

Every day some things, often things of great importance, may be learned only through reading the ads.

DESERET EVENING NEWS.

TRUTH AND LIBERTY.

SATURDAY, FEBRUARY 24, 1906. SALT LAKE CITY, UTAH.

Want advertising furnishes you "the answer" to the little "real riddle," even though it is a hard one.

28 PAGES—LAST EDITION.

POWERS FLAYS STATE'S WITNESS.

Declares Raiff is a Miserable Wretch Whose Statements Are Not True.

SAYS WRECKERS ARE AT WORK

Boldly Declares That Animus Lurks Behind the Prosecution Of Continental Manager.

Seething Arraignment Made by Counsel for Tyree in Case Now on Before Judge Diehl.

"No man should be condemned by the testimony of such a wretch as the witness Raiff—a person who was 'loyal' one minute and entirely at variance the next, because the 'medium-sized check' demanded was not forthcoming."

Thus spoke Judge Powers in his argument today in defense of his client, Hiram Tyree, charged with filing a false report of the Continental Life Insurance company.

Judge Powers arraigned Mr. Raiff, one of the state's principal witnesses, in most scathing language. He declared that any person employed by another, and who would go out and attempt to wreck his employer's institution, while receiving money from that employer, was worthy of no credence whatever.

In opening his argument Judge Powers spoke of the animus that in his opinion lurked behind this prosecution. The case was not brought in behalf of the public, but at the instigation of individuals, to vent their own spleen and to their own ends and purposes.

THE REAL ISSUE.

Judge Powers contended that the great issue at stake in this case, is the fact that a large concern, in which many persons are interested and vast sums of money at stake, is in danger of being wrecked. The people concerned in the Continental Life Insurance company for the most part, are prominent and influential citizens, and care should be used that an injustice be not done to them in this prosecution.

ORGANIZATION OF COMPANY.

The organization and history of the Continental company was traced by counsel from its inception. The subscribers to the stock agreed among themselves to pay in advance 10 per cent of their subscriptions. So much of this amount as necessary was to be used in the promotion of the concern yet unformed. Stress was laid

upon the fact that the sum in question, \$13,250, had been the subject of an investigation by a committee of W. H. Dickson, W. S. McCormick, Frank R. Gooding and Mr. Steele.

PROMOTION FUND.

The report of these gentlemen had been accepted by the directors, and was then known as the H. Tyree promotion fund. This amount, said Judge Powers, with \$12,209, known as the paid-up stockholders' bonus, which was in pursuance of a resolution offered by Director Dickson, was properly an asset of the company. It would have been highly improper to have included the said sums in the expenditures of 1904, as the prosecution claimed should have been done.

MERGED BY BOOKKEEPER.

The creation of the promotion fund and of the stockholders' bonus, which was afterwards merged by the bookkeeper in an account designated as a special fund, was no act of the accused. The bookkeeping had been done by an expert, and Mr. Squires, the state's witness who examined the books, had testified that there was nothing wrong in the condition of the accounts. There was nothing in the testimony to show that defendant had in any way interfered with the accounts or that he had misappropriated or improperly used one dollar of the company's money.

CASH IN TRANSIT.

Judge Powers took up that portion of the alleged offense against Tyree that certain sums of money received subsequent to Dec. 31, 1904, had been made to apply on the report closing with that day. The fact was pointed out that Jan. 1, 1905, was Sunday, and that the Monday following was a holiday. The company's bank book showed that amounts that had accumulated were deposited on the 3rd of January and the succeeding three or four days. These receipts, he declared, were legitimate assets of Dec. 31, as they were but delayed receipts. He instanced the personal check of Dr. H. N. Mayo, which was dated Dec. 31, though not delivered to the company until a day or two later. Again, said Judge Powers, if a man like Samuel Newhouse should give a promise that a certain amount would be forthcoming, it could reasonably be considered an asset, though not exactly on hand.

MR. MCCORMICK NOT CALLED.

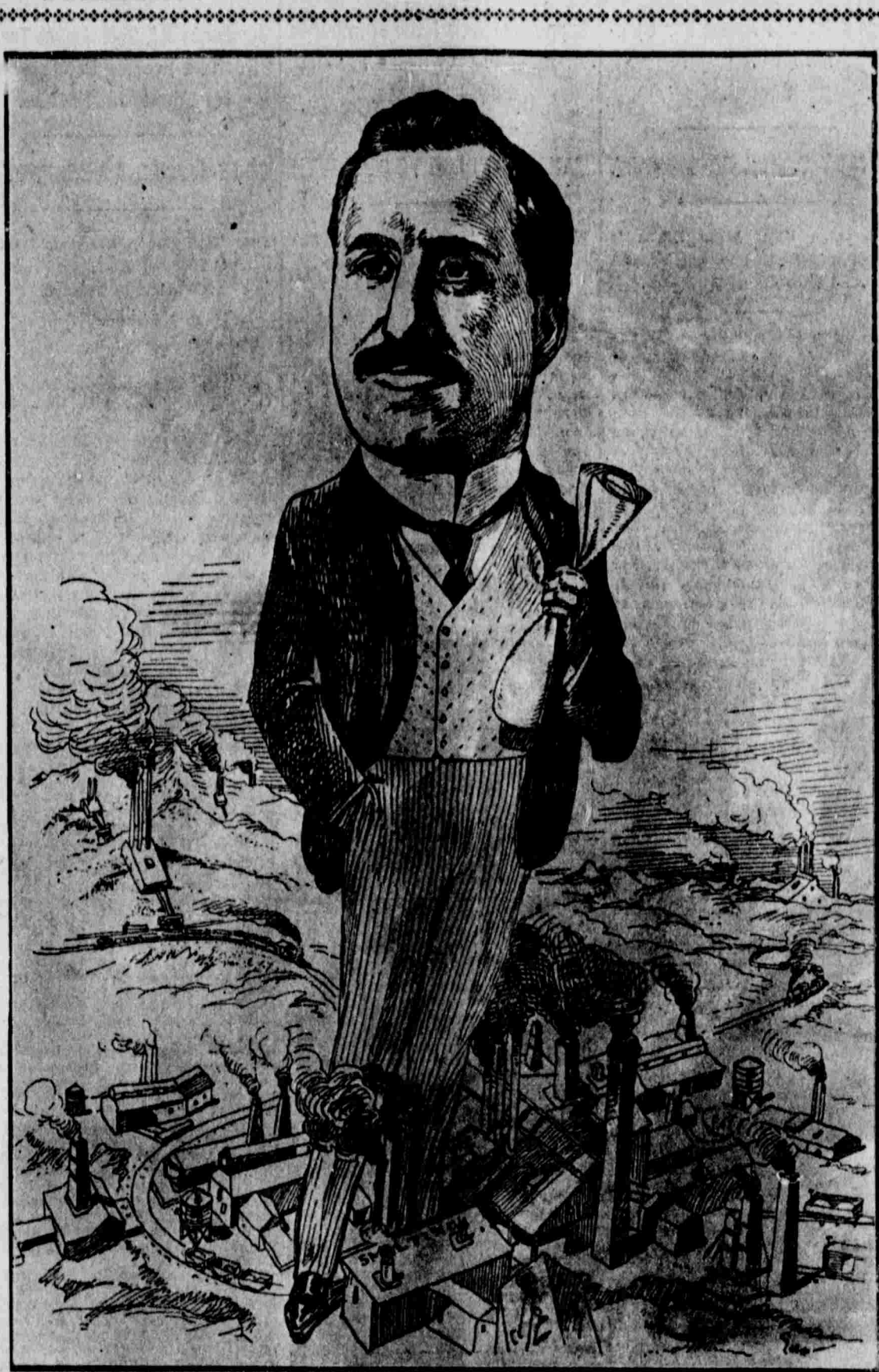
The prosecution, continued counsel, had failed to put Mr. McCormick upon the stand as they had expressed a wish to do. His testimony would probably not be favorable to the state's case. Mr. Whitney, on the stand, had testified that the loan of \$15,000 to the company from McCormick & Company's might have been negotiated prior to Dec. 31, 1904. If it was, argued Mr. Powers, it was an asset.

CALLED RAIFF A FALSIFIER.

Reverting to the testimony of certain witnesses, Judge Powers declared that strong personal animus had been displayed against the defendant. This was particularly so, he said, in the case of F. M. Raiff, who had come here to "fill a gap." His testimony stamped him as a falsifier. One day he sends a telegram to defendant protesting his own loyalty and giving encouragement, and shortly afterwards sends dispatches derogatory, because forsooth his blackmailing demands for money are not complied with. Such a person as Raiff, said Judge Powers, would throw down any one to accomplish his own ends.

BOOKS PROPERLY KEPT.

Judge Powers contended that the (Continued on page 2.)



SIMON GUGGENHEIM.

From "Representative Men of the West in Caricature"—Mr. Guggenheim Cut a Big Figure in Settling the Butte Copper Troubles and is Now Seeking to Control the Copper Production of Utah.

NO REST FOR HOCH'S BODY.

Undertaker and Two Clergymen Vainly Try to Find a Burial Place.

CEMETERIES WON'T HAVE IT.

Finally Interred in Potter's Field, Adjoining the County Poor Farm.

Chicago, Feb. 24.—The body of Johann Hoch lay today in the county morgue at Dunning, while the undertaker who had agreed to inter the corpse at his own expense, and the two clergymen who were on the scaffold yesterday when Hoch was hanged, vainly tried to find a burial place.

The authorities of Waldheim cemetery refused to allow Hoch to be buried there, as did the officials of Forest Home cemetery, and those of St. Lucas cemetery.

Today cemetery after cemetery was asked by telephone to permit the burial of Hoch, but all of them refused, saying that the owners of cemetery lots objected to the interment of murderers.

It was not expected that objection could be offered at Waldheim, as in that cemetery, Spies, Parsons, Vogel and Fischer, the executed Anarchists, are buried, but the officers of the Waldheim cemetery were adamant. They declared that the burial of the Anarchists had brought unpleasant notoriety.

BURIED IN POTTER'S FIELD.

After repeated efforts to secure a final resting place for the body of Hoch in one of the city cemeteries, the two clergymen finally despaired and shortly before noon the body was interred in the potter's field, adjoining the county poor farm at Dunning.

BILL TO FORFEIT LAND GRANTS TO RAILROADS.

Washington, Feb. 24.—To clear the titles of land grants to railroads existing only on paper, Representative Lacy (Iowa) has introduced a bill for the forfeiture of land grants made by the government to railroads under the right of way act of 1853 where railroads failed to build their proposed lines within five years after location.

Upon the board after the recent deplorable events long enough only to vote in support of every measure advocated by the Treadwell investigating committee. To show how impossible it is for anyone living at a distance to know really much about such a company as the Mutual until the names were brought out in the investigation, I did not know even of the existence of Mr. Treadwell, Mr. Raymond, Mr. Fields or Mr. Hamilton. Their names were never mentioned at any board meeting and I never heard of them or their relation to the company."

WILL USE \$600,000 ON IMPROVEMENT.

Important Action Taken by Directors of Telephone Company.

MORE NEW SWITCHBOARDS.

Board Authorizes Erection of Two Additional Stories to the Central Office Building Here.

The directors of the Rocky Mountain Bell Telephone company held an important meeting yesterday afternoon, when they made provision for appropriation of over \$600,000 for improvements on the system during the current year. The board first formally authorized the increase of the present central office building in this city to two stories higher, with an extension to the rear of 77 feet, making a structure five stories high, 50 feet wide and 170 feet deep, to cost \$109,000; also, the expenditure of the new great switchboard which will of itself cost \$287,250 and be in place July 1, 1907. This will make of the central station the largest office building occupied by any one company in the intermountain country.

The board also authorized new switchboards and new telephones in 12 different cities necessitating an expenditure of \$124,250 in this direction alone; also, new copper wire circuits on poles already set, requiring an additional expenditure of \$47,965.60; also, new lines in regions not yet entered, \$98,720, making a grand total of \$619,185.60 in appropriations. As there will be other appropriations later, it is estimated that considerably over \$1,000,000 will be expended by the company during the entire year. Architect Kletting has completed all of his plans for the rebuilding of the central station, so there will be no delay.

The company finds it necessary to erect its own poles between Provo and Price on the southeastern extension through the state, as conference with the Rio Grande Western management develops that the railroad poles at present in use are carrying all the weight of wire used by the Western Union and railroad companies, that they can stand without adding the wires of outside companies.

BELLE MEADE FARM.

Celebrated Place to be Turned Into a Suburb of Nashville.

Nashville, Tenn., Feb. 24.—Belle Meade the widely known breeding establishment of thoroughbreds, is to become a residence suburb of Nashville, plans having been completed to cut the farm up into town lots. There are several hundred acres and the place is not yet divided into lots. The disposition will be made of them.

KING EDWARD CAN NEVER WALK AGAIN.

That is, Without the Assistance Of a Cane, it is Positively Asserted.

WAS HURT IN WINDSOR FOREST

While Shooting He Had a Fall that Broke the Chord of Achilles.

New York, Feb. 24.—According to the London correspondent of the World, King Edward can never walk again without the aid of a cane.

The king's fall while shooting in Windsor forest last November resulted in breaking the tendon achilles.

The World correspondent states this on indubitable authority. It was announced at first that the king had sprained his ankle.

The king is 65 years old, and nature, even with surgical assistance, cannot completely restore the tendon achilles. King Edward walks very slowly and with a pronounced limp.

His majesty leaned heavily on a crutch-banded, stout Malacca cane when he opened parliament. He could not arise from the throne until the cane was handed to him. He wears an orthopaedic instrument inside his boot to support his ankle.

Otherwise the king looks to be in good health, but he is planning for a quiet, restful stay at Biarritz before his Mediterranean cruise.

MURDERED IN WARSAW.

Privy Councillor Ivanoff, Director General of the Vistula Railroad.

Warsaw, Russian Poland, Feb. 24.—Privy Councillor Ivanoff, director-general of the Vistula railroad, was shot and killed on Bracka street today by an unknown man.

M. Ivanoff was energetic in suppressing the recent railroad strike and dismissed many employees for participating in it.

ADOLF LEGLER HELD FOR HIS BROTHER'S MURDER.

New York, Feb. 24.—Judge Higgins of Jersey City yesterday decided that Police Chief Murphy had presented a prima facie case against Adolf Legler, and the young man who is accused of the murder of his brother Carl was committed to the county jail. Prosecutor

Speer will submit the evidence to the grand jury.

According to the testimony of Mrs. Henry Rutherford, Carl Legler, who was an assistant steward on a steamship and who slept with his brother Alexander, was severely burned one night last December. A bottle which had been filled with benzoline was lying on the floor nearby, and it was shown she and her husband were summoned by Alexander, who assisted in extinguishing the blazing bedclothing. A doctor dressed the young man's burns, and he was convalescent.

Five days later, however, Alexander, it alleged, administered a powder to Carl, who was attacked with convulsions and died an hour later. The physician said he had prescribed a powder that would induce sleep. R. H. Downs, a druggist, testified that he was well acquainted with the brothers, and the Albanian Leglers frequently visited the drug store after his brother was burned, and while sitting in the room, where the prescriptions are compounded, talked about the various kinds of poison.

Henry White, an employee of an insurance company, testified that Carl Legler's life was insured for \$3,000, Alexander being the beneficiary and that the insurance company suspected foul play and declined to pay the amount of the policy.

Letters found in young Legler's clothing showed that he and his father, Alexander Legler, Sr., were engaged in promoting the Altamaha Transit company and other concerns. Young Legler is from Georgia.

THE SMOOT CASE.

Report that Burrows Had Made Demand that Senator Produce Witnesses.

(Special to the "News.")

Washington, D. C., Feb. 24.—A report was current this morning that Chairman Burrows had made a peremptory demand on Senator Smoot to produce his witnesses. Senator Smoot is awaiting advice from Mr. Richards in Salt Lake, and expects to be able to announce to the committee early next week the names of those whose presence he desires. Mr. Burrows fully understands the situation, and is not disposed to impose any onerous burden on Senator Smoot.

The report that Senator LaFollette of Wisconsin was to deliver a lecture in Salt Lake April 29 caused Senator Smoot to request him to extend his visit to Provo and to make a speech there. Senator LaFollette says, however, that he is not going to Salt Lake and that the report is inexplicable to him. He cannot of course accept an invitation to speak at Provo under the circumstances.

Owing to the fact that the senate was not in session yesterday, the nomination of A. L. Thomas as postmaster at Salt Lake was not received. The papers are all ready, however, and his name will doubtless reach the senate Monday.

KENYON MILITARY ACADEMY BURNED.

Gambier, O., Feb. 24.—The buildings of Kenyon military academy burned at an early hour this morning and are a total loss. Three cadets are missing and at least eight are injured, three of whom probably will die.

The names of the missing have not been given out by the academy authorities. The injured are:

Harry Barnes, Cleveland, probably fatally injured.

Rennox Baxter, Cleveland, slightly burned.

John U. Nicholson, Steubenville, badly burned and will not recover.

Rupert Stearns, Cincinnati, burned about face, not serious.

Hart Shannon, New York, arms and body badly burned, may not recover.

J. Dorsey, Dallas, Tex., slightly burned about face and head.

Homor Thurmehier, Oak Harbor, O., slightly burned.

S. R. Sallaway, business manager of military academy, badly burned about face and hands.

Several others were slightly burned in escaping from the buildings.

Barnes was one of the last to leave the Delano hall and jumped from the fourth story window into a blanket which gave way and he was precipitated on to the pavement, suffering injuries to the back. One leg was broken.

He will die.

Eighty-five boys were in the dormitory when the flames broke out. An effort was made to observe military formation, but the younger students forgot their military training and rushed about the burning building in a panic, shrieking and crying for help. The buildings destroyed were Delano hall, Milner hall and the annex.

The losses on the building and their contents will probably aggregate \$50,000. The insurance is slight.

The origin of the fire is unknown. This is the second time the academy buildings have been destroyed.

The recent sensational hazing case, as the result of which it was alleged that a student from Cincinnati lost his life, took place at Kenyon college, a separate institution from the military academy which was destroyed today.

Practically all hope that the three missing students are yet alive has been given up by the authorities, but the ruins are still burning and attempts to recover the bodies are not yet possible.

The missing are:

Winifred Kunkle, Ashtabula, Ohio, returned to the building for some purpose and was not seen afterwards.

James J. Fuller, Warren, Ohio.

J. Edward Henderson, Indiana.

Fuller and Henderson were roommates.

MUTUAL TRUSTEE RESIGNS.

Edinburgh B. Morris Severs Connection With Big Insurance Company.

Philadelphia, Feb. 24.—Edinburgh B. Morris of this city announced today that he had resigned his trusteeship in the Mutual life insurance company of New York. Mr. Morris gives as a reason for his resignation the pressure of business. He is the president of the Girard Trust company of this city.

Mr. Morris in presenting his resignation, said he resigned as a trustee of the Mutual life insurance company because it proved impracticable for him as a non-resident to keep in touch with the details of the management of a corporation having its offices in New York and carrying on business from day to day. I remained in China in this country as the appointed time for an anti-foreign uprising in China, and Mr. Rockhill's failure to make mention of any trouble is therefore interesting.

The latest reports of the financial agents who are charged with the collection of the indemnity to the United States on account of the Boxer outbreak, shows that so far not enough money has been collected to defray the approved claims of American missionaries, so that it is said to be at least premature to discuss the advisability of returning to China any disbursement of the total indemnity of \$17,000,000, which will not be paid in, under the present installment system, for at least 15 years.

FIFTY-SIXTH YEAR.

W. K. VANDERBILT, JR. MOBBED IN ITALY.

He, His Wife and Their Chauffeur Have an Exciting Experience.

AUTOMOBILE RAN OVER CHILD.

Crowd Became Menacing and He Pulled Pistol But Was Disarmed.

Gendarms Rescue Men and Take Them To Police Station, the Lady to Best Hotel in Town.

Florence, Italy, Feb. 24.—The incident at Pontedera yesterday which involved the detention there of Mr. and Mrs. William K. Vanderbilt, Jr., and their chauffeur, turns out to have been much more serious than at first reported. The dispatches received yesterday evening from Pontedera simply announced that Mr. Vanderbilt was detained there owing to an automobile accident by which a boy was injured, but not seriously. It now appears that Mr. Vanderbilt and his chauffeur were mobbed; that the former drew a revolver and that both Mr. Vanderbilt and the chauffeur were arrested and taken to the police station. Mrs. Vanderbilt was escorted to the best hotel in the place where, according to the latest advices, she was awaiting developments.

The Vanderbilt automobile, it appears, was not going at excessive speed, but was turning a sharp corner in Pontedera. It ran down a child, a boy about five years old, and injured him about the head. Though the boy was not seriously hurt, his face was covered with blood. The automobile, which was stopped as soon as its occupants noticed that an accident had occurred, was soon surrounded by a crowd of excited people indignantly and threateningly regarding its occupants. In the midst of the excitement, the report spread that the child was dead and the townspeople became so enraged that they attacked the chauffeur. In fact, matters reached a very critical stage, and Mr. Vanderbilt, believing that the lives of the party were in danger, drew a revolver. Before he could use the weapon, however, a general men jumped into the automobile, disarmed Mr. Vanderbilt and kicked and cuffed him.

By this time the police had become aware that something was happening and a party of gendarmes hurried to the scene to protect the automobilists. Owing to the fury of the people, the officers took the Vanderbilt party into a neighboring shop for safety. There they were immediately besieged by the crowd, the most violent of the people urging their companions to take summary vengeance on the travelers.

As a coincidence, the shop to which the Vanderbilts were taken was owned by a relative of the injured boy, which did not tend to calm the feelings of the mob.

Eventually, an officer of gendarmes with reinforcements arrived on the scene and after the townspeople had calmed down somewhat, succeeded in rescuing the automobilists who were taken to the police station, followed by a crowd of shouting people. The leaders protested vigorously against the alleged carelessness of the automobilists, and said that it was time to put a stop to such incidents, involving loss of life, which were constantly increasing in numbers.

Mr. Vanderbilt and the chauffeur were detained at the police station under arrest, and Mrs. Vanderbilt, who was shown every attention possible, was escorted to the best hotel in Pontedera.

This morning doctors visited Adolphe Butini, the boy who was injured by Mr. Vanderbilt's automobile in order to ascertain his condition. Grave complications, it was announced, might arise.

Through the American consular authorities, Mr. Vanderbilt has secured a lawyer who has applied for his client's provisional release, which is always granted in similar cases, but which can be refused when the offender is a foreigner or when it is suspected that he may flee from justice. If the child does not die or is not permanently disabled the punishment may be imprisonment for three months and a fine of \$500, in addition to a fine for carrying a revolver without permission. But it is believed that considering the extenuating circumstances, Mr. Vanderbilt may be sentenced to pay a fine.

NO CLEMENCY FOR SHEPHERD.

Paris, Feb. 24.—The ministry of justice has acted adversely upon the application of the American authorities for executive clemency in the case of Elliott F. Shepard, of New York, (grandson of the late W. K. Vanderbilt), who was sentenced Oct. 26 to three months imprisonment and \$120 fine and to pay \$4,000 damages to the parents of Madeline Marduel, who was killed by Mr. Shepard's automobile at St. Ouen, April 24 last. The fine and indemnity were paid, but the application sought to waive the imprisonment. Further efforts in this direction will be made but the government's adverse action is considered final.

Elliott F. Shepard, whose residence is in Paris, arrived in New York from France, Jan. 8, to visit friends.

NO NEWS FROM ROCKHILL.

REGARDED AS GOOD NEWS.

Washington, Feb. 24.—A cablegram was received at the state department today from Minister Rockhill at Peking, referring to some routine matters of business, but not touching upon the state of affairs in China. This is regarded at the department as significant in a negative way, because Feb. 24 was the date mentioned by some of the lead-

ers of the opposition.

Washington, Feb. 24.—The federal council today approved the Reichstag's action in passing the bill providing for the extension of the new German tariff to the United States until June 30, 1907, and sent the measure to the emperor for his signature.

COUNCIL APPROVES REICHSTAG'S ACTION.

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