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DESERET EVENING NEWS.

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TRUTH AND LIBERTY.

10 PAGES—LAST EDITION THURSDAY DECEMBER 5 1907 SALT LAKE CITY UTAH FIFTY-SEVENTH YEAR

KANSAS CITY HAS BIG BANK FAILURE

National Bank of Commerce Closed by Order of the Board of Directors.

LIABILITIES $24,276,429.26.

Since Last Statement in August Institution's Deposits Had Been Reduced Half.

President of Clearing House Says Other Banks Will Not be Affected—Reopening is Doubtful.

Kansas City, Dec. 5.—The National Bank of Commerce of Kansas City, Mo., one of the largest in the west, with deposits of $16,000,000, closed its doors this morning and was taken in charge by a national bank examiner under an order of the comptroller of currency. Later two small outlying banks in which the Commerce was interested, the Stockyards Bank of Commerce and the Union Avenue Bank of Commerce, also closed.

The failure of these banks had been predicted for several days and but little excitement followed the announcement of the news, although crowds of depositors gathered about the doors of these institutions. The officials of the Commerce, which is affiliated with many banks here and in other parts of the southwest, express the opinion that none of them will be seriously affected. The failure is laid to the withdrawals of outside banks within the past two months of $18,000,000 of deposits. They expect to reopen soon and say depositors will be protected in full.

Other local banks were not seriously affected up to noon, and at several banks heavy deposits were made.

The following statement was issued at noon by Dr. W. S. Woods, president of the National Bank of Commerce, for the board of directors:

"TO THE PUBLIC:

"Much as we regret to do so, we are compelled to close the doors of the National Bank of Commerce, but we have not been able to collect money from our borrowers as fast as the same was demanded by our depositors, caused by unjust and unfounded rumors vigorously circulated.

"During this panic we have reduced our deposits from $35,500,000 to about $16,000,000, thus paying out over the counter and by transfer to other banks in this city and other cities about $18,000,000 of deposits. This, of itself, tells of our resources. We have made the fight of our lives, but could not stand the tide against us. We hope to be able to open up the bank in the near future for business. We don't believe it possible for a depositor to lose a dollar. We beg your indulgence and forbearance until out affairs can be arranged to the satisfaction of all. We appreciate sensibly the confidence our numerous customers, large and small, have placed in us. We hope to show in the end that we have been true to this trust."

The following notice was posted on the door of the bank at 8:30 this morning:

"This bank has been closed by order of the board of directors. It is in the hands of James T. Bradley, national bank examiner, by order of the comptroller of currency."

The bank had been in a weakened condition since its last statement, which was issued Aug. 22 last. At that time it was stated the bank owed the clearing house close to a million dollars. When the financial disturbance came and the clearing house decided to issue clearing house certificates, rumors regarding the Commerce's condition increased until within the past few days numerous conferences of other national banking officials here were held and means of keeping the bank open were discussed. Yesterday much surprise was expressed when the request of the comptroller for a statement of condition of banks was not responded to promptly by the National Bank of Commerce.

Other local banks issued their statement showing a healthful condition, but the officials of the National Bank of Commerce announced that its statement would not be forthcoming. This created further distrust in the bank's condition and after conferences lasting into the early hours this morning the clearing house officials decided they could not aid the bank.

The statement of the National Bank of Commerce which appeared in the morning papers, showed that since the statement of Aug. 22 last, the deposits had been reduced from close to $35,000,000 to $16,943,694. The statement showed also that the item of loans and discounts had been cut down $4,000,000. The statement issued this morning follows:

RESOURCES:

Loans and discounts	$12,898,656.06
Real estate	697,542.07
Five per cent redemption fund	50,000.00
Cash and sight exchange	5,343,460.10
U. S. bonds, par	1,280,000.00
Other high grade bonds	4,006,771.03
Total resources	$24,276,429.26

LIABILITIES.

Capital stocks	$ 1,000,000.00
Surplus and undivided profits	1,639,724.57
Circulation, account	1,000,000.00
Due deposits	16,942,694.69
Clearing house certificates	3,694,000.00
Total liabilities	$24,276,429.26

PRINCIPAL OFFICERS.

The principal officers of the Commerce bank are Dr. S. Woods, president; W. H. Winants, vice president, and William A. Rule, cashier. Its directors and stockholders include some of the most prominent men in Kansas City. Dr. Woods also is president of the Commerce Trust company of Kansas City, which has a capital of $1,000,000 and deposits of $1,598,400. Since its last statement the deposits of the trust company have increased nearly $900,000 and that institution is believed to be in a sound condition.

The National Bank of Commerce held the deposits of the numerous small banks in this part of the southwest. What effect the failure will have on them is problematical. On Aug. 22 last, the Commerce owed other national banks $13,299,450 and state banks and bankers, $9,819,499. There had been no run by local depositors, but many of the outside banks caused the trouble by withdrawing their funds on deposit with the Commerce.

The National Bank of Commerce was a United States depository and the August statement showed these items among its items: U. S. deposits, $227,913; deposits of U. S. disbursing officers, $52,086.

The Bank of Commerce was interested in many local enterprises. Its individual depositors were among the largest of any bank in the city. Its statement printed this morning showing the heavy falling off in deposits drew a big crowd of depositors to the bank as early as 9 o'clock, evidently intent on withdrawing their money. More or less excitement followed the news that the bank had been closed, and the crowd gradually grew in size until it stopped traffice.

CASHIER'S STATEMENT.

William A. Rule, cashier of the bank, made the following statement this morning in the presence of Dr. Woods, the president:

"The directors of the National Bank of Commerce thought it was best to at least close temporarily. We made the fight of our lives but conditions were against us. The depositors will not lose a cent."

Dr. Woods acquiesced in what Cashier Rule had said and added:

"You may also say that the Commerce Trust company is absolutely all right. Yesterday its statement showed 60 per cent of its cash on hand."

James T. Bradley of Sedan, Kan., national bank examiner, said:

"I have taken charge of the Bank of Commerce and, following the policy of the administration and doing my duty as bank examiner, I shall make every effort to set the bank on its feet. I have not been able to investigate matters as yet. I cannot say definitely when the bank will re-open."

PRESIDENT OF CLEARING HOUSE.

James F. Downing, president of the clearing house, said:

"Up to yesterday the Bank of Commerce owed the clearing house $300,000. This account was settled. I consider the failure due to lack of conservatism. None of the other banks here has found it necessary to ask aid of the clearing house and I consider them perfectly sound. The Commerce failure will not affect them."

BANK'S NEW HOME.

A new home for the bank, being erected by Jarvis Hunt, the New York architect at a cost of $1,500,000 is just nearing completion. The Commerce was to have moved into the building within a few months and recently had let contracts for expensive furnishings. One contract was for $25,000 worth of specially designed furniture, let to a Boston firm.

The National Bank of Commerce was the outgrowth of the Kansas City Savings association organized in 1865 with a capital of $1,000,00, was reorganized. In 1882 the association was re-organized as the National Bank of Commerce with a capital of $200,000. In 1887 the capital was increased to $1,000,000. In 1897 the Bank of Commerce took over the business of the Midland National bank and the Metropolitan National bank, of Kansas City. In June 1901, the National City bank of New York City was said to have made an offer to buy a majority of the stock of the Bank of Commerce, but it was refused.

Dr. W. S. Woods, president, and William A. Rule, cashier, have both been connected with the bank for many years. Dr. Woods has been interested in many enterprises. In his early career he practised medicine in Paris, Mo., later he established a wholesale grocery business at the terminal of the Union Pacific railway, moving it westward with the building of the road until he had reached Salt Lake City. In 1889 he established the Rocheport Savings bank at Rocheport, Mo.

He came to Kansas City in 1880. For a time he was a member of the wholesale dry goods firm of Grimes, Woods, La Force & Co., about the same time he engaged in the cattle business in the Black Hills with his brother, James M. Woods, and supplied the government with beef for the fort and Indians in the north. He is a stockholder in numerous concerns. William A. Rule came here from St. Louis.

NEW YORK CORRESPONDENT.

New York, Dec. 5.—The New York correspondent of the National Bank of Commerce of Kansas City is the First National bank. An official of that institution said today that the Kansas City bank had a large credit balance with the First National. The stock market was affected by the news of the failure, but not to a serious extent.

COMPTROLLER'S STATEMENT.

Washington, Dec. 5.—The comptroller of the currency today issued the following statement regarding the failure of the National Bank of Commerce of Kansas City:

"The comptroller's office has been advised that the officers and directors of the National Bank of Commerce of Kansas City, Mo., decided not to open its doors today, and requested the national bank examiner to take charge until their assets could be realized on, when there is strong hope that the bank may be able to resume.

"This bank is one of the largest in the west and in September last had about $34,000,000 on deposit. Something like $22,000,000 of this was due to other banks. The failure is doubtless due to calls which have been made on the National Bank of Commerce for these banking balances and their inability to realize on their assets quickly enough to meet them.

"It is too early for the comptroller's office to give any details of the failure, but it is hoped that the bank will be found solvent so the depositors can be paid in full if the bank is not able to resume."

NO DIVVY NOW.

Chicago Telephone Companies Get All the Nickels.

Chicago, Dec. 5.—Chicago's thousands of druggists are the first to be hit by the new telephone ordinance. In the same class are the hotels, restaurants, and saloons where public telephones are installed and the proprietors have received a share of the receipts. In the future they will get nothing. All the nickels will go to the telephone company.

Under the old arrangement the company would put a telephone in a drug store under an agreement whereby after a certain guaranteed amount had been put in the coin box by the patrons of the store, the remainder was divided between the druggist and the company. In some cases the sum the druggist collected every month was considerable.

It happens, however, there is a clause in the new ordinance which provides that the company shall furnish telephones "without discrimination and at the same rates" to all persons electing to take any class or kind of service. Asst. Corporation Counsel Miller, to whom the question was referred by Prest. Wheeler of the telephone company, decided yesterday that inasmuch as all these public telephones are in the class of the nickel in the slot measured rate instruments, the company must charge the same for them as for residence telephones used only by one subscriber.

DOUGLASS MAY BE REAL CRAZY

Prisoner Who Attempted Suicide In Penitentiary is Under Examination.

HE ACTS IRRESPONSIBLY

Former Blacksmith of Huntsville Who Killed His Wife Shows Indications of Insanity.

Judge George G. Armstrong is this afternoon conducting an examination as to the mental condition of John Douglass, an inmate of the state prison. The man attempted suicide only a few weeks ago, by slashing his throat with a knife. He was thwarted in his purpose, though his condition for a time was very serious, and the prison physician was barely able to pull him through.

ACTS CRAZY ANYHOW.

Since recovering from the effects of the knife wounds Douglass has given strong evidence that his mind is unbalanced. His actions are so much like those of an insane person that it has been deemed advisable to have his case passed upon by physicians.

KILLED HIS WIFE.

Douglass was at one time a life prisoner, but a short time ago his sentence was commuted to a term of 25 years. He has served about 10 years. He was a blacksmith at Huntsville, Weber county, and there while in a state of intoxication, killed his wife.

GT. NORTHERN RESTRAINED.

From Collecting Excess Over the Old Rate on a New Rate.

Helena, Mont., Dec. 4.—Judge William H. Hunt, in the federal court here today, signed an injunction restraining the Great Northern railway from collecting the excess over the old rate on a new rate which went into effect Nov. 1, until the interstate commerce commission has decided as to the merits of the new rate. The new tariff only affected lumbermen of Flathead county, who brought the suit, alleging that ulterior motives influenced the Great Northern in increasing the tariff 30 per cent.

Judge Hunt held that the federal courts have exclusive jurisdiction in cases involving a construction of the interstate commerce commission and that it had the right to grant a temporary injunction until the action of the commission. This is among the first questions raised which test the power of the courts to enjoin carriers before the interstate commerce commission can act upon the rates charged. Somewhat similar cases were recently decided in Seattle by Judges Hanford and Wolverton, who based their decision upon the ground of jurisdiction under the anti-trust law, while Judge Hunt bases his under the interstate commerce legislation.

It is expected the cass will be appealed to the supreme court of the United States.

KAMAS WOMAN WANDERS AWAY

Bloodhounds May be Brought From Spokane to Aid In Search.

(Special to the "News.")

Kamas, Utah, Dec. 5.—Mrs. Mary Simpson, 65 years old, wandered from her home in this place early this morning and up to a late hour this afternoon no trace has been found of her. It is feared that some mishap has befallen her, and her husband and family are almost distracted. Searching parties were organized soon after her disappearance was discovered at 1 o'clock this morning, and these, headed by the husband, John Simpson, and four sons, are scouring the hills and canyons in the hope of finding the missing woman. Telegrams have been sent to Salt Lake for bloodhounds, but none were to be had, and it may be that hounds may be brought from Spokane to aid in the search.

MENTAL WEAKNESS.

For several years Mrs. Simpson has been in very poor health, and her bodily afflictions have at times affected her mind. It is thought that she wandered away this morning while suffering from one of these mental attacks. Almost the entire town is out searching for her, with the hope that she will be found soon. Mrs. Simpson is the mother of four sons and three daughters, a family greatly respected in this section.

POLICE MANUAL.

Poring Over It to Commit It to Memory Gave Policeman Apoplexy.

Chicago, Dec. 5.—A dispatch to the Tribune from St. Louis, Mo., says:

Apoplexy, brought on by the brain fag of poring over the police manual which the police board had ordered him to commit, word for word, within 30 days, cost Sergeant Anthony Connolly his life yesterday, according to friends of the policeman.

After 30 years of service, and at 55 years of age, Sergeant Connolley sat late into the night delving into the manual, after having walked a beat all day.

Members of Sergeant Connolly's family say that during his study from Sept. 12 until Dec. 12 he never studied less than an hour and a half at home and also spent his time riding to and from the police station poring over the manual.

BROADWAY THEATER LEASED.

New York, Dec. 5.—The Broadway theater building, located on Broadway between Fortieth and Forty-first streets has been leased to Felix Isman of Philadelphia, for a long term of years beginning in May, 1909, when the present lease expires. The rental is said to be $75,000 a year. The theater was leased to Jacob Litt in 1899 at a yearly rental of $40,000, and A. W. Dingwell, the surviving member of the firm of Litt & Dingwall, declined a few days ago to renew the lease at nearly double the present rental. It is understood that Mr. Isman intends to convert the theater building into a department store. The property, which belongs to the estate of the late Count Zborowski, was sold in 1851 for $36,500. Its assessed valuation today is $1,322,000. The old Broadway theater has been the scene of many notable theatrical productions and has been known as one of the most prosperous theaters sin New York. Mr. Dingwall announces that the firm of Litt & Dingwall will have another Broadway theater before their lease of the present one expires.

HENRY PEERY SINKING.

Message Says He Cannot Last Through the Night.

Bulletin—A message received at 2 p. m. today by J. A. Pollock & Co., from Los Angeles stated that D. H. Peery would not live through the coming night, and was sinking very fast.

NEW BARRACKS FOR LOGAN.

Denver, Colo., Dec. 5.—Preparations are being made to ask Congress for an appropriation of $59,000 for the erection of new barracks at Fort Logan, near this city. To gain a better water supply for irrigation, Gen. Earl D. Thomas, commanding the department of Colorado, yesterday inspected ranches surrounding the fort, in preparation for a report on necessary improvements of the war department.

A GIGANTIC MASTODON.

Teeth and Bones of One Unearthed Near Helena.

Helena Mont., Dec. 5.—While at work on the Milwaukee roadbed near Helena yesterday, workmen unearthed the teeth and bones of a gigantic mastodon. The largest tooth weighs more than four pounds. Dr. Charles N. Reinig, who has made many explorations in the wilds of South America and who has a large collection of mastodonic relics, estimates that the animal has been dead for more than 20,000 years. The fossils were found in Jawbone canyon and the theory of Dr. Reinig is that these monstrous animals flourished in these latitudes at a prehistoric period, when the tilting of the earth with reference to the sun, had made this a tropic region.

DECLARATION OF INDEPENDENCE BY WIVES SUGGESTED

Chicago, Dec. 5.—Suggestions for a declaration of independence among wives were made yesterday by Prof. Wm. I. Thomas of the university of Chicago, sociologist and author of "Sex and Society."

He would have the women put away the old-fashioned ideal of complete devotion and intellectual surrender to their husbans' interests, think for themselves, and have some kind of a clearing in the jungle of conjugal responsibilities in which they could stand on their own feet and be mistresses of all they surveyed.

Prof. Thomas expressed his ideas before the Chicago Woman's club, in an address upon "The Future of Marriage."

After touching upon race suicide, women's slavery to fashion, and the like, Prof. Thomas sounded the liberty bell for wives by saying:

"Still another ideal of marriage is a more varied set of interests for the wife. With the household as it is now made up, it is not psychologically a good thing for one person to be dependent upon the will of another and solely attached to his interests. No matter how perfectly a woman is educated in the schools, she will not keep pace with men unless she have some concerns for which she is primarily responsible.

"This does not amount to saying that she must be financially independent or a bread winner, though there is no objection to that. But her life demands some first-hand reaction to the world, for the sake of her character and intelligence.

"Under the pressure of unnatural selection, man made a tardy alliance with woman and the home in primitive times. He has used woman as a plaything, as a lay figure on which to hang his wealth; has bought her cheap and bought her dear, but he has really associated with her."

Prof. Thomas declared that the kind of wives men liked were of the house dog type, domestic animals, "docile, affectionate, friendly, unquestioning."

"And lending herself to this disposition," he said, "woman has been pliant."

Prof. Thomas declared many of the women best equipped for motherhood were leaving it, in their pursuit of fashion, to the lower and the defective classes.

BUCKINGHAM TO GO.

Resigns General Superintendency of O. S. L. Effective Dec. 15.

E. B. Buckingham will sever his connection with the Harriman lines, Dec. 15. He made this announcement this afternoon. When asked where he will go he explained he is not yet certain. The truth of the matter is that he has had three or four big jobs offered him but considers the South Omaha Union Stockyards' offer the best. He is now being considered in this matter and at a meeting of the stockyard company within the next few days his name will be passed upon finally, Mr. Buckingham leaves with the best wishes of all Harriman officials in this city and leaves with nothing but the best of feeling towards them. "I do not like the idea of leaving Salt Lake; neither does my family, and Omaha is one of the few cities I would go to from Salt Lake under any circumstances. Deny for me," he continued, "all sensational stories of trouble or differences. My leaving is a bread and butter proposition and no matter which position I get or take will have moved forward and upward."

DEFENSE HAS INNINGS.

In the damage suit of the Union Lime & Cement company against the U. S. Smelting company, which has occupied the attention of Judge Marshall and a jury in the federal court since Monday, the defense today began its side of the case. Simon Bamberger, president of the plaintiff corporation, was again upon the stand during a part of the forenoon. The action was brought for the sum of $70,000 for the alleged non-fulfillment of a contract in the matter of limestone.

CLOSELY LIMIT ALL EMIGRATION

Such is Plan of the Japanese Government Regarding the U. S. and Canada.

MINISTER HAYASHI IS FIRM.

Committee That Waited on Him Concerning the Matter Very Much Displeased.

Tokio, Dec. 5.—A committee from the emigration agencies here has held a conference with Minister of Foreign Affairs Hayashi, who announced that the plan of the Japanese government was to closely limit all emigration to the United States and Canada. Some members of the committee angrily announced their opposition to this course, but Minister Hayashi remained firm and dismissed the committee without changing his attitude and making no compromise.

Eiki Yiro, chief of the Japanese bureau of commerce, who a few days ago returned from his visit to the United States and Canada, where he was sent to investigate the immigration problem, gathered representatives of the Tokio newspapers around him at the foreign office this evening and made a statement regarding his mission abroad. He said that there were two classes of Japanese in America, day-laborers, of whom there were 15,000, and agriculturists. It was against the immigration of the former that objection was raised. He had found that many of these classes were desired by employers, but others said their methods of life were objectionable. The Japanese agriculturists generally were successful. Baron Ishii described the existing economic conditions in America, and explained the method of state self-government in the United States. He said that between the trusts and the labor unions the middle class of Americans and foreign laborers suffered, declaring that union labor was largely controlled by unreasoning persons, their attitude being almost that of tyrants, and they were liable to destroy anything standing in their way.

"Japanese engaged in agriculture as land-owners or leasers," said Baron Ishii, "require a few of the best class of their countrymen as laborers, but the government of Japan has been limiting the emigration of this class."

JUDGE LONG REVERSED

Raleigh, N. C., Dec. 4.—The state supreme court in a decision handed down tonight reversed Judge Long of the supreior court in the matter of the $30,000 fine imposed on the Southern Railway company for selling passenger tickets at a rate in excess of 2¼ cents, the state rate. At the same time the decision affirms the act of the court and the constitutionality of the legislative act prescribing punishment of agents and any officials of the road for selling tickets at an excess rate, the bringing of penalty suits of $500 each by individuals against the corporation for violating the law and holding that the federal court has no authority to issue an injunction against bringing suits, criminal or civil, against the railroad.

SAD FATALITY AT CALIENTE

Little Elliott Keats Drops Torch Into Five Gallon Can and is Burned to Death.

(Special to the "News.")

Caliente, Nev., Dec. 4.—At 2 p. m. today occurred a sad fatality which has caused a pall of gloom to hang over this town. Elliott Keats, the 6-year-old son of Mr. and Mrs. Ernest Keats, was playing in the back yard of his home. His mother had a fire built in a laundry stove, which stood in the yard. She placed a five gallon can of gasoline on the back steps of the residence while she went upstairs for a few moments, first warning her little son to keep away from the can.

OIL EXPLODES.

A few moments later, Miss Wedge, who teaches the primary department in the public school and who lives with the Keats family, approached, and saw little Elliott going toward the can with a stick which had most likely been ignited at the laundry stove. She was already being dropped into the cried to him but too late, as the fire can. The explosion followed immediately, the boy's body being enveloped in flames. He ran, screaming, into the house, meeting his mother, who was returning, and who attempted to smother the flames with rugs taken from the floor. Neighbors rushed to the scene, but practically every stitch of clothing was burned from his body, and within 10 minutes, life was extinct.

Funeral services will be held at the residence at 3 p. m. on Thursday, Dec. 5.

MISSING LINK FOUND.

In Chain of Evidence Against Chicago Milk Dealers.

Chicago, Dec. 5.—The missing link of evidence believed by State's Atty. Healy to show a criminal combination among the big milk dealers was found by him yesterday in the form of a letter. It is the long missing letter in which the big firms made an effort to induce the small independent dealers to increase the price of milk previous to the uniform increase in prices made by the big corporations.

One sentence in the letter, which is signed by a representative of one of the largest firms in the city, is considered sufficient to convince a jury that the uniform increase in prices was not merely the result of chance.

"It might not be proper for your organization to take official action in increasing the price," said the letter to the Chicago Retail Milk Dealers' association, "but you may act independently in increasing the price with the assurance that the big dealers will follow your lead."

KANSAS CITY FAILURE.

Salt Lake Bankers Are Not Surprised By the News.

In Salt Lake banking circles this morning, it was stated that the failure of the National Bank of Commerce was not unexpected. While the institution had been a very large one, its deposits amounting to $35,000,000 at one time, it was said that there had been a steady withdrawal from it for many months. The bank was presided over by Dr. Woods, who is very well known throughout the west and his policy of paying 3 per cent interest on bank balances, while other Kansas City bankers only paid 2 per cent, attracted an enormous amount of country deposits. These, however, were the first to order their money shipped them when any signs of trouble arose.

The National Bank of Commerce was the Kansas City correspondent of quite a number of Utah banks, but it is said that they all have been steadily drawing away from Kansas City of late months. The action of the Kansas City banks since the recent financial troubles arose has made that city regarded almost as an "outlaw" by other banks of the country. Kansas City banks receiving remittances from their correspondents throughout the United States, simply declined to do more than pass them to the credit of the houses remitting, they would not transfer funds to New York or Chicago, where they could be used, simply returning the answer that eastern exchange was unobtainable. The result has been that credits in Kansas City banks could only be used in Kansas City exchange, and as western merchants do not buy heavily there, there has been a great deal of inconvenience in utilizing the credits. The feeling has grown so tense among western bankers, that Kansas City items are no longer accepted for either credit or collection by leading institutions.

PAY EXTRA DIVIDENDS.

Two Prosperous Banks Will Make Disbursements This Month.

Advices from Ogden state that the board of directors of the First National bank and the Ogden Savings bank, met yesterday, and after hearing the reports of the officers, decided on declaring the regular dividends payable at the end of this month, with special dividends in addition. The First National pays 8 per cent regular and 4 per cent extra, and the Ogden Savings pays 2 per cent regular and 4 per cent extra.

The boards of directors in the various institutions having headquarters in Salt Lake will meet later in the month, when the dividends due at the end of December and the 1st of January will be declared.

PHYSICIAN ACCUSED.

Dr. Francis Richards Charged With Unprofessional Conduct.

Last evening Dr. Francis Richards was placed under arrest on the charge of performing a criminal operation on a Mrs. H. James, formerly of Helper, Utah, who has been living at the Independence roominghouse. Dr. Richards was taken into custody without a warrant, as no complaint had been filed against him up to the time of his arrest. Dr. Richards at once retained Justice of the Peace Dana T. Smith to defend him. The latter asked the county attorney to release the doctor on his own recognizance, promising to have the accused in court whenever desired, but the request was denied and Dr. Richards spent the night at the county jail.

Richards denies the charge against him. Mrs. James, who made the declaration against the physician, has also made a denial. She at first said that Richards had performed an operation and it is claimed made that statement to Dr. Calderwood. Later she denied making such statement.

This morning the county attorney filed a complaint before Justice of the Peace Bishop and Dr. Richards will be arraigned tomorrow afternoon at 2 o'clock. The bail was fixed at $1,000, and had not been furnished up to a late hour this afternoon.

HAD THIEF, THEN DIDN'T.

Officer Cassidy a Good Catcher, but Poor Detainer.

Patrolman Cassidy, he of the massive frame and bass voice, is the hero of a little escapade which broke the monotony of that portion of town around E street yesterday afternoon. Patrolman Cassidy was detailed some time ago to cover the beat on South Temple street between Main and a point somewhere this side of the eastern foothills. For many weary days nothing has happened and Patrolman Cassidy longed for former beats where there had been robberies, fights and other disturbances galore. Yesterday an opportunity presented itself and the mighty blue coat grasped it—and the cause of it all, a thief.

The tip reached Patrolman Cassidy that an individual of none too prepossessing appearance had stolen a ham from a home somewhere near Fourth East street and was trying to sell the piece of meat in the neighborhood pierced by South Temple street. Patrolman Cassidy hid his club; tucked his red tie within the collar of his overcoat and treading lightly to disguise himself as a school girl—a somewhat difficult task—began his hunt for the man and ham.

Detective Cassidy soon had the fellow under his keen eye. A few minutes later man and ham were held in the officer's mighty hands. To the drug store on the corner of East and South Temple Patrolman Cassidy—no longer a detective because he had finished his sleuthing—marched man and ham. There is where he distinguished himself. Letting go of the fellow Patrolman Cassidy went to a telephone and calling up the police station began:

"Hello, the desk sargent? Sure, Give gol a moo here—" Patrolman Cassidy chanced to look around but the man had disappeared. "Ol haven't but send the patrol anyhow," he broke off suddenly and started after the man. As the thief was out of sight following him was somewhat of a task. The patrol dashed up South Temple street with gong clanging noisily. The neighborhood was searched and women folks rendered half hysterical and—pretty soon the patrol came back. Patrolman Cassidy went on walking his beat.

CONFERENCE IS ON IN SMELTER CASE

Alliance of Farmers Through Executive Committee, Meet Officials of Utah Con.

ON THE HIGHLAND BOY PLANT

Agreement May be Reached by Which Smelter Will Decide Not to Appeal.

Case is An Old One Beginning With Mass Meeting of Citizens in 1904, Followed by Suit in Court.

After the failure of a spectacular attempt to bring the Salt Lake valley farmers, the smeltermen, and the mine owners together for a conference two weeks ago, there is being held this afternoon an important meeting between the citizen's committee, representing an alliance of farmers and officials of the Utah Consolidated Mining company.

The conference is a similar one to that held between the same committee and representatives of the American Smelting & Refining company, at which previous damages were adjusted, and an arrangement made by which the smelter could continue in operation.

For the farmers those present are County Commissioner John C. Mackey of Granger; W. H. Hague, of Taylorsville; J. W. Carlisle, of Mill Creek; H. F. Burton, of Farmers Ward; O. P. Miller, of Mill Creek; Mahonri Spencer, of Taylorsville; A. E. Lee, of Murray, and Jas. Godfrey of South Cottonwood.

The matter of arranging a meeting was suggested by the smelter officials to Judge William H. King, who is one of the attorneys for the alliance of farmers, and who has represented them in a hearing before the federal court in this city, and another before the circuit court of appeals, where the case was taken by the smelter interests. Judge King called the committee together, and this afternoon was agreed upon as the date for the meeting.

STATUS OF THE CASE.

What propositions will be discussed are not known. The status of the case is that the decision of Judge Marshall in favor of the farmers has been sustained by the circuit court of appeals, in a decision rendered only a few weeks ago. A copy of this decision in full has just reached Salt Lake, and is in the hands of Atty. Waldemar Van Cott, of the firm which represents the Utah Consolidated company. The matter of appealing again to the supreme court of the United States is being considered, but no definite move has been made. It is possible that a proposition will be broached setting a date for the removal of the smelter, to be agreed upon by both sides, in consideration for an agreement that no appeal will be taken from the present decision, the date being placed far enough in the future to allow the completion of a new smelting plant in Tooele county.

O. P. Miller, who is chief spokesman for the farmers, declared at noon today that the situation was still a "straight issue between Salt Lake valley and the smelters, and either the smoke nuisance had to be controlled, or the valley abandoned, as even this season little could be harvested of the crops planted in the smoke belt.

HISTORY OF CONTROVERSY.

The present controversy began on a serious scale in 1904, when the Highland Boy smelter completed an addition to the height of its smokestack, and when the opening up of other smelters increased the smoke area from a few miles around the plant, to the city limits, and thus caused the land owners to begin organized action. Conferences with the smelter people were followed by a series of mass meetings, lasting a year, and finally by a suit in the federal court, the farmers having made up their mind that there was no solution to the problem, but the abandonment of their land or the closing of the smelters except in the development of smoke consuming devices. The farmers won their suit, while the smelters have since been busy in making bag houses, or in preparing to move to new sites.

WHAT SMOKE CONTAINS.

The ingredients of the smeltersmoke to which objections were made were found by scientific investigation conducted by Dr. Ebaugh of the University of Utah, Dr. Talmage of the same institution, Dr. Widtsoe of the Agricultural college and a number of other experts, to consist of arsenic dust, copper and lead dust, and sulphur gas. The lead and copper dust did their damage by settling on vegetation, which was eaten by animals, and one exhibit of the case was a sheep's skull with an amalgam coating over the teeth, made by the lead and copper dust. The arsenic dust made it dangerous to eat fruit from the smoke belt, and another exhibit of the case was some dust collected by Dr. Ebaugh from barn rafters containing enough arsenic to kill several people.

The sulphur gas was widest in its range of damage, as when added to the rain it became sulphurous acid and poisoned any standing water into which it settled, or attacked vegetation by eating through the plant cells and destroying the starch. Even barb wire was not immune, and a damage case against the Rio Grande railroad is now on file, the complaint being that the right of way fences from Eleventh South to Murray are rotted away, until an animal can walk through the barbed wire at will.

Many valuable herds died in the Hesse pastures at Twelfth South near the Jordan river from drinking poisoned water in the surface pools, in the spring of 1905, 40 head being buried in one grave.