

THE DESERET EVENING NEWS.

FIFTY-FIRST YEAR

MONDAY, APRIL 1, 1901. SALT LAKE CITY, UTAH.

NUMBER 112.

RUSSIA VIRTUALLY SENDS ULTIMATUM

Is Seriously Perturbed by China's Course—May Break Off Diplomatic Relations and Interrupt Their Intercourse.

Washington, April 1.—Information has reached here to the effect that the Russian government is seriously perturbed by the course of China in not signing the Manchurian agreement, largely because of the protest made by the several powers, has conveyed a dispatch and unmistakable indication to China that if this course is persisted in there may be an interruption of diplomatic relations between Russia and China at a termination of the present intercourse between them. This is in the form of an ultimatum that China must sign the agreement or the consequences of a termination of her friendly relations with Russia.

As to what the United States will do in the event of Russia's disposition to break off relations with China, it is not yet made apparent. It appears to be the policy of the United States to consider this as a subject which concerns the powers quite as much as it does China. The matter has been further complicated by reports reaching Washington that the Chinese authorities are divided on the question of signing the agreement. It is stated that the Chinese minister, Li Hung Chang, is in favor of signing the agreement, while others in the Chinese government are opposed to it.

THE NEW TERMS.

St. Petersburg, April 1.—The new terms within which the signature of the Manchurian agreement is demanded expires Wednesday. The confidence that the treaty will be accepted substantially in its present form is apparently unshaken here, though no positive promises are made.

EUREKA HAS A DISASTROUS FIRE.

Broke Out Early This Morning and Raged Several Hours—Apex Restaurant and Hayes Millinery Store Destroyed—Half the Town Endangered.

(Special to the "News.")

Eureka, Utah, April 1.—Shortly after 1 o'clock this morning a disastrous fire broke out on Main street and continued for about three hours. The first alarm was given by the fire bell, which was rung by the fire department. The fire was caused by a gas stove in the Apex restaurant, which was owned by John Hayes. The fire spread rapidly and destroyed the Apex restaurant and the Hayes millinery store. The fire also endangered half the town, but was finally extinguished by the fire department.

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DID A. R. PATRICK MURDER W. M. RICE

Trial of the Famous Case Began This Morning.

HOUSEKEEPER TESTIFIES.

Defense Wanted Her Cautioned Against Incriminating Herself—She Declined to Answer Question.

New York, April 1.—The first witness today at the hearing of Albert T. Patrick, the lawyer, charged with causing the death of William Marsh Rice last September, was Mrs. A. M. Francis, who kept the house where Patrick formerly boarded. When she had been sworn and Assistant District Attorney Osborne was about to put his first question, Mr. Moore, Patrick's lawyer, said he thought the witness ought to be cautioned against testifying to anything that might incriminate herself.

Mrs. Francis testified that she had known Patrick since January, 1898, and that he had boarded with her at the time of his arrest. She was acquainted with David L. Short and Morris Meyers and with Potts, all of whom have figured in the case. Patrick occupied the back parlor in her house. She herself had no stated room, she said in reply to a question by Mr. Osborne.

"When did Patrick begin to speak to you about Mr. Rice?" asked Mr. Osborne.

"I decline to answer on the advice of my lawyer," witness replied.

"On what grounds?" asked Mr. Osborne.

"On the ground that it would incriminate me," Mrs. Francis answered.

Assistant District Attorney Osborne said there was no intention of implicating the witness with Patrick, but she still refused to testify.

Justice Jerome then asked the witness: "Do you believe the answer to this question would tend to convict you of a crime?"

Understand, not Patrick, nor Short, nor Meyers, nor anybody else, but yourself?"

There was some more argument and finally Justice Jerome said: "If the witness is willing to place herself in such a position in the community as the witness does through her testimony, I don't see that I can compel her to answer. She is an intelligent woman, and fully understands this question. Are you willing to stand in that light?"

Justice Jerome added, turning to the witness: "I am," witness said.

Mrs. Francis said she had known Jones since January, 1900, but she refused to reply to any further questions concerning Jones on the ground that the answers might incriminate her. For the same reason, she refused to say whether Patrick remained in the house all day on September 22nd last year.

Mrs. Francis was told to appear as a witness on Friday. Today she testified that she was down to the Tomb on Saturday when she spent several hours talking to Patrick.

"Did you discuss the case with him?" "I did."

"What did you say?" "Nothing of any importance at all."

It came out in the testimony that the witness had been told by Patrick that if she said anything favorable to Patrick, the district attorney would have her arrested.

Mr. Osborne then handed the witness a letter which she identified as one that she wrote him last year. It was marked and placed in evidence.

"You were not at that time afraid of incriminating yourself?" he asked.

"What has made you change your mind since then?"

"My counsel's advice; my own opinion that she is a woman previously held in high esteem in the community. I do not propose that she shall go out of this courtroom with a stigma on her name for lack of time to consider this matter. We will take a recess. During the recess, I would advise you to see some friend—not necessarily a lawyer—but some man or woman with sound business sense, who can give you counsel and advice."

"Did I ever threaten you personally?" said Mr. Osborne.

"No."

"Why do you believe I would have you arrested?"

"I saw in the papers on Saturday night that you were to make more arrests."

"And do you believe, after my declaration in open court, that I would arrest you, though innocent?"

"I do," she replied.

Justice Jerome interrupted her and said: "The testimony of this witness shows that she is a woman previously held in high esteem in the community. I do not propose that she shall go out of this courtroom with a stigma on her name for lack of time to consider this matter. We will take a recess. During the recess, I would advise you to see some friend—not necessarily a lawyer—but some man or woman with sound business sense, who can give you counsel and advice."

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LENTEEN DAYS DISCUSSED.

Subject Considered at Meeting of Salt Lake Ministers Today.

TERMINATES WITH EASTER

Rev. Simpkins Declines Against Six Weeks of Self-Denial and Forty-six of Wantonness and Wrong Living.

The Salt Lake Ministerial association met in the Y. M. C. A. parlors this morning and an interesting paper was read by the Rev. P. A. Simpkins, pastor of the Phillips Congregational church.

After discussing the origin of the special observance of certain days and seasons he observed that most of such were probably the outcome and fruitage of superstition and idolatry of heart of early believers in the church. "There is in them still," said Rev. Simpkins, "the seed of formalism and careful guarding is needed and unwarmed watching lest the tendencies of formal ceremony bear their fruit in dead works." In the observance of these days of self-denial, in the spirit as well as the letter, there is a deepening force for the eternal things within us.

Continuing the doctor said, "I do not wish to be understood as endorsing the present practice or spirit of the Lenten season, as we find them. I do not believe in six weeks of self-denial and forty-six weeks of wantonness and naughtiness of the flesh. Denounced as such, the Lenten season is a part of its religious expression, but which is really nothing more than a resting season necessary for women coming fagged out from winter excesses in society. The observance of the Lenten season can be good and helpful only when observed in sincerity and truth."

"Church going is no safe criterion of character. It is no more makes a man a part of the kingdom than abstraction therefrom debars from that privilege. Yet it is not a matter of indifference whether or not one attends church. That man is an exception who can maintain a healthful life apart from participation in church life by waiting on God in the service of his house."

The only reason the Episcopal and Episcopalian churches are so strong is that they insist upon attendance at church as an essential means to a noble end. Let us exalt this virtue and by the proper observance of the Lenten season bring ourselves nearer God."

This week is holy week, and under the direction of the Episcopal church a 20-minute prayer service for business men will be held at noon each day in the Y. M. C. A. parlors, Dean Eddie addressed the session present today, and will also speak tomorrow and Wednesday. The service begins at five minutes past twelve.

"I am," witness said.

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WATERWORKS CO. SUES OGDEN CITY

Mayor and Members of the Council Made Defendants.

OUTCOME OF RECENT WAR.

Injunction Asked for and Sum of \$5,000 Brought for Recovery of Damages—Other Court Notes.

The Ogden Waterworks company today filed a bill of complaint in the Federal court against the mayor, members of the city council, and the corporation of the City of Ogden.

The complaint alleges that on and about the 16th of January the defendants passed a resolution injuring the said company, and making it impossible for it to collect the money due for water rentals or to renew contracts with those using the water of said company. That the said plaintiffs sent employees to shut off the water of said users, who had not paid said proper indebtedness, and that the defendant city interfered with the employees and put them under arrest. Now a temporary injunction is asked for and a suit of \$5,000 brought against the said defendants for alleged injuries.

Regular Rule Day.

Regular rule-day business came before the Federal court this morning and besides some formal notices, the following cases came up:

The case of the United States vs. A. H. Curtis came up and was postponed until Friday. The court thought there was insufficient evidence against Curtis, who is held on the charge of having used the United States mails to further a lottery scheme, and the state valued at \$5,000 and cash amounting to \$12,310.96.

The cases of the United States vs. D. C. Dunbar, H. G. McMillan and John J. Daly were dismissed on motion of the district attorney.

The case of H. Shaver vs. S. P. Kelsey and others, and of Joseph H. Smith vs. Salt Lake City were set for trial on May 14th when Judge Hallett will hear them.

To be Guardian.

Amanda E. Parker Peterson made application to the district court today to be appointed guardian of Anna Mousley Parker, Myrtle Mousley Parker and Hazel Mousley Parker, aged respectively 11, 7 and 5 years, her children, who are living in Forest Dale, and who have recently been changed to her custody. They were married in 1898, in Salt Lake county.

Divorces Granted.

Judge T. Butterfield granted a divorce from William D. Freckleton to Charlotte E. Butterfield on the ground of desertion. The wife is allowed the custody of the child, and they were married in 1898, in Salt Lake county.

A divorce was also granted Marion L. Freckleton from William D. Freckleton, on the ground of desertion and non-support. The wife is allowed the custody of the child, and they were married in 1898, in Salt Lake county.

Boundary Case.

The Swain-Higley boundary case is still on trial before Judge Hall. The suit will probably be decided by evening today.

PEST HOUSE NEGLIGENCE.

Agent of County Commissioners Finds Bad Condition of Children.

At the instigation of the board of county commissioners Sheriff Naylor sent out Deputy Cummings Sunday to investigate pest house conditions. From what the deputy sheriff reports, the quarantine discipline of the small-pox hospital seems to be culpably lax. Mr. Cummings' information is mostly derived from Ben Harris, a former deputy, who lives on the hill just north of the pest house. A boy who was herding cattle in the neighborhood of the pest house, when asked if he ever saw any of the patients outside of the hospital precincts, said that he had often seen people from the hospital walking down the railroad track below the penitentiary.

As late as Saturday Ben Harris says that he met two patients wandering a mile and a half away from the hospital, and he told them to keep away from his place. He asserts that they frequently go up the hill to the north of his house. He also says that he has frequently seen people come from town and go to the pest house, although he has never seen any of them enter it. The patients, however, he says, are allowed to come out and talk to visitors. When he first saw this Mr. Harris says he was so amazed that he started to keep a record of such cases, but they got to be so frequent that he lost count. Then again he says, the patients are allowed to go up the hill to shoot.

The worst breaking of the quarantine rules that I have observed," said Mr. Harris, "was that of a woman who some time ago left the pest house and came down the road to catch a street car. The car not being at the station she called at Mrs. Wheeler's house, near the pen, but was refused admittance. Then she called at Mrs. Will Murphy's, where there are four or five young children in the family, and actually went in and stayed there till her car arrived. Then she got on the car and rode down town."

Mr. Harris also talked of two girl patients who were decidedly what he termed unhygienic, and tried to stop every one who came along when they were out on the road that runs to Mill Creek.

It is also said that the dairymen, who deliver milk to the hospital, takes it right to the door. How he disinfects himself before he serves his town customers is a matter of conjecture.

CLEARING HOUSE REPORT.

April 1, 1901.
Today's clearings \$359,581.24
Same day last year 401,899.43

ORE AND BULLION REPORT.

MCCORMICK &