

CALIFORNIA SCHOOL LAW

U. S. Officials Are Directed to Bring an Action to Test Its Legality.

IS CASE OF JAPANESE PUPILS.

Dist. Atty. Devlin Will Hold Conference With S. F. School Board Regarding Instituting Suit.

President of Board Says the Members Will Not Recede From Position Taken.

San Francisco, Cal., Dec. 5.—Under direct orders from Washington, the representatives of the department of justice in California have been instructed to begin an action in the courts and test the legality of the state statute which provides that children of Mongolian descent shall attend a separate school.

President Altmann of the board of education, yesterday received a communication from United States Dist. Atty. Devlin, requesting a conference that arrangements might be made to institute a suit.

This conference will be held at the rooms of the board this afternoon, when the parties in interest will agree to the procedure.

When the attention of President Altmann of the board of education was called to that portion of the president's message made public yesterday, he said that the utterances of President Roosevelt on the Japanese question would have no effect on the action of the board.

"We have simply put into effect a law passed by the law making body of this state," said he. "Individually and collectively, each and every member of the board believes that it is a good law. We will not recede from the position which we have taken, and believe that our action will be sustained by public sentiment throughout the state, even if the courts should declare it to be unconstitutional or a violation of treaty rights."

London, Dec. 5.—President Roosevelt's declaration in his message to Congress yesterday on the treatment accorded to Japanese in the San Francisco schools specially appeals to the British at the present time because in both South Africa and South Australia a similar anti-Asiatic feeling has created embarrassment for the imperial authorities.

During the present week the home government vetoed a Transvaal ordinance further restricting the privileges of British Indians, even those long resident in the country, while quite recently the government refused to accept an Australian proposal of a preferential tariff "provided the goods were shipped in vessels not employing yellow men."

The newspapers here point out that the western states of America have no monopoly of the anti-Asiaticism, saying the president's remarks "convey a lesson which might well be paid to in other quarters, than that to which it is directly addressed."

INFORMATION ASKED.

Washington, Dec. 5.—Without delay the senate today adopted a resolution calling on the secretary of commerce and labor to furnish the same copies of all official letters, memoranda, reports, etc., filed in the department in connection with the investigation of the matter of Japanese attending the public schools of San Francisco.

The resolution was presented by Senator Flint of California.

TO INCREASE EFFICIENCY OF SKILLED MECHANICS.

New York, Dec. 5.—Frederick W. Taylor, president of the American Society of Mechanical Engineers, at the annual meeting last night, announced the results of 25 years of experiment, which he believes will do much toward increasing the productivity of skilled mechanics and workmen in various lines of industrial activity.

The experiments were undertaken to obtain part of the information necessary to establish in a machine-shop a system of management, the central nucleus of which are to give to each workman a definite task, and an exact time allowance for each element of the work to pay high wages to those who perform their tasks in the allotted time, and ordinary wages to those who take more than their time allowance.

The experiments in the works of the Midvale Steel company, the Bethlehem Steel company and other large concerns.

The work of Mr. Taylor and his associates was to bring the elements of exact science to bear on the domain of machine-shop practice. Their experiments cost about \$200,000, but it was stated, they have found laws covering the important elements of the "art" and have expressed these laws. They developed many rules by means of which the output of a machine previously run by a first-class mechanic using his own judgment.

Similar investigations into other lines of industry, such as textiles and other light manufacturing, it was found that the task set for a machine shop, for instance, was vastly greater than they were or could set for themselves.

LOST AND FOUND.

The Men Hunting Moose Above Lake Superior.

Chicago, Dec. 5.—News came to Chicago yesterday concerning the fate of two men, Lincoln and D. R. Caldwell, lost while moose-hunting above Lake Superior. They are alive and have been rescued. Mr. Lincoln is vice president of the Caldwell Machine company, this city. Mr. Caldwell is a traveling salesman for the same company. When it was learned that they were lost and thought to be dead, E. M. Smith, treasurer of

the company, went to Duluth, and from there started a search.

He telegraphed from Port Arthur, Ontario, yesterday, that the missing men had been found in good health, but weak.

POLICE RESCUE LITTLE GIRL KIDNAPPED BY ITALIANS.

Chicago, Dec. 5.—After a desperate battle in which a shotgun and several revolvers figured and in which two doors were battered down by the police, Giovanni Ulanda, the 14-year-old Italian girl, was kidnapped from in front of 184 Milton avenue Monday night, was rescued last night from a vacant flat. Her abductor, Samuel Farino, 38 years old, who with his brother Charles kidnapped her and detained her in the untenanted flat, was arrested. When rescued, the girl and man were alone in the place, having remained there all night Monday and all day yesterday.

Through an interpreter, the little girl told the story of the kidnapping and the subsequent torture she was made to suffer at the hands of Farino. She said the two brothers were assisted in their kidnapping by two friends. She said she had been forcibly dragged into the home of Charles Farino. She was then held, protesting and crying, to a vacant room in the flat. She was then locked by her captor, who pocketed the key and left her alone with his brother.

"RECONCILIATION" MODEL.

New York, Dec. 5.—R. Hinton Perry has finished the model for his proposed "Reconciliation" which will be erected at a cost of about \$2,000 under the direction of the New York state monument commission for the battlefields of Gettysburg and Chattanooga. Mr. Perry has been selected to design a year on this statue, which is to commemorate the battle of Chattanooga, and will be erected on the summit of Lookout Mountain.

The two figures in the composition typify the reconciliation and reunited country in the blue and grey shaking hands under the flag of the union. It is expected that casting of the statue will be completed in time for its erection next spring.

FOR SUNDAY CLOSING.

Chicago, C. E. Union in Favor of Compelling Mayor Dunne to Close Saloons.

Chicago, Dec. 5.—Members of the Chicago Christian Endeavor union, representing 300 church societies of all denominations, went on record last night in favor of compelling Mayor Dunne to close saloons on Sunday. At a meeting of the union, a strong resolution was adopted urging the mayor to begin the immediate enforcement of the Sunday law.

The recent conviction of a saloon-keeper for selling liquor on Sunday, was cited as proof that the law can be enforced when the violators are prosecuted, and the 15,000 members of the Christian Endeavor movement, here, demanded that all saloons and other places of vice be closed on Sunday.

THE SOUTHERN WRECK.

Investigation Begun to Determine Officially the Cause.

Washington, Dec. 5.—C. H. Ackert, general manager of the C. & E. H. Co., superintendent of the Danville division of the Southern Railway, began an investigation today to determine officially the cause of the wreck last Thursday in which President Spencer and several others lost their lives. The hearing is to be held in private. All the employees who had anything to do with the handling of the two trains have been ordered here to testify.

GOOD ROADS CONVENTION.

Muskogee, I. T., Dec. 5.—The National Good Roads association met here today in annual convention. The meeting will be in session for three days. Several men of national prominence will take part in its proceedings. A feature today was the building of a model road near the national cemetery at old Fort Gibson. The president, W. H. Moore of Chicago, probably will be elected. Gov. Franz of Oklahoma will preside in the Philip H. H. Morgan Shuster, District of Columbia.

Collectors of Customs—District of Willamette, Oregon, Philip S. Malcolm.

PATENTS ISSUED TO MANY SALT LAKERS.

(Special to the "News.")

Washington, D. C., Dec. 5.—Patents issued: Utah—George Curley, Salt Lake, combined continuous kiln and drier; Mathew W. Dalton, Willard, Tenn.; John M. Erickson, Salt Lake City, stove; Charles W. Leibel, Salt Lake City, telegraph transmitter; James W. Neill, Salt Lake City, charging device for furnaces; Charles Schelling, Eureka, elevator attachment; Enoch Smith, Salt Lake City, fire wheel.

Idaho—George W. Harris, Wardner, bottle washer; Joseph Marshall, Salmon, artificial horizon.

Wyoming—William C. Crook, Smoot, combined brush rake and harrow; Howard H. Groo, Big Piney, stacking apparatus.

AMERICAN ARMY ABREAST OF THE TIMES.

Washington, Dec. 5.—The U. S. army is keeping pace with other countries in the matter of modern appliances of warfare. The successful use of wireless telegraphy in the movement of battlefields caused the officials of the war department to cast about for a wireless outfit that could be at once compact and portable and which could be installed in the field in the shortest possible time.

Experiments conducted by the signal service within the past few months have resulted in the construction by the government of a number of outfits of that kind, and they are now being distributed among the various commands.

The high cost of wireless material abroad led the government to make its own appliances at an immense saving. It is stated that they embody the principal elements of the latest improvements of apparatus of this kind.

Although it is felt that these outfits will ultimately be vastly improved upon, they are already capable of doing the most efficient work. They are so constructed that they can easily be transported on the backs of three horses or mules and may be set up in 20 minutes. They can transmit messages about 100 miles and a valuable feature of them is that they will not interfere with each other in their operation. The coast artillery stations will be fitted up with the same outfit by which communication may be had with ships at sea and transmitted to the field.

Arrest of Elsie Klein and Margaret Nagel Clears up Mystery Of Chicago Flat Robberies.

BOTH MARRIED AND MOTHERS.

Thousands of Dollars' Worth of Stolen Goods Recovered—Victims Well-To-do Working People.

Chicago, Dec. 5.—The mystery of a score or more of flat burglaries on the north side was solved yesterday in the arrest of Mrs. Elsie Klein and Mrs. Margaret Nagel, two married women with children. Stolen goods to the value of \$2,000 were recovered, but the value of the property taken by the two women during the last two years is estimated at over \$10,000.

Mrs. Klein is the mother of four children, the youngest of which is 14 months old, and the eldest 9 years. Mrs. Nagel has one child, a boy 2 years old.

Recent complaints had been made during many months of burglaries in neighborhoods inhabited by well-to-do working people. In every instance the robbery was committed in the afternoon while the family was away from home and no trace of ingress or exit could be found. Yesterday Detective Phil Weinrich noticed Mrs. Klein approach several small flat buildings, knock loudly at the door, listen intently and then walk away. In each instance some one came to the door in response to the knocks.

At one place no one answered the knock at the door and then Mrs. Klein was seen to take a key from her pocketbook and open the door. She remained in side for an hour. When she came out, she had a bundle under her arm. The detective quickly captured her. Then he examined the bundle and found miscellaneous stolen property. He also found an elaborate set of skeleton keys in her pocket.

Mrs. Klein made a full confession implicating Mrs. Nagel, who was arrested half an hour later in her own home. Part of the property was found in the two women's rooms.

BANK CASHIER GONE AND HE HAS GONE WRONG.

Kansas City, Dec. 5.—Wm. C. Anderson, collection teller of the First National bank of this city, is missing and E. P. Swinney, the president, admitted this morning that he was short \$9,000 in his accounts. Mr. Anderson, who had been in the employ of the bank for 15 years, left the city on Monday last supposedly on a hunting trip. It developed today that he had absconded with the money in three lots during the past week. Anderson is 49 years old and has a wife and grown daughter here. The bank officials have sworn out a warrant for his arrest and claims to know where he is. Anderson was under bond in a surety company.

NOMINATIONS.

Washington, Dec. 5.—The president today sent to the senate the following nominations:

Members of the Philippine commission and secretary of public instruction in the Philip H. H. Morgan Shuster, District of Columbia.

Collector of Customs—District of Willamette, Oregon, Philip S. Malcolm.

JAPANESE ASSAULTED.

By Men Who Would Not Work and Wanted to Drive Them Away.

Tacoma, Wash., Dec. 5.—Manager Chester of the Alder Mill company, 35 miles south of Tacoma, came into town last night and says there was a little trouble there Sunday and Monday, caused by a few hangers on at a seamen, who would not work themselves and who assaulted the Japanese in the endeavor to drive them away. One of the Japanese was assaulted, but two deputy sheriffs arrived Sunday evening and the Japanese are now at work and the men could not be obtained. Mr. Chester says the mill crew is satisfied and the mill is running all right.

The employment of Japanese laborers is not a new thing on the line of the Tacoma Eastern railroad. They have been doing section work for several years and there is hardly a mill among the 35 on the line that does not employ from 10 to a dozen Japanese.

LOS ANGELES DEMOCRATIC.

Harper Has Plurality of 2,000 Over Gates, Non-Partisan.

Los Angeles, Dec. 5.—Arthur C. Harper, Democratic nominee, was yesterday elected mayor of Los Angeles by a plurality of 2,000. Dr. Walter Lindley, Republican, was third in the race. Stanley P. Wilson, the Municipal Ownership candidate, who was expected to show considerable strength, received only a slight vote. The successful candidate is a prominent in business circles, being senior member of the wholesale hardware firm of Harper-Randall. He has been a resident of the city for 25 years. Mr. Harper has issued a statement saying that he owes his election to the vote of the laboring classes, and that he will show his gratitude for their support. The term of office of mayor is three years.

The city council will stand five Republicans and four non-partisans. All of the remainder of the city offices are filled by candidates on the non-partisan ticket, headed by Gates. The non-partisans claim a substantial victory in that they have elected 15 out of 22 officers of the municipality.

Newsboys Guests of Grand on Friday.

Through the courtesy of Manager Cox of the Grand theater, the Deseret News has made arrangements for the army of newsboys and carriers handling the daily and Saturday issue of this paper, to attend the Grand on Friday night and witness the presentation of "Beware of Men." In this play the favorite actor, Mr. Theodore Lorich, has

the leading part, and as he is a strong card with the boys who circulate the papers, he is bound to have a tumultuous greeting.

The force of newsboys and carriers will number anywhere from 150 to 200, and they can obtain their tickets for the Grand between 1 a. m. and 4 p. m. by applying to the "circulator of the News," Mr. J. T. Dunbar, at the "News" office.

GREAT FLOOD AT CLIFTON, ARIZ.

Fourteen Lives Are Known to be Lost and Much Damage Wrought.

FIRST REPORTS CONFIRMED.

Flood is Worst in History of Eastern Part of Territory and May Force Moving of the Town.

El Paso, Tex., Dec. 5.—A special to the Herald from Morenci, says: "First reports about the Clifton, Ariz., flood are fully confirmed. Fourteen lives are known to have been lost. The Gila valley bank was seriously damaged and many stores on the east side of the river were wrecked. The Caspio bowling alleys and club are ruined. People are camped on the mountain side. One hundred thousand dollars is a conservative estimate of the loss. The flood may force the moving of the town to higher ground. It is built in Chase creek, where it joins the San Francisco river. No wires are working to Clifton."

Number of Good Deals Pending May Materialize Soon.

CONSIDERABLE EXPECTANCY.

Many Fine Pieces of Property Have Been Sold Since the Newhouse Transactions.

The local realty market is more quiet today, but dealers report quite a number of sizeable transactions pending which may materialize this afternoon or evening. One of these is the prospective sale of the old county court house corner, reported to be really sold to Louis Marks at \$200 per front foot, and there are "persistent rumors" of various other desirable pieces of property more or less tied up.

NOTABLE TRANSFERS.

Among the notable transfers of the day is the sale of the R. P. Morris property, 212 east South Temple street, to E. G. Woolley, Jr., of Pollock & Co., for \$3,500, through the Tullitts. Then a deal has just been completed whereby 1824 rods on Fifth South street, belonging to W. G. Chambers has been sold for \$25,000 to parties whose names are withheld for the present. W. J. Horne has sold to Mary L. Barton, \$4,812 rods at the corner of Fourth West and Eighth South streets for \$4,000, and Charles W. Asker has sold to L. M. Smith, 5310 rods at Sixth South and Seventh East streets for \$2,800.

MANY BIG DEALS.

Moels & Lynch and James M. Chambers sold today 2310 rods on Fifth South, between Main and State streets, to A. J. Pendleton and George A. Spiers at about \$125 per front foot, and the firm report several other large deals pending which may be closed at any hour. This is a good deal of expectancy in town, and as an instance of the impetus which the Newhouse transactions have given local realty is noticed by the fact that the Bros. have, since closing their deals for Mr. Newhouse, sold \$225,000 worth of property in the central parts of the city.

COLORADO COAL INVESTIGATION.

Denver, Dec. 5.—Interstate Commerce Commissioner E. E. Clark continued today in this city in accordance with the Tillman-Gillespie congressional resolution the investigation of the relations between coal companies and common carriers and alleged conspiracies in restraint of trade.

Vice President J. F. Welborn of the Colorado Fuel & Iron company, who was a witness at the hearing yesterday, was recalled today. In answer to questions he said he was president and traffic manager of the Colorado and Wyoming railroad, but was unable to give a list of the stockholders of the latter company and for this information he referred the commission to D. C. Beaman, secretary of the railroad company.

Judge Beaman on being called stated that the Colorado & Wyoming railroad had already filed a statement with the interstate commerce commission, in response to the circular of June 12.

He testified that a majority of the company's stock was held by a trust company as trustee. He did not believe he could obtain the names of the actual owners of the stock. He was asked to secure the names and produce them before the commission.

Mr. Beaman was examined further in regard to the earnings of the Colorado Fuel & Iron company during the past few years. It was shown that during the 13 years of the life of the company the earnings were \$18,000,000. Further inquiry brought out a mass of figures showing profits and losses of various years.

A. M. Pryor, a stockman, was the next witness. He owns a lease on 150 acres of coal land in Huerfano county, Colo., and for years had tried to open up a mine. He could not get permission from the Colorado Fuel and Iron company to run a spur line to his land, and finally got the state legislature to pass a bill to allow the spur to be built, but when he interested men with money to open up his mine he was informed that they did not care to buy into a law suit.

Martha C. Brown, receiver of the United States land office at Gunnison, was examined in regard to the coal land taken up through her office in 1902 by representatives of the Utah Fuel company.

She did not remember how much land was taken up by Robert Forrester, geologist of the Utah Fuel company, who acted as attorney for a number of people. The total amount he paid for land was in excess of \$30,000. Smaller tracts were taken by other individuals acting as attorneys for the fuel company.

James C. Craig, secretary of the Rocky Mountain Coal Men's association, testified that his organization had received complaints from all over the state in regard to the shortage of coal. He believed the mines could produce 50 per cent more than they had if care were provided to ship the coal. He knew of no discrimination in the distribution of cars but after a series of questions he said that nearly all of the operators and expressed the opinion that they were not being treated fairly.

Mr. Craig declared that the association had nothing to do with fixing prices for the local consumption of coal.

J. M. Underwood, a farmer living near Gunnison, was examined at length in regard to the coal outlets made in that district for the Utah Fuel company. He raised a laugh by the statement that Robert Forrester of the Utah Fuel company came into the district disguised as a Mormon elder.

P. A. Cannon of Huerfano county testified he was unable to get the permission of the Colorado Fuel & Iron company to run a spur line of railroad across the company's property to his mine.

In explanation of the testimony given yesterday by Charles H. Schlacks, vice president of the Denver and Rio Grande railroad company, that the "company" had raised a laugh by the statement that Robert Forrester of the Utah Fuel company came into the district disguised as a Mormon elder.

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FAST LIMITED ON THE MONON WRECKED.

Chicago, Dec. 5.—Train No. 36 on the Monon railroad, which is the fastest limited of that line between Cincinnati and Chicago, was derailed early today by a broken rail. Eighteen passengers out of a total of 115 on the train were injured, but nobody was killed, and it is not believed any of the injured will die.

The train was going at a high rate of speed, and the rail broke beneath the engine, which, however, passed the place in safety.

All the baggage, mail, passenger and sleeping cars left the track and some of them were badly damaged. There is no doubt that the cause of the accident and the cars merely plowed their way along the ground at the side of the track for a considerable distance before being brought to a stop.

The injuries of the passengers are bruises and cuts received by being thrown about the cars.

The five passengers most seriously injured were:

Frank Kelly, Frankfort, Ind., internally.

Mr. and Mrs. Charles Cromwell, Frankfort, Ind., cut and bruised.

M. L. Davis, Frankfort, Ind., wrist broken.

David Mabbett, Manson, Ind., bruised and cut about head.

John Wilcox, Hamilton, Ohio, ribs broken and hurt internally; in a serious condition.

Frank Cotter, Frankfort, Ind., head and hands cut.

Thomas McDaniel, Frankfort, Ind., shoulder dislocated.

Frank Cotter, Frankfort, Ind., face cut and hand broken.

James W. Boyle, Kilmore, Ind., face cut and badly bruised.

Wm. Kenyon, Frankfort, Ind., shoulder broken.

George Cullum, Frankfort, Ind., face and hands cut.

Miss Mary Minor, Sedalia, cut and bruised.

There were other passengers who received scratches.

All the injured were en route to the Chicago fat stock show.

EIGHT GIRLS BURNED IN MATCH FACTORY EXPLOSION.

Indianapolis, Dec. 5.—In a fire that started from an explosion of thousands of paper matches at the factory of F. A. Rathbun & Co., West Indianapolis, eight women were burned, four of them seriously. The others were painfully burned and injured in their frantic efforts to escape from the building. The most seriously injured are:

Helen Strapp, badly burned about the head, face and arms. She was also hurt by jumping from a second story window.

Hattie Breehive, burned about face, arms and back, also hurt by jumping.

Lizzie Richards, burned about face, arms and back, also hurt by jumping.

Myrtle Strapp, burned about face, head and arms.

Several other girls were slightly hurt.

CALL MONEY 32.

New York, Dec. 5.—Just before the close of the market the call money rate rose 32 per cent. While rates were being made at this figure one large national bank was offering money at 6 per cent.

CHINA TO TAKE NEWCHANG.

Newchwang, Dec. 5.—The Chinese authorities will take over the charge of Newchwang tomorrow.

GRAND JURY AT WORK.

Two Witnesses Were Summoned and Appeared This Morning.

The investigations of the federal grand jury still go on, with no indication that the end of its deliberations is in sight. It was thought that a partial report might be made to the court yesterday, but the supposition proved to be without foundation. On the contrary, additional witnesses were subpoenaed to appear before the jury, and four already summoned were questioned during the day.

WRECK TODAY ON UNION PACIFIC

No. 4. Westbound. Lying on Its Side at Church Buttes. Wyoming.

SEVERAL PERSONS HURT.

Although Train Was Running at a Lively Clip None of the Passengers Were Killed.

All the Cars Left the Track and Four Sleepers Turned Completely Over—Cause of Accident Unknown.

No. 4, westbound Union Pacific, due to arrive in Salt Lake early this morning, is lying on its side near Church Buttes, west of Evanston, Wyo. The train left the track at 2:20 a. m., while running at a good clip.

Fortunately no one was killed although the entire load of passengers received a bad shaking up.

INJURED PASSENGERS.

Those reported hurt are:

Rev. J. H. Gearheart, University Place, Nev., hand hurt.

Ralph James, Osceola, Ill., leg bruised.

Clara Mana, Oakley, Idaho, left arm bruised.

Frank Marks, Ogden, scalp torn.

P. E. Harbough, Standish, Colo., wound in side.

Brakeman H. T. Marsh, Ogden, scalp wound.

Postal Clerk Abbie J. Klepin, Union, Neb., hip bruised.

Just how the accident occurred is not at this time forthcoming, but from the fact that the engine crew were not hurt and the engine did not turn over it is surmised that a broken flange on one of the car wheels was the cause of the smash.

SLEEPERS TURNED OVER.

The entire train of cars left the track. Four of the sleepers turned over on their side rattling the passengers inside like peas in a drum. Had they not been lying down and well padded with bedding there might have been another story. Two other cars were hurled across the track but remained right side up.

Just as soon as word was received in Evanston of the accident a special train carrying doctors and other surgeons was rushed to the scene where all aid was rendered. The wreck was a bad one and blocked the line until noon today. The related passengers will arrive in town this evening.

LATE LOCALS.

Bank Clearings—Today's local bank clearings amounted to \$1,521,328.38 as against \$1,000,404.15 for the same day last year. The marked difference is due to an unusual slump in the transactions for Dec. 5, 1905.

To Improve Property—Messrs. L. L. Nunn of Provo and A. M. Vronch of Telluride are proposing in the spring to expend a large sum of money in improving the state of Popperon they bought from Le Grand Young.

Trial Debate Held—Last evening's trial debate for the selection of state university debaters to contest with the University of Colorado, resulted in the choice of Harold E. Holman, Percy L. Goddard, and Adamwell, with G. W. Brown as alternates.

Articles Filed—A copy of the articles of incorporation of the Pecos Points Salt company of Ogden was filed with the secretary of state today. Its capital stock is \$5,000, divided into shares of the par value of \$1 each. A. J. Heath is president; W. L. Porter, Jr., vice president; L. D. Wilson, secretary and treasurer.