conntion. B. H. Jones, county attorney Boxelder, who prosecuted Majors, and brother, Ricy H., who, alon, th Attorney J. D. Call, defended the along accused, were present at the proceed-ings. Mrs. Wagener, mother of Majors, and her fourteen year old son; liss Annie Johnson of Iowa, and a mber of friends and sympathizers re also in attendance. Mrs. Wagenwas attired in deep mourning. Her e wore a haggard expression, show-plainly the strain that has been her for the past six or eight the. Several times during the ess of the arguments of counsel e poor woman gave vent to her feel-gs in tears, and each time was con-led by her little boy,who said: "Don't nother: try and bear up." The

arguments consumed two hours of the time, at the conclusion of ch Chief Justice Bartch announced the court would take the matter er advisement. A decision is ked for about the latter end of the resent week. Whether it will be fa-orable or unfavorable to Majors no ne can foretell. A number of leadne can foretell. A number of lead-ig attorneys were present during the edings, and the consensus of opinn among them was that Majors will s granted a new trial.

MR. FITCH'S SPEECH.

The issue which is squarely presented this case is whether the common law of trial by a qualified jury, shall rved or overthrown in Utah. enterprise in publishing the f homicides has made it so to obtain unprejudiced trial that state legislatures have to expedite the business of placing newspaper reports on amon rumor, which

but on the contrary denies on his voir dire that he has ever uttered an unqualified opinion as to the guilt or in-nocence of "the defendant and after judgment, the defendant, in support of motion for new trial, brings forward proof by affidavit of the utterance by he juror of disqualifying language, and the juror fails to contradict such af-fidavit, then the burden is on the proseution to show by affidavit or otherwise that the juror expressed the unaqualified opinion upon the basis of newspaper statement, common notoriety, or public rumor, and if the prosecution fails to do this then the new trial must

was killed-for many years, and that he was a friend of his, he having work ed for him, that Abe Majors ought t e hanged, and he would only be get ting what was due him, and that then

the debt would not be paid. Mr. Rich-ards testifies that the matters referred to in his affidavit only came to the knowledge of defendant's counsel on the 26th day of July, 1900.

J. Elvirez Thompson testiles that early in May, 1899, standing by the gate of the court house ground in Brigham City, in company with William Fosgren and others, he heard Fosgren say that the defendant ought to suffer death; "nat if he, Fosgren, was on the jury h would have him convicted and that he would have him convicted and that he deserved to die. Mr. Thompson says, on August 2nd, 1900, that neither the de-fondant nor any of his counsel knew of his knowledge of these facts until with-in the previous week, as he had told nebody of what he heard until his at-

tention was called to the matter by the proceedings before the board of There was another member of the

jury-one Robert C. Harris-who, on his voir dire stated that he had not formed or expressed an opinion and was therefore not challenged, and con-cerning him Mr. Charles E. Foxley tes-tifies that he was on May 6th, 1899, as-sistant postmaster at Point Lookout ostoffice in Boxelder county, Utah; hat on that day he delivered to the that on that day he derivered to the juror Harris a registered letter: that Harris opened it in his presence, and that it contained a subpoena as a juror for the May, 1899, term of the First judicial district court. Mr. Foxley then said to Harris that he supposed that ie would sit on the Morgan murder ase, and Harris replied, "No, I guess not, as I have formed an opinion, and the is only a hobo and ought to be hung." Mr. Foxley says that he first informed the attorneys for defendant

informed the attorneys for defendant of this conversation on the 2nd day of August, 1900, and that he knows that they knew nothing of it before. Ricy H. Jones and J. D. Call, who were attorneys for defendant, both testify that the matter set forth in the affidavits of Boden, of Richards, of Thompson and of Foxley did not come to the knowledge of defendant or any of his counsel, until July 26th, 1900, and

his counsel, until July 26th, 1900, and afterwards.

SHOWED ACTUAL BIAS.

I do not deny that notwithstanding these expressions of the jurors Fosgren and Harris, evidencing both implied and Harris, evidencing both implied and actual bias, they might both have been qualified jurors if they had brought themselves within the excep-tion of section 4838 of the Revised Statutes of Utah. That section pro-vides that "No person shall be disquali-fied by reason of having formed and expressed an opinion upon the matter expressed an opinion upon the matter r cause to be submitted to the jury, ounded upon public rumor, statements n public journals or common notoriety, provided it appears to the court pon his declarations under oath, or otherwise, that he can and will, not-withstanding such an opinion act im-partially and fairly upon the matters bmitted to him."

The duty of showing that the disqualified juror is within the excep-tions of the statute is a duty that devolves upon the State. The defendant is not required to show to the con rary for the defendant is not required o prove a negative. Neither can the ourt assume or conjecture, or believe, or guess that the juror is within the exceptions of the statute. It must be proven of record. If the utterance of disqualifying language is admitted by the juror on his voir dire examination,

then the prosecution must show by further examination, or otherwise, that the juror's opinion or bias was the offspring of common notoriety, public rumor, or newspaper statement, and that it is for the judge to decide whether the juror will, notwithstanding such an opticion and investigation opinion, act impartially.

But when the juror does not admit.

ABOUT HEART DISEASE Sinety Per Cent of it Really Caused from Poor Digestion.

Real organic heart trouble is incu ble, but scarcely one case in a hun ired in organic. The action of the heart and atomach

are both controlled by the same grea nerves, the sympathetic and pruem gastric and when the stomach fails t properly digest the food and it lies in the stomach, fermenting, gases ar-formed which distend the organ caus ing pressure on the heart and lungs causing palpitation, irregularity and shortness of breath.

The danger from this condition is that the continued disturbance of the heart sooner or later may cause real or-ganic heart trouble and in fact freuently does so.

Furthermore, poor digestion makes the blood thin and watery and deficient n red corpuscles, and this further irriates and weakens the heart.

The most sensible thing to do for ear; trouble is to insure the digestion and assimilation of the food.

This can be done by the regular use fier meals of some safe, pleasant and ffective digestive preparation. like Stuart's Dyspepsia Tablets, which may e lound at most drug stores and which contain the necessary digestive ele-ments in a pleasant, convenient form Thousands of people keep well and vigorous by keeping their digestion perfect by observing the rule of tak-leg one or two of these tablets after ach meal, or at least after each learty meal.

Stuart's Dyspepsia Tablets contain U P, pepsin, diastase from mait and ther natural digestives which net only in the food, digesting it perfectly and preventing acidity, gases, and the many seased conditions which accompany weak stomach When Stuart's Dyspepsla Tablets are

used you may know you are not tak ng into the system any strong mediine or powerful drug but simply the atural digestive elements which every veak stomach lacks.

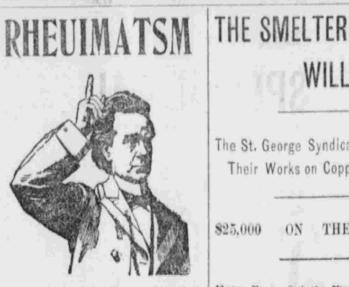
So widely known and popular have these tablets become that they are now old in the United States, Canada and Great Britain.

juror is not made the judge of his own fitness. The court must judge of what and once the expression of an unqualified opinion is bared, or admitted, then of even the court is permitted to ad-

judge him qualified, unless and until the juror claims that his opinion was based upon newspaper statement, comnon rumor or public notoriety Suppose that a juror upon his voir dire should say: "From the statements f eye witnesses, and not from newspaper statements, or common rumor, or public notoriety I found shortly after the homicide an unqualified opinion that the defendant was guilty of mur-der in the first degree, and I so ex-pressed myself without any qualifica-tion, and declared publicly that he ought to be hung and that I would like to be one of a party to take him out of be one of a party to take him out of

all and hang him. But since then I nave heard other statements of other vitnesses and I have changed my opin-on and I do not now know whether he is guilty or not. My mind is now a sheet of blank paper on the subject. I have no prejudice against him and I can determine his case enthely on the evidence presented here and the law given by the court." A juror so answering would be morally calified, and if I were attorney for a lefendant at a nist prius juror's trial I should hesitate about challenging him. But he would be utterly disqualified egally, and a court that would admit ; nim to the jury box against the chal-enge of the defendant would be flying in the face of all the authorities. MOTION NOT MADE IN TIME.

ermined this motion for new trial, sug- wards have no seperate fund, and feel he quotes in his decision some authorities which he seems to think support his contention. I have examined those authorities, and I cannot find that they ment, and 1 will not occupy the time of the court with them now. It seems to me that reasoning upon relevant sustain his position. I have renewed those authorities in my printed arguto me that reasoning upon principle spirit prevailing, the position of the State upon this point is as devoid of logic as it is baren of authority. It seems to me that if the contention of the State-that the order deny



I know that my Rheumatism Cure ill relieve any form of Rheumatism including Scintica and Lumhngo-in om two to three hours, and will gen ally cure before one vial has been sed. I want every Rheumatic to try It means an end to your suforing .- MUNYON.

If you have a Cold try Munyon's Cold ure; if you have Dyspepsia try his yspepsia Cure; if you have any Kidtrouble try his Kidney Cure. Munhas a specific remedy for most ev-disease; mostly 25 cents. Munyon's aller cures Catarrh, Orippe, Bronch Price \$1 (including all medi-

If you think you need medical advice write to Prof. Munyon, 25th street, and Broadway, New York City, and his killed specialists upon all diseases will dvise you promptly by mail.

hey might have ascertained the facts, bet the judgment be affirmed and let he defendant be hanged as a warning unsel to henceforth add a know dge of occultism to their other attain-

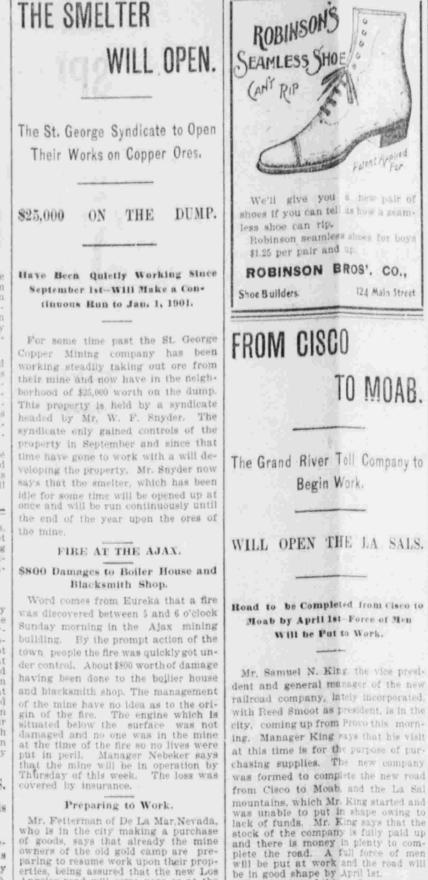
CONCLUDING WORDS.

That a new trial of this action may flict some inconvenience upon the tate and some cost upon the taxpay-rs of Boxelder county is quite probbut such considerations will not igh with your honors. Better that e officials be perplexed unto the end their terms and the county be driven bankruptcy, than that the right the citizen to a trial by a qualified id impartial jury be destroyed or ever nvaded. I thank your honors for your ttention and I leave this case with confident that the great Saxon ght of trial by jury will not suffer by our decision.

RELIEF SOCIETY MEETINGS.

to Business Affairs.

The quarterly conference of the Relef society of the Salt Lake Stake was held in the Fourteenth ward assembly rooms on Saturday, Dec. 1st, 1900. There was a good attendance of representative women. President Horne being prevented by sickness from attending, Counselor Hyde presided in her abaence. The presidents of societies vere callep upon to give reports, es pecially regarding the fund for the new central building. Nearly all the wards were represented, but many of them could not give the exact amount of funds on hand; yet all expressed a willingness to do whatever was requird of them, as they felt the necessity of the building. Quite a number of the The district judge who heard and de-societies have a reserve fund frem \$20.00 to \$159,00 for this building. Other



erties, being assured that the new Los Angeles road will come near or at the comp and by lessening the handling distance, make it possible to handle some of the low grade ore.

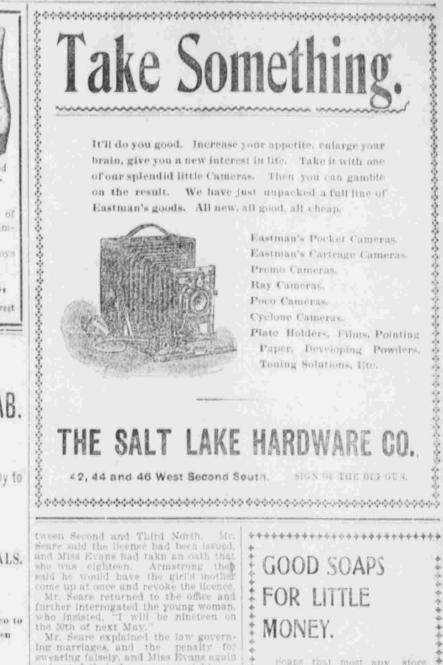
Affairs at Bingham.

In making up its weekly report of Brigham mining affairs the Brigham Bulletin says: A 250-ton lot of Sampson lease ore

began arriving at the Dewey Monday Leasers of Erie upper workings will begin a two-car shipment next Sun

Tom Mayne's teams have just fin ished a thirty-five-ton haul from the Montezuma.

Superintendent Garretson of the St.



rated that she was over eighte She did not know who T. L. Armstrong

Under the circumstances Mr. Seare cuid not withheld the license, so he carried them, and a few minutes later he couple emerged from the cierk's ffice, man and wife: Gustaldi said he was twenty-shue

years of age.

RECEIVES A LARGE LEGACY Dr. S. G. Clark Obtains \$160,000 from

His Brother's Estate. Dr. S. G. Ciark, an old citizen of Salt

Lake, has come into a fortune amounting to \$160,000. He is now over 70 years of age, and fortune walted a long time The opening of this road means much to the La Sal mining district, as it will before she smiled upon him so elaborately, but his declining days can be give it an outlet to t distance between Cla the railroad, the isco and Miner's spent in comfort. His fortune comes Basin being only thirty-five miles. of Jamestown, Pennsylvania, his half-MINING NOTES, prother. Dr. Gibson died several years ago, leaving an estate estimated at \$1.-250,000. He died intestate, and the di-Work will be resumed at the Cleopa

Clark,

tra mine at Tintic. vision of the property, therefore, has been a slow and tedious process. Dr. Gibson was "the doctor," in "Inno-Two carloads of May Day ore was on the market this morning. cents Abroad," whom Mark Twain said had to ask all the silly questions of The Star Consolidated came forward

with two carloads of ore today, The Mammoth people have received word of another shipment of ore from

the European guides, "because," said Twnin, "he could keep a sober counte-nauce, and look more like an inspired that property.

Soaps that some stores would ask you 60c the box for, are on sule here at 55c the box, "Three cakes in a box, And when we tell you they're-The maker of all the colebrat. You will know the quality, Seven odors to choose from. And you can't go astray on

F. C. SCHRAMM,

Sonps that most any store would ask you for the hox for.

Prescription Druggist. Where the cars stop, McCornick Building, Have you tried our Oyster Cocktails yet?



Conference of Salt Lake Stake Attends

werb runs, is "a co tutes have been enacted in alvery State, providing that an formed from reading newspahall, equally with an opinion from public notorlety or comumor, be considered as not dislying the juror, if the court deems he will be impartial.

h this exception, the common law revails in Utah as elsewhere, that w trial must be granted when it is e to appear either by the admission juror upon his voir dire exam-a, or by affiants, after judgment, a juror, prior to being called to b, expressed an unqualified opinion the guilt or innocense of the de-

he right of the defendant in a crimcase to be tried by a qualified is a common law and constitutionight, and the power of courts to it new trials for an invasion of right, is an inherent power which tatute, and grants which no statute, n take away. That power and duty sustained by an unbroken line of prents, which I have quoted in my ed argument, and which, assuming t they will be examined by your ors, I will not now occupy your e in reading. If there are any auities to the contrary, I have been ble to find them, and I ascertain er careful examination of all the quoted by the attorney-general, the judge of the First district , that they are cases which de-the limits and illustrate the exons to the common law rule, but do not attack the rule itself. On ontrary, they sustain it, and in case where the new trial was was denied because the facts not bring the case within the rule.

DISQUALIFIED JURORS.

The rule being as stated in these auso as to entitle the appellant to a trial? William Fosgren and Robert Harris were two of the jurors who this case. On examination on his dire each testified that he had not or expressed an unqualified on as to the guilt or innocence of endant, and because of such tesy each was accepted by the de-nt without challenge. The lanof the juror Fosgren on his volr exumination was that "he had a opinion, but not well settied, hat he could give thte defendant and impartial trial." The wide ty given to the application of the it in this case last July to the of pardons for a commutation of embodied in affidavits, and mada usis of a motion for a new trial. ulldavits were made by three old putable citizens of Brigham City. ies Boden, Mr. Reese Richards Mr. J. Elvirez Thompson, Each hese witnesses testified to statemade to him and in his hearing. juror William Fosgren.

a testifies to a different statement at a different time and place from tement made to each of the othand each of the witnesses testi-that he did not communicate the stated in his affidavit to defend-

or any of his counsel or to any n whatever until after the hearf the application before the board rdons, when his attention was first ed to the matter.

EXPRESSED AN OPINION.

lames Boden testifies that on the lay of April, 1899, while sitting the coping of the court house of William Posgren sal-referring he defendant-i hope they will kill before they bring him up, so as to e no bother

be granted. THE COMMON LAW.

This was the rule laid down in the pase of People vs Miller (125 Cal. 44) affirming People vs Wells (100 Cal. 227) in which the court says: "In order that a juror disqualified at common law by reason of having previously formed an opinion as to the guilt or innocence of the accused may come within the provision of the statute, it must appear iffirmatively to the court, from the evilence before it, that such opinion is ormed from public rumors, or stateients of public journals, or common

When the motion for a new trial in this case was made and supported by the affidavits of Boden, of Richards, of Thompson and of Foxley, the burden was at once thrown upon the State either to deny the truth of the facts stated on those affidavits, or to admit their truth, and show that the utterances of the jurors were inspired by public rumor common notoriety newspaper statement. The State did neither of these things. It offered no affidavits whatever either of contraliction or explanation. It presented an affidavit of Fosgren made before an-

other tribunal for another purpose; an affidavit prior in time to the motion for orlities the next question is, do the a new trial and prior in time to the affidavits of Boden, of Richards and of Thompson, and rot relative to any-thing stated by either of them: an affidavit which merely contradicted, an by one Philaffidavit. made lips, which affidavit of Phillip's was not sented in aid of this motion for new trial, and is not on the record in this case, and which relates to utter-ances of Fosgren made at a different time and place from any of those testifled to by Boden, by Richards or by

If Fosgren could have contradicted the statements of these three witnesses would he not have done so? If he could have stated that his utterances of them were made upon the basis of newspaper statements or public rumor e, brought to the notice of ap-s counsel some facts which were bave done so? The record in this case City during all this time, and that less than a fortnight before this motion for new trial was filed he was swift to help hired counsel defeat the defendant's application before the board pardons for a commutation of the death sentence. The State presented no affdavit from Fosgren, doubtless because Fosgren would not make one. He Fosgren would not make one. He could not stand up against the over-whelming evidence that he had pre-indeed the case that was presented by the affidavits of Boden, of Richards

and of Thompson, and he was prudent nough not to try. So also with the juror Harris. The State could not or at least it did not obtain from him an affidavit denying that he had uttered the disqualifying

language sworn to by Foxley. It did not obtain from him an affidavit stat-ing that he had uttered such language

ing that he had uttered such tanguage on the basis of common notoristy, pub-lic rumor, or newspater statement. The only afidavit it did obtain was one stating that when he was called as a juror "his mind was in such a state that he felt he could act impartially, and that he did out impartially." He had ought to be and that he did act impartially." and that he did act impartiality might statement as to his impartiality might have been sufficient to purge him of the disqualification created by his ian-guage to Foxley, if he had further stated that such language was based wit the dt day of May 1899 in front

July 28th, 1900. Reese Richards testifies that on or about the 4th day of May, 1899, in front of Wheelwright's store in Brigham City, William Frown—the man who is the disqualification created by his lan-guage to Foxley. If he had further stated that such language was based upon newspaper statement, or common rumor, or public notoriety, but failing such excuse his explanation fails short known Captain Brown—the man who

ing a new trial, ought to be affirmed because the motion for such new trial was not made within five days after udgment-is to be sustained, then we

The proposition of the respondent is

simply monstrous. To state it is to present an unanswerable argument The appellant was convicted in May,

was discovered by his counsel in July. 1900, that one of the jurors who tried ported yesterday and all placed under him—and who answered on his voir dire examination that he had not formed or expressed an unqualified opinion as to his guilt or innocencehad, before being called as a juror, said to one man, 'I hope they will kill the defendant before they bring him to town so as to have no bother,' and had said to another person, 'I have known the man that was killed, for years, He was a friend of mine. I worked for him. The defendant ought to be hanged. He would only be getting what is due him, and then the debt would not be paid.' And to still another man not be paid.' And to still another man the juror had said of the defendant. He ought to suffer death. If I were on

the jury, I would have him convicted. He deserves to die.' It was further discovered in July, 1900, that another of the jurors had, when receiving a sum mons as juror, said of the defendant. could not sit on the jury. I have formed an opinion. He is a hobo. He ought to be hung."

STATE DIDN'T DENY.

The State did not deny the use of these expressions by the jurors, and did not assert that they were made upon the basis of public rumor, common notoriety, or newspaper statement. Under all the authorities the jurors were disqualified, and it would have en the imperative duty of the learned judge who tried the case to grant a new trial, if the application for such new trial had been made within five days after judgment, but it was not so made and therefore the new trial was properly refused. In extenuation of their failure to make the motion within the five days provided by statute, counsel for defendant offer the ex-cuse that they did not know, and could not by any diligence have learned the facts upon which the motion for nev trial was based until nearly fourteen months after judgment, and that when

they did obtain such knowledge they made the motion at once. Such an exuse might avail the defendant befor

aff unlearned jury, or in the husiness affairs of life, but we sit here to delare the letter of the law that killeth ather than the spirit that maketh ive. The statute regulres that a mo ion for new trial shall be present by counsel for defendant within five days after judgment when the facts upon which the motion is based appear on the record. It might be claimed that where they do not appear in the record and are not known to the defendant it would follow as a correlative proposition that he ought to be altawed to make the motion within five days after he learns the facts. This proposition we cannot allow. We hald o the fair and logical doctrine that

group marketed more money is needed for special par-poses it must be secured in some special way. Many ways are employed good quality ore early in the week. Three cars of Silver Shield first class are being loaded at the depot. A lot of Silver Shield second-class has also

group). The nearly 500 feet.

Dewey mil

secure means, donations, profits, or

THE CITY'S HEALTH.

Report of Health Board Shows an Increase in "Smallpox."

The report of the local board of health for the week ending Saturday, we must revise the maxim, that the law is the perfection of human reason, and amend it so that it may read that the law is the perfection of human folterment elsewhere, 3; scarlet fever, 22 cases, against 29 the previous week: "smallpox,"74 cases, against 58 the week against it. The attorney-general asks your honors to render a decision some, thing like this: before, 29 new cases were reported dur-ing the week, of which 2 were vaccin-ated; typhoid fever, 9 cases, against 16 "The appellant was convicted in May, 1899, of murder in the first degrees. It against 2 the previous week.

quarantine at their homes. Among them is Charles A. Caine, the insurance agent, who resides at 274 A street. Four of the children of Hyram E. Evans, 457 West Fifth South street, are Evans, 4a7 West Fitts South street, are also included in the list. They are Clarence M., aged 14: Hazel M., aged 11: Roscoe, aged 9, and Leo, aged 6. The other cases are William Bowman, aged 29, and Nettle Bowman, aged 25, and Nettle Bowman, aged 25, residing at 425 west Fourth South street; George Smith, aged 21, 433 west Fourth South sireet; Mary Watson, Fourth South street: Mary Watson, aged 12, daughter of Hugh Watson, 425 west Fifth South street.

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CANNON ASSOCIATION.

New Company Files Articles of Incorporation With County Clerk.

Articles of incorporation of the George Q. Cannon association were filed Saturday afternoon with the county clerk. The object of the corporation as stated in the articles, is to buy, sell and develop mines, to conduct a genand develop mines, to engage eral mercantile business and to engage eral mercantile business and to engage in ranching and stock raising. The capital stock is \$10,000, divided into a like number of shares of the par value of \$1 each. George Q. Cannon is presi-dent of the association, John Q. Can-non vice president. Angus J. Cannon treasurer, Radcliffe C. Cannon, Brig-ham T. Cannon, Willard T. Cannon, Tracy Y. Cannon, Willard T. Cannon, May Alice Cannon, Mirlam L. Cannon, Frank J. Cannon and John M. Cannon, compose the board of directors.

RECEIPT OF TAX MONEY.

County Treasurer Lynch Makes a Division of Cash Received.

County Treasurer Stephen H. Lynch has made a division of the taxes received this year and paid over the amounts, to the treasurers of the various funds as follows:

County school fund \$17,021.15, which

with \$1,500 previously paid makes a to-tal of \$18,521.15 paid out of this year's taxes to that fund. To the City Treasurer \$147,835.89, which with \$56,333.73 paid over before, makes a total of \$204,179.62 paid to the

city. Board of Education \$186,662,75 and

\$53,000 paid before makes \$219,662.75. To the State and State school funds \$223,784.52, which with \$43,048.54 pre-

riously paid makes \$260,\$23.06 paid to those funds. To county fund \$106,060, which with \$7,500 paid before makes \$107,500. There is yet \$259,548 of city taxes un-

paid and \$310,932 State taxes yot to be

SOCIAL AND PERSONAL.

a carload o C. E. Peyton, of the Huntsman mine in the La Sals, has cone to that dis trict, leaving yesterday.

It is stated that a large ore body has ust been delivered Rogers's mill, Last Tuesday about two feet of fine een opened in the Tip Top mine in the Halley mining district, Idaho. looking copper ore was encountered at face of Freedom tunnel (Fortune J. B. Weimer has returned from the

Gold mountain district where he has The tunnel has been run been examining some of the properties Dewey mill will run next week on a in which he is interested. A. R. Parker, a Boston mining ex-

pert, is making an examination of ore bodies of the Centennial-Eureka in the interests of the eastern stockholders of this company.

Assessment work is now being down on the property of the Utah Guanne company on Gunnison island. Albert Richter, the manager of the company, left for the island yesterday. At a meeting of the stockholders of

the Lilly Mining company at Provo, Saturday, the following officers were elected: Thomas Beesley, D. D. Houts, Thomas Barrett, J. W. Clark and E. M. Peck, Thomas Beesley is president; Thomas Barrett, vice president, and

ore at the depot daily. The tram is de-livering a quantity of Neptune ore at Fortune concentrates are going out the rate of twenty-five tons dallycalues 84 to 37 per cent lead and 10 to 2 ounces silver. Yesterday the mine counces silver. Yesterday the mine crude that will go as high as 60 per

cent lead. A former lot from the same ground contained 67 per cent lend. The Week at the Park. The Park Record of Park City in its

weekly summary of the mining news of the camp gives the following: President E. W. Berry of the Creole eturned from Salt Lake the middle of

the week, wher he had been on busi-ness connected with the Creole. The reasury stock has all be subscribed or and work is now going on from the 65-foot level, drifting on the contact. The drift is now in about twenty-five feet. Over thirty feet of good looking ledge matter has been run through, and they have the hanging wall. The prop-erty is showing up splendidly, and no loubt remains in the minds of the dockholders and operators but that the reole will ye the one of the greatest producers of values in this camp.

The sale of the Smith Ehrenger croup of claims, above the Anchor, has been postponed by the administrator, R. T. Kimball, until December 26th. The work which has been going on ther the past few weeks has de-veloped a very nice showing of ore in

the Autumnal tunnel, and the property s looking well. A new combination bolt and pipe-utting machine was installed at the

Daly-West machine shop Tuesday. It is of modern and most approved patern, and a valuable piece of machin-All the cable and about half of the uckets for the Silver King aerial tram rrived this week, and work on the owers, ore depot and refinery is be-

Foreman Jack Keetley is steadily ex-tarcting ore from the tunnel vein in the Ontario drain tunnel at the 1,300he Ontario drain tubbes at the 1,300-boot mark from the mouth. It is said to be high-grade stuff. Following are the shipments of ore rom the Mackintosh sampler for the

ast week Pounds. Daly-West 1.060,000

201,000 Anchor concentrates a service 160,000

ot of second-class from the R. G. C. Traze lease of the Neptune, and a ot of first-class will be shipped from he lease in a few days. Teachenor, Richards & Co. were on the market this week with seevnty tons of ore from their Red Wing lease that eturned 27 per cent lead, 24 ounces diver and about \$2 gold per ton. After hading about eighty tons of Southerne Light are to the Deway by Northern Light ore to the Dewey by Standish & Jimpson company teams

urther delivery was suspended owing o bad roads. The ore makes an extra ne product, and there is plenty of it The Bingham C. & G. tramway has out on several additional cars within a few days, and without additional stock can now deliver over fifty tons of

Frank A. McGraw, secretary. James Fenton, who has lately returned from Nome City, will resume his connections with Irvine, the stock broker, and will be found at Mr. Irvine's office on Broker's Row. Second South. Mr. Fenton was exhibiting a postal curiousity this morning. He received through the mail a letter written by Syloan J. Zazerus, an attorne.

at Nome City, which contained \$1.50 in silver coin. The letter was unbroken and came through with a ten cent stamp upon it.

LINDGREEN GETS \$1,000. Verdict in the Case of Alienating a

Wife's Affection. The jury in the case of Carl J. Lind-

Bingham Riverton green vs E. L. Anderson, late Satur-Franger Pleasant Green day afternoon, returned a verdict in fa-North Point vor of the plaintiff, assessing his dam-Hunter ages in the sum of \$1,000. The action righton was to recover \$10,000, the plaintiff al-leging that the defendant debauched Mountain Dell Sutlerville his wife, alienated her affections from him, induced her to get a divorce, and ranger. advised her to "leave her happy home for him" (Anderson). The trial began outh Taylorsville Singham . in Judge Cherry's court on Wednesday last. When the jurors were polled, two of the eight-Everill and Adkinson Crescent .

dissented from the verdict of the others.

THEY GOT MARRIED. Objection to Marriage of a Couple is

Overruled. Humbert Gustaldi and Iowina Evans applied at the county cierks' office Sat-

urday afternoon for a marriage permit. Deputy Clerk Search after asking the usual questions reparding age, place of birth, etc., issued the license. man then enquired if there was anyon In the office empowered with auth ty to marry them. Mr. Seare swered in the affirmative and

about to invite them into when in rushed field, the information bure? asked if there had been a girl there b the name of Evans wanting a license

to marry. "Yes, sir, I have just issuel it," no plied the clerk. "Then come to the phone you're wanted," said Mr. Mansfield, excitedly.

Mr Seare went to the he held a hurried conversation man, who said his name way Armstrong, residing on P between Second and Third preparations only relieve. I cents. Z. C. M. I. Drug Dept. HA

wanted the clerk to refuse The University Social club will hold its next dancing social at the Ladies' Literary Club 24 So. Third East St., on Friday. Dec. 7th. DeWitt's Little Early Risers are dainty little pills, but they never fall to cleanse the liver, remove obstructions and invigorate the system. F. Schrämm.

than any other member of the The friends of Dr. Clark congratulate him heartily over his good fortune. Mrs. Nettle Palmer, who is also well known in this city, is a daughter of Dr.

Division Made Among School Districts

of the County.

inion

Murray

Murray

Big Cottonwood ...

last Mill Creek.

Big Cottonwood .

aylorsville

Granite

Farmer's ward

Herriman South Jordan

Murray

East Jordan

lugar

Mill Creek

Mill Creek

Mill Creek

Mill Creek

Sandy

Brighton



READ WITH EASE.

Do you always read with ease? The second apportionment of the Anywhere, any light, any point? If so, you are fortunate: if not, you are still fortunate in having here the services of a skilled ever effactionist—one who has ex-amined and fitted glasses to thousands of eyes and never made a failure. We cannot afford to make failures. You cannot afford to allow those who make followe to experiment on your area. ounty school tax fund has been made by County Superintendent of Schools Ashton. It is at the rate of \$2 per capita of the pupils attending the county schools and amounts to a total failures to experiment on your eyes. of \$15,053. The first apportionment was

490

1,204

 $574 \\ 526$

954 400 204

68 272

166

138

144

 $1.340 \\ 1,106$

542

354

304

7240

170

1 per capita. The present apportion-ment is divided among the various school districts as follows: JNO. DAYNES & SONS, Jewelers and Opticians. Cpp. Z. C. M. I. 26 Main St. Popula ASHTON, WHYTE & SKILLIHORN GO Dist. Amt. tion (Successors to Watson Brothers) CUT Dealers in all kinds of Cut STONE Stone for Buildings, Curbing. OFFICE AND YARDS-22 to 34 North Sixth West street, Salt Lake City, WE COULD

> keep talking from now until doomsday, then some people wouldn't buy coal of us. Possibly it's because we put 2,000

pounds in every ton.

BAMBERCER COAL CO., J. S. Critchlow, Mgr. 161 Main St.

you can find elsewhere and you

will also find our prices are als

THANKSGIVING

Without football will amount

to nothing to the average boy

and football without all the

necessary accessories would be

a failure. A very large stock of

WESTERN ARMS &

SPORTING GOODS CO.,

Browning Bros.' Old Stand,

115 Malo.

choice football supplies to select

HEWITSON .- In Salt Lake City, Utah Always Save

December 1, 1900, of old age, George Hewitson, aged 86 years. He was Money When You born in Yorkshire, England, and came Funeral services at the Third ward neeting house tomorrow, Tuesday, at 1 o'clock, noon. to Utah in 1864. Buy of Us.

Millennial Star, please copy, besides you here have a much RSKINE .- In Salt Lake City, Decemlarger stock to select from than

Price 50

FRENCINE.—In Salt Lake City, December 2nd, of kidney and heart troubles. Margaret P., daughter of Peter and Phoebe E. Erskine, aged 5 years, 4 months, 26 days. Funeral from parent's residence, 577 First street, Tuesday, 4th inst., at 1 p. m. All friends are kindly invited. ways rock bottom.

organs. The blood becomes vitlated and the general health is undermined

chenever the stomach and liver fail to

perform their functions as nature in-

tomach, regulate the liver, where other

DIED.

The most effective little liver pills made are DeWitt's Little Early Risers, They never gripe. F. C. Schramm. Disease and danger lurk in the vital

HERBINE will tone up th

