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DESERET EVENING NEWS.

TRUTH AND LIBERTY.

SATURDAY, JANUARY 20, 1906. SALT LAKE CITY, UTAH.

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of Latter-day Saints.

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26 PAGES—LAST EDITION.

FIFTY-SIXTH YEAR.

"MORMON" ELDERS OVERCOME BY GAS

Missionaries En Route to Southern States Nearly Asphyxiated in St. Louis.

LEFT HERE LAST WEDNESDAY.

Suspicious Circumstance is that Railroad Ticket and \$95 in Cash Are Missing.

Victims Are Walter Wilson of Arizona and S. L. Cox of Ammon, Ida.—Men Will Recover.

St. Louis, Jan. 20.—Walter L. Wilson, of Safford, Ariz., and S. L. Cox of Idaho Falls, Ida., "Mormon" Elders, were taken unconscious from an Oregon hotel room this morning, both having been overcome by gas. A railroad ticket and \$95 which Cox had placed under his pillow, it is stated, are unaccounted for. Groans attracted attention to the room and the locked door was forced. Wilson lay unconscious and Cox, being delirious, fought a policeman furiously for a few moments and then fell unconscious. They were taken to the city hospital where, it is stated, they will recover. They are en route to Chattanooga, Tenn., to attend a church conference, which begins tomorrow. Both are unfamiliar with gas jets and it is presumed they failed to entirely shut off the flow when retiring.

Inquiry at the office of the First Presidency today brought out the information that the Elders referred to left here last Wednesday, en route to the Southern States. The first named is L. Walter Cox of Ammon, Ida. The latter is returning to his former field after being in attendance at the bedside of a sick wife. No further particulars had been received up to press time.

WEALTHY OHIO BANKER MYSTERIOUSLY MURDERED

Warren, Ohio, Jan. 20.—The people of West Farmington, a village near here, are greatly excited today as a result of the mysterious murder last night of R. K. Lewis, a wealthy banker and farmer. An unknown man came to the home of Lewis in a carriage, Lewis and his wife were in the house at the time. At the end of that time a hired man found Lewis lying dead with his head crushed while his hands and feet were tightly bound. The body was covered with burning straw which had been saturated with coal oil. The unknown stranger was missing. It is believed the murder followed a quarrel over business matters. Lewis, who was a widower and 70 years of age, lived alone. Lewis' skull had been crushed with a flat iron. The flat iron, covered with blood, was found near the body. Lewis held many thousands of dollars worth of chattel mortgages, and it is believed that a quarrel over one of these resulted in his death. The murderer evidently had made no attempt at robbery, for Lewis' pocketbook and a watch were found on his person.

DIST. ATTY. STIDGER FINED FOR CONTEMPT.

Denver, Jan. 20.—Judge Frank T. Johnson today fined Dist. Atty. George Stidger \$500 for contempt of court and committed him to jail until the fine is paid. The trouble arose over the gamblers' cases which were begun by Judge Johnson in October, and were taken from his court by Dist. Atty. Stidger and removed to the criminal division of the court for trial. "You have obstructed the due administration of justice in this court," said Judge Johnson, when he imposed the fine. "You have attempted to bring ridicule on this court in the eyes of the public, and to interfere with its duty. Dist. Atty. Stidger protested vehemently, saying that no notice of an investigation of his action had been given him and charging the court with unfairness. "The sentence stands," answered Judge Johnson, calmly. "To the defendants," in this case, the men charged with violating the gambling laws, I will say that the court is going to discharge them on the grounds of former acquittal. They may be dismissed, but I warn them those later proceedings in the cases are premature, and the court still holds the power to re-arrest them. Judge Johnson intimated that he believed a conspiracy existed between the district attorney's office, the sheriff's office and some of the judges to deprive his court of the administration of justice.

AMERICAN DELEGATES TO THE HAGUE CONFERENCE

Washington, Jan. 20.—Secy. Root today announced that the American representatives to the approaching conference to be held at The Hague will be Joseph H. Choate, former ambassador to England; Horace Porter, former ambassador to France, and Judge Rose of Little Rock, Ark., ex-president of the American Bar association.

NO SERVICES TOMORROW.

And No Entertainment in the Eighteenth Ward Monday Night. Owing to repairs that are under way on the heating plant of the Eighteenth ward meetinghouse, there will be no Sunday school, or evening services in that ward tomorrow. The entertainment scheduled for Monday night is likewise cancelled.



CHIEF JUSTICE GEORGE W. BARCH.
Who Announces That He Will Resign From the Supreme Bench of Utah to Practise Law.

TROUBLE FOR STATEHOOD BILL.

So-Called Insurgents Opposed to One State for Arizona and New Mexico.

TO MAKE TEST OF STRENGTH.

If All Are Present and None Desert, Measure Will Be Amended or Defeated.

(Special to the "News.") Washington, D. C., Jan. 20.—The second test of strength of the so-called insurgents of the house of representatives will be made next week, when the bill to admit two new states formed out of Arizona and New Mexico, Oklahoma and Indian territory, will come up for discussion. There is practically no opposition to the admission of Oklahoma and Indian territory as one state, but there is decided antagonism to the proposal to force Arizona to accept joint statehood with New Mexico. Chairman Babcock, the recognized insurgent leader, claims to have 72 Republicans in his following. The Democrats who supported the Philippine tariff bill, practically in a body, will vote to a man against the statehood bill. If all the insurgents are present when a vote is taken, and none of them desert, the measure will either be amended so as to eliminate Arizona and New Mexico or the whole bill defeated. The margin, however, will be extremely small, and in no event is it likely that the majority will be greater than 15 or 20 either way.

FRANCE WAITS ON WASHINGTON ADVISES.

Paris, Jan. 20.—The apparent hesitation in France's decision relative to Venezuela appears to be prompted by the desire not to begin active measures without first taking the advice of the authorities at Washington. The officials here agree that France's action is somewhat hampered owing to Venezuela's peculiar situation, the foreign claims upon the customs being regarded as placing a blockade almost out of the question. It is feared that if France stopped commerce with the exterior, President Castro would immediately seize this as a pretext for refusing to comply with Venezuela's obligations towards other nations. It is admitted that preparations are going on for re-enforcing the French squadron, but the object of this step is still undecided. This much is regarded as certain: France's next move will depend on the result of M. Jusserand's conference at Washington.

REVAL INSURGENTS.

Members of the "Temporary Government" Arrested. Reval, Esthonia, Jan. 20.—The members of the "temporary government" were arrested last night, including a lawyer, and M. Paska, who is the candidate of the Estonian party for election to the national assembly. Revolutionaries would immediately seize the districts from which the troops have been withdrawn and are condemning and executing persons who extended hospitality or assistance to the soldiers.

LIEUT. PENLETON'S CASE.

Will appeal to Supreme Court on Life Imprisonment Sentence. Manila, Jan. 20.—Lieut. Charles Penleton, the constabulary sentenced to life imprisonment for murder, has appealed his case to the supreme court.

On Dec. 4, 1905, Lieut. Penleton, then in charge of the constabulary force at Cebu, shot and killed a native policeman while under the influence of drink, for refusing to light the lamps on a vehicle in which Penleton was driving. Penleton, who was placed under arrest and subsequently tried on a charge of murder, was formerly a sergeant in the Seventy-first regiment. His family lives at Atlanta, Ga.

ELECTORAL SLAUGHTER OF UNIONISTS PROCEEDS.

London, Jan. 20.—The monotonous electoral slaughter of the Unionists this morning the Liberals take 21 seats, of which 12 were captured from the Unionists, including Woodstock, where the Marlborough influence did not suffice to stem the anti-Conservative tide. Out of 41 returns this morning the Unionists who lost their seats is Sir Wm. Hart-Dyke, Conservative former member for the Dartford division of Kent, who was president of the council from 1887 to 1892. Lieut.-Col. Arthur H. Lee, Conservative former civil lord of the admiralty, who was British military attaché at Washington and later attaché with the American army during the Spanish-American war, has been re-elected for the South of Farnham division of Hampshire by a greatly reduced majority. The totals to date are: Liberals, 249; Unionists, 111; Irish Nationalists, 78; Laborites, 37.

ARMENIANS ATTACK CONVOY OF PROVISIONS.

Elizabethtown, Trans-Caucasia, Jan. 20.—A courier arrived here today from Agdam with dispatches describing the reported attempts made by the authorities to get a convoy of provisions to the starving and beleaguered Mohammedans of Fhussha, Trans-Caucasia. The convoy set out three times with a strong escort of troops, Mohammedan volunteers and auxiliaries but was interrupted by the Armenians holding the mountain passes. The whole district around Agdam is harassed by Armenians and others who are perpetrating horrible atrocities, not giving any quarter to the wounded or to women or children. The Mohammedans are greatly enraged at the attack made on the celebrated shrine of Karapetrem. After a savage conflict Armenian attackers broke and fled, leaving 50 dead or wounded.

GEN. LEONARD WOOD WILL SUCCEED GEN. CORBIN.

Manila, Jan. 20.—Maj. Gen. Leonard Wood will succeed Maj.-Gen. Corbin in command of the military division of the Philippines on Feb. 1. Maj.-Gen. Corbin will leave on Feb. 2 for Hong Kong, sailing thence for San Francisco on Feb. 9 on the Pacific Mail steamer Korea.

DIEHL AND DALY ON CLOSING THE CITY DIVES.

The Former Makes it Clear That it is Up to the Police to Shut up the Dens of the Town—Withholding of License Quickest and Most Effectual Way—Black Cat And Other Disreputable Joints.

The suggestion made by Judge C. B. Diehl of the criminal division of the city court, with reference to the proper manner in dealing with disreputable saloons and low down dives, as published in the "News," has been received with a great deal of favor among law-abiding citizens. Quite frequently police officers arrest men for vagrancy and, when it comes to the point of furnishing testimony against the accused, in many cases the most that the arresting officer has to offer is: "Oh, he's no good. He is always hanging around McElroy's saloon." Or: "He does not work. He does nothing but bum around Jenkin's saloon." In many cases the arresting officer has said: "I saw the man in McElroy's." Or it may be in Sindar's, or in the Black Cat. Judge Diehl holds that simply because an officer sees a person in one of these places, that fact does not make the person seen a vagrant. But complaints are repeatedly made about these disreputable joints. Scores of complaints have been made about these places. The Black Cat saloon, on West Temple, north of First South, is a place the police have watched closely. Recently a woman was taken out of the place at an early hour in the morning. The upstairs part of the joint was rented to some women of the town, and when the police arrested four of them, they pleaded guilty in Judge Diehl's court to charges of vagrancy and immorality. The proprietor of the place claims, however, that he

BARTCH TO RESIGN AS CHIEF JUSTICE.

He Will Retire From the Utah State Supreme Court to Practise Law.

A PARTNERSHIP IS FORMED.

Includes Judge Leckie of Washington and Atty. Bagley of Idaho—Successorship Talk.

McCarthy Will Become Chief Justice—Reported That Governor Will be Asked to Name Frick.

The announcement is made that Chief Justice George W. Bartch will resign from the bench of the supreme court of Utah within 30 days, perhaps within the next two weeks.

Judge Bartch said today that the report is true and that he is to form a law partnership with Judge A. E. L. Leckie, a prominent lawyer of Washington, D. C., and former Attorney-General John A. Bagley of Montpelier, Idaho. A suite of offices are now being sought in this city, which is to be headquarters of the firm.

CONTEMPLATED FOUR YEARS.

Atty. Bagley, who returned from the national capital two days ago, declared that the partnership had been in contemplation for four years, and that he had personally tried to dissuade Judge Bartch from becoming a candidate for office before the last campaign, which resulted in his return to the supreme bench.

It is the intention to maintain offices in Washington, Salt Lake and Montpelier. The supreme court will begin its next term on Feb. 14, and it is believed that Chief Justice Bartch will resign about that time the resignation to become effective within a few weeks thereafter.

MATTERS TO CONSIDER. Commenting on that matter, Atty. Bagley said: Judge Bartch would like to step down now but feels that it would not be fair to the court, the state or litigants who have cases coming up during the next term. There should be time to consider the question of his successor, who should be a lawyer of ability and character, one who would be satisfactory to the Republican party of Utah, one who might later be nominated by the party. Just as soon as the senate and the house are decided upon Judge Bartch will resign.

SUCCESSORSHIP QUESTION.

There is a salary of \$5,000 attaching to the office, and more than one good lawyer will doubtless aspire to the honor and emoluments thereof. Natural speculation has commenced with reference to the appointment by Gov. Cutler of a successor. It was stated during the day that a petition would likely be presented to the chief executive in due time asking him to name Judge J. E. Frick.

McCarthy CHIEF JUSTICE.

On the retirement of Bartch from the bench Associate Justice McCarthy will become the chief justice of the supreme court and the new appointee will take his place as the junior member of the court.

MIDSHIPMAN JAMES.

His Court-Martial Trial for Hazing Concluded.

Annapolis, Md., Jan. 20.—The court-martial concluded the trial of the case against Midshipman Charles S. James, of Grinnell, Ia., this morning. George Mann, his counsel, having addressed the court. Later the court took up the case of another Midshipman, Claude E. Mayo, of Columbus, Miss., against whom hazing is alleged in five different instances.



ATTORNEY JOHN A. BAGLEY.
Former Attorney-General of Idaho, Who is to Form a Law Partnership With Judge Bartch.

FEELING OF DISTRUST IN MOROCCAN CONFERENCE.

Algiers, Spain, Jan. 20.—Behind the screen of amiability that envelops the relations of the envoys of the powers to the Moroccan conference, a rising feeling of distrust is observable, due seemingly to the unwillingness of both France and Germany to define their positions beyond reaffirming somewhat wearisomely their adherence to the open door, the sovereignty of the Sultan and the integrity of his territories. The French delegates in all their conversational recombinations with their opponents have been unable to learn precisely what is the position of Germany nor apparently have the German representatives been able to ascertain the joint intentions of France and Great Britain. Extreme caution and lack of confidence have begun to destroy the favorable atmosphere for negotiation which was created by the courtesies and assurances of the first days. There is a feeling among the ambassadors of the less interested powers that trouble is in sight. The Moroccan delegates have become conscious of this and take satisfaction therefrom.

PHILIPPINE RAILWAYS.

Bureau of Insular Affairs Opens Bids For Concessions.

Washington, Jan. 20.—Bids were opened at the bureau of insular affairs of the war department today for concessionary contracts or grants to be made by the Philippine government for the construction maintenance and operation of railroads in the Philippines as provided by act of congress. The lines to be constructed are to be post routes and military roads subject to the use of the Philippine government and the United States, for postal military, naval and other governmental service.

JAMES NELSON OF HOLLIDAY.

Granted Right of Way in Salt Lake Forest Reserve for Pipe Line.

(Special to the "News.") Washington, D. C., Jan. 20.—The forestry service has granted permission to James Nelson, of Holliday, Utah, the right of way in the Salt Lake forest reserve for a pipe line and power plant to be used in establishing a water power plant for generating electricity.

DIEHL AND DALY ON CLOSING THE CITY DIVES.

The Former Makes it Clear That it is Up to the Police to Shut up the Dens of the Town—Withholding of License Quickest and Most Effectual Way—Black Cat And Other Disreputable Joints.

has closed up the stairway leading from his bar room to the rooms above, but the fact is that he still has charge of the rooms. SOME OF THE JOINTS. Another notorious place complained of is McElroy's saloon on Commercial street. It is a place where the riff-raff, petty larceny thieves and hoboes hang out. Jenkins dive on South Temple near First West is another place which has frequently been complained of as a place where the undesirable element assembles, and where a man with a roll might go out with empty pockets. Complaints have also been made about Sindar's saloon on West First South. More than one offender has been taken from the joint, and only recently a stranger was robbed there. NO LICENSE THE CURE. But the point is, if arrests and fines do no good, then the suggestion already referred to should be acted upon. If these people are given to understand that they can get no license in Salt Lake; that they can not conduct their nefarious business here, they will soon go to other joints. The drunken men and women who were hauled out of a dive at 186½ west South Temple street yesterday morning, were before Judge Diehl this morning on the charge of vagrancy. Joe Smith, who admitted that he had been living with the notorious Tillie Williams, an ex-convict was given 30 days for vagrancy. The Williams woman and the woman who gave her name as Annie Smith, pleaded guilty to the charge and were sentenced to 20 days each. Martin Garrity promised to leave town and was given until 5 o'clock this afternoon to do so.

THRILLING RESCUE OF SEVEN SEAMEN

The Kipling's Seams Were Sprung And Seas Were Sweeping Over Her.

BOAT SENT TO SAVE CREW.

All Had Got in Sea Rose Beneath Boat and it Was Crushed Beneath Bowsprit.

Men Clung to Everything—Another Boat Sent and They Were Finally Taken Off Alive.

New York, Jan. 20.—An account of a strange and thrilling rescue of seven seamen from the ship wrecked schooner Kipling was brought here today by the steamer Maine from London. The steamer found the Kipling on Jan. 11 near the British coast sinking from the effects of the pounding of huge waves. The schooner's seams were sprung and leaking, part of her spars and deck fixtures had been snapped off and big seas were washing over her decks when the Maine sent a boat to take off the Kipling's crew. This boat was manned by an officer and three sailors. It stood alongside the schooner sometimes rising to the level of the deck and sometimes dropping far below them with the rolling of the waves. Every man on the Kipling had safely jumped into this bobbing boat and the oars had been dipped to row away when the schooner swung around so that her bowsprit was directly over the life boat. Simultaneously a sea rose beneath the boat, carrying it up and crushing it against the bowsprit which struck it directly across the midship section, in the midst of snapping spars and flying splinters the seven seamen from the Kipling leaped up to the bowsprit, throwing their arms around available supports and with their feet tried to keep the life boat free from the perilous position. This they did but the life boat swept clear of the schooner leaving them clinging to the bowsprit. In the bottom of the boat one rescuer lay unconscious, having been struck on the head during the collision and the boat itself so badly damaged that it was in danger of sinking. It was rowed back to the Maine while the crew of the Kipling clambered back to the deck of their vessel again. The Maine, however, sent a second lifeboat to the schooner and this time the shipwrecked men were safely taken aboard the steamer.

The Kipling had been crippled for 20 days before sighting the Maine. She was bound for America.

PROGRAM OF RUSSIAN CONSTITUTIONAL DEMOCRATS

St. Petersburg, Jan. 20.—The role of the Constitutional Democratic party in the national assembly according to a resolution adopted at the convention which opened here Jan. 18, will be to obstruct all ordinary legislation. However, in case the assembly is a first session to convert the assembly into a full-fledged constituent body is unsuccessful, the members of the Constitutional Democratic party will endeavor to secure the passage of an election law providing for general, direct and equal suffrage, and statutes guaranteeing liberty of speech, assembly, press and religion, and measures for the pacification of the country. A resolution providing for the participation of the Constitutional Democratic party in the elections to the national assembly was passed with only two dissenting votes. Thus nullifying the action of a split which the extremists hoped to effect on this question. At the suggestion of M. Rodichev the convention declined to bind the party representatives in the national assembly to any specific measures regarding the solution of the agrarian question.

STRAWBERRY PROJECT.

Reclamation Service Given Permission to Use All Necessary Stone and Timber (Special to the "News.") Washington, D. C., Jan. 20.—The secretary of agriculture has granted the reclamation service permission to use all necessary earth, stone and timber required for the development of the Strawberry valley irrigation project, provided due care is taken to prevent injury to young growth in logging, and making all necessary excavations of earth and stone so as to avoid any permanent injury to forested lands in the reserve through gullying and washouts.

BURGLAR WAS KILLED.

Another Fatally Wounded in Battle With Chicago Police.

Chicago, Jan. 20.—One burglar was killed and another fatally wounded early today at Des Plaines, a suburb of Chicago, in a battle between detectives of the Chicago & Northwestern railroad and five men detected in an attempt to start from a repair shop of the railway company. The detectives had surrounded the shop and the fight began when the thieves attempted to escape with the plunder. The three men who were wounded escaped after they had exhausted their ammunition.

CHINESE COMMISSIONERS.

Inspect Chicago's Methods of Killing And Packing.

Chicago, Jan. 20.—The Imperial Chinese commissioners, Tuan Fang and Tai Nui Tzu entered promptly upon the program outlined for their second day in Chicago. A special train carried the visitors to the stockyards where the usual plan of inspecting the methods of killing and packing were followed, the visitors following an animal from the time it was introduced into the packinghouse alive until it was hanging in sections in the cooling rooms. They displayed the greatest interest in all they saw. Luncheon was served in one of the large packing houses. The commissioners were then taken to the McCormick Harvester company's plant.