

Mrs. Kimball Obeyed the Law

Judge Diehl Held That the City Stood Upon a Case of Tech-
nicality in Contending That Christian Science Healer
Should Have Reported Case of Diphtheria in Person
Instead of to a Doctor—Pronounced Not Guilty.

The case of Mrs. L. H. Kimball, the
Christian Scientist lady charged with
neglecting to report to the board of
health a case of scarlet fever which
she was alleged to have attended, came
up before Judge Diehl this morning.
Asst. City Atty. Schuler prosecuted,
while Mrs. Kimball was represented by
Atty. Stephens, Jones and Snow.

A large crowd of interested specta-
tors was in the court room and was
composed principally of prominent
Christian Scientist ladies. Mrs. Kim-
ball sat near her counsel, and was ap-
parently the most interested listener to
the proceedings.

The first witness was William Farn-
sworth, father of the child, which was
alleged to have been ill of scarlet fever.

He testified that between Feb. 21 and
24, the child was sick and that Mrs.
Kimball attended the little one. The
question put by counsel for the city as
to what Mrs. Kimball's treatment of
the child was, was objected to vigor-
ously by the defendant's attorneys. The
objection was sustained.

A moment later Atty. Schuler asked
if Mrs. Kimball ordered the child re-
moved to another room. This was also
objected to and the objection sustained.
"Did Mrs. Kimball advise you to re-
main at home?" Objected to but the
court permitted the question to go in
and the answer was "Yes, I had better
remain at home for the present."

Witness was not cross-examined.
Clerk Smith of the Board of Health
testified that he had a conversation
with Mrs. Kimball over the telephone,
and that in that conversation Mrs.
Kimball said she knew the child had
diphtheria on Monday morning, and she
called in Dr. Beer to make his own di-
agnosis of the case.

On cross-examination witness said his
conversation with Mrs. Kimball occur-
red on Tuesday, and that Dr. Beer
reported to the board that the patient
had scarlet fever.

"How did Dr. Beer report?" asked
Attorney Jones. It was objected, and
the witness said that the information came
by telephone on Monday, and that Dr.
Beer told the child had diphtheria in
company with scarlet fever.

Dr. Beer testified that he called at
the Farnsworth home on Feb. 24, and
that at that time the child was suffer-
ing from scarlet fever, and in his opin-
ion it had been suffering from the dis-
ease for four or five days.

Answering Mr. Jones, Dr. Beer stated
that he had been practicing medicine
in Salt Lake for the past ten years,
and that his experience with scarlet
fever, diphtheria and similar diseases
was on a par with any other physician
in the city.

The doctor admitted that scarletina
and scarlet fever are synonyms for
scarlet fever. He was then examined
at great length as to the various stages
of the fever, rashes and eruptions.
"Is it not impossible to discriminate
in various cases, in the incipient stages
of scarlet fever, scarletina, sore throat
and diphtheria, and the difference be-
tween those diseases?"

The doctor said the question was am-
biguous, but finally said a physician
could not always tell before a rash ap-
peared. He said in answer to a ques-
tion that a physician did not report a
case of scarlet fever until he was satis-
fied in his own mind that the case was
scarlet fever.

The physician was then questioned
carefully as to the time it required to
develop scarlet fever. He said it re-
quired three or four days. He testi-
fied that he was called into the case by

Mrs. Kimball, and that he at once at-
tended the child. The question: "Did
you report the case to the board of
health?" was objected to by Mr. Schu-
ler, but it was answered in the af-
firmative. The doctor also said that
when Mrs. Kimball telephoned to him
she said she wanted to know what the
child's trouble was and if it was a con-
tagious disease, she wanted him to see
it to the health board, as she did not
want to violate the law.

On re-direct examination, witness
said the case was easy to diagnose on
the 24th, and that all the symptoms
were evident.

Dr. King, city health commissioner,
testified that when he saw the child it
was suffering from scarlet fever, and
that the appearance of the patient in-
dicated the disease had been apparent
for several days.

On cross-examination Dr. King said
that up to the appearance of the rash
it was almost impossible to positively
diagnose the case. He further stated
that the case in question was moderate
and was not unusually severe. The re-
sult was adopted without debate.
The house then went into a committee
of the whole and resumed the general
debate on the army appropriation bill.

Mr. Warner of Ohio, the first speaker,
protested strongly against the pro-
vision in the bill which deprived re-
tired army officers from receiving an
increase in longevity pay after their re-
tirement. He contended that this pro-
vision did an injustice to officers who
were wounded or had become disabled
in the service. The longevity pay, he
argued, should be increased up to the
maximum of 40 per cent allowed by law
to active officers.

LAST EDITION Cecil Rhodes Died Peacefully

The Master Mind of South Africa is No More—He Had a
Remarkable Career—John Hammond Hays Pays a
Tribute of Respect—Earl Grey's Estimate.

HOUSE.

Washington, March 26.—When the
house met today Mr. Cooper of Wiscon-
sin, chairman of the committee on in-
sular affairs, presented the Harbison
resolution of inquiry, calling upon the
president for information relative to the
reported application of Lieut. Gen.
Miles to be assigned to duty in the
Philippines for the purpose of putting
in operation a plan prepared by him for
the pacification of the islands. The re-
solution was adopted without debate.
The house then went into a committee
of the whole and resumed the general
debate on the army appropriation bill.

THE WINDWARD RETURNS TO NEW YORK

New York, March 26.—The Peary
Arctic Club's steam barge Windward
arrived here today from Brigus, N. E.,
where she has been wintering since her
return from the Arctic region last Sep-
tember. The Windward, with Lieut.
R. E. Peary, the Arctic explorer, and
his party on board, started on her last
expedition to the Arctic on July 20, 1900,
at Sydney, C. B., and left Lieut. Peary
in the north. The vessel is to have new
engines and boilers installed and re-
turn to the Arctic this summer. She is
expected to bring Lieut. Peary home.

STRIKING ELECTRICIANS RETURN TO WORK.

Manager Nicol of the Salt Lake Elec-
trical Supply Co. stated this morning
that the dozen striking electrical work-
ers who have been standing out
against the contractors for the last six
weeks, had returned to work, on terms
mutually agreeable to both sides. He
declined to state, however, what those
terms were.

TEAMSTERS' WRATHY AT STATE OF STREETS

There has been a great deal of com-
plaint within the last few days of the
wretched condition of west first
street, especially in the vicinity of the
Kemperley diamond mines. He re-
turned to England and entered at Oriel
college, Oxford, and though ill health
cut his residence short, he ultimately
took his degree. He entered the Cape
house of assembly as member for Barkly.
In 1884 Gen. Gordon asked him to
go to Khartoum with him as secretary.
He declined, having just taken tal-
ent of £10,000 in the Cape colony. In
1890 he became prime minister of
Cape colony. In 1898 he secured the
charter for the British South African
company, of which he was manager
at the time of his death, and whose ter-
ritory is now known as Rhodesia. In
1896 he resigned the premiership in con-
sequence of a quarrel with the British
South African company, and was suc-
ceeded by Mr. Jameson. His action was
condemned by the South African com-
mission (1897) but condoned by the
house of commons.

LETTERS OF INQUIRY.

Postmaster Thomas has received a
letter from George Davies of Hays-
borough, Hope Church, Allegheny
county, Pennsylvania, inquiring after
the whereabouts of his father, Thomas
D. Davies. The letter states that the
father left England in 1847 for Utah,
and after reaching here engaged in the
brick-making business. In 1852 the
writer's mother died and in the spring
of the following year his father mar-
ried again. There were two daughters
by the first wife, Mary Ann, the elder,
who was married to John Roadway be-
fore she left England, and Sarah, who
is also married but he does not know
to whom.

Mrs. James Cottrell of 22 London
road, Clapton, N. E., London, is very
anxious to hear from William Cottrell
or any member of his family. Mr.
Cottrell wrote to his relatives about
17 years ago and that is the last she
has heard from him. If he is now liv-
ing he will be about 75 years old.

WIRES ARE DOWN.

The wires were all down this morn-
ing, west of this city on account of the
storm, so that the local weather office
was obliged to publish its map today
without the western indications. Partly
cloudy and unsettled weather is ex-
pected for the next two days.

STATE TEXT BOOK CONVENTION.

The state text book convention will
meet in this city on May 21, 1902. The
convention will adopt the text books to
be used for the ensuing five years in
all the schools of the state, except
those of cities of the first and second
class. The delegates to the convention
are the state superintendent of schools,
principal of the state normal and the
county superintendents of all the coun-
ties of the state.

BUYING HORSES IN IDAHO.

Maj. Callif and Veterinary Surgeon
Frazier of the artillery corps are in
Idaho buying horses for the Twelfth
light battery, stationed at Fort Inman,
and for the Twentieth light bat-
tery, stationed at Fort Russell. The
Twelfth battery ought to be fully
supplied with horses in the next 60
days. A large shed is now being erect-
ed at Port Douglas for the accommoda-
tion of the new lot of horses to be re-
ceived at this post. The two batteries
here will require 250 horses, and the
requirements of the other branches
of the service.



PASSING OF CECIL RHODES, ARCH ENEMY OF THE BOERS AND PROMOTER OF THE
CAPE TO CAIRO RAILROAD.

Capetown, March 26.—Mr. Rhodes
died peacefully at 8:57 p. m.
He slept during the afternoon
but his breath became difficult and his
strength perceptibly diminished until
he passed away.

John Cecil Rhodes, fourth son of the
vicar of Bishopsthorpe, was born
July 5, 1859. He was sent to
Natal for his health, and sub-
sequently made a fortune in the
Kempers diamond mines. He re-
turned to England and entered at Oriel
college, Oxford, and though ill health
cut his residence short, he ultimately
took his degree. He entered the Cape
house of assembly as member for Barkly.
In 1884 Gen. Gordon asked him to
go to Khartoum with him as secretary.
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company, of which he was manager
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sequence of a quarrel with the British
South African company, and was suc-
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results, as all his enterprises were as-
sisted as thoroughly as to need
the mastermind which was so ne-
cessary to their inception.
Owing to the very great success of the
De Beers mines, the British Chartered
South African company and the intima-
cy which Rhodes never knew, or even
suspected, compared with the many mil-
lions he possessed. He never lost his open
handed but somewhat reckless methods
of managing money. Not long ago he
walked into the office of one of his con-
fidential subordinates and threw down
a bundle of notes, bonds, etc., saying
"Invest these for me," and went out
without waiting to have them looked
at. Inspection revealed the fact that
they amounted to more than a million
pounds sterling. How they were in-
vested Mr. Rhodes never knew, or even
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HAYS HAMMOND'S ESTIMATE.
New York, March 26.—John Hays
Hammond, who was for many years
and up to the time of the death of
Cecil Rhodes intimately associated with
him in the development of South Af-
rica, was consulting engineer of the
British South African Chartered com-
pany and the Consolidated Gold Fields
of South Africa, in which Mr. Rhodes
held important interests, had this to say
of Mr. Rhodes.

"Mr. Rhodes, whose sun went down
when it was yet day, died in the forty-
ninth year of his age. He leaves no
heir, but his name is a great asset to
the empire of Africa. Rhodes was a
commonwealth man, as large as his
western states. Had he lived he would
have devoted the remaining years of his
life to the service of his country. His
fortune in equipping that common-
wealth.

"Unfortunately his character was
misunderstood in America. He was
American in his aims, but he was
not a great man. He was not only a
great empire builder, but also a cap-
italist. He was a man of great
energy and ability, and his
work in South Africa was
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"The truth is that Rhodes cared lit-
tle for money beyond the power it gave
him to assist in the development of
South Africa. From a most intimate
connection with him in his business en-
terprises, I am able to say that he was
a man of great energy and ability, and
his work in South Africa was of the
highest importance. He was a man of
great character and his death was a
great loss to the world.

"Rhodes had his defects and faults,
but these will not obscure the glory of
his name. Great men it is said, are
made of faults. Of one thing there
can be no doubt, that Rhodes' ideals
were pure and lofty, and I believe that
history will deal rather with his ideals
than with his achievements and meth-
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high among the great men of the nine-
teenth century. Cecil Rhodes found
in the meditations of Marcus Aurelius
many aspirations for his own career.
"Until the unfortunate Jameson raid,
for which he has received far more
blame than he deserves in history will
prove, he was very unpopular with the
Dutch of South Africa.
"Within a very short time there
would have been a revolution of feel-
ing and strange as it may seem to-
day, Rhodes would have been able to
re-establish his influence with the
Dutch and he would have been quick
to take advantage of the situation and
would have passed into history as the
great pacifier of South Africa. This
estimation of Rhodes is shared even
today by many of the progressive
Dutchmen in the country."

EARL GREY'S SUMMING UP.

New York, March 26.—Earl Grey, be-
fore sailing for England, gave to the
Associated Press an interview concern-
ing Cecil Rhodes, the earl having re-

Gen. Kitchener Captures Boers

He Gathers in One Hundred and Thirty-five Prisoners—Also
Three Fifteen-Pound Guns, Two Pom-Poms, and
Quantities of Stock and Wagons—Made a Night
March, Having No Impedimenta.

London, March 26.—Incomplete re-
ports of the result of the combined
movement of British columns against
Gen. De la Rey have enabled Lord Kit-
chener to announce the capture of over
a hundred prisoners, three 15-pound
guns, two pom-poms, and quantities of
stock, wagons, etc. Gen. De la Rey ap-
pears to have successfully evaded Lord
Kitchener's cordon at the effect.

In a dispatch dated from Pretoria at
noon yesterday, Lord Kitchener says:
"At dusk on the evening of March 25,
the combined movement against De la
Rey was undertaken by columns of
mounted men, without guns or im-
pedimenta of any sort. The columns start-
ed from Commando Drift, on the Vaal
river, and traveled rapidly all night
and at dawn, March 26, occupied posi-
tions along the line from Commando
Drift to the Lichtenburg blockhouse.
The troops moved rapidly eastward,
keeping a continuous line, with the
object of driving the enemy against
the blockhouses or forcing an action.
The result has not yet been fully re-
ported. Kekewitsch's column, after the
commencement of the action, captured
three 15-pounds, two pom-poms, nine

prisoners and a hundred mules, carts
and wagons. Gen. Kitchener's column
captured 30 prisoners, 45 cars and wag-
ons, and a thousand cattle. There are a
few more prisoners on the blockhouse
line. The troops covered 80 miles in 24
hours. De la Rey's and Rawlinson's
columns have not yet reported their
results."

Lord Kitchener, in a later message,
says:

"All the reports are now in. The total
number of prisoners is 135."
Ottawa, Ont., March 26.—The rumors
which have been in circulation here for
the last few days in regard to the pos-
sibility of another Canadian contingent
going to South Africa, have crystallized
into the statement that the imperial
authorities have asked for a mounted
force of 2,000 men. It is said that the
matter was before the cabinet yester-
day, but may be communicated to the
public to the action, if any, which was
decided upon. From what can be learned,
the imperial government has suggested
that the force should be equipped and
transported at the cost of the empire.
The application doubtless will be ac-
cording to the stage of the disease in-
volving risk of contracting

PROBABLE CAUSE OF LEPROSY.

London, March 26.—Dr. Jonathan
Hutchinson, formerly president of the
Royal College of Surgeons, who re-
cently returned to England, after
studying the causes of leprosy in South
Africa, has arrived at the conclusion
that the primary cause of the disease
is the use, as food, of badly cured salt
fish, which is sent inland from Cap-
etown and elsewhere on the west and
south coasts and is largely consumed
by the laboring classes in the industrial
centers. Dr. Hutchinson obtained con-
clusive evidence that leprosy is many
circumstances, may be communicated
from person to person. He does not
believe that it is either infectious or
contagious in the proper sense of these
words but may be communicated by
eating food contaminated by lepers' hands.
Dr. Hutchinson suggests as pre-
ventive measures, legislative control
of the fish curing companies, the dis-
semination of information in regard to
the danger of contamination and the
establishment of isolation homes for le-
pers during the stage of the disease in-
volving risk of contracting

U. P. FLYER GOES INTO DITCH.

(Special to the "News.")
Cheyenne, Wyo., March 26.—No. 2, the
Union Pacific eastbound flyer, went in-
to the ditch at Wilkins station last
night, and a number of persons in the
dining car were slightly injured. The
train struck some obstruction, the en-
gine jumping the track, being followed
by the mail, baggage and composite
cars, which were more or less damaged.
Passengers were given a severe shak-
ing and those in the dining car were
hurt by flying glass and being thrown
against the seats. Traffic was delayed
twelve hours.

PATRICK CASE GOES TO JURY.

New York, March 26.—The trial of
Albert T. Patrick, the lawyer, on an
indictment charging him with the mur-
der of William M. Rice, was continued
today. The trial was begun on Jan.
20, and when court opened today it was
believed a verdict would be agreed up-
on by the evening. The addresses of
counsel were finished yesterday and to-
day Recorder Goff delivered his charge
to the jury. He said the defendant

was not obliged to prove his innocence;
it was for the prosecution to prove his
guilt and he was entitled to the benefit
of every reasonable doubt. The jury,
he said, was to judge for itself of the
credibility of any witness. The only
thing for them to decide was the guilt
or innocence of the defendant on the
charge of murder; any should not con-
cern themselves with any other charge
native or alien.
The Patrick case was given to the
jury at 1:44.

IOWA MINERS TO WALK OUT.

Des Moines, March 26.—Unless the
unforeseen transpires, every miner in
Iowa will walk out at midnight March
31 and a strike will be instituted, the
consequences of which cannot be fore-
told.

At the joint conference of the miners
and operators this morning the ques-
tion of a strike was discussed. The
miners immediately went into se-
cret session to determine upon a course
of action. As previously outlined by
President Reese, failure to reach agree-
ment will operate to effect a general
walk-out next Monday night at the
expiration of last year's agreement.

GRAND GULCH DEAL.

Thomas Jennings Disposes of One
Tenth Interest in Arizona Property.

Thomas Jennings today closed a deal
with Joseph Jennings by which the lat-
ter becomes owner of an additional 1-10
interest in the Grand Gulch (Northern
Arizona) property. Just what the con-
sideration was could not be learned, but
it is stated on reliable authority that
it amounted to several thousand dol-
lars.

BURGLARS ACTIVE.

Two Stores Broken Into Last Night
By Same Parties.

Last night the store of Lyon & Rich-
ards, at 351 South West Temple street,
was broken into and about \$2 worth of
tobacco stolen. The thieves entered the
place after breaking a rear window.
They next turned their attention to
Rigby's store, about a block away, and
stole a number of writing tablets. Acting
Sergeant Minges investigated the
burglaries but obtained no clue as to
who were the perpetrators.

TAKEN TO PRISON.

Sheriff Layne of Ogden today brought
down two prisoners for the peniten-
tiary. They are Dick Ryan, sentenced
to one year for burglary, and John P.
Hansen, sentenced for the same term
for embezzlement.

DAILY-WEST VS QUINCY.

Injunction to Restrain Quincy from
Suing Asked For.

The Daily-West Mining company this
morning in the Federal court filed a
supplemental bill against the Quincy,
asking that an injunction issue re-
straining the said Quincy company
from proceeding in the action begun re-
cently in Summit county against the
plaintiff. Judge Marshall ordered that
the Quincy appear on the 29th inst. and
show cause why such an injunction
should not issue.

AFTERNOON MINING CALL.

Daily-West Was the Feature, Selling
Up to \$29.00 Again.

This afternoon trading was very ac-
tive in Con. Mercantile and Daily-West.
The former was sustained at prices
between 1.95 and 1.94 at the close, after
trading at figures above 1.91 to the ex-
tent of 500 shares.
Daily-West with sales aggregating 949
shares, advanced from \$28.00 to \$29.00,
acting to \$23.50 at the close. The ap-
plication in the Federal court by
the Daily-West to have the Quincy
action begun in Summit county set aside
pending the decision in the Putnam vs.
Quincy suit, was taken by the bulls as
a sort of rocket upon which to send
Daily-West stock up.
Certain lawyers commenting on the
action begun this morning, said that
it would have no effect other than per-
haps to hasten a consolidation.

FOR BENEFIT OF UTAH SCHOOL LANDS

[Special to the "News."]

Washington, March 26.—Congressman
Sutherland has introduced the following
bill, which provides that all the pro-
visions of an act of Congress, approved
Feb. 28, 1891, which provides for the
selection of lands for educational pur-
poses in lieu of those appropriated for
other purposes, and the same are hereby
made applicable to the state of
Utah and grant of school lands to
said state, including sections 2 and 32
in each township and indemnity there-
for shall be administered and adjusted
in accordance with provisions of said act,
in accordance with provisions of said
act, anything in the act approved July
16, 1884, providing for the admission of
said state into the Union to the con-
trary notwithstanding.

OGDEN PUBLIC BUILDING.

Mr. Sutherland has received maps
and papers from the mayor of Ogden
showing the location of the site which
has been offered by the citizens of that

place for a public building, and laid the
same before the committee on public
buildings of the house. The indication
of a favorable report is entirely satis-
fying.

TO IMPROVE SNAKE RIVER.

Senator Helfield offered an amend-
ment to the river and harbor bill for
increasing the appropriation for im-
proving Snake river, from \$10,000 to
\$25,000.

PENSIONS.

Increase pensions granted: Utah—
Alfred B. Putnam, Ogden, \$10; Idaho—
Collins Ferryman, Julietta, \$20; Wyo-
ning—Oliver P. Goodwin, Lusk, \$30.

VOLUNTEERS' PETITION PRE- SENTED.

Senator Kearns presented a peti-
tion from Utah volunteers for the pas-
sage of the bill of Congressman Bell
of Colorado asking that the government
allow travel pay from Manila to San
Francisco to those who enlisted on the
call for volunteers for the Spanish-
American war.

Senators H. H. Hackney, Kansas; J. M.
Razzer, Texas; W. M. Rowe, Michigan;
C. L. Cutter, Ohio; A. L. Miner, Penn-
sylvania; C. E. Engel, New York; E. R.
Evansville, Indiana; E. P. Brunson,
Tennessee; Seymour M. Carter, Minne-
sota.

The first annual meeting will be held
in Chicago, June 11, 1902.

Prof. Chauvenet Resigns.

Denver, March 26.—Prof. Regis Chau-
venet has resigned the presidency of
the State School of Mines and will re-
turn at the end of the present school
year.