

## ARGUES QUESTION OF JURISDICTION.

Attorney for James M. Shockley, Convicted of Murder, Heard By Supreme Court.

## CASE ON ITS SECOND TRIAL.

Contention is That Judges of City Courts Have No Authority in Cases of Felony.

The second hearing before the supreme court of the case of the State of Utah against James M. Shockley, convicted of the murder of Amasa Gleason, a street car man, in this city about a year ago, is on before the supreme court today. Atty. R. A. Smith, representing the condemned man, argued in full the point raised as to the jurisdiction of a judge of the city court to hold preliminary hearings in cases of felony. It was argued that according to the constitution the only officials having the power to hold preliminary hearings are judges of the peace, judges of the supreme and district courts.

## AN EXPENSIVE OVERCOAT.

D. H. Carr Gets Four Months for Theft—Bounty Case Tomorrow.

D. H. Carr, who was charged with breaking into the Utah Steam Dye works and stealing an overcoat, was sentenced to four months in the county jail this morning by Judge Diehl. With the consent of the county attorney he withdrew his appeal from the jury trial, and instead thereof entered a plea of guilty to petit larceny. It is alleged that Carr is not his true name and that he was formerly connected with the Independent Messenger service started in this city by Alan Lovey.

Judge Diehl will have the bounty fraud prisoners before him tomorrow morning for pleading. Davies will plead to the charge of conspiracy, while various other charges hang over Charles Jones, Will Phillips, Ed. Hanna and Henry Martin, who are in the work of having to answer to the allegations.

Sidney Wilcox, charged by his partner with inebriability, will be before Judge Diehl for hearing tomorrow, to show why he should not be held to the district court for commitment to the State Industrial school.

## BUTTE ON THE UP-GRADE

Is Sliding But Not Downward—Water Mains and Gas Pipes in Trouble.

According to the Butte News the town is again experiencing a shift of base, such as caused a flurry of excitement two years ago, only this time it is up hill, and so far has not been very serious. The news says: Considerable trouble is being experienced by the gas and water companies owing to the breaking of the pipes under the surface of East Broadway. The ground at the corner of Wyoming and Broadway seems to be rapidly settling and as a consequence the water on one side of the street and the gas on the other have been thrown out of plumb, causing several distinct breaks which are now being repaired. The street is torn up in the work of repairing the mains and it will be at least a day or two before things can again be gotten into shape. The door in the main entrance of the Butte hotel has been thrown out of gear, and it was necessary to repair it before it could be used further.

It seems that the slide, instead of heading down hill as usually the case, is inclining uphill toward the north.

A Guaranteed Cure For Piles. Itching, Bleeding or Protruding Piles. Your druggist will refund money if PIAZO OINTMENT fails to cure you in six to fourteen days.

## ENFORCING NEW ORDER.

Police Determined to Stop Paper Selling During School Hours.

The police are enforcing the new order prohibiting boys under 16 from selling newspapers on the streets between the hours of 8:30 a. m. and 3:30 p. m. on school days. They are determined that these youths shall attend school and as yet only one little fellow has been found on the streets disposing of his wares during the prohibited hours. The lad who was brought to the station told a story that melted the hearts of those present. He said that his father had been sick for three months and that in the family there were nine other children and only one of them working. He went to school in the forenoon and sold his papers in the afternoon to help provide the necessities of life. He cried as he told his story to the police sergeant and upon his promise that he would not again

## Peculiar To Itself

In what it is and what it does—containing the best blood-purifying, alterative and tonic substances and effecting the most radical and permanent cures of all humors and all eruptions, relieving weak, tired, languid feelings, and building up the whole system—is true only of

## Hood's Sarsaparilla

No other medicine acts like it; no other medicine has done so much real, substantial good, no other medicine has restored health and strength at so little cost.

"I was troubled with scrofula and came near losing my eyesight. For four months I could not see to do anything. After taking two bottles of Hood's Sarsaparilla I could see as well as ever." Susan A. Harris, Wood's Sarsaparilla promises to cure and keeps the promise.

so offend, his papers were taken away from him and he was allowed to depart. The sergeant told him to come back to the police station after half past three and get his papers that he might still them.

## WOOLLEY SAYS YES.

Says No Reason Was Given Him and That Office is Above Reproach.

(Special to the "News.") Boise, Idaho, Feb. 8.—When seen in relation to his reported removal from the office of assayer on account of alleged irregularities today, Mr. Woolley said: "I was asked to resign and refused for the reason that the affairs of this office are above reproach. The secretary of the assessor has this day removed me from office but stated no cause for said action."

## JAMESTOWN EXPOSITION.

Gov. Cutler Asked to Have Utah Legislature Make Appropriation.

Gov. Cutler is in receipt of a communication from President Fitzhugh Lee of the Jamestown Exposition company, calling attention to the proposed exposition to be held at Hampton Roads, Va., in commemoration of the settlement of Jamestown, Va. The exposition will open on May 15, 1907, the 300th anniversary of the settlement of Jamestown colony. President Lee asks that the matter be brought to the attention of the Utah Legislature so that steps may be taken to have Utah represented at the exposition. The communication states that the Virginia Exposition has appropriated \$200,000 for the exposition and there has been \$1,200,000 subscribed by private citizens and Congress will probably make an appropriation for the celebration at this session. The matter will probably be referred to the Legislature for consideration.

## PUBLICITY COMING.

Says That Scandal in St. Louis Fair Case Will be Ventilated Soon.

It is stated that publicity is coming, and coming very soon in the St. Louis exposition commission affairs which have been under fire for the past two or three weeks. It is evident that there is a scandal connected with the business. This is declared by a thoroughly ventilated. Already Sheriff Emery has made demands for certain documentary evidence in the case. However, he was informed that he could not have it at this stage of the inquiry. He reported to the board of directors that he had been called to the attention of the prosecuting attorney's office and that he would not discuss the subject in advance of what is expected to occur. Meanwhile, the committee is pushing the work to a speedy close and will probably report within the next few days.

Among those who were before the committee yesterday afternoon were ex-Gov. Wells and Gen. John C. Cannon. The latter has been acting as secretary of the Utah world's fair commission.

## TO PREVENT THE GRIP

Laxative Bromo Quinine, the world-wide Gold and Grip remedy, removes the cause. Call for the full name and look for signature of E. W. Grove, D.C.

## REAL WINTER WEATHER.

Temperature Low With Wind Blowing At Rate of 48 Miles an Hour.

There is a fair-sized gale on today, with the wind blowing from the north-west, and snow has been flying in the air. Up in the mountains appearances would indicate a heavy fall of snow, which will be encouraging enough to the farmer and fruit grower, the wind being at least as high as 48 miles an hour, and during the night the snowing over the large plate window glass in front of the State Bank of Utah was wrenched loose and blew against the window. The result was the destruction of \$225 worth of French plate, and much inconvenience was experienced thereby today. The window was insured.

## WEATHER REPORT

Record at the local office of the weather bureau for the 24 hours ending at 6 a. m. today:

Barometer reading at 6 a. m., 25.55 inches; minimum at 8 a. m., 25.40; maximum at 3 p. m., 25.60; which is 3 degrees above normal. Excess of the daily mean temperature since the first of the month, 66 degrees. Excess of daily mean temperature since Jan. 1, 28 degrees.

Precipitation since the first of the month, 1.12 inch, which is .69 inch above normal. Deficiency in precipitation since Jan. 1, 39 inches.

Forecast for Salt Lake City and vicinity: Clearing this afternoon; probably fair tonight and Thursday.

For Utah—Forecast taken at Denver, Colo.: Tonight fair south, snow north portion. Thursday generally fair.

West Wyoming: Tonight and Thursday fair; colder south portion.

Today's Temperature.

6 a. m. 25.55; 7 a. m. 25.50; 8 a. m. 25.40; 9 a. m. 25.30; 10 a. m. 25.20; 11 a. m. 25.10; 12 m. 25.00; 1 p. m. 24.90; 2 p. m. 24.80; 3 p. m. 24.70; 4 p. m. 24.60; 5 p. m. 24.50; 6 p. m. 24.40; 7 p. m. 24.30; 8 p. m. 24.20; 9 p. m. 24.10; 10 p. m. 24.00; 11 p. m. 23.90; 12 m. 23.80.

Yesterday's Record.

Highest 28.00; lowest 23.00.

## UTAH MEN GET GRADING CONTRACT

Dunlay Bros. Who Worked on Salt Lake Route Shipping Their Outfits.

## TO CONSTRUCT D. & R. C. BRANCH

Will Build a Portion of the Line from Durango to Farmington, New Mexico.

Dunlay Bros., the contractors who did considerable work on the Salt Lake Route, including the Moapa fall, have cleaned up their outfit and shipped them to Durango, Colo., via Provo.

This Utah branch contractor for construction on the Durango-Farmington branch of the Denver & Rio Grande which is to be built at once and which will tap one of the best agricultural sections of southern Colorado.

It is said that this road will not stop at Farmington but will be pushed on further south and west and invade territory heretofore considered the sole property of the Santa Fe and the Southern Pacific.

As it is the contractors are under no orders to complete the sections they have bid upon.

## J. ROSS CLARK HERE.

Mrs. Clark Will be the First Lady to Travel Over Road.

J. Ross Clark, vice president of the San Pedro, Los Angeles & Salt Lake road, accompanied by Mrs. Clark and Alex J. Johnston, cashier of W. A. Clark & Bro., bank of Butte, arrived from Montana this morning and will proceed to Los Angeles over the rails of the Salt Lake Route tomorrow morning.

Mrs. Clark will have the honor of being the first lady to travel over the new road right through to the city of the Angels, while this will be the first visit of Mr. Johnston to California.

Mr. Clark stated this morning that the situation was unchanged, work was being rushed to clean up at an early date possible, but nothing definite was forthcoming as to the exact date of the opening of the road for traffic.

## FOREMAN AT POCATELLO.

Lew Richardson Leaves Salt Lake to Take Charge of Shop.

Lew Richardson of this city has gone to Pocatello, where he takes charge of the big shops in the capacity of general foreman. Richardson is an old-time Pocatelloite, where he was county foreman for a number of years. About three years ago he left there to take a position at Kankakee, Ill., but came to Salt Lake about a month later and entered the employ of the San Pedro road.

## BIDS CALLED FOR.

Pacific Construction Seeks Tenders for the Goldfield Extension.

R. W. Welsh, chief engineer for the Pacific Construction company, is advising bids for the grading and tracklaying of the Goldfield Railroad between Tonopah and Goldfield, a distance of 31 miles. All track material and lumber for trestles and culverts will be delivered by the company to the contractors on the ground at Tonopah.

## SPIKE AND RAIL

Superintendent of Telegraph Dyer of the Salt Lake Route is once more off to the front.

Supt. Van Housen of the Salt Lake Route returned this morning from a trip down the line.

General Supt. E. Buckingham of the Short Line returns tomorrow from an extensive trip of inspection north. The story of the coming changes on the Santa Fe is in line with the special correspondence to the "News" from New York on the subject three months ago. It looks as though Harriman had a hand in the matter more than even.

The Cody, Wyo., Enterprise editor indulges in half a column relating incidents surrounding the appearance of William L. Park, recently appointed general superintendent of the Utah Pacific, who began life as a printer's devil in his office.

E. W. Gillet, of the Salt Lake Route is sending to many friends in Salt Lake a box of the celebrated Sunny Mountain oranges, said to be the finest grown in California. They come from Riverside, Cal., on the through line of the Salt Lake Route, and the road is just now running excursions from Los Angeles to Riverside Tuesdays and Saturdays, giving each passenger, free, a box of these oranges. This is done for the purpose of advertising California and the various counties thereof.

Three bills were introduced in the house, Nos. 42 and 46 went to the judiciary committee, and 77 to the committee on county municipal affairs.

One senate bill was passed. It was No. 49, by Hollingsworth, fixing the end of the fiscal year at the 30th of November, and requiring all public officers to submit their reports by Jan. 1.

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## PARTISAN BOARD BILL GOES BACK.

Democrats Readily Support Return of Measure They Call Unfair.

## A NEW INSANITY BOARD BILL.

Committee Offers County Boundary Line Substitute—Sensors Settle Down to Busy Afternoon.

It was grind day in the senate this afternoon. The Democrats were not arrayed against Watson's partisan board measure, as when the bill was called Senator Walton moved that it be recommitted to the committee on public lands. Senator Bamberger, the chief opponent of the measure, seconded the motion, and it carried unanimously. An endless run on committee reports and routine matters consumed the remainder of the session.

## INSANITY BOARD.

Senate bill 58, by Clegg (by request) amends the law relating to the government of the mental hospital. It abolishes the present board of ex-officio members, and establishes a regular board to be known as the "Board of Insanity." It is to be bi-partisan, consisting of three members, not more than three of whom shall be of one political party. They are to be appointed by the governor for a term of four years. An annual salary of \$100 is provided for each member, in addition to traveling expenses.

## JURY COMMISSIONERS.

The committee on county and municipal affairs reported favorably on S. B. 28, the bill to amend the law relating to jury commissioners. The new measure is a move in the direction of more careful scrutiny of vouchers by having them passed through the hands of the county commissioners of the county in which the duty of the commissioner is performed.

## COUNTY BOUNDARY LINES.

The judiciary committee reported a substitute bill for Hollingsworth's S. B. 28 on the establishment of county boundary lines. The new bill is more definite in its instructions and instead of allowing the county commissioners to secure the services of the state engineer on their own application it compels them to submit their cases to the state board of examiners who shall control the actual operations of the engineer's office, in the boundary question.

The specific situation which called for the bill is that of Weber county's boundaries, which are "the sum of the Wasatch range." As the sum of a four mile wide plateau, there is much land over which assessors of Weber, Rich and Cache counties dispute. The courts of the same counties, and the recorder's offices are under the same difficulties.

## COMMITTEE REPORTS.

The judiciary committee had a large number of minor house bills to report. It reported favorably on H. B. 21 by Kinney, amending the law relating to judges acting as attorneys. On H. B. 48 by Miller, it recommended a veto. The bill relates to justices' courts.

On Kuchler's H. B. 11, relating to changes of venue, it recommended a favorable report. It did also on Kinney's bill No. 45 on motions and orders. Another Kinney bill, No. 49, likewise came out unscathed. It relates to the preparation of bills of exception.

On a bill to amend the state constitution—this time on H. B. No. 12, providing to whom process shall run from municipal courts. These bills were all of a nature that is expected to free them from any opposition, and their passage is expected.

The committee on mines and mining recommended favorably Curtin's H. B. 1, a bill of powder and explosive oil in coal mines.

The committee on labor reported favorably on H. B. No. 10, by Austin, regarding the employment of violence to employees.

The mining committee reported H. J. M. No. 2 favorably. It gives moral support to the school of mines of the University of Utah.

## MISCELLANEOUS.

Senate bill 53, by Beannon, provides that any person who is examined in cities of the first and second class, and that guardians be compelled to send children under their care to school, between certain ages.

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## WATCH FOR

The big advertisement of HUSLER'S FLOUR in this paper on next Saturday, Feb. 11.

## 25 Free Prizes

EVERY WEEK. We'll tell you all about it then.

way without first obtaining the consent of said board. It also makes provision for hitching-posts and posts for carrying or holding mail boxes, and sets out that no sign board shall be permitted to extend across any sidewalk at a less height than 12 feet above the level of the sidewalk. It shall be unlawful for any users of water from any ditch, stream, well, etc., to permit the same to run to waste upon any highway in a manner to damage or interfere with the proper use of the same. All work on the roads shall be under the supervision of the state engineer and county commissioners, and the former shall prepare and issue a comprehensive manual road building.

The bill appropriates \$1,000 for each county in the state annually, which fund shall be available in the proportion that each county in the state shall expend a like amount in connection with the state in the construction of roads with such counties under the terms of this act.

The bill designates a lawful material to use in the covering of roads, either broken stone, slag, or similar material, or fine gravel; but this designation shall not prevent the use of other material when in the judgment of the county commissioners or state engineer, or both jointly, other material is more available and suitable.

Another provision of the bill is to the effect that if any appropriation of money by the national government shall become available to this state, it shall be distributed to the several counties conformably to the terms and operation of this state-aid highway improvement law, and the counties desirous of becoming a beneficiary of national aid shall notify the governor of that fact, stating the amount desired.

The measure is perhaps the most far-reaching one introduced during the session, and its reception by members of both houses will be watched with no small degree of interest.

## ENDORSE THE RESOLUTIONS.

Despite the protest entered by Representative Simons against the petition of the residents of Spanish Fork, addressed to members of the house some time ago, a communication was received today signed by 50 odd residents of Salem, Utah, endorsing the sentiment expressed in the resolution and pleading for a reduction of state taxes.

The bills scheduled for third reading this afternoon were as follows: House bills Nos. 66, 67, 70, 72, 93, 97 and 38, and senate bills 15, 30, 33, 39 and 117.

## INTRODUCTION OF BILLS.

Joseph introduced H. B. 117, a substitute for H. B. 9, relating to taxing the net proceeds of the saline products of lakes and springs.

H. B. 128, by Dean amends section 427 of the Revised Statutes relating to the beheading of waters.

H. B. 129, by Joseph, is an act providing for the payment of interest on all deposits for meters made by patrons of electric light and water companies.

H. B. 130, by Hopes, amends section 219, Revised Statutes, relating to notice of sale of personal and real property on execution.

H. B. 132 by McCrea is an act to amend section 13 of chapter 103, laws of 1904, relating to concurrent jurisdiction of city courts in cities of the first class with district courts.

H. B. 133 by Stewart, is a bill for an act creating a state board of horticulture, and placing the same under the control of the Agricultural College of Utah.

## COMMITTEE REPORTS.

The conference committee on H. B. No. 9 by Joseph, recommended the passage of H. B. 127, submitted as a substitute.

The committee on judiciary recommended H. B. No. 87 by Gundry, providing for the manner of locating and recording quartz and placer mining claims.

The committee on conditions expenses recommended the payment of certain claims for legislative supplies, aggregating \$261.93.

The committee on judiciary recommended the passage of H. B. 78 by Haxley, relating to the docketing of judgments; also the non-passing of H. B. 72 by Kuchler, providing the form of summons in civil actions.

## BUSINESS NOTES.

Today's local bank clearings amounted to \$801,864.76 as against \$556,554.53 for the same day last year.

A copy of the articles of incorporation of the Brooklyn Water Development company of Elsinore, Sevier county, was filed in the secretary of state's office today. It is a corporation of \$20,000, divided into shares of the par value of \$1 each. J. H. Lowe is president; J. A. Moore, vice president; R. A. Lowe, secretary and treasurer.

Landlord Fred Wey of the Wilson hotel has secured possession of the 60x115 foot lot at the southeast corner of State and First streets, between Spencer and Clay streets, for \$8,500. On this corner, it is Mr. Wey's intention to build some time this spring, a family hotel of four stories, containing 70 to 80 rooms, and costing \$25,000. This will fill up the gap between the great Emory Holmes apartment house and the Holmes Terrace, and make a very solid looking street, quite metropolitan in appearance.

## NEW YORK CLOSING STOCKS

Wednesday, Feb. 8, 1905.

Atchafalpa ..... 107 1/2  
Baltimore & Ohio ..... 107 1/2  
Canadian Pacific ..... 107 1/2  
Chicago & North Western ..... 107 1/2  
Missouri Pacific ..... 107 1/2  
New York Central ..... 107 1/2

## Reminder

The J. G. McDonald Candy Co. are the sole manufacturers of WHIPPED CREAM CHOCOLATES and propose to protect the public against imitations. We are also the originators of Opera Bar, Za Za Bar, Sapho Bar, Chocolate Foun and Nut Nuggets. On some of these articles we have been copied and the public deceived, but as yet there is no imitation on our LATES. We take this opportunity of advising you that McDonald's is the original, and we will protect our interests against infringers.

## DIED.

KIMBALL.—At Victor, Bligham County, Idaho, Maggie Edmonson, wife of Archie R. Kimball, deceased, was born at Hyde Park, Cache county, Utah, Oct. 22, 1880.

BULLOCK.—At Cedar City, Iron county, Jan. 31, 1905, Maggie, the 18-month-old child of John and Mary Jane Arthur Bullock.

KEMPLAND.—At 241 east South Temple street, this city, Feb. 7, 1905, of pneumonia, Margaret W. Kempland, daughter of Henry W. and Elizabeth Irvine Kempland, born Feb. 26, 1878, in Salt Lake City.

Funeral services will be held Friday, at 1 p. m., from 241 east South Temple street. Friends are invited to attend. Interment in city cemetery.

## The SWAN Fountain Pen

\$2.25 each \$3.50 each \$5.00 each

Having all desirable qualifications and no objectionable features is

## The Best.

They are fitted with "MABLE, TODD & CO." Gold Pens.

Made in all grades of points, STUB TO EXTRA-FINE.

thus enabling the writer to possess the most satisfactory Fountain Pen obtainable.

Call on us to send, and we will match your Steel Pen.

UNRESERVEDLY GUARANTEED.

FOR ONE YEAR.

FOR SALE BY Deseret News Book Store, C. R. Savage, Margate Bros., Kelly & Co., Salt Lake News Co., Barrow Bros.

## Thursday, Friday, Saturday

To make the Last Three Days of the week unusually attractive we offer special sales in every department in the store and in addition give

\$5.00

IN GOLD TRADING STAMPS WITH EVERY DOLLAR PURCHASE IN EVERY DEPARTMENT IN THE STORE. (Except Muslin Underwear.)

SHOES.—Notwithstanding our immense stock of shoes, Slippers and Rubbers, it is not advisable to delay your purchasing until the lines are broken. Entire store to be closed out at</