TRUTH AND LIBERTY.

10 PAGES

MONDAY MAY 17 1909 SALT LAKE CITY UTAH

FIFTY-EIGHTH YEAR

## SUTHERLAND, PROTECTIONIST

mah Senator Declares Himself To be a Thorough and Consistent One.

HE IS NOT ONE IN SPOTS.

Would Accord to Other States That Which He Claims For His Own.

Any Question as to Amount of Duty To be Levied He Would Make it Too High Rather Than Too Low.

Washington, May 17 .- Fifty-seven senators answered to their names when the senate met today, relieving doubt as to the ability of that body to obtain quorum early in the day to consider the tariff bill. When the name of Senaor Jones of Washington was called, his colleague, Mr. Piles, announced that he chad gone to the White House and was not able to be present."

SUTHERLAND'S SPEECH.

"I am not a protectionist in spots," said Mr. Sufherland of Utah, in beginning an address in support of the tariff bill as reported by the finance committee and in opposition to the addition of an income tax provision. If, he said, there was any question about the amount of duty to be levied on a particular article, he preferred to solve it by having the duty a little too high rather than a little too low. He could not advocate taxing the products of his own state and deny protection to the products of any other state.

Speaking of the income tax, Mr. Sutherland said the framers of the Constitution had contemplated having the federal government obtain its revenues by imposing taxes upon a class of sub-"I am not a protectionist in spots,"

federal government obtain its revenues by imposing taxes upon a class of subjects which the states, either under the Constitution or by common consent, did not or could not tax to the fullest extent that would be possible. The federal government under the Constitution, he said, was given power to impose taxes on imports which power was substantially exclusive. By common consent the imposition of internal revenue taxes upon liquors and tobacco has nue taxes upon liquors and tobacco has been given over to the federal govern-

ment.

"I think," said Mr. Sutherland, "except in cases of necessity, the taxes of the federal government should be confined to those things which either under the Constitution or under the operation of the common consent power of the general government are exclusive."

Any effort, he said, to impose taxes Any effort, he said, to impose taxes upon objects that states tax is bound to result in confusion or double taxation. Taking that view, he regarded the income tax as not a proper means for raising revenue for the general government.

or raising to the interest of the income tax and was at times interested by Sénator Balley, Borah, Cummins, Owen and Heyburn.

#### THIS MAN FINDS PRISON REAL PLEASURE

New York, May 17.-Joseph L. Hud-on, who has been taken from Riverhead, L. I., to Sing Sing to begin a term of from two to five years for manslaughter, does not agree with the court that jail imprisonment is a pun-

court that jail imprisonment is a pun-ishment. He says he enjoys it. "Never in my life have I been so happy as during the time I have been in jail," said Hudson in bidding goodbye to the sheriff of the Suffolk county jail. "I would like to stay here all my life. It is peaceful here and I am happy and contented. I was ill when happy and contented. I was in when I came here, now I am strong. I have had years added to my life, and if Sing Sing is as peaceful a place. I hope my sentence will never expire." Hudson was arrested on the charge of

killing Mrs. Henrietta Eleanor, his housekeeper. He plead guilty to man-slaughter in the second degree on Friay and was sentenced to prison. Hudson smiled when received the entence. He did not have any fears and thought he would find more enjoy-ment within prison walls than with-

#### VICTOR EMMANUEL RECEIVES MR. CARNEGIE

Rome, May 17.—Andrew Carnegie was receive in andience by King Victor Emmanuel today. He was presented by Senator Cappellini, of the University of Bologna, to which institution his majesty sent the model of a rare prehis-toric animal recently presented him by Mr. Carnegio. The king expressed the appreciation of the gift and showed areat interest.

#### MANIA FOR SLOTS CAUSED HIM TO CUT HIS WRIST

San Francisco, May 17.—Convinced that the mania for playing slot machines was beyond his control. Henry chines was beyond his control. Henry Rowland, a 20-year-old youth, employed as janitor, went to his room Saturday night and slashed his right wrist with a razor, intending to end his life. All night he lay in a stupor caused by loss of blood, and late yesterday morning regained consciousness, arcused by the music of a Salvation Army band, which was playing beneath his window. The desire for vation Army band, which was playing beneath his window. The desire for death had left him and in a frantic effect to find aid he dragged himself from his blod-scakedd bed, crawled along the half, fell down a flight of stairs and reached the office of the building where he succeeded in unhooking the telephone with his unhighred arm and calling to his sisterin-law. Mrs. Economy rushed to the injured arm and calling to his sisterin-law. Mrs. Rowland rushed to the
building and founds the youth unconscious and covered with blood on the
floor of the office. She summoned the
ambulance and he was taken to the
Pospital where the surgeons sewed up
his stashed wrist and said that he
would be none the worse for the
Wound event for the law of blood. wound except, for the loss of blood.

GEORGE ME TITH VERY ILL. I order, May covge Meredith, the ian author was taken ill May 14, when he has gradually grown

## INVESTIGATING ADANA CONDITIONS

Capt. Marshall of Armored Cruiser North Carolina Has Conference With the Governor.

WILL PROTECT AMERICANS, UNCLE SAM OUT OF SEEDS.

Refugee Camps Present Pitiable Sight -Essential for Their Health That They be Dispersed.

Mersina, Asiatic Turkey, Sunday, May 16 .- Capt. William A. Marshall, commanding the American armored cruiser North Carolina, now in this port, has been investigating conditions. He had a conference with the governor of Adana province yesterday. As a re-Sult full protection has been promised American interests at Adana and guards are patrolling the American property there and elsewhere. The conditions in the refugee camps

The conditions in the refugee camps are pitiable. Thousands of unfortunates are huddled together and there is lack of food, shelter and medical aid. The authorities are making efforts to improve the situation and sent refusees back to their farms. Many Armenians are quartered at the American missions, and most of them decline to leave because of their lack of confidence in the protection offered. The greatest danger is from epidemic in the overcrowded camps and missions, Measles and typhoid fever already exist. It is urgently necessary that the refugees to dispersed as soon as possible.

Money contributions are greatly needed.

needed. Capt. Marshall is sending a medical relief party up to Adana. The North Carolina will remain here for the pres-

MONTANA AT ALEXANDRETTA. Alexandretta, Asiatic Turkey, May 17.

Alexandretta, Asiate Forkey, May 11.

—The American cruiser Montana arrived here today, Alexandretta is quiet.

The Montana accompanied the North Carolina from Cuba and came to this port while the North Carolina went to

#### MUSKOGEE TOWN LOTS.

More Witnesses Arrive to Testify Bo

fore Third Grand Jury. Tulsa, Okla., May 11.—Twenty out of town witnesses arrived here today to testify before the third federal grand fury that is to investigate the Muskogee town lot fraud cases. Judge Marshall summarily dismissed the second lury on Saturday last on the assertion of the district attorney that it had been influenced improperty. Sixteen additional men were promptly named to investigate cases and the new jury was ordered to convene here tomorrow.

The many witnesses already in Tulsa were held here to repeat their testimony and others were summoned by the government.

#### CONGRESS TOLD IT CAN GO TO THE BAD PLACE

Washington, May 17.—"Congress can go to hell. We will report when we get ready."
This, said Mr. Clark of Missouri, in the house today, was the alleged response given by the engineer depart-Thus, said all. Chira the house today, was the alleged response given by the engineer department of the army when asked for information regarding the result of the examination made by the engineers as to the practicability and desirability of constructing and maintaining a navigable canal 14 feet deep and of suitable width of the St. Louis to the mouth of the Mississippi river.

The subject was brought up when Mr. Bartholdt of Missouri offered a resolution calling upon the secretary of war for the report.

Mr. Alexander of New York, the prospective chairman of the harbors and rivers committee, insisted that no report had been submitted. That, however, was denied by Mr. Bartholdt, who declared that the report had been made three months ago. Mr. Clark at this juncture made the statement quoted.

The resolution failed of adoption through an objection by Mr. Alexander.

#### PREST. TAFT WILL OPEN YUKON EXPOSITION

Washington, May 17.—President Taft is to open the Yukon-Alaska exposition at Seattle June 1, with the splendid gold telegraphic key presented to him today by Seey. Ballinger and the congressional delegation from Washington. The key is mounted on Alaska marble and is ornamented with 22 handsome gold nuggets from Alaska. The key will be connected with the White House Telegraph wires and the president will touch it on the day of opening, thereby setting in motion the machinery of the exposition.

#### **FIVE MORE MEN HANGED** IN CONSTANTINOPLE

Constantinople. May 17.—Five more men were hanged at half past 3 o'clock this morning in front of the buildings of parliament, opposite the mosque of St. Sophia, in Stamboul. They had been found guilty by court-martial of complicity in the murder of their officers in the revolutionary outbreak of April 12. Among them was one none-commissioned officer, the others were junior officers. The five men sang hymns while they were being conveyed from the war office where they had been confined to the place of execution. They continued their songs until the mal preparations were made for their execution. All through the condemned men were as calm as if saying their prayers in a mosque.

#### BRANDENBURG ARRAIGNED.

New York, May 17 .- Broughton Brandenburg, the writer, who was brought back from San Francisco yesterday, was arraigned in police court today, charged with larceny by having sold to the New York Times an article purporting to having been prepared by Grover Cleveland.

Brandenburg was committed to the Tombs prison to await trial, the date of which was not fixed. His counsel announced that no application for ball would be made at present. At Bran-denburg's request he was allowed to have an interview with Mrs. Brandenburg in the criminal courts building be-fore going to the Tombs.

#### LEAVE FOR POSTMASTERS.

(Special to the "News." Washington, May 17.—The following order has been issued by the postoffice department: "Postmasters in Utah are hereby granted leave of absence for as many days, not exceeding five, as may be necessary to enable them to attend the annual convention of the Utan Postmasters' association to be held in Sait Lake City, May 27 and 28.

## NEW YORK G.A.R. ASKS FOR LEAVE

Petition Presented to Board of Aldermen Praying for Vacation for City Employes.

Request for Additional Supply Comes Too Late-Accommedation Commitee Has Problem on Hand.

A movement in the direction of assuring the attendance, at the fortythird encampment of the G. A. R. to be held in this city next August of the veterans of the late war who are employed in different capacities througout the country, has been adopted in the city of New York. James Owens, member of the New York state senate from the Twenty-first district, conceived the idea of petitioning the board of aldermen of the city of New York, asking them to grant a leave of absence to all Civil war veterans, in the employ of the city, a vacation of six days on full pay for the purpose of attending the encampment to be held in Salt Lake City the coming summer. The resolution was presented to the board on April 22, and was passed by that body without a dissenting vote. The resolution was as follows: "Whereas, The veterans of the Civil war will hold their forty-third national encampment at Salt Lake City,

Utah, August 9 to 14, 1909, inclusive; "Whereas, A number of the veterans of that great struggle of 1851 to 1865 are employes of the various departments of the city of New York, and

ments of the city of New York, and delegates to the encampment; and "Whereas, By reason of the services rendered by these veterans to our country in the hour of her need, they are worthy of deep consideration; therefore, be it "Resolved, That all employes of the city of New York who are veterans of the Civil war be granted a leave of absence for six days with pay to attend said encampment; and be it further "Resolved, That his Honor George "Resolved, That his Honor George

"Resolved, That his Honor George B. McClellan, mayor of the city of New York, he respectfully requested to approve of said resolution of the board of aldermen of the city of New York. SEEDS EXHAUSTED.

In reply to a request from Col. F. M. Sterrett, executive director of the forty-third encampment, for additional flower seeds from the government for the decoration of the gardens and lawns of Sait Lake City during encampment week, Senator Reed Smoot states in a communication addressed to Col. Sterrett that he regrets very much to learn from the chief of the bureau of plant industry at Washington that the supply of flower seeds possessed by the bureau is completely exhausted for this season. Senator Smoot is pleased to note in this connection, however, that the bureau has supplied to the encampment directorate, through the courtery of the Utah delegation, 2,202 packages of flower seeds, which will, in the opinion of the senator, make a decided addition to the beauty of the city for encampment week. flower seeds from the government for city for encampment week.

AS TO ACCOMMODATIONS. Many of those who are canvassing Many of those who are canvassing the city for the purpose of ascertaining how many guests each household can accommodate during encampment week, meet with the statement that during that week relatives of the householders will be in the city and ou that account they will not be able to assist in accommodating the visitors. Col. Sterrett wishes those who expect to entertain relatives who are G. A. R. veterans will furnish a list of the names of such to the canvassing committee, so that unnecessary work may be avoided in providing such visitors with accommodations. According to the reports already submitted, the canvas is show that many thousands of visitors can be accommodated in the homes of the citizens, in addition to those provided for at the hotels.

#### REPORT ON TAXATION IN NEW ENGLAND STATES

Washington, May 17 .-- A unique and interesting report dealing with state taxation of manufacturing, mercantile, transportation and transmission corporations was made public today by Herbert Knox Smith, com-

mission corporations was made public today by Herbert Knox Smith, commissioner of corporations. That part of the report transmitted to President Taft concerns particularly the six New England states, It is stated that additional parts with other groups of sates will be published later.

A careful investigation into the tax laws of each state was made by Mr. Smith and the results of the inquiry are presented in concise form. The report presents in a popular way a digest of the tax laws and the methods of their administration.

It contains much of information paticularly interesting to legislatures and all other students of taxation. Commissioner Smith notes as particularly interesting the Massachusetts plan of taxation of "corporate excess" on the market value of stockless property otherwise taxed. It is pointed out, too, that Massachusetts alone succeeds appreciably in enforts to tax specially the manufacturing and mercantile corporations.

Railroads, it is noted, are among the largest tax payers. Public service corporations are most often brought under new systems of taxation. A review of the six systems of taxation indicated to the commissioner that the entire subject matter is still in an unfinished condition and will need yet further careful thought and consideration.

#### WESTON ON TIME.

Buffalo Park, Kan., May 17.-Edward Payson Weston, who is walking to the Pacific coast, reached here at 10 o'clock this morning and continued on west He left Wakeney at 12:10 this morning, covering the 28 miles to this point in good shape. He hopes to reach Monument, 35 miles west, by tonight,

KILL OF ROOSEVELT PARTY. Nairobi, British East Africa, May 17.— Edmund Heller, one of the zoologists of the Prosevelt expedition, came into Nair-obi today with some specimens of ani-mal and bird life that are to be cured and preserved here. They include one rhimoeeros, six lions, two giraffes. 20 smaller kinds of game and a variety of birds.

# **MURRAY MIX**

When They See First Car of Slag Go Over Dump They Wake Up.

STABBED AND CHASED BY 100

Luckless Bohemian Run Out of Town—Ugly Demonstration This Morning.

Rescue Attempted-Deputies Arrest Three, One Carrying a Loaded Revolver-Trouble Due Tonight.

Following the starting up of the smelters at Murray the foreign element comprising the men who struck for higher wages have developed symptoms during the past 24 hours of exhibiting an ugly disposition.

An exciting arrest last night, the stabbing of a Bohemian and a demonstration this morning are among the developments.

This afternoon a meeting will be held with the object of endeavoring to clear up the pending difficulties. In the meantime the foreign laborers want it understood that they are willing to return to work for \$1.25 a day, provided the Americans now employed

provided the Americans now employed at the smelter are discharged.

The first thnig the strikers knew that work had been resumed at the smelter and that the furnaces were again in operation was when the first car load of slag went over the dump. The moment the car appeared on the skyline the frenzied word as passed along Latin town. A big crowd of vociferous strikers soon congregated and started to warm up and hurl pieces of slag in the direction of the dump.

dump.
When the 11 o'clock shift went on last night things assumed an inter-esting aspect. The men were cursed by the aliens and in some instances rocks were thrown.

#### ARRESTS THIS MORNING.

ARRESTS THIS MORNING.

At 7 a. m. today Marshal Mauss and four deputies undertook to disperse the crowd of strikers at the bridge leading to the smelter. A number of the men sulienly withdrew but one fellow showed fight and was with difficulty handcuffed. A rescue was attempted by some of his companions, who in short order assumed that discretion was the better part of valor and left hot foot for a less tropical region. Three of the men were taken and thrown in jail. One, when searched, had a loaded revolver on his person.

son.

A luckless Bohemian, whom nobody seems to identify, was chased out of Murray last night after having been badly cut by the strikers. He raced through town with a crowd of nearly 100 yelling aliens at his heels and from last reports was still running.

It is anticipated that there will be more trouble tonight when the 11 o'clock shift goes on to work, as under assume a distinctly ugly disposition.

## WIFE ILL, HE SEEKS HOME FOR CHILDREN

Unfortunate Italian Appeals to People On the Street to Ttake Care Of Little Ones.

His wife seriously ill at St. Mark's hospital, unable to work because of the unfortunate condition in which he finds himself, and with three little children in need of parental care, Peter Mauer. an Italian, walked the streets of Salt Lake City for hours today, begging people on the streets to care for the children until he could return to his work and obtain funds sufficient to care for them and his wife, who is at the hospital.

Maner has been employed at the Smelters at Garfield. Recently his wife became dangerously ill and he brought her to Salt Lake City, spending all the money he had to give her the treatment and care her condition

demanded. After placing his wife in the hospital and arranging for her care there, Mauer found himself without funds, and with three little children in need of the necessaries of life, he was well nigh des-perate. He appealed to several per-sons on the street today to care for the little ones but he made it plain that he did not wish to part with them, only temporarily, or until he could get back to his employment at Garfield. Mauer was finally directed to police headquarters, where he told his story to the desk sergeant. The latter advised Mauer to go to the juvenile court officials. He did so and again explained his unfortunate condition. Arrange-ments were immediately made with the St. Ann's orphanage officials, and the children are being cared for at that in-

#### \*\*\*\*\*\*\* ACCOUNTS OF TAFT'S GOLF PLAYING

New York, May 17.-Albert Hoppert, 70 years old, had become so disgusted with long ar- \* ticles in newspapers concerning & President Taft's golf playing that these narratives yesterday in his home at Fair Ground, L. I., he yawned so widely and so long that he dislocated his jaw. It required a journey to a hospital and the services of two physicians to relieve him.

## SEWER MUDDLE UP ONCE MORE

Trouble for Council and Board of Works.

His Appointment to the Police Department, It is Understood, Will Be Turned Down.

After making a visit to the outlet sower Saturday, where Patrick J. Moran, the official contractor, is spending money with a free hand reinforcing the wooden stave pipe, Mayor Bransford shut down the work and will ask the council to consider the sewer muddle tonight. If the plans of Moran are carried out, the completion of the sewer will cost \$25,000. The sewer outlet has been a white elephant on the hands of the administration for several months and the council will do anything to get it off its hands. It is a question whether the Campbell Building company can be held responsible for the completion of the pipe under new plans and specifications. Campbell has about \$5,000 owing him on the work, but Moran has spent twice this amount already and whatever the sewer costs it will be a dead loss to the property owners now.

George Raleigh, whose name was sent to the council by Chief Barlow to be confirmed as a member of the police be confirmed as a member of the police force, will be turned down tonight by the city fathers, it is understood. The police and prison committee refused to stand for Raleigh's appointment because of the charges that were made against him in connection with the Mc-Whirter robbery. It is claimed that Raleigh's appointment was a deep-seated scheme of Chief of Detectives George Sheets to place him on the detective force again. Ten additional policemen will be appointed tonight. This will add about \$10,200 to the city's payrolls each year.

rolls each year.

The meat ordinance will come up to-night for its first reading. There are several butchers who are opposed to it.

The committee has reported favorably upon it, however, and it will probably be put through.

The public improvements which were considered last Saturday will probably be approved tonight. It is doubtful to the three public that the transport in whether an increase in the taxes will be discussed tonight.

#### SHOOTING SEA GULLS.

Game Warden to Make it Warm for Foreigners at Garfield.

Fred W. Chambers, state fish and game commissioner, detailed a deputy this morning to watch for violators of the fish and game law near Garfield. A number of complaints have been made about the foreigners shooting sea gulls, which have been protected by law for years. It is proposed to prosecute any violations of the law.

the law.

Numerous complaints have reached the office of Mr. Chambers in regard to violations of the fish and game law by boys in different parts of the county. The law permits boys under 12 years of age to fish without a permit but it is stated that older boys are yielding the law faily. A dozen are violating the law daily. A dozen boys have been brought before Mr. Chambers for robbing the nests of game birds which are protected by law. In the future Mr. Chambers announced this morning that he pro-posed to prosecute all offenders.

#### BIG APARTMENT HOUSE.

Work Starts on the Site of Covey Flats Wednesday Morning.

On Wednesday next the work of excavation for the Covey apartment house will be started at the corner of east South Temple and A streets. When completed this mammoth structure will be the largest of the kind in the state. It will be seven stories high, the first two stories being built of fire brick and the upper stories being built of buff pressed brick.

of buff pressed brick.

Speaking of the building this morning, Mr. Steve Covey said that it is the intention to build only one unit this summer. This will be constructed on the west side of the ground and will contain 80 apartments. This unit will cost \$130,000, and as three units will be built in all, covering every foot of frontage on South Temple street, it is presumed that the total cost of the ompleted structure will approximate

completed structure will approximate \$350,000,

The building will be thoroughly fire-proof, though wood flooring will be laid on the reinforced concrete. The excavation calls for the removal of only \$,000 yards of dirt, which will be finished in three or four weeks when Mr. Covey says, the work of construction will go right ahead.

#### GENTRY BACK IN PRISON.

Street Car Holdup Who Broke Parole Must Serve 16 Years.

Warden Pratt and Guard Henry

Taggart of the state prison have returned with that enterprising person. W. O. Gentry, the street car hold up, from California whither he had flown from Cantornia whither he had hown in vain hope of reaching Mexico. Gentry will now serve the remaining 16 years of his sentence in durance vile, ruminating on the uncertainty of things terrestrial. The warden was not asleep, when Gentry slipped his cable and started for the land of Monteasleep, when Gentry slipped his cable and started for the land of Montezuma, and presently located the man between San Bernardino and Colton. The local sheriff was notified, and it was only the matter of a few hours before he had landed his man and put him behind the bars. Warden Pratt had taken a personal interest in Gentry, being instrumental in getting him a parole twice as well as finding him a place to work, the last being near the copper smelter where he was getting \$2.50 per day, with chances good for a raise. In return for his kindness, Gentry runs away in hopes of reaching Mexico which he signally tailed to reach. He is now ready to acknowledge that he played the fool to perfection &gooogooogooogooogo to perfection

## RATE CASE HELD GAPT, HAINS IN ABEYANGE

Mayor Still Trying to Untangle Complaints Filed by Commercial Club Reposing Peacefully On Official's Desk.

#### RALEIGH PERSONA NON GRATA | SENATORS HOLD CONFERENCE

Commissioner Lane Will Come to Utah To Investigate When New Papers Have Been Filed.

(Special to the "News.") Washington, D. C., May 17 .- The complaints received from the Commercial Club Traffic bureau of Salt Lake City and shippers from Salt Lake, Ogden and Provo against the alleged extortionate rates and discriminations of the Harriman lines, addressed to Presiden Taft, by him referred to the attorney

general and decided by that official to

be incomplete, now repose peacefully on

the desk of Interstate Commerce Com-missioner Lane. Senators Smoot and Sutherland have had a conference with Commissioner Lane in regard to the matter, with the result that Commissioner Lane has called upon all interested parties for a more detailed statement as to the rate in dispute. This will require some time and it is understood work on the preparation of a revised complaint will be-gin at once in Salt Lake.

#### HELD IN ABEYANCE.

It has been practically agreed that when all necessary data is filed with the interstate commerce commission, Commissioner Lane and at least one and possibly two members of the com-mission will sit as a court at Salt Lake some time in July to personally hear the complaints. Pending the arrival of further documentary evidence from Utah, the case is being held in abey-

#### ANOTHER UTAHN'S SUCCESS.

M. Earl Cummings Receives Award For Two Sculptural Works.

The friends of M. Earl Cummings n this city will be pleased to learn of the talented young sculptor's success in his work in California, where he has just completed drawings for the Sloat monument to be erected at Monterey. The design was elaborated from sketches and will be crected in a space at the top of a hill overlooking Monterey bay. The prize for this monument was awarded to Mr. Cummings and Arthur F. Putnam four months ago. The monument will-consist of an eagle on a pedestal, the whole being about 20 feet in height. Both the pedestal and the eagle will be of granite. The plinth of the pedestal will be 50 by 50 feet, and the base of the pedestal will be set well within this. The monument is to cost \$10,000, and construction will begin almost immediately.

Mr. Cummings has also been selected to execute the design on the success in his work in California,

Ar. Cummings has also over sciented to execute the design on the Sather gate, on Telegraph avenue, for the University of California. The gate is of an elaborate, though chaste design. It will cost \$50,000 and has been donated by Mrs. Jane Sather to the university. It is a handsome con-ception in bronze, marble and granite. There will be four immense marble vases in marble carved in the granite The bronze statuary alone will cost \$25,930. The panels in the piers measure two feet by three feet six inches, and will represent science, art, law and the seasons. Cummings professes to see in the Sather gate the best opportunity for sculptural opportunity for work which has presented itself in years.

#### DASH FOR FREEDOM.

Frank Burns, City Prisoner, Attempts To be Excused from Services.

Frank Burns has proved himself to be, if nothing else, an earnest and even intrepid seeker of freedom from the results of his sins or felly, even to the extent of using a cloak of religious fervor. Yesterday afternoon he was apparently one of the most anxious of the prisoners at the city jail to attend the services held by jail to attend the services held by the band of religious workers in the police court room. His readiness, however, proved his undoing, for in-stead of solace or consolation, he is now suffering the pangs of repentance

f a scheme gone wrong. Burns started for the courtroom (converted on Sunday afternoon into a chapel) but when passing through the corridor leading from the jail to the room in which he had received his sentence of 189 days, he saw a chance to "duck" downstairs and out

chance to "duck" downstairs and out into the allerway.

He chose an unproportious moment, He chose an unpropotious moment, however, for Patrol driver George Moore happened to be looking in the direction of Burns just at what is sometimes called the physological moment, and Burns had barely dug his heels into the mud of the alleyway until Moore had yelled out his command to half. Burns, however, kept on to halt. Burns, however, kept en speeding down the alleyway toward State street until he heard the same voice yelling out "stop, or I'll shoot."
Just to make sure Burns hesitated to look around, and that was his undoing for the one glimpse that he got show-ed that Moore had his revolver in hand, getting ready to take alm—and Burns stopped in his race with a sud-denness that caused his hands to go up above his head.

Then he was taken back—not to

chapel services, but to the quiet soli-tude of the dungeon where he is still thinking it over. thinking it over.

Burns was sentenced April 6 to serve 180 days on a charge of vagrancy, and 14 days later showed his disapproval of the present regime on the rock pile by attempting a dash for liberty from the chain gang. He still has 140 days in which to make his third attempt.

#### WILL DISCUSS SALARIES.

The committee on teachers and school work of the board of education will meet at 4 o'clock Tuesday afternoon to discuss the salary schedule of teachers for the next school year. The scale will be completed by Super-intendent Christensea by that time intendent Christensea by that time when it will be presented. The board of education will meet Tuesday night to continue the investigation into the affairs of George M. Bridwell, superin-

Indeterminate, Being Not Less Than Eight, Nor More Than Sixteen Years.

HARD LABOR IS IMPOSED.

His Counsel Made Motion for New Trial Which Judge Garretson Denied.

When Told to Come to the Bar Prise oner Appeared Dazed; Did Not Seem to Understand Questions.

Flushing, N. Y., May 17.-Capt. Peter 2. Hains, U. S. A., who was convicted of manslaughter in the first degree for killing William E. Annis at the Bayside Yacht club last August was sentenced today by Justice Garetson in the supreme court to an invetson in the supreme court to an in-determinate sentence of not less than eight years, nor more than 16 years at hard labor in state's prison. John F. McIntyre, counsel for the defend-ant made the usual motion for a new trial on the ground that the verdict was against the weight of evidence and also contrary to law. Justice Gar-retson denied the motion. Mr. Mc-Intyre then raised the point of juris-diction of the supreme court over the defendant, contending that he never had been released from the jurisdic-tion of the federal government and had been released from the jurisdiction of the federal government and therefore the case was not properly before the court. Mr. McIntyre also stated that D. Brush, who had been an expert witness for the defense, had examined Capt. Hains since he was convicted and found him insane. Justice Garretson said there was no evidence to that effect before the court and he declined to consider the motion in regard to jurisdiction. The court clerk instructed Capt. Hains to come to the bar and proceeded to ask him the questions usually put to a man about to be sentenced. The prisoner seemed dazed and seemed to have him the questions usually put to a man about to be sentenced. The prisoner seemed dazed and seemed to have some difficulty in understanding the questions. Lawyers McIntyre and Young, of the defense, stood on either side of Capt. Hains and assisted him in answering the questions of the chief clerk. In passing sentence, Justice Garretson said the defendant had had a fair trial and had been defended by experienced lawyers. A jury had found a verdict commensurate with the requirements of law. He said he was not aware that any errors of law had been committed during the trial. Although there had been a great deaf of sympathy injected into the case, the law did not allow a man to punish another for wrong he had suffered or to wreak vengence upon the man who had wronged him. After Justice Garretson had imposed the sentence Capt. Hains sat down and dropped his head on the table before him. He seemed overcome with emotion for a few moments but seen recovered himself and

on the table before him. He seemed overcome with emotion for a few moments, but soon recovered himself and sat upright, staring at the court. Gen. Hains, the defendant's father, and Maj. John Hains, who were in court, displayed much emotion when the captain was sentenced. Immediately after sentence the prisoner's leaves a select for a stay of sentence lawyers asked for a stay of sentence for a few days in order to take an appeal. Justice Garretson said the case appeal. Justice Garretson said the case would take the usual course and gave the defense 24 hours in which to file an appeal. He then remanded Capt. Hains to the custody of the sheriff. The fact that the members of the jury which had convicted Hains had submitted to the court a recommendation of mercy for the captain was brought out by Eugene' H. Young, of the defendant's counsel.

The operation of an indeterminate sentence such as that imposed upon Captain Hains is so fixed by law unless pardoned by the governor or released on some legal point raised by his counsel, the prisoner must serve the

counsel, the prisoner must serve the full length of the minimum term nam-ed, which is eight years in the case of Captain Hains

### THE LOST ARE FOUND.

Through Reading an Old Newspaper J. H. Thornton Recovers His Son.

San Francisco, May 17.-By the perusal of a Chicago newspaper three weeks old, which had been carelessly thrown aside in the Alta hotel of this eity, J. H. Thornton, cousin of Charles H. Thornton, who was corporation counsel during Carter Harrison's first term as mayor of Chicago, has found his only child, and James Leslie Thornton of Chicago, who has believed him-self fatherless, has found his father. They have not seen each other since 1893, when the son was only five years old. In 1892 Thornton, according to his story, was granted a divorce and the custody of the boy whom he put in charge of his grandmother. Thornton then became chef of Hankin brothton then became their of hands of the east gambling house and later with the opening of the world's fair he occupied the same position with the White Horse Inn. According to the story told here by Thornton, it was at this time that his viists to his son became few on account of the nature of his work and he asserts that between two of his visits the grandmother died and his divorced wife took possession of his son. The father then began a five years' search for the control of the search for the search f they then began a new years search for his son, but finally gave up in despair and came west where he has wan-dered from camp to camp in the min-ing districts of the Pacific coast. On his return to this city a short time ago he picked up a Chicago paper which contained a Moline, Ill., dispatch in which it was stated that in a contest for the estate of an older sister of Thornton's former wife, the son was one of the heirs. Thornton enclosed the clipping with a request to the chief of police of Chicago requesting him to cate his lost son and in reply he relocate his lost son and in reply he re-ceived a message from the boy him-self who expressed a wish to meet his father. The happy father will leave at once for Chicago to meet his son.

#### MERTON WHEELER FUNERAL.

The Funeral of Merton E. Wheeler, who met death through contact with a live wire on Friday, was held at 3 o'clock this afternoon at the family residence, 615 south West Temple street, Rev. E. I. Goshen delivered the funeral address, and flowers were present in profusion. The pallbearers were classmates and fraternity men from Cernell and local institutions, and were as follows: E. A. Rogers, Lew Sowles, Vern Wheeler, Harry Tempest, Scott Rouse and Harry Elmer.