

will practise cease. As for me I am mequivocally for prohibition and will in every honest effort possible to sereception. and place themselves on record for or against the movement, and all in a quiet, subdued, earnest manner.

out her presence, whereupon the court after calling for the sheriff's return of the service of subpoena, ordered a bench warrant issued for the reluctant That the hearing of testimony in the

case will be short after that of the Topham woman has been heard, was licated by the defense this morning,

ing address of the defense to the jury in the trial of Thornton J. Hains was resumed today by John P. McIntyre, who after speaking all day yesterday, was given until noon today in which to conclude

Refreshed by a night's rest, Mr McIntyre skillfully arrayed all the evidence tending to prove his client uiltless. The throngs that vesterday

Another interesting feature will be be atorage of western wool. Another interesting feature will be be fine at fat sheep show, which will be participated in by W. S. Hausen, of Fielding, Utah, Allen Bros. of Draper, b. H. Seely of Mt. Pleasant, and other tech webblices

Utah exhibitors. Among the Salt Lakers booked out in

the district court today, and an order secured whereby all of the money secued from various inerchants by means of the alleged forged checks be re-turned pro rata and without expense. turned pro rata and without expense. Likewise the goods secured will be re-turned to their rightful owners upon identification. It seems that a pad of checks of the American Smelling & Re-fining company was obtained in some manner, and perbaps 100 filled out. Small purchases were made at various stores of the cily, the difference being paid in cash. Under the present ar-rangement none of the victims will suf-fer any great monotary loss. The ac-cused men had \$1.500 in their possession when arrested. The man will be tried at the present term of court.

wholesale forgeries, were arraigned in

BUSINESS PROPOSITION.

"What is all this talk about the loss the community if the saloons should be community if the saloons should be their doors?" asked Forgus Coalt-salt Lake's pioneer music dealer is norming. "How men can possibly and aut wherein the saloon is a benethe sporaling. "How men can possibly set out wherein the saloon is a bene-from any standpoint is a mystery is my the standpoint is a mystery is a take it from a purely business indepint, there are possibly i.5 stans in Sait Lake City, say each of the state in \$50 a day, there is a take in \$50 a day, there is a take in \$50 a day, there is a take to state the saloon salone to a take the over two millions of dollars it the over two millions of dollars it the over two millions shows alone to a path such that help to swell the them. Now where does the money one from if not form the legitimate states of trade? For the saloon is at a producer, not a convenience, not a takes our manhood, saps the density of our mathood, saps the trade of the community." As to the states it pays doesn't it get that are revenue out of the community in adde interest? It does not pro-tes it it simply absorbs it, and think that a blessing it would be to the side it all bo breveries, and saloons in converted into good, legitimate, and this city is an ardent advo-side of the subiness institutions." Map 0, F. Burton of the Elighth and of this city is an ardent advo-bies of absolute prohibition and is in rether with his own con-binds and associates in an effort to a them to see as the sees and labor " absolute prohibition "and we will had it prohibits," says the bishop. GOVERNOR OVERLOOKED IT. The failure at the second

GOVERNOR OVERLOOKED IT.

60VERNOR OVERLOOKED IT. The failure of the governor to make by alaslon to the matter in his mea-state the legislature is causing much most goon the streets today, many many goon the streets today, many many goon the streets today many many and that his first message in story be followed by a special manendation to the legislature for the matter and that his first message is sorthy be followed by a special manendation to the legislature for the maximum of the most drastic minute sail takes cars. Mr. Mary massive Among the little of the format businessmen in Kans many and during the time of his many and businessmen in Kans many and businessmen in they say be denoted by are morely take the state of their association has an effect of their association has in which a poor type of manhood. Is the sub trying to run a saloon in the word think of committing many has the the full in the plenty many has been to the heir broken in the books. I believe Governor the law if we can only get the books. I believe Governor the books is believe Governor of as overtaked making mention is proven a second making mention is possible making mention is possible making mention is main and that when he learns of a main and that when he learns of a main on the unestion to hear the second mention of a statute. From what I know of a character Governor Spry will meaned any measure which the second option may be in the meaned any measure which the second option may be in the meaned any measure which the second option may be in the meaned any measure which the second option may be in the meaned any measure which the second option may be in the meaned any measure which the meaned any measure which the second option may be in the mean option may be in the mean second option may be in the mean option of the first options and the pools orging them to write makes, asking them to come out

## A COMMUNICATION.

In the face of the argument now be-ing advanced by the supporters of the saloon to the effect that prohibition in Utah would be unconstitutional, a friend of temperance handed in the fol-lowing communication to the "News" this morning:

There is no question but the state has a right to prohibit the sale or man-ufacture of intoxicating liquors, just as it has a right to restrict or regulate this traffic. It has been held repeatedly that these matters properly come with-in the police powers of the state in the line of suppressing vice and promoting morality.

morality. The supreme court of Vermont has declared (Láncoin vs. Smith, 27 V1, 225) that "if it be once granted that the use of intoxicating liquors as a drink is worse than useless, and intemperance a legitimate consequence of such use, and that intemperance is an evil, in-jurious to health and sound morals and productive of pauperism and crime. for the second s

"It is a bold assertion," declares the New York coart (Met. Bd. of Ex. vs. Barrie, 34 N. Y. 657) "at this day that there is anything in the state or federal constitutions conflicting with, or setting bounds upon the legislative dissetting bounds upon the legislative dis-cretion or action, in directing when, where and how a trade shall be con-ducted in articles infimately connected with the public momis, or public safety, or public prosperity or indeed to pro-hibit and suppress such traffic alto-gether, if deemed essential to effect those great ends of good government.' The supreme court of Massachusetts (B. Co. vs. Mass., 97 U. S., 25) has held that when public safety or public mornibit and suppress such traffic altogether. If deemed essential to effect these great ends of good government.
The supreme court of Massachusetts (B. Co. vs. Mass., 97 U. S. 25) has held that when public safety or public morals require the discontinuance of any manufacture or traffic. 'the hand of the legislature clannot be stayed from providing for its discontinuance, by any incidental inconvenience which individuals or corporations may suffer. All power of the state.''
The supreme court of Illinois betti

The supreme court of lilinois holds that "restraints upon the traffic in sport of the state." The supreme court of lilinois holds that "restraints upon the traffic in spirituous liquors are not like such as restrict the ordinary vacations of life which advance human hapiness, or trade and commerce that produce nei-ther immorality, suffering nor want" And the court expressly declares (68 II, 449 that the manufacture and asle of intoxicents properly comes within the regulation of the police power of the state, and that restrictions which could not be placed constitutionally upon other pursuits may rightfully be imposed upon any branch of the liquor traffic. traffi

traffic. Lawinakers of this state should not be misled by the claims set up by the brewery interests that a prohibition law would conflict with the Constitu-In wait, regardless of which the al opinion may be in the see going steadily onward work of reform, interview-thers to then varian the variant law. would conflict with the Constitu-interfere with vested rights. The lead-ing exposents of constitutional law in the country, where the question has been taker to them for adjudication, have held that since leaded aluce have to check have asking them to come out

when Attorney Walton stated that it would take but a few minutes to pre-sent his case after the plaintiff had rest-

ed, and it is likely that the whole mat-ter will be ready for the consideration of the court by noon tomorrow.

YESTERDAY'S SESSION. When the afternoon session of the district court under Judge Morse com-menced yesterday afternoon Deputy Sheriff Schettler look the stand and reated the history of the first raid made n the new redlight district last Sat-

in the new contain district hist Sat-urday night when one of the new houses of the Citizeus' Investment com-pany was raided and several women, a Japanese waiter and a Hungarian piano player landed in the county jail. Certainly the evidence was picturesque. Certainly the evidence was picturesque. At one time during the testimony of the last named witness, it look-ed as if the large audience might be deprived of hearing the select story of the district, be-cause several of those present found it impossible to keep from laughing, and this led to the order to the bailiff from the court to clear the room if there was a repetition of the demon-stration.

tration. Deputy Sheriff Butler corroborated the statement of the first witness, re-garding the scene in the house at the time of the arrests, and then came a most unwilling witness.

### A PERFECT LADY.

Edna Prescott, who owns to resid-ing at 70 Victoria aliey, was called to the stand, and in answer to the ques-tion by the plaintiff's attorney, as to what her cushess of occupation is, she found much of interest in the celling, and then in the close examination of one of her gloves, before she said the question was leading, and that she preferred not to answer it because she might incriminate herself. She den ed the accumantance of Bulls Londer, be what her business or occupation is, she

timony the defense had attempted to discredit on the ground that they had gone to the place in an attempt to make a case against the persons arrested. there.

#### BAD FOR MARTIN.

filled the courtroom were early their place today.

filled the courtroom were early in their place today. That Thornton Hains is verging up-on a nervous break-down as his trial nears its end and is apparent to counsel and speciators. His lawyers say he passes sleepless nights in his cell, and once or twice he has had spells of sickness in court. The pris-oners face when the trial opened a month ago was full and his four months in fall has not lessened his high color. Today his face is tense and haggard. Hains manner also has changed. Inside of the cheerful prisoner that sat by his counsel's side chatting and smilling over the testi-mony early fn the case Hains today curled up in his chair and listened gloomly to the proceedings. The opening of the trial was de-iayed today and for a time it was thought the case might have to be postponed because of an accident to Thomas Walsh, a juryman, who was knocked of a Lexington avenue car last night. Walsh was taken to the Presbyterian hospital were 12 stitches were taken in a scalp wound, and he was able to be on hand this morn-

vere taken in a scalp wound, and h vas able to be on hand this mort

## SELECTION OF JURORS TO TRY CALLOUN

San Francisco, Cal. Jan. 12.-The sec-ond day of Patrick Cathoun's trial up-ou an indictment charging the offer of a bribe to former Supervisor Fred P. Nicholas, opened with discussion be-tween the opposing forces of attorneys and elicited from Judge William P. Law-lor an expression relating to the man-ner in which prospective turner with hereafter be interrogated. Declaring that the brief debate had been periodiced in the interests of an expedited trial the court informed counsel that they should keep in mind at all times the possibility of affecting the minds of furors not un-der examination, but who might be pre-judiced by the questions addressed to another.

der examination, but who might be pre-judiced by the questions addressed to another. Seven men sat in the box when the examination was resumed this morning and one of these resterday passed by the defense as not possessed of an onin-ion was early exempted from further ex-amination while awailing the artival of a certificate of national guard service. The attorneys for Mr. Calheun indi-cated today that the attitude of basi-ness men toward the United Raffronds, hefore and since the attitude of basi-ness men toward the United Raffronds, hefore and since the attitude of basi-ness and since the attitude of basi-ness man toward the United Raffronds, hefore and since the attitude of basi-ness made to connect the mane would be accepted. The prosecution sid nat of-ject to this the of testimory, but em-platically protested which an attempt was made to connect the mane of fun-minity and again when A. A. Moerr, asked a taleaman if he knew that the defendant had been clamoring for a trial ever since his indiciment. The ulti-hetween Asst. Dist. Atty O'Gars and A. A. Moure thus ensued over the lat-ter query brought about another warn-ing from Judge Lawior.

 BAD FOR MARTIN.

 The testimony of L D. Prait, a real estate man, went to show that the property owned at this time by the cluster's investment company, and this time by Hells Loopton, from various former owners, through the time of H. Birrell & Co., before the formation of the Investment scaled that is one time which is built the objectionable heat the office of Birrell & Co., which diacassing the matter of the property of L. D. Martin in.

 Martin M. Birrell & Co., before the office of Birrell & Co., before the cormation of the Investment is the walter of the property of L. D. Martin in.
 In attendance, and made the satement of the statement is the walter of the property of the tendent, was only served with the case of the support of L. D. Martin in.

 Atty, Marionesus, who had heat her intervent the plantiffs, salid the building, and Abar Wilson, who had her the variant is the was the statement of the line of Dora B. Top is the top beam of the statement were and chart the was the intervent of the plantiffs, salid the top ware and stating the was the intervent of the plantiffs, salid the top ware and stating the was the intervent of the plantiffs, salid the top ware too top ware the top ware too top ware top ware too top ware too top ware too top

Among the Salt Lakers booked out in Pullmans for tonight are the following: A. S. Erickson, Ed Marks, Amos Mars-don, Parley Bennion, Louis Kahn, L. R. Anderson, Warren Snow, Warren Corey, C. E. Stewart, Will Taylor, Jesse Good-fellow, Thomas Jones, Robert Young, Sr., Robert Young, Jr., Frank Fliz-gerald M. N. Hill, A. B. Hill, Walter Meeks, A. J. Nelson, A. D. Butterfield, G. W. Daybell, Walter Standman, He-hor Anderson, Peter Clegg, J. C. Orme. r Anderson, Peter Clegg, J. C. Orme, J. Arthur, Frank Vincent, E. B. win, P. O. Prati, B. Heywood, Ira Wines, Enos Bennion, C. A. Walker, E. Pruitt, Mrs, Elizabeth Bonne-ort, Swartschild, Prickett, Johnson and others.

# PATENT FOR WYOMING MAN.

# (Special to the "News.")

Washington, D. C., Jan. 18-A patent has been issued to S. P. S. Paten, Buf-

## **BIG FLOW ENCOUNTERED** IN DEEP DRAINAGE TUNNEL

falo. Wyo., for a valiae.

IN DEEP DRAINAGE TUNNEL Orippie Crek Colo, Jan B.-A big how was encountered in the breast of the Boosevelt deep drainage tunnel lust nel opening at a rate of from 600 to 500 gallons a minute. The flow spring at a point 4.46 freet from the portal and to strong was the force that blast holes had to be leaded through inch and a quarter pipes in which charges of gint powder, primed and with fuse, were plac-ed and then forced into the opening drilled into the gravite. — Brilling was carried on under great difficulty, the men working in rubber caps, coats and boost. The channel taped is thought to be one of the pedgra to the main water course and is the second flow encountered since the work of driving the thinnel was begin. There are no reports as jet of the re-reding of water in and of the proper-ties of the Meacon Hill section.

FATAL FIRE.

### Mother of Gen. Mgr. Higgins of New

#### Haven Road Burned to Death.

New Haven, Conn., Jan. IE-In a first that destroyed the residence of Banuel Higgins, general manager of the New York-New Haven & Hartford railroad, here, early today, his molier lost her life, his mother-in-law Mrs. E. Cerbin, was probably fatally burt and his wife, his daughter Isabel, his young son and Mr. Higgins himself, barely escaped leath by jumping from a second-story window.

death by Jumping from a second-story window. Mr. and Mrz. Higgins suffered broken lege and Mr. Higgins was also badly brutaed. The young son Harold escaped without Infury. A colored cack jumped from a third-story window, but was aaved from sections injury by two police afficiers who interposed their hodies and broke her full. The cause of the fire, it is mid, was an evertheated furnace.

### DR. WILEY ENDORSED.

New York, Jan. 18 .- Dr. Harvey W. New York, Jan. 18. Dr. Harvey W. Wiley, chinf of the chemistry bureau of the department of agriculture, is endorsed by the New York Wholesals Grocers' association in a resolution adopted at the annual business meet-ing of the association last hight. "The resolution follows: "Besolved, that while we do not business areas with some of the

"Resolved, that wolle we do not attogether agree with some of the positions taken by Dr. Wiley in his ruling under the pairs food law, we recognize in hin a man of unassali-able honesty and integrity, of unflinch-ing tenacity of purpose for the public record and one of the chief companyions the cause of pure and auadultrated

## MILDER WEATHER WEST.

Kansas City, Jan. 13.-Milder weather revailed in western Missouri, Kansas and Oklahoma today, with a continued

and Oklahoma today, with a continued fall of snow. The temperature had risen in the past 24 hours and generally was recorded above the zero nark. More or less de-lay to rallway traffic was experienced, however, and on the ranges, principally in Oklahoma, a heavy loss of cattle by freezing was reported. Thirty thousand people of Muskogee. Wagoner and Inola, Oklahoma, were without fire today as a result of the breakdown of a natural gas main at a point between Inola and Carlemore, and considerable suffecing resulted.

### TO REPAIR ALASKA CABLE.

Souttle Wash, Jan 13.—The United latus aable steamor Burnside left here alar to repair the Alaska cable, which supposed to have been broken by ceterday's corthouake about 175 miles rom here, or off the coast of Van-ouver island. It will be at least a cek hefore communication is restored.

# VETERAN'S DYING REQUEST.

Union Soldier Asks That His Body be

Baried in Southern Soil.

Columbus, Ga., Jan. E.-The dying equest of J. M. Fostor of Massuchu-ets, a Union vetoran and a momber of the G. A. R. that his hody be laid o reat in southern coll, was granted enterday, interment being in a local

emetary. Mr. Foster came to Columbus six ears and to become superintendent of large cotton mill. He fell in love with he south and a few minutes before he led, has night, he made the request hat he be buried have. He was unmar-ied.

### \$5,000 REWARD FOR PASSING PSYCHICAL TESTS

New York, Jan. 13 .- The Motropoliten

New York, Jan, H.-The Metropolitan Psychical society, which some time age offered a prize of \$5.000 to any one who an offer which is still open, has just anoonced a new test with a similar reward, open to all persons lists and activate of the society. "A book will be opened at random int above the head of the medium so that no Hving persons will know what at above the head of the medium so that no Hving persons will know what are the persons will know what are the persons will know what are the persons will know what at above the head of the medium so that no Hving persons will know what are aver applied to view. Any smount of their will be connistitle and above the ascertain through the agency of a view of the passes. The medium the aver of the masses are the set to be reparted first three words on either of the masses. The medium the and endow of 5.000 will be demonted in an evidence of the objects which the and communicate with mediume the aver while be the taken between the and communicate with mediums the and communicate with medium the and communicate with medium the and communicate with medium the aver while be test may not prove the applies the test may not prove the applies the test may not prove the applies there is any truth in their and communicate with the provide the aver while be test may not prove the applies the test may not prove the applies there is any truth in their and there is any truth in their and there is any truth in their and the test may not prove the applies the prove the prove the applies the test may not prove the applies the test m

#### ABANDONED HIS WIFE.

San Francisco, Jan. 13.-Willis Grant Murphy, wanted in Chicago on an In-dictances charging him with the abap-domment of his wife and Reyenroid daughter, was dreaded here last night. He was peleased upon 500 cosh hall peoding the arrival of an other from Chicago with extradition papers.

### CHINESE MERCHANTS OPEN STORES AGAIN

**OPEN SIDRES ADAIN** San Francisco, Jan. 13.-Merchants in Chinese quarters who have bong af-filiations opened their doors for busi-ness last night for the first time in sev-eral weeks, the warring tong men have signed a trace which is to hold until Feb. 10 or 20 days after Chinese New Year. The Suc Don and On Yick tongs, which have been engaged in a blood feud, agree to suspend hostilides until the new year's celebration, the big ovent of the year in the Chinese quar-ter, is over, as the war has paralyzed business and caused considerable loss to the merchanis. The tongs stipulate has they will not be responsible for any individual outbreaks by their mer-bers but state that they will not sanc-tion any organized warfare. Several Chinese have lost their lines during the war which has raged in every town of the Pacific coast where the tongs involved are represented. T is expected that before the truce ends the merchants and Chinese consists officials will monceed in paint-ing up a insting peece.

#### TRANSPORT SHERIDAN ARRIVES.

San Francisco, Jan. 12.-The ' United States army transport Sheridan arrived here today from Mai.-Gen, John F. Wea-ton, recently in command of the depart-meth of the Phil ppines, who has been assigned in the cepartiment of Califor-nia, succeeding Brig.-Gen. Smith.

#### CAPTURED TWO THIEVES.

Chicago, Jan. 15.-Revolver shots were fired at three alleged freight thieves early today by Polloemen who had de-tected them stealing a large amount of memhandise from a freight car. Two of the men exceed, but the third was captured. He gave the name of Peter Donas and said he recently came from Milwaukes. Wis. The police believe that one of the thieves who escaped was shot.

## PRESIDENT OF HARVARD.

Corporation Nominate for Place Prof.

### Abbott Lawrence Lowell.

Boston, Jan. 13.—The corporation of Harvisri college today sent to the over-scere of the college the name of Ab-boti Lawrshoe Lowell, professor of the science of government, as their choic-ne president of the college to succeed president Charles W. Ellot. Refore the president charles W. Ellot. Refore the arounding of alcoting a president is amplete the overseers must ratify the combination. Under their bylaws the final vote cannot be taken until sever-days have clapsed after the name is officially pressured, which will bring the

As the sentiment of Harvard officials has been strongly in favor of Pyo Leysell from the time of the announcer ment of Problem Elicity resignation. Is belowed that the everywers will pat will rati is the corporation's selection.