# CHINAMAN IS

Justice Kroeger Holds That He Was Justified in Killing Holmes.

CHIN POY WAS JUBILANT

generally Believed That the Action of the Justice Saved an Expensive and Ineffectual Trial.

After the "News" report of the hearins of Chin Pay closed last evening Orficer John Hempel was placed on the stand and related the circumstances of the arrest of Poy. He said that Poy told him that the boys had been bothering inm and he took a shot at them. At the officer's request Poy gave him the gun he used and upon examination he found four loaded cartridges and two empty, one of them bore evidences of naving been recently exploded. Witness was asked by Attorney Rogers if pare were fresh marks on the door, He sale that there were. Hempel said that Foy did not tell him just where he stord when he did the shooting, only that he was in the house. Officer Barbors testimony was practically the same as officer Hempers. The Chinaman called his attention to the rocks Darlow said that a person standing the dwoorway would have a clear the dwoorway would have a clear two of a person standing on the bridge stands of the fence, and could have

bot one in that position. Dr. H. A. Anderson described the loof the wound and the course taken by the bullet. The slug-entered holm's body on the right side five mobes from the spine and just below

Mr. Gunter expressed his willingness to submit the case without argument, but Attorney Rogers said he would like to be informed as to the position of

Attorney Gunter then briefly stated that he was convinced that a crime had been committed and if not murder it was manslaughter, and a jury should pass upon the case.

pass upon the case.

Mr. Rogers replied and made an extensive and lucid argument on justificable homicide, citing humerous cases in which the defendants were discharged. "It matters not how the white man is treated in China," said Mr. Rogers, this poor ignorant old man is entitle o the protection of the law as much as is the highest and most influently n his castle and was not required to etreat. He used the right which the law gives him to repell force with force even to the extent of the taking of human life. I will say nothing of the dead roan for he has paid for his crime with his life, but that old Chinaman sitting there is guilty of no crime, and I ask

that he be discharged." Assistant County Attorney Gunter made a brief reply to Mr. Rogers and brigod his former contention that it was the duty of the court to allow a jury to shoulder the responsibility of declaring

the defendant guilty or not guilty.
In simming up the evidence Justice
Kroeger said: "It seems to me that
the evidence clearly shows that the defindant was attacked near the hour of midnight, and that more than one rock was thrown. I believe that when a man is sleeping in his bed and is attacked and rooks hurled at his door that he would naturally think his life was in danger, and I believe he has a right to shoot and kill. Of course, if I discharge the defendant I suppose the ounty attorney could take the matter to the district court, but I do not feel that he should be held, and it is the or-Por was immediately surwho congratulated him in was very happy and shook hands twice with every white man he met. The last seen of the Chinese delegation it was winding its way to Plum Alley to celebrate the (to the China-men) happy termination of the case.

#### FORGED AN ORDER.

Jenklus and Sons Mourn the Loss of a Saddle and Harness.

Jenkins & Sons, the Second South street harness makers, are mourning the less of a saddle and portions of a harness valued at \$40. On Wednesday last a young fellow, whose identity has hot yet become known, called at the store and presented an order for goods containing the forged signature of J. W. Beckstead. He got the goods and rode away, saying he was going to Marray to round up some cattle. Beckstead was seen a few days later and defined all knowledge of the order, declaring the signature a forgery. A warrant g the signature a forgery. A warrant ut for the arrest of the alleged

#### GRADING CONTRACT APPROVED.

Mayor Thompson has approved the contract with Klefer & Rush for grading down Thirteenth East street, from South Temple to First South, and in from of the new reservoir. The work to be approved by the board of works, and as soon as it comworks, and as soon as it is comwill commence constructing its ne from the intersection of Third Wireets south to Fifth South, og close to the University build-

#### DETERMINED TO DIE.

Fred Jewett Took Morphine Last

Night and Again This Morning. Prod Jewett, seems to have a penchant for committing suicide. Last fight he made the fourth attempt upon his own life, but, like its predecessors, h was a failure. He was taken to his room ever Fehrensen's drug store in an intextented condition. Some time later Mrs. Beatty, the landlady, passed the open door of Jewett's room and saw



Makes the bread more healthful.

Safeguards the food against alum.

Alum baking powders are the greatest menacers to health of the present day.

him pour something into a glass of water and drink it. Mrs. Beatty being acquainted with Jewett's habit, called up the druggist, who, in turn, called some policemen. Jewett was taken to the station in a studer, but he was aroused and was kept walking vigor-ously until he was out of danger.

Jewett was discovered in his room his morning again under the influence a morphine. It is not known how much of morphine. It is not known how much he took but it was a sufficient quantity to have killed him, had he not been taken to police headquarters and put through the same vigorous walking process that he was subjected to last night. The poor fellow seems determined to take his life, but strangely enough he has not after five attempts, been able to accompilish it. been able to accomplish it.

#### LANDS WITHDRAWN.

In the Meantime State Officials May Make Selection.

Register Frank D. Hobbs has received the following from the depart-

ment of the interior: To Whom it May Concern—The Gov-ernor of Utah, having made application under the act of Congress approved Au-gust 18, 1894, for the survey of all un-

the last rib, and ranged upwards and backwards. On cross-examination Dr. Anderson said he noticed a buliet hole in the ceat on the right side near the edge. The cont was put to evidence, and from the location of the bullet hole it was plain to be seen that the deceased was in a slightly stopping forward position when shot. With the testimony of Dr. Anderson the prospection rested, and O. P. Pratt was placed on the stand for the defense. Mr. Pratt cestified that he interviewed Langton and Jones after the shooting, and they on the stand for the defense. Mr. Pratt testilled that he interviewed Langton and Jones after the shooting, and they teld him that there were "some things that had not been told," but their testiment could not be changed because they were afraid of getting into trouble. Mr. Pratt examined the Chinaman's house soon after the trouble, and found that from the battered condition of the door and broken adobes at least twenty-live rocks, were thrown at the house. Mr. Pratt was the only witness for the defense.

Notice is hereby given that the said lands are, by order of the honorable commissioner of the general land office, of September 14, 1900, ("E"), withdrawn and reserved from entry, to take effect from and after August 21, 1900, and contains a server of the server of th from and after August 21, 1990, and con-tinue until the expiration of sixty days from the date of the filing of the offi-cial plats of survey in this office, dur-ing which time the State authorities may select any or all of said lands which are not embraced in any valid adverse claim.

When you cannot sleep for coughing, it is hardly necessary that any one should tell you that you need a few doses of Chamberlain's Cough Remedy to allay the irritation of the throat and make sleep possible. It is good, Try it.

#### TOMMY ATKINS' NEW BOOTS, English War Office is Experimenting With the "Alparagata."

The question of providing a new marching boot for the army is engaging the attention of the war office, and an important announcement may be made on this subject before long, says the London Mail.

In forced marches in hot weather the head and feet suffer most, and of the two the cases of exhaustion arising from inappropriate covering for the feet are ten times more numerous than those arising from inappropriate covering for

The boot or shoe which, while afford-ing sufficient covering to the feet, is lightest, airiest and most elastic is necessarily the most suitable for long marches. The alparagata of the Spanish soldiers and peasantry, though by no means a handsome or fashionable article, is believed to be by far and away the most serviceable in a hot, dry

The soles of the alparagatas are made of thick elastic cord resembling lamp wicks sewn tightly together, and while affording as much protection as leather, are as pliable as india rubber. The tops are made of canvas, and the whole is so light that a pair could be carried without inconvenience in a side pocket

Some time ago, while making a walk-Ing tour through Spain, the writer attached himself through the courtesy of the colonei to a Spanish infantry regiment at that time engaged in a series of forced marches. Though a fairy seasoned pedestrian, he found it impossible to keep up the pace of the Spanish soldiers, and was about to re-linquish the enterprise when the colone loaned him a pair of marching shoes with the result that be was able with out difficulty to accompany the troops for seven consecutive days at an aver-age of thirty miles a day,

The German war office about the same period sent two emissaries from Berlin to try the boots. Every morning before daybreak they were out among the hills, one wearing alparagatas and the other ordinary army boots. Their reports was satisfactory that large quantities of alparagatas have been purchased by

spanish military men declare that the

boots and alparagatas represents at least six miles a day.

The cost is about one shilling six pence a pair. Lord Wolseley, it is understood, is having a report prepared on the subject. In a hot country the utility of alparagatas is undoubted, and had the Belitth war office presented. had the British war office possessed large supplies at the time of the Sudan and Transvaal campaigns the troops might have been saved much suffering

It is not likely that any of these boots can be obtained in time for the operations in Chins, but they would be use

#### REFRESHING SLEEP. Horsford's Acid Phosphate

Taken just before retiring quiets the nerves, nourishes the tired and confused brain and induces refreshing sleep Genuine hears name Honsronn's on wrapper.

### AN INTERNATIONAL TURF STORM IS ON

Lord Durham's Ugly Attack on American Jockeys.

UNSUPPORTED BY PROOF.

John A. Drake is Thoroughly Disgusted at the Insults Indirectly Heaped Upon Him.

New York, Oct. 19 .- A dispatch to the fournal and Advertiser from London

Lord Durham's ugly attack on Amerian jockeys and on sportsmen from over the sea, unsupported by any proof, has brought on an international turf storm, The Daily Telegraph wisely declares that it can only be presumed that Lord Durham spoke as he was addressing the jockey club stewards, of which he is one-with a knowledge of much that has gone on which has not met the pub-He eye, but which must be known to

John A. Drake, who has won \$1,000,000 in the five months that he has been on the English turf—which is the whole of experience-is thoroughly disgusted the insuits indirectly heaped upon

the powers that be."

The position is intolerable," said he, "to any one who loves fair play. Our trainers and lockeys don't need any word of defense from me. Their record speaks for itself.

speaks for itself.

"American jockeys are in bad favor with the jockey club, but had they hurt the sport in England, would the Prince of Wales just have engaged an American jockey to ride his horses?

"American boys ride to win. They have broken up the English jockey ring, about which there was such a cry awhile ago. American jockeys are responsible for an honesty on the English race courses that was never before

race courses that was never before Lord William Beresford is preparing a rebuke to Lord Durham, and will en-Darke's trainer, to succeed Huggins, his present American trainer, who wants to make a visit home, and will

also engage the Reiff boys for next sea-The Earl of Lonsdale has cabled to the Journal and Advertiser, from Penrith, Wales, respecting Lord Durham's much

discussed speech at the jockey club meeting relative to American jockeys in England. He says:

"I regret that I can with a most un-blased and independent feeling endorse all that Lord Durham said.
"I have thought and said openly for some time that I considered the turf in England in a worse state at the present. time than it has ever been in my recol-

Durham meant by 'American jockeys and their following' that following was necessarily America. There also have been more accidents than I ever re-member, and I attribute this to the presence of American jockeys."

#### TO BUILD SHAMROCK II.

Contract for the Boat Given to Hendersons on the Clyde.

London, Oct. 18 .- It is understood that the Shamrock II will be built by the Hendersons, on the Clyde, and that Sycamore will be her skipper, with Mr. Jameson in in general charge. Thomas Lipton will take both the new and old Shamrocks across the Atlantic.

The contracts for building Watson's new craft are not yet closed, but it is expected that the work on the Sham-rock II will start shortly. Sir Thomas hopes to arrive in the United States about the middle of July.

In an interview with a representative of the Associated Press he said he was elighted that his challenge had selved such a prompt and satisfactory mower. He added: "The only difference mentioned, that extending the line of the start from

ys, and bring better sport. Crossing the ocean does not bother me a bit."
"Suppose, Sir Thomas," he was asked,
"the old Shamrock should beat the new

'It is impossible," he replied, impres-

"Talking of fair play," continued Sir Taking of fair play, continued Sir Thomas, "none of us is quite infallible; but I guarantee to say should anything controversial by any chance happen to occur, I am certain I shall get the benefit of any doubt existing, such is my belief in the integrity and sportsmanlike spirit of the New York club.

"The continuation of last year's acci-dent clause, mentioned by Mr. Oddie, is eminently satisfactory. It was my own change. Some people seem surprised at my challenging with a cutter, and I seen it stated that I intend taking over a seventy-five-foot schooner. The idea never entered my head. I have worked continuously upon the matter, and you may be sure no data, however

#### small, will be overlooked which might tend to make her succeed." Rode forFifteen Hours.

New York, Oct. 18.-With her face showing plainly the terrible strain she is undergoing, Marguerite Gast, the girl is undergoing, Marguerite Gast, the girleyellst, who is trying to establish a record for 3,000 miles on the Valley Stream, L. L. course, completed her 2,475th mile at 11:30 today. She had then been eleven days, twenty-two hours and thirty minutes in the saddle. hours and thirty minutes in the saddle. She had sprinkled red pepper in her stockings, so that the pain might keep her awake. Save for a rest between 11:20 last night and 3:05 a. m. today Miss Gast rode continually for fifteen hours. By Saturday she hopes to complete 3,000 miles. No one has yet complete 3,000 miles. No one has yet established a record for more than 2,000

Erne After Gans. Denver, Oct. 18.-Al Herford, manaser for Joe Gans, announced tonight that he had matled to William Naughof Chicago a draft for \$1,000 as a orfelt for a six-round fight with Frank

#### BROOKLYN IS CHAMPION.

The Management Gave McGinnity

\$100 Extra for His Good Work. Pittsburg, Oct. -8.-Brooklyn is champion of the baseball world, the owner of the beautiful Chronicle-Telegraph trophy cup, and carries away one-half the gate receipts of the four games necessary to decide the supremacy over necessary to decide the subremmey over Pittsburg. In only one game of the four played did Pittsburg look to be inhe same class with Brooklyn. The Pittsburg men went at their work today with defermination, and every point was well covered up to the fourth inning, when a fumble by Leever netted Brooklyr three runs. After that the locals seemed to lose their snap, and though they played hard to win, it was conceded by the spectators that the home team was outclassed. Waddell was put in the box as a foriorn

### WASTING AWAY

AN ATHLETE'S SAD FATE.



won't be thrown off. In time he finds he hasn't the ambition he formerly had. ercise wearies him. He is losing ight. It is not very long before finds himself weak and emaciated, tched out in a chair knowing that he is wasting away day by day and hour by hour. It seems a long way from that chair to the gridiron and the diamond, a chair to the gridien and the diamond, a great change from that dripping athlete in the boat house to this weak and wasted invalid. But the way is indeed very short. It is a way which thousands tread every year and the beginning of the way which leads to such a

#### A TROUBLESOME COUGH.

No man or woman is so etrong as to be able to treat lightly an ailment which is the beginning of such a serious lisease. There is a cure for coughs newever stubborn, and that cure is octor Pierce's Golden Medical Discov-

"I am feeling quite well," writes Miss Dorcas A. Lewis, of No. 1129 24th St., Washinston, D. C., "and I owe it all to Dr. Pierce's Golden Medical Discovery. Dr. Pierce's Golden Medical Discovery, I cannot say too much in praise of the medicine. I had been quite a sufferer for a long time, and after reading Dr. Pierce's Common Sense Medical Adviser thought I would try his Golden Medical Discovery. I commenced taking it in May, 1892. Had not been sleeping well for a long time. Toook one teaspeonful of Dr. Pierce's Golden Medical Discovery and slept nearly all night without coughing, so I continued taking it. I am in great sympathy with everybody who suffers with a cough. I had dy who suffers with a cough. I had been a sufferer for more than ten years.

hope, but the handicap was too great.

McGinnity second game in the series by keeping the hits well scattered and receiving the finest support. Cross was especially effective by getting in the way of numerous balls

#### Pugilist Arrested.

New York, Oct. 18 -- Con MceVigh, the big California puglist who gained noto-riety on November 10, 1898, by jumping into the ring and interfering with the Corhett-Sharkey fight, was today held in \$1,000 ball for examination on a charge of mayhem. Thomas Clinton a small sized hotel porter, appeared against MceVigh. One ear was badly sleerated, he claims, by the tooth of hound pup set upon him as a joke by speeding toward left field and making wonderfully fast throws,

SCORE. R. H. E. Batteries-Leever, Waddell, O'Connor and Zimmer; McGinnity and Farrell,

Impires-Swartwood and Hurst. The Brooklyn team went out of train-ing immediately after the game today, and tonight indulged in a jubilee dinner at their hotel,

The team, by unanimous consent, decided to turn over to Pitcher McGin-nity the handsome trophy cup, it to be his personal property forever.

The Brooklyn management gave Mc-Ginnity \$100 extra for his good work.

#### "Trinidad Kid" Knocked Out.

Galena, Kansas, Oct. 18 .- Eddle K Morris of San Francisco knocked out George W. Walker, known as "The Trinidad Kid," of Trinidad, Colo., in the fifth round of what was scheduled to be a twenty-round glove contest, in this city tonight.

#### Came Near Dying,

"For three days and nights I suffered morbus brought on by eating encum E. Lewther, clerk of the Centerville, Iowa. "I bers," says M. E. district court, C thought I should surely die, and tried medicines but all to a dozen different ent for a bottle Cholera and Dias rhoea Remedy a hree doses reliev t to sleep and di hours. On awak me entirely. not awake fo o I felt so gratifie that the first wor do on going to th ffer them my grate of this remedy and ful thanks and eay, 'God bless you and the splendid medicine you make,' "

The progressive nations of the world are the great food consuming nations. Good food well digested gives strength. If you cannot digest all you est, you need Kodel Dyspepsia Cure. It digests what you eat. You need not diet yourself. It contains all of the digestants combined with the best known tonics and reconstructives. It will even digest all classes of foods in a bottle. No other preparation will do this. It in-stantly relieves and quickly cures all stomach troubles. F. C. Schramm.

There are thousands of people, suffering untold torture from piles, because of the popular impression that they cannot be cured. TABLER'S BUCYEYE PILE OINTMENT will cure them and the patient will remain cured. Price, 50 cents in bottles. Tubez, 75 cents. Z. C. M. I. Drug Dept.

To prevent consumption quickly cure throat and lung troubles with One Min-ute Cough Cure. F. C. Schramm.

"Golden Medical Discovery" is not to be classed with ordinary "cough medi-cines." When the cough has been ob-stinate and deep seated, when there have been weakness, night-sweats and emaciation the use of Doctor Plerce's Golden Medical Discovery has been the means in hundreds of cases of a restora-tion to parfect health. The reason for This is the story of a strong man. He had been captain of his foot ball eleven and a crack all-round athlets. He was the picture of manly health and vigor, envised by men and admired by women. One day he was taking a practice spin on the river when a drenching storm came up. When he returned to the boat house he sat around in his wet flannels without a thought of danger. What could hurt him? He was "as hard as nalls." After a while he develops a little hacking cough which somehow its least part of the stormach, "Golden Medical Discovery" strengthens the stormach and so strength to the wasting body. The oil is a food but it bit an emergency food. In its very form it recognizes the weakness of the stomach, "Golden Medical Discovery" strengthens the stormach and assimilated. The body begins to put on healthy

begins to put on healthy flesh, and strength comes FOUNDED ON FACTS. The claims made for "Golden Medical Discovery" are not imaginative or theoretical. Every claim of cure is founded on a solld fact, a written record, coughs, weak lungs, hem orrhages, emaciation and other forms of disease which if neglected or unskilfully treated find a fatal termination in connight-sweats, also spitting of blood; no life." writes Mrs. M. A. Cary, of (Indian Hd.), Blackwood, Assinibola Dist., N. W. Ty. "I could not hold any shoulders." weight; my shoulder would give way; had pricking pains in the chest, also nasal catarrh and constipation. I began us-ing Dr. Pierce's Golden

Medical Discovery and for the first two or three days the first two or three days
I seemed worse, and then
all my nerves felt numb,
as if they were being
roused up. Used about
ten bottles of 'Golden
Medical Discovery,' nine of 'Favorite
Prescription,' and four vials of Dr.
Pierce's Pleasant Pellets, and six bottles of Dr. Sage's Catarrh Remedy. tles of Dr. Sage's Catarrh Remedy, Now I have none of the old symptoms. am, so far, as well as ever be-ore. I shall recommend Dr. Pierce's

had a cough and

fore. I shall recommend Dr. Pierce's medicines to my friends."
Dr. Pierce's Golden Medical Discovery is confidently recommended for pulmonary diseases and diseases of the organs. of respiration generally. It always helps. It almost always cures. It is not s tonic merely, but a flesh-forming, body-building medicine, containing no alcohol, and being absolutely free from opium, cocaine and all other narcotics.

#### FREE TO THE SICK.

Persons suffering from disease

Persons suffering from disease in chronic forms are invited to consult Dr. Pierce, by letter, free: All correspondence held as strictly private and sacrediy confidential. Address Dr. R. V. Pierce, Buffalo, N. Y. Sometimes a dealer tempted by the little more profit paid by less meritorious medicines will offer a substitute for "Golden Medical Discovery," claiming it is "just as good," Do not allow yourself to be imposed upon. Insist on getting the "Discovery,"

#### WHAT OUGHT TO BE.

Frank J. Smith, of 413 Van Sielin Avenue, Brooklyn, N. Y., says: "The Medical Adviser ought to be in every household. I have already got some very valuable information from it which alone has more than paid for the st of the bool

This great work, containing 1,508 pages and over 700 illustrations, is sent free on receipt of stamps to pay exbetter. I coughed until I commenced spitting blood, but now I feel much stronger and am entirely well. Dr. Pierce's Golden Medical Discovery is the best medicine I have ever taken."

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Representative to Congress, WM, H, KING, Salt Lake County. Judge of the Supreme Court, J. W. N. WHITECOTTON, Utah County.

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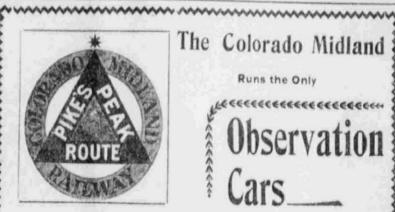
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Just Received Four Carloads of New Goods.

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Well, now, don't let that idea fool you more than half a second. Of course, GLASS is GLASS, on the same principle that EGGs are EGGS; they'll both break. But if you are anything of a judge of eggs you don't have to investigate very closely sometimes to find a difference. We have all kinds of GLASS. GOOD Glass. Glass for Windows, Doors, Skylights, Transoms, Sidewalks, Floors, Pictures and Conservatories. Chipped Glass, Plain Glass, Ground Glass, Florentine Glass, Polished Plate Glass. GLASS! Why, we've Glass to burn, and what's more we've glass that won't burn when you burn it-absolutely fireproof, and not only fireproof but small boy proof, too. The imbedded wire prevents its falling out.

Don't forget that we set all kinds of Glass promptly, and that we want your orders.

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