

Shakespeare's "dreadful touch of merchant-marring rocks" is felt, now-days, chiefly by poor adventurers.

# DESERT EVENING NEWS.

TRUTH AND LIBERTY.

TUESDAY, JANUARY 3, 1905, SALT LAKE CITY, UTAH.

"Reading is seeing by proxy; and the reader of your advertisement sees your story as it is pictured on the printed page."

10 PAGES—LAST EDITION.

FIFTY-FOURTH YEAR.

## NORTH SECURITIES CASE REVERSED.

U. S. Court of Appeals Upsets Decision of the New Jersey Court of Appeals.

## HARRIMAN INTERESTS DEFEATED

The N. S. Company Given the Right to Dispose of Northern Pacific Railway Stock.

717,410 SHARES ARE INVOLVED.

Opinion by Dallas—Gray Dissented—Mr. Harriman Refuses to Talk On the Matter.

Philadelphia, Jan. 3.—The United States court of appeals for the Third judicial district, in an opinion filed here today, reverses a decision of the New Jersey circuit court, which restrained the Northern Securities company from distributing certain stock of the Northern Pacific Railroad company. The decision is a defeat for the interest represented by E. H. Harriman. By a decree of the New Jersey court the Northern Securities company was restrained from disposing of 717,410 shares of the common stock of the Northern Pacific Railroad company, alleged to have been received from E. H. Harriman and Winslow S. Pierce, and of 37,990 shares of the common stock of the Northern Pacific Railway company received by the Northern Securities company from the Northern Pacific company. Today's decision, however, gives the Northern Securities company the right to dispose of the stock. Harriman and Pierce, when the Northern Securities company had been declared by the United States supreme court to be an illegal combination, demanded the return of the original stock they had contributed at the time of the organization of the combination. The Northern Securities company, it was claimed, intended to make a pro-rata distribution of the stock of the contributing company.

The opinion was written by Judge Dallas. After reviewing the organization of the combination and subsequent history, the decision says: "Harriman averred that the shares of railway stock in question were acquired by the securities company; that it would hold them as custodian, depository, trustee and owners of said shares were the parties who originally exchanged the same for stock in the Northern Securities company."

"The Northern Securities company claimed that it acquired the stock by purchase, and that it owns the stock outright."

After quoting the resolution under which the stock was acquired, the opinion says the resolution contemplated a purchase and not a trust, and that the resolution was adopted at a meeting at which Harriman was present. The opinion continues:

"The Northern Securities company is the owner of 1,337,594 shares of the stock of the Northern Pacific Railway company, which has been received from voting or receiving dividends and in view of this restraint all the parties agree, and it should not continue. The Northern Securities company, accordingly, proposes to transfer the stock to its shareholders, including not less than 2,500 persons whose shares are unquestionably acquired by purchase and who are not parties to this suit."

Parties to this suit, and as such disposition of them would effect a ratable, and, therefore, equitable division of them amongst all who are entitled to participate in a distribution of the corporate assets, we are of the opinion that the injunction which prohibited the stock to be transferred is in error. If the question before us had been one of ratable and decided in the suit of the United States vs. the Northern Securities company, it would have been decided in favor of the stockholders of the railroad companies who had exchanged their stock therefor for stock of the Northern Securities company.

Should be required to surrender any stock of the Northern Securities company so acquired and held by them, and to accept therefor the railway stock in exchange for which the same is issued, but the decree, insofar as it was mandatory, went no further than to prohibit the doing of the specific things which, being done, would effect the result denounced by the act—1903 U. S. S. This was all that was required and it was accomplished by that part of the decree which has been already quoted, and the added clause, though apparently suggested by the prayer of the bill to which it referred, was obviously not intended to have any obligatory effect. It was permissive merely, and this so plainly appears from its terms that it is necessary only to direct attention to them. They are:

"But nothing herein contained shall be construed as prohibiting the Northern Securities company from returning the stock and transferring to the stockholders of the Northern Pacific Railway company and the Great Northern Railway company, respectively, any and all shares of stock in either of said railway companies which said, the Northern Securities company may have heretofore received from such stockholders in exchange for its own stock; and this herein contained shall be construed as prohibiting the Northern Securities company from making such transfer and assignment of the stock may now be the holders and owners of its own stock originally issued in exchange, or in payment for the stock

## The Tragic Story of a Death on the Desert

How John Pryor Lost His Way and Perished From Cold on the Wastes Beyond Iron Springs—Went to the Relief of Another on Christmas Day and Was Not Seen Again Until His Body Was Found.

The trail of the first Americans over the southwest desert is not yet free from peril. Iron Springs, at one time a watering place for overland emigrants, was last week the scene of another desert tragedy, beginning Christmas day, when John Pryor left Cedar City to relieve a sheep herder fifteen miles out in the desert beyond Iron Springs, and ending last night when his frozen body was found in the snow three miles southward of the last place he was seen alive. He was lying face downward, as though he had tripped over a sagebrush bush. His face was partly decomposed, as though a thaw had commenced the action of decay and frost and cold had later arrested it. Near him was the pack from his saddle, the things of which had been cut with a knife, as if he had been too tired and numb to untie them.

For half a week over fifty men had scoured the desert for traces of him. They had formed a line of march four miles in length, and walked and rode in this line over fifty miles of desert wastes. At last when all hopes of recovery seemed hopeless, he was found just beyond the eastern border of the zone of search, within a mile of where the parties had first set out.

When last seen alive, John Pryor was leading his horse west and southward along the desert trail. Instead of continuing on the trail, he had drifted south and east, while his searchers had started from this point and searched in

the direction he was supposed to have gone. The story of the loss of Pryor in the desert is a sad one, and that with the same circumstances as those that have since the beginning made pioneer life so difficult. From Cedar City to Iron Springs is a stretch of a dozen miles of desert, and from Iron Springs to the sheep camp, where Pryor was going to relieve John Eugene Shoppman, that he might come into town for the holiday season, is another stretch of nineteen miles.

Pryor left Cedar City at noon Christmas day on his long journey, riding a cow pony trained to desert hardships, and well provided with blankets and various necessities. It is said that bottles of the liquor that it is claimed drives away numbness when the cold is severe.

He stopped at Iron Springs for half an hour, and then headed out into the desert, riding through the snow and left of the liquor that deceives. He was passed by the mail driver coming from Lund station, a more boy, who did not know what it was to permit a man to go ahead in the bitter cold of the desert winds. The man was not riding. He had fallen from his horse, and was lying on his back, his head toward the west, and his hands clasped over his face. He was found by the searchers on the morning of Jan. 2.

A mile further on he was passed by a freighter, plodding through the snow, leading his horse behind, both of them nearly frozen in the bitter wind. No words passed, for the man was suffering from the cold.

## JAPAN PREPARED TO DISCUSS PEACE

Gives No Intimation, but it is Said Will Make Terms Characterized as Reasonable.

## POSSIBLE INTERMEDIARIES.

Fail of Port Arthur Greatly Strengthens Her Hand, Releasing Army Of 100,000 Men.

Tokio, Jan. 3, 5 p. m.—Some of the foreign diplomats here believe that there will be an early renewal of efforts looking to the securing of peace. Outwardly the Japanese government gives no indication of its desires in that direction, but it is known that it is prepared to discuss the question and to make terms which are characterized as reasonable.

Those who predict a movement for peace declare that the Japanese emperor's commendation of Gen. Stoessel and the determination of the Japanese to give honorable terms to the surrendered garrison will open the blow to Russia and create an opening for the discussion of the question of peace.

The United States, Great Britain and France are named as possible direct or indirect intermediaries, though it is not improbable that Japan will broach the subject directly.

The fall of Port Arthur immensely strengthens the hand of Japan. In the actual conduct of the war Port Arthur has been a stumbling block to Japan, which for six months has had engaged here over 100,000 troops and practically her entire navy. This fact compelled Field Marshal Oyama to fight the battle of Liao Yang short handed. Now the entire navy is free to prepare to meet the Russian fleet in the Pacific and to attend to the Vladivostok squadron. A heavy force of troops will be immediately available for service in Manchuria, and this possibly will allow the undertaking of other independent enterprises.

## STOESSEL'S COURSE.

Japanese Naval Comment Different from the Popular.

Tokio, Jan. 3, 11 a. m.—Comment in naval circles here upon Gen. Stoessel's action in destroying the Russian warships and attempting to choke the entrance to the harbor of Port Arthur and dispatching the torpedo boat destroyers to Chefoo, subsequent to his offer to surrender the fortress, is directly opposite to the opinions expressed in the local papers, the Jiji and the Nichi Nichi. A member of the naval staff said today that if he had been in Gen. Stoessel's place he would probably have been compelled to act in a similar manner, and further that if Gen. Stoessel had been a Japanese he would probably have committed suicide, after dispatching the destroyers and blowing up the ships remaining in port. He expressed the hope that the emperor would give Gen. Stoessel honorable conditions of surrender, despite action. Distinct observation of the sunken warships at Port Arthur gives no idea of the condition of the battleship Sevastopol, which has evidently been towed off the beach and sunk in deep water. The vessel was previously sunk in the harbor, but have apparently been mined and torpedoed from the exterior.

Expert opinion upon the condition of these ships varies upon the question of their salvability, which will be determinable only by examination.

## A FAMILY OF NINE BURNED TO DEATH.

Elmira, N. Y., Jan. 3.—Fire consumed the home of Mrs. Nowaki, a Polish miner in Morris Run, Pa., early today and the entire family of 10, except the oldest son, aged 18, was either burned to death or smothered. Their charred bodies lie in the ruins of the house. The Nowakis lived in a log house on the outskirts of Morris Run. There were no immediate neighbors. Last night the family retired as usual. Early today the fire broke out, and the smell of smoke, the room in which he was sleeping was on fire and it was with the greatest difficulty that he made his escape from the house.

## RUMORED ATTEMPT MADE ON LIFE OF THE CZAR

St. Petersburg, Jan. 3, 3:26 p. m.—There is a rumor here that an attempt has been made upon the life of Emperor Nicholas at Vilna. No details or confirmation of the report have been received.

The Associated Press is authorized to deny the rumored attempt on the life of Emperor Nicholas at Vilna. He has just passed Minsk, capital of the government of that name, 65 miles by rail west of Moscow.

## THE PRESIDENT TO BE KEPT BUSY

He Has Accepted Invitations to Attend Important Functions In Many Places.

## ADDRESSES WILL BE MADE.

To Talk to Forestry Congress, Naval Cadets, on Lincoln's Birthday, to Sons of St. Patrick and Others.

Washington, Jan. 3.—President Roosevelt has accepted for this winter several invitations to attend important functions, both in Washington and out of town. At all of them he will deliver addresses, two or three of which will be of notable significance. Next Thursday afternoon he will address the delegates to the National Forestry congress, which here assembled today. The speech will not be prepared in advance, although the president already has thought out his remarks very carefully. On Monday, the 30th inst., the president will attend the exercises at the naval academy in Annapolis, incident to the graduation of the senior class of the institution. He will be accompanied by Annapolis by Secy. Morton. The exercises will take place about midday and will be rendered particularly notable by the distinguished party which will be augmented by the attendance of members of the naval affairs committee of both the senate and the house of representatives. In the afternoon of the same day, the president and party will go to Philadelphia to attend a dinner to be given in honor of President Roosevelt by the Union League club. His speech at that dinner will be important. The president and party will return to Washington that night. The president will go to New York on Monday, Feb. 13, to attend the dinner to be given in commemoration of Lincoln's birthday by the Republican club of New York. The birthday falls this year on Sunday, but it will be observed on the 13th. The president's address will deal with the life, character and time of the martyred president. Remaining in New York that night and the next day, the president will be entertained at dinner on the evening of the 14th by the Hungarian club of New York. He will arrive in Washington on the morning of the 15th. Some time ago the president accepted an invitation to attend on Washington's birthday, Feb. 22, a celebration to be held at the University of Pennsylvania in Philadelphia. His address on that occasion will treat of Washington and his achievements and their results on the nation. The president will be the guest at a dinner on the evening of Feb. 22 at the residence of the president in New York. The dinner will be given by the Friendly Sons of St. Patrick in New York. He will deliver a speech at the dinner. Soon after that the date not having been fixed definitely, yet the president is expected to go to San Antonio to attend the annual reunion of his old regiment of Rough Riders.

## QUEER SUICIDE OF YOUNG SALT LAKER

Royal H. Milliron Kills Himself at Provo Under Mysterious Circumstances.

## FOUND IN HOTEL ROBERTS.

First Intimation of Tragedy Came From Father in This City Who Asked Proprietor to Investigate.

(Special to the "News.")

Provo, Jan. 3.—About 11 o'clock today W. D. Roberts, Jr., proprietor of the Hotel Roberts, received a telephone communication from Dr. Joseph Milliron of Salt Lake stating that he had received a startling letter to the effect that his son, Royal H. Milliron, had committed suicide at the hotel and asking Mr. Roberts if he would investigate the report. The letter went immediately to his room and found the young man dead in a bath tub connected with the room, with a bullet hole in his heart. The weapon with which he had killed himself was lying in the tub filled with water. As soon as the body was discovered the officers were notified and City Marshal Henry, Sgt. Harmon and City Physician Taylor repaired to the scene, viewing the body and deciding that an inquest was not necessary. The remains were then taken to the morgue, and the body was placed in a coffin and sent to the home of his father, where they are being prepared for shipment to Salt Lake.

Milliron, who is about 25 years of age, came to Provo Friday night and registered at the hotel as H. H. Boyle of Chicago. Since then he has occupied a room at nights but went elsewhere for his meals, where, however, is not known. Mr. Roberts says the "last he saw of him alive was last night about 11 o'clock when he noticed him standing near the office. That he had planned the deed which terminated in his death, is evident from a long letter found in his room dated Jan. 3, 1905, and addressed "To whom it may concern." The letter begins as follows: "I am Royal H. Milliron of Salt Lake, son of Dr. Joseph Milliron. On the night of Dec. 30, 1904, I began a journey ostensibly for Chicago, to take up the work of a junior in the Rush Medical college. However, on reaching Provo that night, I came to a prearranged plan, and the train unknown to anyone. My intentions were to get a room, inform my people and friends and put an end to my existence."

## HIS DOCTRINE OF LIFE.

Then follows a statement on the philosophy of life and a conclusion to the effect that all that is supernatural is false and that the possessor of life has a right to take it. He refers to his intention to follow this course, and expresses the hope that his act will result in no trouble to anyone. Then he says: "This might be called a case of justifiable homicide. I have merely killed a man who has been interfering with my contentment and peace of mind beyond endurance. That man is myself. If I should write a book I could not offer any more convincing proof to the average person than these few pages contain, that I am a fool. Well, so be it. I do not think so myself."

## LETTER TO HIS FATHER.

Among the young man's effects was found a letter written to him by his father and bearing date of Dec. 23. This was in the nature of an affectionate farewell and contained the clause, "Let bygones be bygones." In it the father expressed a desire that everything possible to assist him during his absence, and concluded by intimating that perhaps he would never see him again, as he was growing old. In his pocket was found the sum of \$1.15 in cash, this being all the money he had left.

Dr. Milliron, who went down to Provo on this afternoon's train, was well high distracted at the news of the death of his son. To the "News" he said that he could not discuss the tragedy until he knew more about it and had seen the body. "My boy left on Friday in the best of spirits," he said, between sobs, "and was going back to college to enter his fourth year. I can assign no reason for his rash deed."

While the distracted father would not talk and denied that he had re-

ceived any message from his son, he intimated that the boy had written to a young woman in Salt Lake that he was about to kill himself and that she had in turn notified him this morning.

## WAS IT OVERSTUDY?

A companion of the dead student, who requested that his name be not published, said to the "News" this afternoon:

"I have no doubt that the suicide was just the outcome of overstudy. The rumor that he killed himself over a love affair, I do not believe had the slightest foundation. Royal was civil to girls but that was all; he did not seem to have any inclination to run around with girls. He was an awfully nice boy, a great comfort to his mother, and gave great promise. There was nothing wrong with his studies, as I said before, he was an overachiever. As for his coming home his father told me that Royal's letters had a peculiar ring to them that would indicate that his mind was at fault, and to me personally he said a few days ago, 'Life, what's the good of it anyhow; the more I read of scientific books and the more I read the subject the less good I can see in life.' I am positive that he was not in his right mind when he committed suicide."

The young man was 24 years of age, and a graduate of the Salt Lake High school.

## PATENTS AND POSTOFFICES

Utah People Get Several of Both Kinds.

(Special to the "News.")

Washington, D. C., Jan. 3.—Patents issued: Leonidas H. Kennard, Riverside, wire fence net; Jesse H. Pithey, Salt Lake City, garment clamp. Idaho—Gilbert Samuelson, Sandpoint, current motor; Charles Wernicke, Genesee, draft equalizer.

Postmasters appointed: Utah—Clace, Grand county, Sherman Bowen; vice O. M. Bailey, resigned; Spring City, Sanpete county, S. W. Beck, vice Carl Hansen, removed; White Rocks, Uinta county, William H. Coltharp, vice S. L. Colton, removed.

Idaho—Homedale, Owyhee county, Mrs. Ada Mussell, vice Mrs. Cora McDowell, resigned.

## IDAHO LEGISLATURE

Held Short Session and Adjourned to Wednesday.

(Special to the "News.")

Boise, Idaho, Jan. 3.—Legislature in session, few minutes this morning when it adjourned until 10 o'clock Wednesday. Governor's message will probably be read then.

## WILLIE AT IT AGAIN.

This Time He Steals Two Typewriters And is Arrested.

Willie Duncan, aged 15 years, is in trouble again, and also in jail. Some time ago he was mixed up with a gang of youths who robbed a store at that time and secured a position with the Smith-Premier typewriter company. A few days ago two machines were missed and suspicion fell on Willie. This morning he was arrested and one of the typewriters was found at his home and the other in the home of a friend.

## FORCE OF HABIT.

How it Took Governor Wells to the County Building Today.

"Good morning, Governor Wells, how does it happen that you are down here today?" was asked of the former governor by a "News" representative this morning at the city and county building.

"Force of habit, my boy, force of habit," was the reply. "You see when I started out this morning, I simply walked south as I have for many moons past, and I found myself down here at the county building. I don't know, however, that he was engaged in preparing the biennial final report of the state board of pardons, of which he has been chairman for the past nine years."

## LYON TURNED DOWN.

Commissioners Give County Attorney But One Assistant.

The county commissioners met at noon today when Chairman Wiley appointed the committee as reported in last evening's "News," after which the appointments made by the various county officials of their deputies and clerks were received and referred to the committee on county buildings and grounds, of which Commissioner Miller is chairman and the other two commissioners are members.

The committee also reported favorably upon the appointments made by County Clerk J. H. Eldredge, Jr., a complete list of which appeared in Saturday's "News." These appointments were confirmed.

The appointments made by County Attorney P. P. Christensen of Willard Hanson as first assistant and Miss Edith Woodman as stenographer were confirmed upon the recommendation of the committee, but it was decided that a second assistant was not needed in that office and hence the appointment of Job T. Lyon was turned down.

The commissioners then adjourned until 2 o'clock this afternoon, when action will be taken on the other appointments.

## EIGHTEEN MEN HURT.

Work Train Backed Into Freight Standing on Track.

York, Pa., Jan. 3.—By the backing of a work train into a freight standing on the North Central track six miles north of this city today 18 men were injured, five so badly that their recovery is doubtful.

## Price of Diamonds Advanced.

New York, Jan. 3.—Local diamond dealers have been advised of an advance of 10 per cent in the cost of rough stones, making a total of 46 per cent increase since 1901. The advance has been made by the selling syndicate, with headquarters in London which is estimated to control 95 per cent of the world's output. Falling off of output in south Africa is the cause attributed.

## GARRISON GOES TO JAPAN AS PRISONERS

Capitulation Terms Indicate Such Will be the Fate of Rank and File at Port Arthur.

## OFFICERS WILL BE PAROLED.

They Will be Permitted to Return to Russia, Retaining Their Side-Arms.

## THINK THE WAR WILL GO ON.

Fort Where Negotiations for Surrender Were Held Called the Eagle's Nest, Near Rihlung Mountain.

Tokio, Jan. 3.—The capitulation terms indicate that the Russian rank and file of the garrison of Port Arthur will come to Japan as prisoners. The Japanese took possession of a number of the forts of Port Arthur today.

## TERMS OF CAPITULATION.

Paris, Jan. 3.—According to the semi-official advices received by the foreign office regarding the terms for the capitulation of Port Arthur signed last night the Russian officers but not the rank and file will be permitted to return to Russia, but this is not positive. The Russian officials strongly oppose the view that the war will go on without reference to Port Arthur. The Russian naval attaché says the mission of the Russian Second Pacific squadron was to save Port Arthur. Therefore, since this mission cannot be accomplished the squadron will probably wait until reinforced by a third and probably a fourth squadron. He believes Russia will not make any concessions by land and sea. This will require time for adequate naval and military concentration, thus prolonging the war one or two years. The attaché adds that mediation is impossible until Russia wins a decisive victory.

Capt. Ruzhichine, one of the Russian navy officers who will appear as a witness before the international commission which is to inquire into the North sea incident, also says Russia will not make any concessions. He declares peace will come only when Russia imposes it.

## SCENE OF NEGOTIATIONS.

Chefoo, Jan. 3, noon.—The fort where the negotiations for the surrender of Port Arthur were held is called the Big Eagle's Nest, and it is near Rihlung Mountain.

According to the reports of the negotiations received here, Gen. Stoessel's proposal that the Russian sick and wounded should remain under Russian medical supervision and that the Japanese transfer the non-combatants was acceptable to Gen. Nogi, but the Russian proposal that the Russians should march out under arms caused some controversy.

Midshipman Kilschick, commanding a launch which left Port Arthur at 8 o'clock last night, said today:

"I saw what was going on at Port Arthur for two days. That which Chinese heard last night was the Russians blowing up forts, ships, magazines, warehouses, docks and everything of value. The Japanese had been the fortress and town was almost completely wrecked. The warships died hard. Several explosions were necessary to bring them to the wrecking of them. The Sevastopol after being exploded and turned turtle. The harbor entrance is blocked with sunken ships. The only navigable craft now at Port Arthur are the hospital ships Kasan and Mongolia."

"You need expect no more ships from Port Arthur as these are unable to leave on account of the blocking of the harbor."

Col. Reiss represented Gen. Stoessel in the negotiations for surrender. A table was spread with wine and food at the Big Eagle's Nest and the envoys treated each other with great courtesy which quickly melted into informal good-fellowship. Each complimented the other on the bravery of their forces.

"The statement that there were 6,000 fighting men at Port Arthur is misleading because a majority of these half are sick or slightly wounded. There have been no deaths here no proper bandages and wounds have been dressed with hemp," said Midshipman Kilschick. "The news that Gen. Stoessel was prepared to trust for surrender was received by the soldiers with the feeling of utmost relief. For the past month severe wounds have been gladly received by the soldiers because they were allowed to rest. When the news came that they were being turned out of half rations."

"The bombardment of the last day or so was terrific. Everybody remarked that the enemy's shells must see the futility of further resistance when our guns are unable to reply."

"We might have surrendered a month ago with the highest honor. That resistance has continued effectively since is scarcely less than a miracle."

"It is a mere handful of broken men who surrender and a debris-strewn desert which the Japanese gain."

"Not one of Port Arthur's magnificent public works remain."

"The feeling created when Gen. Stoessel took the unwelcome step was generally one of relief."

## WANTS TO GIVE PAROLE.

St. Petersburg, Jan. 3.—Gen. Stoessel has dispatched a messenger to the general staff to request the permission for the officers to give their parole.

## FORTRESS WAS UNTENABLE.

St. Petersburg, Jan. 3.—Gen. Stoessel's dispatches by way of Chefoo of the general staff relate how the position of the fortress of Port Arthur gradually became less safe and more critical, the ravages of scorching increasing enormously by the casualty list already so considerable from the Japanese assaults and bombardments. Toward the end of the year the supplies of ammunition completely gave out, there were 14,000 sick and wounded in the hospitals and 200 fresh casualties coming in daily. The general reports that at the end of the siege he had only 10,000 men under arms, the remainder of the original garrison having been either killed or disabled.