

LUCKY FOR LUKE; SET FREE AGAIN.

Loosely and Faultily Drawn Indictments Give Him Clear Sailing to Liberty.

FINAL ECHO FROM GRAND JURY.

"Bad Debt" Man Scores as Big a Triumph as Prosecution Does Defeat—How It Happened.

The trial of Francis G. Luke, charged in nine indictments returned against him by the grand jury with altering and defacing a public record, was brought to an abrupt end yesterday afternoon in Judge Morse's court when the court quashed all the indictments on the ground that they did not charge a public offense. A jury had been secured and Justice F. H. Clark, the first witness for the state had been called to the stand, when Atty. Straup, for defendant, objected to the introduction of any testimony in the case for the reason that the indictment did not charge any criminal act or intent on the part of defendant; it did not charge any falsity or wrong in the entry made in the record of Justice Lochrie; and did not charge that the record is a public record within the meaning of the statute or that the acts complained of were defacing or altering a public record within the recognized meaning of the words alter and deface. Judge Morse stated that he would like to hear from the state whether or not the acts complained of in the indictment constituted the charge of altering and defacing a public record within the meaning of the statute. County Atty. Westcott, who had charge of the grand jury when the Luke cases were investigated and who drew up all the indictments, argued that altering a public record is making any entry or change, whatever, in the same without the authority of the person lawfully in charge of such record. Any mark, he said, made upon a public record without authority is altering and defacing the same. Judge Morse then stated that he had examined the indictment thoroughly during the noon recess of the court and he was satisfied that it did not charge a public offense. The acts complained of, he said, did not come within the meaning of altering and defacing a public record as set out in the statutes and the indictment did not charge that the entry in the docket was wrongful or false, had it done so then the charge should have been falsifying a public record and not altering and defacing it.

The court then sustained the objection to the introduction of testimony, discharged the jury and ordered that the defendant be discharged and his bondmen exonerated. Dist. Atty. Elchorn stated that it was useless to proceed to trial on the other indictments as they were in identical language. The attorneys for defendant then moved that the same order be made quashing the other indictments, which was granted by the court, and thus all of the indictments against Luke were disposed of.

EXCURSION TO SALT LAKE

Sept. 30th to Oct. 6th.
Via Oregon Short Line, for Conference and State Fair. The usual very low rates will be made from all Short Line points. See agents for full particulars.

YOUNG MAN'S SAD DEATH.

Stranger Falls a Victim to Typhoid Fever at the Holy Cross Hospital.

A peculiarly sad death occurred at the Holy Cross hospital Wednesday night, when a young man whose name is supposed to be Frank McPherson, passed away as a result of a severe attack of typhoid fever. A few days ago the young man called at the police station and notified the officers that he was sick. A doctor was immediately summoned and at once pronounced his case typhoid fever, resulting in his being taken to the hospital. He was then delirious and continued in this condition until death relieved him of his sufferings. Little is known concerning his identity, although it is said that he stated to a fellow patient at the hospital that his name was Frank McPherson and that he had been employed by the carnival last week. The remains are at the O'Donnell undertaking parlors awaiting a claimant. If none is found they will be buried at the expense of the county.

TWO OTHERS YET LIVING.

The "News" is in receipt of a communication from P. A. Jackman of Logan correcting the statement that the late Mrs. Melissa Coray was the only surviving female member of the Mormon Battalion. He states that there were two others yet living, Mrs. Abina Merrill Williams of Soda Springs, Ida., and Mrs. Lodonia Merrill Stillman of Salt Lake City, both of whom arrived in Salt Lake City July 27, 1847, in Capt. James Brown's company.

WHAT HE SAW ABROAD.

Oregon Physician Stops Over for a Few Hours and Tells Salt Lake Friends.

Dr. H. P. Rudy, of Arlington, Or., was in the city for a few hours today en route to his home from a five months' trip to Europe. Six weeks of his time while abroad was spent in study and practice at the hospital of the University of Vienna. He states that during his stay at that institution there were 1,459 births at the hospital, which record he believes beats that of Utah in the production of its best crop.

The doctor visited Sofia, Bulgaria, and got a glimpse of King Peter and also the crown prince and princess of Bulgaria. He was there at the time assassinated King Alexander and Queen Draga was discovered and when the plotters were arrested. At Vienna, Dr. Rudy met a Bulgarian physician who was an interesting souvenir of the assassination of the late king and queen. It was an ebony powder box used by Queen Draga at the time of her assassination. On the lid it had the queen's initials in gold letters and it

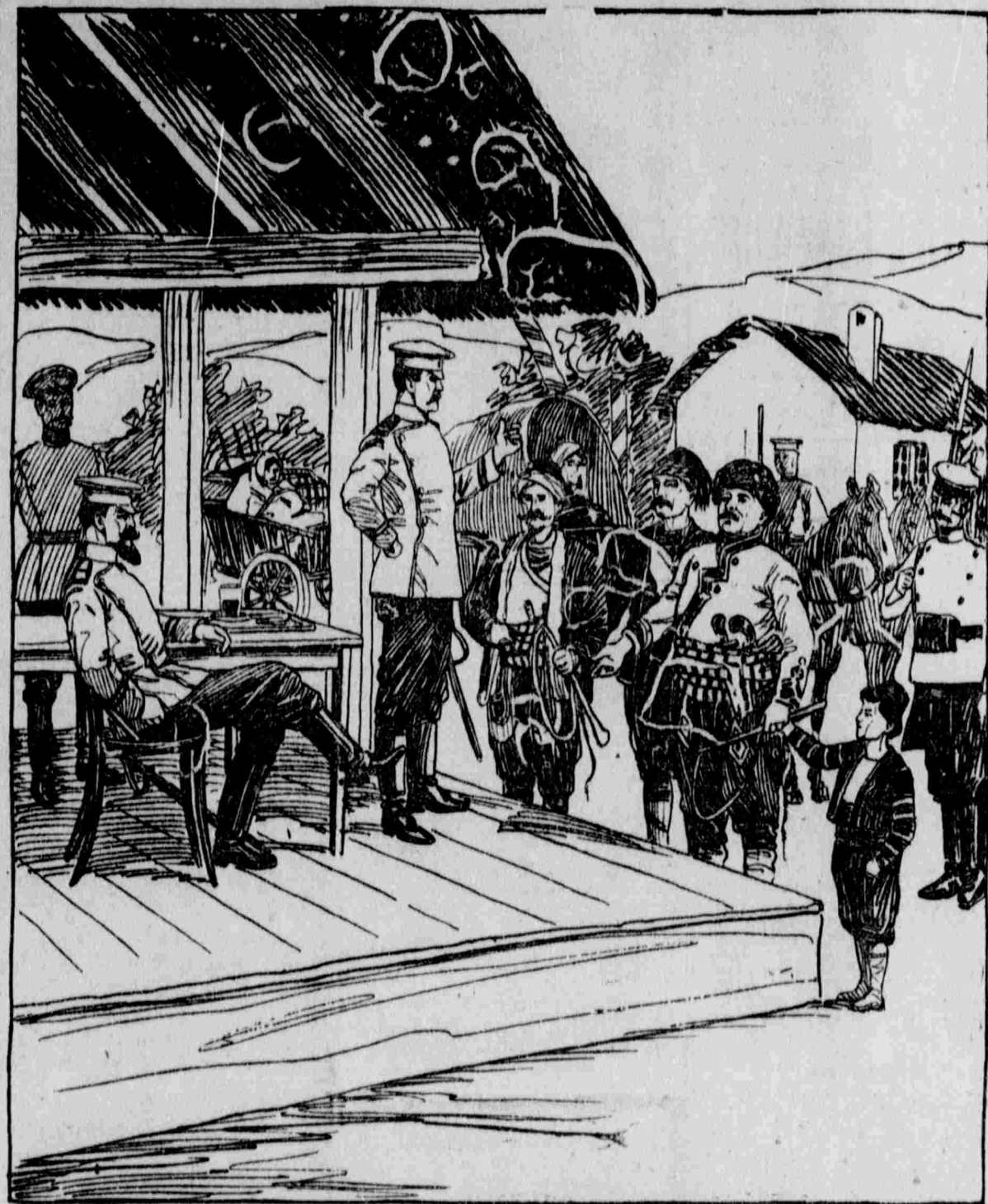
Today—Ayer's Sarsaparilla day.

Take other kinds tomorrow.

J. C. Ayer Co., Lowell, Mass.

also contained several blood stains which were undoubtedly the life blood of the murdered queen.

Dr. Rudy is very favorably impressed with Salt Lake and states that he



REFUGEES FROM THE DEVASTATED VILAYET OF MONASTIR ARRIVING AT THE BULGARIAN FRONTIER.

Hundreds of refugees from the devastated vilayet of Monastir, in which 65,000 persons are reported to have been massacred and 150 villages totally destroyed, are arriving daily at the various frontier posts on the way into Bulgaria. At these posts they are put through a severe cross examination by the Bulgarian officer in charge, on the theory that they may be Turkish sympathizers in disguise. The illustration depicts a typical scene of this sort.

would like very much to locate here. After a short visit with friends here, he left on this morning's train for his home.

A SHAME

To Poison Children.

"I have made coffee during the 17 years I have kept house on an average of at least once a day until we gave it up altogether. My husband was often forced to leave off drinking it for several weeks at a time owing to severe pains in his heart which he declared were caused by coffee. I also had had nervous trouble and suffered much from headaches and a feeling of suffocation and faintness. We have four children and all were very fond of coffee and drank it every morning, seldom eating much breakfast. They were pale and often complained of feeling faint and dizzy and one daughter had indigestion badly. My husband's father who lives with us was badly bloated and sometimes said 'I believe coffee hurts me.' But after trying for a few days to get along without it the habit of a lifetime proved too strong and he would call for a cup of coffee."

"Last spring we began reading about the wonderful cures by Postum Food Coffee and became interested and decided to try it. So we stopped coffee and began using Postum. In a surprisingly short time we all noticed a very decided change in health all round. The children's appetites improved and after using Postum a short time they began to eat hearty breakfasts every morning. Elizabeth's dyspepsia is all gone and she says she can eat anything now and it does not hurt her. They no longer complain of feeling faint and dizzy and all are growing plump and rosy."

"I have gained eight pounds myself although doing more work than I have been able to do for years. My appetite is good, food digests, nerves are stronger and I have none of the other troubles. It is simply wonderful."

"My husband has no more trouble with his heart and father-in-law does not bloat and can breathe much more easily. We had made the change from coffee to Postum without telling father-in-law but one morning after we had used Postum a short time he slipped his coffee and said 'How much better this is, how did you happen to get such good coffee?' and he was greatly surprised when told it was not coffee but the food drink Postum. He declares that it has done him great good and he has not been so well for years although he is now 73 years of age. A lot of my other relatives have had almost the same experience all of them having found out that it pays to give up coffee and drink Postum if you want to be healthy and happy." Name given by Postum Co., Battle Creek, Mich.

Look in each package for a copy of the famous little book, "The Road to Wellville."

IRRIGATION ODES.

That Prof. McClellan had no competitors in the contest for the music to the "Irrigation Ode," should not be taken as an indication that the subject did not stir up interest in the musical minds of our state. The fact is, that Prof. Arthur Shepherd has for some time been writing an extensive and masterly work with Mrs. McClurg's poem as its inspiration. The choral sections of it, especially, are quite extensive, elaborate and beautiful. In the opinion of some who have seen it, it is Mr. Shepherd's best work up to date, and one that no modern master of music need be ashamed of. Then our old standard bearer, Prof. Stephens, whose sympathies are ever ready to vibrate into song at every touch of poetic allusion to anything that concerns "our mountain home," though not entering the musical contest, was not idle. He carried off the prize for the contest on words, for a pioneer cantata in 1885, and the music to Bishop Whitney's Pioneer Ode in 1899, and when the irrigation subject was brought to his notice, he at once decided to write a libretto on the subject of "The Desert Redeemed," conforming to the outlines marked out for the poetic contest of

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Husler's Flour

"The spreading streams unloose the hands of death
And life springs forth throughout my vast domain;
And with life joy and industry, the hum
Of stirring progress in harmonious song
Drowns out the wail of savagery and drouth,
The blessed chain of giving is complete.
God gives the mountain snow to crown his crest;
The mountains give it to the rushing

that run
Thine be the glory, O Eternal One!"
May we not hope that some day, when time, the means of publication and the labor of learning three such difficult and ambitious compositions can be furnished, we may have this flood of Utah irrigation music, (McClellan's Shepherd's and Stephens') all turned loose upon us in our matchless musical auditorium, the Tabernacle?

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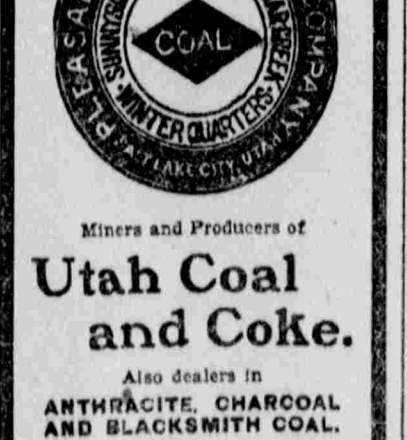
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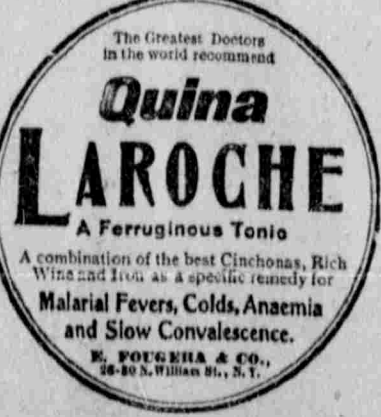


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SHOES!

Special for two hours only, between 9 and 11 o'clock Saturday morning, we will place on sale 400 pairs of boys' armor clad school shoes.

These shoes are made of good plump Casco calf, have kangaroo calf tops and a full double sole with quilted bottoms. Solid sole leather counters and insoles and are fitted through with four rows of silk stitching. Every pair guaranteed to hold your boy. Sold everywhere for double the price.

Remember, from 9 till 11 o'clock Saturday Morning, all sizes, 12 to 5 1-2, \$1.00.

FALL AND WINTER SHIRTS—New patterns, plain and pleated bosoms, best of Madras materials, and perfection in fit. \$1.25 and \$1.50 for 50c.

BLACK AND BROWN BALBRIGGAN HOSE—Regularly sold at 25 cents, quality guaranteed, will be sold today two for 25 cents.

WHITE LINEN HANDKERCHIEFS—Regular 25 cents for each, will be sold today at 10c.

NIGHT SHIRTS—Made of best Wamsutta muslin, plain and fancy trimmed, with and without collars. Regular 75 cents, 40c.

UNDERWEAR—Heavy winter weight, form fitting, non-shrinkable. Regularly sold at 75 cents a garment, \$1.50 a suit, lowered to 50 cents a garment; \$1.00 a suit.



GOOD QUALITY TOOTH POWDER, sold regularly for 25c—sale price today 10c.

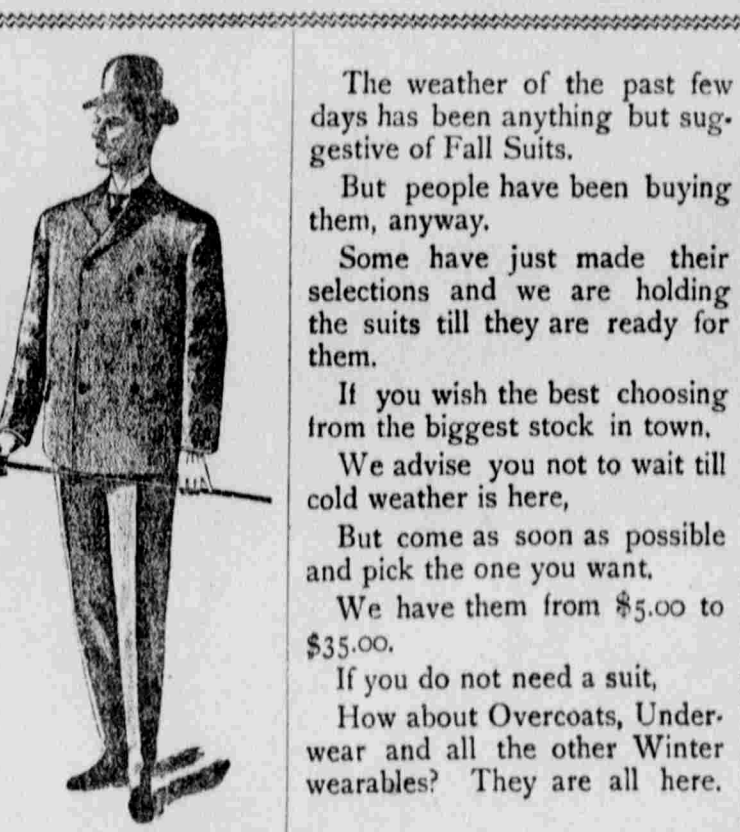
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New Sponge Bags from 25c up.	New Rubber Combs from 15c up.
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