

TO BE GRANTED TO C. W. KIMBERLY

Wealthy Mine and Smelter Operator Enters Proof of Desertion.

WIFE TO SHARE BEQUEST.

Legacy from Husband's Father Will Be Used Partly in Education of Children.

Charles W. Kimberly, a wealthy mining and smelter man, secured a divorce today in Judge Morris's court from his wife, Mrs. Guyette P. Kimberly, on the ground of desertion. In the decree Mrs. Kimberly was granted a one-third interest in the portion of Kimberly's estate which he received from the fortune of his father, Peter L. Kimberly, of Sharon, Pa. This, it is understood, will amount to several thousand dollars and is to be used for the support and education of their two minor children, Peter, 12 years old, and George, 10 years old. Kimberly has the right to visit his two children at any time.

Mrs. Kimberly is now in Minnesota and has the two minor children in her custody. They were married in Pocatello, Minn., in July, 1932. It is stated that Mrs. Kimberly deserted her husband in July, 1932, and since that time has refused to live with him. Edna, 24 years old, and Elmore, 22 years old, who are also in Minn., going to school, have been granted custody of the children. Mrs. Kimberly had made several attempts to get Mrs. Kimberly to live with him.

Kimberly took the stand and testified concerning his wife's desertion. He said that he had known Kimberly since he engaged in the mining business in Utah, corroborated his story.

VAGRANCY CASE DISMISSED.

After the examination of the two principal witnesses for the prosecution, the case against Mand Williams, charged with vagrancy and maintaining an improper house at 72 West Second South Street, was dismissed by Judge Bowman this morning on motion of Asst. County Atty. Aaron Meyers. The two witnesses were George F. Roberts and E. J. Clawson, who in the capacity of reporters for the Inter-Mountain Republican, furnished information to the sheriff's office which led to a raid on the building on the night of Feb. 12. Realizing that their testimony failed to support the charge against the woman, Mr. Meyers asked that the case be dismissed.

MOTION UNDER ADVISEMENT.

The motion for a new trial in the case of R. D. Quincy, who is indicted of embezzling from the Third Detective service while he was a resident manager here, was argued Saturday before Judge Lewis in the Third district court. The court ordered advice until Saturday, May 8.

TWO INSANE COMMITMENTS.

John Sales and Charles Wanless Declared Mentally Unsound.

John Sales was committed to the State Mental hospital in the district court today following an insanity commission. Sales is the man who was arrested April 19 in Pocatello at the request of the local police on a charge of involving in the theft of silverware from a business owned by the Salt Lake Jewelry & Transfer company. Sales, being placed in jail here he has maintained silence and has refused to eat. It was thought that the insanity commission was developed from the fact that the man is insane. It is believed his derangement has been caused by pressure on the brain probably caused by an internal hemorrhage.

Charles Wanless was also committed. He is believed to be afflicted with suicidal mania. He refuses to eat and will not sleep. It is believed overwork has caused his derangement, which is expected to prove only temporary. He was a bookkeeper and clerk in his father's hardware store, and was always first to work in the morning and last to leave after closing the store.

Judge Ritchie presided at both hearings.

DAVIS REFUSED NEW TRIAL.

Joseph Davis, who was convicted of stealing several shirt waists, and skirts from the Colorado Dry goods store, was refused a new trial Saturday by Judge Lewis. He will be sentenced on Monday, Miss Ola Hayden, formerly an actress, was with Davis at the time of the theft. Davis was released because Davis took the stand and said that she was not implicated in the theft of the shirts.

IN THE FEDERAL COURTS.

Price Case Comes Up on Demurrer—George Pleads Not Guilty.

The case of the United States vs. Charles G. Price et al., came up before Judge Marshall in the United States district court Saturday. The demurrer of the defendant was argued and the court ruled that the matter under advisement and ordered that the new trial be continued for the term.

This is the case where a package of currency of the value of \$2,400 was sent through the mails addressed to "Charles Price of Ogden." The package was delivered to the defendant in the suit in mistake, and the United States is endeavoring to recover it.

The demurrer of the defendant set forth that the government has no interest in the money, and therefore has no legal power to sue. Also, that the name of the party to whom the money does belong should be set forth by the complainants.

In the case of Oscar J. Howe et al. vs. the Utah Coal Mining company, which grew out of smelter smoke troubles, the case was continued for the term by consent of the parties.

The case of the California National Bank vs. the Utah National bank was also continued for the term, as was the case of Mary Hite vs. the Utah Coal Mining company for damages.

Allison A. Goetz, who was indicted by the grand jury appeared before Judge Marshall in the United States district court and pleaded not guilty.

THE WEEK'S RECITALS.

The following programs will be given in the daily tabernacle organ recitals, for the remainder of the week:

Tuesday, Assistant Organist Tracy Y. Cannon, performer:

Large Organ in Ab. John A. West
Spring song Hollins Church
Herald that which ver-
langued Bach
Old melody Gounod
Marche Romaine Gounod

Wednesday, Organist J. J. McClellan:

"Gavotte" Fantasia Lemare
Gavotte from "Mignon" Thomas
Communion (requested) Wagner
Old melody Arr. by performer
March from "Tannhauser" Wagner

Thursday, Assistant Organist Edward F. Kimball:

"Largo" from the symphony "Ave-
der neuen Welt" Dvorak
Offertory in A flat Beethoven
To a Wild Rose Macdowell
Spring song Hollins Church
Old melody Gounod
Grand Triumphant march from "Naa-
man" Costa

Friday, Organist J. J. McClellan:

Walter's prize song from "Die Meis-
terlanger" Wagner
Romance Tosti
Spring song Hollins Church
Old melody Arr. by performer
Short prelude and fugue J. L. Krebs
Bridal chorus (Lohengrin) Wagner

Saturday, Organist J. J. McClellan:

"Oberon" overture Von Weber
Prayer of the Nuns Wely
Cantata Macdowell
Spring song Hollins Church
The Harmonious Blacksmith Handel

The recitals begin at 12:10 p. m.

Richest Cream

Chopped Pineapple, Cherries and Nuts, and our secret formulae of PURE REGAR FONDANT, all scientifically combined and blended, then coated in very best Bitter Sweet Chocolate—such is STARBUCKS! 40¢ or 50¢ anywhere.

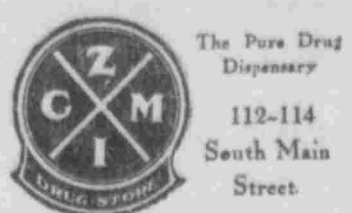
STARTUP CANDY CO.

Provo "The Candy City."

Townley's Iron and Sarsaparilla Compound

Is a splendid spring tonic. Builds up the nerves and makes rich blood.

\$1.00 bottle



He was remanded to the custody of the United States marshal.

DISTRICT COURT NOTES.

Ambrose Donnellan was arraigned on two counts of highway robbery Saturday in Judge Lewis' court to which he entered plea of not guilty. In the first information he is charged with holding up Frank B. Crocker at the point of a revolver and taking \$4 from him. The second charge is dated May 25, 1938. Two days later he is accused of holding up V. A. Bettison and robbing him of \$5. Donnellan was identified by both of his alleged victims the day he was arrested. His case will be set for trial the latter part of June.

William O'Neill filed suit against the San Pedro, Los Angeles & Salt Lake railroad in the Third district court to recover \$1,500, which he alleges is the amount of damage done to his property by running locomotives in front of his house. It has been shaken by the engines until the plaster dropped off the walls and the ceiling and it is now unsafe to live in.

Mrs. Hattie M. Ray, was granted a decree of divorce from Robert E. Ray on the ground of desertion Saturday. The testimony was heard that she entered into a marriage with the defendant in 1932, and that he refused to live with her or support her. They were married Jan. 9, 1935, at Toledo, Ohio, and have no children.

JEALOUS SOLDIER SHOTS AT WOMAN

Her Pluck and Her Poor Marksmanship Save Her from Injury.

With his affection turned to bitter hate, and in an outburst of jealous rage, W. E. Lucas, a private in the hospital corps of the Fifteenth infantry, yesterday afternoon fired two shots at Miss Caroline Hassard, the young woman who had rejected his attentions. Both bullets missed their mark and Miss Hassard escaped unharmed. Lucas was arrested last night at the post, and is now confined in the city jail under a charge of assault with a deadly weapon.

The shooting, which occurred at the home of the young woman, 735 Olive street, had its dramatic features, and that she was not injured or wounded was due entirely to her ready presence of mind and pluck in grappling with her assailant, and his poor marksmanship.

Lucas had been attentive to Miss Hassard for several months, until she lately expressed her unwillingness to keep company with him, or to accept his attentions.

The soldier was persistent, however, and yesterday afternoon about 5 o'clock, appeared at Miss Hassard's home and insisted that she be permitted to enter. Forcing his way into the hall in spite of the objections of the woman, he demanded to know who was in the house, and Miss Hassard's only reply was the reiterated request that he leave the house. This so enraged Lucas that he lost control of himself and with an impression he whipped out his revolver and fired two shots, both of which, however, went wide and were imbedded in the wall.

With uncommon bravery Miss Hassard grappled with Lucas, forcing him out of the house, at the same time clutching the revolver, and retaining her hold until W. V. England, residing at 755 Olive street, came to her assistance.

Lucas then broke away and started up the street, and escaped before the police arrived in response to the call. He was later found at Fort Douglas. At the station this morning he refused to make any statement or give an explanation of his attack upon Miss Hassard.

At short time ago he complained to the police that Miss Hassard had robbed him of a small sum of money, but upon investigation the police concluded that the charge was groundless and had been made by a desire for revenge.

TAR COUNTY TOWNS STIRRED BY LETTERS

Evident Product of a Distorted Mind Disturb Several Prominent Men of Affairs.

In the past few months the peacefulness and tranquility of the quiet towns of Spanish Fork, Salton and Springville, Utah county, has been increasingly disturbed until now a vague, unresisting feeling of alarm and fear infects the entire neighborhood. The result of letters received by residents by the more prominent residents of that vicinity.

These letters have all been of the "blackmail" style, demanding a tribute under threats of life and property, and whether they have been designed to actually obtain money, or are the main scheme of a practical but dangerous and senseless joke, has not been ascertained.

The whole affair, however, bears the earmarks of a work of some one afflicted with a distorted sense of humor. In the past four months letters have been received by prominent men of the towns named demanding money under the penalty of a deadly case of cholera. In each instance the money was to be secreted in some lonely spot, usually at a point in Spanish Fork canyon. In only one case was the money deposited as instructed, and the money itself was never received. The letters were signed, yet there has been no attempt to actually obtain money, or are the main scheme of a practical but dangerous and senseless joke, has not been ascertained.

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INSISTENT TENANT IN JAIL.

L. C. Lamer, until recently a student at the university, was arrested this morning on a charge of trespass preferred by Dr. Taylor of the University apartments, Second South and Thirtieth East streets.

LOCATION DECLARED VOID.

Col. M. E. Kaighn, register of the United States land office, has decided against Moroni A. Orton in the land case involving locations 1, 2, 3, and 4, section 36, township 36 south, range 8 west, Salt Lake county.

SYBELLA CLAYTON IS HOME.

Accompanied by Her Father She Returns from European Triumphant.

Col. N. W. Clayton and daughter, Miss Sybilla Clayton, arrived home Saturday evening from Berlin in excellent health. Miss Clayton will remain at home during the summer, when it will be decided whether she is to return to Europe in the fall, as she has an excellent opportunity to tour the continent as a concert pianist. Miss Clayton's debut with the Berlin Philharmonic orchestra under conductor Kuhnau was a gratifying and successful one. The artist played three concertos to orchestral accompaniment, creating such a furore in the crowded house that she was given 10 recalls during the evening, and played Rubinstein's "Macbeth" and Liszt's "Mephistopheles" to final calls. Both the conductor and Senor Jones declared the performance could not have been better. The former also stating his satisfaction at accompanying such a talented young artist.

Miss Clayton, who has been in Europe for the past year, has been touring the continent as a concert pianist. She has been in Berlin for the past few days, and will remain there until she returns home with her father.

STEPHEN M. WALKER DEAD.

Funeral Will Be Held in Peoa, Summit County, Wednesday.

Stephen Marchant Walker of Peoa, Summit county, Utah, died suddenly of hysteria at the residence of his sister-in-law, Mrs. William Mulliner, 751 South Seventh East, at noon, Sunday, April 23. The funeral service will be held Wednesday, April 26, at 2 o'clock p. m., at Peoa, Summit county, Utah. The remains are at the undertaking parlors of S. M. Taylor & Co., 233 East First South street, where friends of the deceased may call after 4 p. m. today.

Mr. Walker was a native of Peoa, from which labor he returned ten years ago.

BALLET FOR SALT LAKE.

Martin Beck to Furnish Attractions—Vaudeville for Ogden and Logan.

Martin Beck is again proving a factor in amusements in Salt Lake and contiguous cities. His latest announcement is the presentation of the Bird Ballet, which has been one of the features of the New York Hippodrome, at Salt Lake this summer. The big production includes 340 girls and an orchestra of 35 players. The production is set for June 15 and the place the big cycle track at the lake which will make an ideal home for such productions. The management of the production will be in the hands of C. E. Raymond, resident manager of the Orpheum at Minneapolis, which closes for the summer vacation in June. Other attractions, such as the Flying Ballet and a musical comedy, are to follow. The contract has been signed, sealed and delivered and is said to involve \$75,000 for the season.

The Salt Lake management is making arrangements to add to the equipment and big business is anticipated this summer in the face of the fact that thousands will be here for the G. A. R. encampment.

With the passing of the Grand at Ogden into the control of Martin Beck the Logan opera house comes in on the deal. Martin Beck and Kuhnau are being closely allied arrangements are being perfected whereby vaudeville and the ballet will be presented at both houses.

MISSIONARY UNION MEETING.

The semi-annual meeting of the Women's Missionary union will be held in the First Methodist church next Thursday, with the following program:

MORNING, 10:30 To 12:30.

Devotional services. Mrs. W. A. Wright
Business. Mrs. F. B. Short
Work Among the Japanese in Salt Lake City. Mrs. C. E. Marks
"City Missions." Rev. W. W. Dea Aulic
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CELEBRATE GOLDEN WEDDING.

Thomas and Jeannette Abbot of Farmington celebrated their golden wedding anniversary at their Farmington home Saturday. Many of their family members were present, as well as friends and neighbors. A most enjoyable time was spent and much of the time was made more pleasant by the early days in Utah in which Thomas Abbot took an active part. He was an Indian fighter and was first dragoon along for over a year, but the decision shows the contention of the mining company to have been correct, the land being now recognized as more valuable for its mineral than anything else.

JAPANESE LABORER KILLED BY TRAIN

Is Literally Ground to Pieces Under Wheels of Bamberget No. 4.

K. Higi, a Japanese in the employ of the Oregon Short Line Railway company, was run down by train No. 4, on the Salt Lake and Ogden railroad, at 10:05 this morning, and literally ground to pieces under the baggage car and the cars following.

The unfortunate man had been working on the section near Beck's Hot Springs, but for some reason he had quit work and was walking to town along the tracks of the Bamberget road. He had reached the crossing at the point where train No. 4 came along. Engineer T. E. Stewart sounded the whistle repeatedly but no attention was paid to it by the Jap, and he was caught by the cowcatcher and thrown upon the baggage car, which place he rolled back under the baggage car, and was badly cut up, being killed instantly. As soon as word was brought to Salt Lake, Sgt. Beckstead and Dr. M. R. Stewart went out to the scene of the accident, and a special train and brought the body to town, when it was taken to O'Donnell's undertaking parlors.

It is said that he has a wife and five children in Japan. The friend of the slain was E. O'Connor and H. Oakley was the conductor.

Calvin Cobb, editor and proprietor of the Bostonian, is a guest at the Knottford. Mr. Cobb is in the city for business and pleasure combined.

Judge and Mrs. R. S. Lovett and Master Robert A. Lovett, of New York, are at the Knottford. Judge Lovett is representing the Harriman interests in the merger hearing, which begins in the United States court room tomorrow.

H. D. McCaskey, of Washington, D. C., a Knottford guest. Mr. McCaskey is here to visit his brother, Garfield McCaskey, a captain in the Fifteenth infantry, stationed at Fort Douglas.

P. Dystra, a prominent merchant of Omaha, is registered at the Kenyon.

O. E. Coleman, a prominent Green River man, is a guest at the Wilson. Mr. Coleman is enthusiastic over the future of Green River as a fruit growing section.

BUS PASSENGERS

The work of grading the streets and sidewalks of Idaville, at Twelfth South and Seventeenth East streets, was started this morning. There is said to be six miles of sidewalks and three miles of streets which are to be laid with hard gravel, and it is expected to take all summer to plant trees, which will give the addition a very inviting appearance as a residence district.

NEW INCORPORATIONS.

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