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WEDNESDAY MARCH 18 1908 SALT LAKE CITY UTAH

FIFTY-SEVENTH YEAR

TRUTH AND LIBERTY.

ORCHARD'S LIFE MAY BE SPARED

Judge Wood in Sentencing Mur-
derer Makes Recommenda-
tion to Pardon Board.

REVIEWS IDAHO MURDERS

Court Declares Its Belief in Truth
Of Confessions Made in
Other Trials.

In Passing Sentence He Says in Other
Steinberg Cases Innocence Was
Not Shown, Guilt Not Proven.

Boise, Id., March 18.—Stating that
he believes that Harry Orchard, in his
testimony in the trials of William D.
Haywood and George A. Pettibone for
the murder of ex-Gov. Frank Steinen-
berg, told the exact truth, attempting



HARRY ORCHARD.
From His Latest Photograph.

to conceal nothing, Judge Fremont
Wood, in the district court at Caldwell
today, recommended that the state
board of pardons commute Orchard's
sentence of death to life imprisonment
in the state penitentiary. The sen-
tence of death was pronounced in ac-
cordance with the plea of guilty entered
by Orchard Tuesday of last week
when arraigned. Judge Wood presided
at both the Haywood and Pettibone
trials.

In sentencing Orchard and recom-
mending the commutation of his sen-
tence, Judge Wood reviewed the case
from the time of the killing of Frank
Steinberg to the present, including
the arrest of Orchard, his confession,
the arrest of Charles E. Moyer, presi-
dent of the Western Federation of Min-
ers, William D. Haywood, secretary-
treasurer of the federation, and George
A. Pettibone, the trials of Haywood
and Pettibone, and the plea of guilty
entered by Orchard to the charge of
murder in the first degree, the punish-
ment for which under the Idaho statutes
is death.

ORCHARD'S PART.

In regard to the part of Orchard in
the trials Judge Wood said:
"The rule upon which the equitable
right to complete immunity depends is
based upon the assumption that the ac-
cused has acted in good faith, and testi-
fied fully to the whole truth so far as
it relates to the entire transaction, in-
volving both himself and his accom-
plices, or co-defendants. I am more
than satisfied that the defendant now
at the bar of this court awaiting final
sentence has not only acted in good
faith in making the disclosures that he
did, but that he also testified fairly
and fully to the whole truth, withholding
nothing that was material, and declar-
ing nothing which had not actually tak-
en place.

"During the two trials to which I
have referred, the testimony of the
defendant covered a long series of
transactions involving personal rela-
tions between himself and many other
persons. In the first trial he was sub-
jected to the most critical cross-examina-
tion by very able counsel for at least six
days, and I do not now recall that at
any point he contradicted himself in
any material matter, but on the other
hand, disclosed his connection with
the commission of many other crimes
that were probably not known by the
jurors for the state, at least not
brought out by them on the direct
examination of the witness. Upon the
second trial referred to, the same
testimony was given, a most thorough
and critical cross-examination of the
witness following, and no particular
weight was there any discrepancy in
material matter between the testimony
given upon the latter trial as com-
pared with the testimony given by the
same witness on the former trial.

PROVINCE OF THE COURT.

"It was the particular province of
the court to observe and follow this
testimony upon that former trial, and
I am of the opinion that no man liv-
ing could conceive the stories of
crime told by the witness and mate-
rials of the leading cross-examination at-
torney of the country, unless upon the
theory that he was testifying to
actual existence within his own ex-

perience. A child can testify truly
and maintain itself on cross-exami-
nation. A man may be able to frame
his story and testify to a brief state-
ment of facts involving a short single
transaction. But cannot conceive
of a case where even the greatest in-
tellect can conceive a story of crime
covering years of duration, with con-
stantly shifting scenes and changing
characters, and maintain that story
with circumstantial detail as to times,
places, persons and particular circum-
stances, and under a merciless a
cross-examination as was ever given a
witness in an American court, unless
the witness thus testifying was speak-
ing truthfully and without any at-
tempt either to misrepresent or con-
ceal. Believing as I do that this de-
fendant acted in good faith, and that
when called as a witness for the state,
he told all and withheld nothing, I
can the more readily fulfill the duty
that I consider the law imposes upon
me.

OTHER CASES CONSIDERED.

"In passing upon this question it is
immaterial that juries in the two cases
tried have declared that they were
not satisfied of the guilt of the defend-
ants on trial. The statute of the state
imposes a bar to a conviction on the
testimony of an accomplice alone, no
matter though he may be believed by
the jury, unless there is other and in-
dependent evidence tending to connect
the defendant on trial with the commis-
sion of the crime. And again, in each
of the cases tried the court at the writ-
ten request of each of the defendants,
instructed the jury that a verdict of
'not guilty' did not mean that the de-
fendant on trial was innocent, but rather
that his guilt had not been proven
beyond a reasonable doubt in the man-
ner and form prescribed by law. For
these reasons it is at once apparent
that the verdict of the juries referred

SALOON INTERESTS ISSUE IMPORTANT DOCUMENTARY EVIDENCE.

FORM 8.

READ AND REASON WHAT Prohibition Really Means

Radical prohibition agitators are trying to destroy the entire brewing, malting and
distilling industries, thereby injuring and dealing a severe blow to the workingmen, farm-
ers, building trades, manufacturing concerns, advertising, insurance, real estate dealers,
mercantile houses, transportation companies and others too numerous to mention through-
out the United States. They are endeavoring to injure and destroy industries to
the extent of

Several Billion Dollars

thereby adding greatly to the present financial distress, bringing on one of the greatest
panics this country has ever known.

It means that the farmers will lose that market for millions of dollars worth of
grain used annually by the industries, causing an immense loss that will react on every
merchant and wage earner.

It means that the building contractors and manufacturing concerns who are
directly interested to the extent of over

250 Millions of Dollars Annually

will be compelled to reduce their working forces or close their plants, putting thousands
of mechanics out of work to join the already large army of unemployed who are parad-
ing the streets of the cities begging for work.

Prohibition means the unjust destruction of many millions of dollars worth of
legitimate industries and business; and, also means that in view of all this destruction
the prohibition fanatics would be unable to control the American people from indulging
in their equal rights and personal liberty, guaranteed them under the constitution of
the United States, thereby making prohibition a farce, resulting in law breaking and
leading to all kinds of great evils and disasters.

It means that the property holders and general public will be burdened with
exorbitant taxes, vacant buildings and decreased real estate valuations and in addition
thereto be compelled to pay

AN INCREASE OF \$215,804,720.00 IN TAXES

the enormous amount now received from the industries for Internal Revenue stamps
besides the

100 Million Dollars

received from City, State and Government licenses.

In view of these facts, are you going to allow the prohibition agitators to stop
the progress of your cities, rob you of your prosperity, personal rights and liberty
and load you with heavy taxes? If not, then get busy in the name of common decency
and assert your rights as peaceable American Citizens against the humbuggers and
destructionists.

COOPER PRINTING & ENGRAVING CO.

SAMPLE DODGER CONSPICUOUSLY DISPLAYED IN A NUMBER OF SALT LAKE DIVES.

This hand-bill, a chief argument of the saloon interests in their fight to break the prohibition wave, ought to
be read by every person interested in the growing demand for temperance. After it is fully comprehended the
reader should then call to mind that however great the finances involved it is the degenerate drunkard, who,
forgetting his duties to little ones and their home, pays the bill.

The wife has an interest direct and primary whenever money goes over the booze counter that belongs to the
babies and the rent man. One of the most noticeable advances of recent years has been the recognition of the
family as the basis of civilization, and the recognition of the consequent right of civilization to strike back at any
enemy of family ties.

The merchant has a commercial interest in that he would often be the beneficiary of a change in expenditures
from the barroom to the grocery or the furniture store.

The government's interest is plain, since on the quality of its citizenship depends the government's life, and
it is now recognizing its right to protect its interests from the temptation of poison sold in the form of alcohol,
just as it already protects its interest from the spread of disease through quarantine, or the removal of a
source of infection through the accumulation of filth.

A forerunner of the present anti-saloon wave was the recognition in law of a wife's claims against the sa-
loonkeeper, who incapacitated her husband from providing for her.

A blood-brother of the movement is the pure food law, which protects the citizen from eating poisons under
disguised names. Whisky, as sold in low dives, is coming to be classified as a poison and not a beverage.

Moral sentiment, a lone-some fighter against the saloon, is not in the lead of the present movement. Religious
feeling even is relegated to the background. The economic demands for better ties within the human family and
a more just division of life's duties is the inducement of the water-vagon's growing speed.

The fight is not so much against drinking as against the saloon, an institution which in its temptation to po-
lice departments, and to politicians, has been a powerful factor in the upbuilding of gang rule, and the perpetuation
of city machines, as well as of the enrichment of officials supposed to have been drawing their emoluments from
the state and the state alone, for service to its interests and these alone.

When the wave has passed it will still probably be possible to take a drink, but not over a bar in a police-
allied saloon.

Collier's Weekly which has been printing a series of interesting articles on the saloon question sums up the
situation in the United States as follows:

"In the past two years, and especially in the year 1907, the country has awakened to realize that we have a
'Prohibition Wave.' Not until Georgia and Alabama had gone 'dry' and prohibition had become the main
issue in the tangled politics of Kentucky did the public in general perceive it. Now, at the beginning of the year
1908, nearly one-half the area of the United States is dry; and more than one-third of our people are living under
prohibitory laws. The movement has gone further and faster in the south than anywhere else; but it is not only in the
Rocky Mountain region and in the central states of the Atlantic coast. Georgia is dry; Alabama has passed a
prohibitory law; Mississippi has followed just as this article goes to press. In Tennessee one can buy liquor in
but three small districts. Kentucky has only four wholly 'wet' counties; Florida only a fringe along the sea-
coasts; Texas is more than half dry; Missouri and Arkansas, community by community, are falling into line; the
election of Jan. 14 in Shreveport furnished the 'manufacture and sale' in all the northern half of Louisiana; it is
highly probable that within two years one or both of the Carolinas will vote for state-wide prohibition. Starting
from the seaboard at Georgia, one can travel now to the borders of Colorado or New Mexico and cross in passage
only one narrow strip of wet territory—the delta counties of Mississippi. Even there will be dry by next January.

"The movement has been only a little less strong in the north. Maine, Kansas and North Dakota are wholly
dry; but they came in on earlier movements. More recently, great areas of Illinois and Indiana have come under
prohibitory law. Ohio, which has already gone dry in many spots through ward and township local option, seems
on the point of passing a county local-option law. Nearly one-half the area of Chicago is under ward prohibition
laws. And even where the movement for absolute prohibition has had no effect, cities and towns are showing a
more earnest disposition to enforce the old and half-forgotten laws for regulation of the liquor traffic.

"Why is it? What has been working in our people to create this sudden revolution of moral feeling and po-
litical opinion?"

many of these witnesses and whose
testimony may yet be secured.
Again, under the circumstances involv-
ing the defendant, no good purpose
can be advanced by his execution, and
there can be no demand therefor ex-
cept from those persons who stand
charged by his voluntary confession
with grave crimes or by the defenders
and apologists of such persons.

WHAT JUSTICE DEMANDS.

"If there were no moral obligation
on the part of the state to grant the
partial immunity recommended, I
would still say that there could be no
good reason in this case for inflicting
the extreme penalty while so many
crimes have been disclosed that are
yet unpunished."

RUSSIAN GENERALS MEET WITH PISTOLS

Smirnov Questioned Fock's
Bravery and Now Nurses
Fatal Wound.

St. Petersburg, March 18.—
Lieut. Gen. Smirnov was prob-
ably fatally wounded in a duel
fought here this morning with
Lieut. Gen. Fock. The men met
in the riding school of the Cze-
sar Guard regiment and fought
with pistols, standing close to
each other when the shots were
exchanged.

The duel was caused by the
memorandum written by Gen.
Smirnov on the siege of Port
Arthur in which he questioned
the courage of Gen. Fock. The
latter considered that his honor
and reputation were injured and
challenged the author of the
memorandum.

STRIKE SIGNS NUMBER TWO

There are two things in the local
yards which show a strike is on among
Rio Grande shippers. They are:
a serenity and quietude, due to the sil-
ence of hammers and a big wide board
nailed across the shop doors. Just
outside the shops a few men—car re-
pairers, wipers and general round-
abouts—were at work but no one was
inside the shops and not a sound could
be heard.

MEN NOT HERE YET.
While it is commonly expected a
force of strike-breakers will appear on
the ground at most any hour, not a
sign of new arrivals is to be seen
yet. No new men, either from town
or outside are to be found. The com-
pany is undoubtedly arranging to open

the shops but just when is known to no
one outside of the railroad officials
themselves.

MEETINGS DAILY.

The publicity committee of the strikers
had nothing new for publication to-
day and said no word has been re-
ceived from Denver since the receipt
of the written statement, putting forth
the union's side of the question. The
warning said to have been issued by
the company to the strikers to remain
away from the shops was unnecessary
as the men were pledged to do that
by the union leaders themselves. The
strikers are with their families or at
favorite gathering places down town
during the day and in the afternoon
all attend a joint meeting in Federation
of Labor hall where any matter or
matters which come up, are discussed
and, if necessary, voted upon.

THE BITTER PILL.

From the strikers come many asser-
tions of confidence in their ultimate
victory and from the railroad equally
confident assertions of victory over the
union. Public opinion seems evenly
divided; many feeling the men will win
eventually while others hold the idea
the company can peg along with a very
few shophmen, while the shophmen and
their families must eat and hence, the
shophmen must seek work. And work is
not plentiful now. From some of the
official source it is learned the company
will rehire the men who apply as in-
dividuals. The company's stand to
'down the union' recognition for the
individual policy is a bitter pill for
union men.

DEVELOPMENTS PROBABLE.

Those who are lukewarm in their or-
ganization beliefs are warning those
who are strong in their love of union-
ism argue every Gould road, not in the
hands of a receiver will be involved in
a strike just as soon as the R. G. W.
walkout is shaped up. Vice Presi-
dent Schlack's trip to New York is be-
ing watched eagerly as it is thought
some important word will result from
his visit with George Gould. The strike
is regarded as one which may see sud-
den developments and quick changes
or prove to be a repetition of strikes
which have dragged along until for-
gotten.

CHECK ARTIST AT LARGE.

Police Looking for a Man Known as
J. R. Morgan.

The police are earnestly looking for a
man going by the name of J. R. Mor-
gan, and if he is captured his chances
for serving a term at Warden Pratt's
hotel on the hill are decidedly good.

According to the police the fellow has
passed about 20 worthless checks at var-
ious saloons and business houses about
town. The checks are made out in the
name of J. R. Morgan and the name of
various firms signed on them. The
amounts range from \$5 to \$20 and the
amounts range from \$5 to \$20 and the
much wanted man has probably killed
his victims out of about \$300. The officers
have a good description of him and hope
to land him in jail within a few hours.

WESTERN POSTMASTERS.

(Special to the "News.")
Washington, D. C., March 18.—The
following postmasters have been ap-
pointed: Utah—Wellington, Carbon
county, Hannah Barnes vice H. D.
Truener, resigned. Idaho—Buhl, Koot-
enai county, Oscar Davis, vice A. O.
Larson, resigned. Roselake, Kootenai
county, Jos. N. Sprinker, vice L. P.
Hyde, resigned. Wyoming—Black
Butte, Sisseton county, Andrew W.
Havels, vice F. A. Cummings, resigned.

CAR TICKETS FOR ONE CENT.

Manager Wells Has His Doubts Re-
garding Latest Get Rich Scheme.

A peculiar scheme to sell street car
tickets has been started in this city.
The parties interested consider it per-
fectly legitimate, as it has been carried
on in many cities, where the persons
conducting it made money; but the
street railway management here does
not approve of any such proposition,
and an investigation is on, with a view
to stopping it if possible.

"The International Ticket company
of 71 west Second South street, has
been circulating circulars giving 'di-
rections how to obtain one cent street
car fare.' The concern does not appear
to be incorporated; in fact, the young
man representing 'The International
Ticket company' appears to have his
office under his hat. The scheme is as
follows: A man buys a little card book-
let containing three coupons, for which
he pays the agent one dollar. He im-
mediately goes forth and sells the coupons
to persuade his friends to buy the three
coupons at 25 cents each. Then the
purchaser of the booklet, turns in the
three coupons to the street car ticket
agent with one book of street car tick-
ets. But he does not receive his book of
tickets until the holders of the three
coupons turn them in, for which they
are credited with their purchase in turn
to coupon booklets, to be put out among
their friends as was done in the first
instance. On the receipt of the
three coupons, by the agent, the first
purchaser is allowed one book of
street car tickets in consideration of the
25 cents held by the 'International
Ticket company' on his dollar pur-
chase. So he does get a book of tickets
that the street car company sells at \$2.
for 25 cents.

It will be seen that this is the old
time endless chain scheme, and while
the purchaser is allowed one book of
street car tickets in consideration of the
25 cents held by the 'International
Ticket company' on his dollar pur-
chase, he does get a book of tickets
that the street car company sells at \$2.
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time endless chain scheme, and while
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for 25 cents.

TIMBER SCHEME COMING TO FOCUS

Government Internal Revenue Of-
ficial Proves to Be the Man
With the Key.

IS SEEN BY U. S. DETECTIVES.

Coos Bay, Oregon, Is Now Named
As the Site of the
Big "Deal."

Money on Deposit in Ogden and Salt
Lake Banks Representing
Collections of Tipster.

In a bank in Ogden City \$15,000 is
on deposit, representing the collections
of the Tipster land tipster in that city.
In the Deseret National bank \$9,440
is on deposit representing the op-
erations in Draper, Riverton, and vic-
inity. This money was collected by
J. P. Terry acting as agent for the
mysterious tipster, and it is supposed
to represent \$10,000 less his commis-
sions.

As the Salt Lake money was put in
escrow by a local merchant, the exact
amount is not known. He kept pos-
session of it himself.

The man who was to board the
train of land seekers at Nampa, Id.,
is now known to the secret service,
and he is a government internal revenue
office official. He has made a state-
ment to the detectives.

Coos bay, Oregon, was the place the
alleged land was located, according to
representations made to Idaho sub-
scribers, 300 of whom paid from \$100
to \$1500 each to get into the deal.

The return of Captain George E.
Hare, in charge of the field agents
of the United States land office, from
an extended trip in Idaho, brings to
Salt Lake many more details of the
operation of the timber land tip
business through that state, Utah, and
possibly Colorado.

From Durango, in addition, comes
a letter which throws great light on
the probable nature of the scheme,
and it may be the explanation of why
large sums of money lie in escrow in
Salt Lake, Ogden, and Provo, instead
of being in the pockets of a smooth
grafter. Thirty people of Durango,
and as many more from Aztec, are now
inuring the loss of from \$100 to \$200
each on a scheme which so closely par-
allels this that a connection is be-
lieved to exist between them.

The Salt Lake money was put in for
\$500 each were told first that the train
would leave for the timber land in
at midnight Feb. 20. This promise
was made last fall, and on that day
the trip was not pulled off, but was
postponed till March 8. A possible
explanation of the reason for this is
that the perpetrator of the Colorado
frauds was arrested in Los Angeles on
Jan. 1, and his release on Feb. 15,
20, waiting for his release on the 25th.

His victims in Durango, Colo., have
every opportunity to take him back to
face a court trial for fleeing them, but
the moral cowardice that follows con-
sciousness of having been "stung" was
too strong, and they one and all with a
very few exceptions refused to join in
a prosecution.

ARRESTED IN LOS ANGELES.

The Los Angeles arrest was at the in-
stance of the tipster, and it was she
who wrote the Colorado victims,
asking them to send for him. His name
was J. R. Thompson, in Colorado, and
Harris was the name in Los Angeles.
His wife had a daughter 11 years
old by a previous husband, caused his
arrest for an assault upon this little
girl.

"I have seen in the Salt Lake papers,"
writes James Hamilton from Durango,
"an account of the operations of one
Kimball or Kimberley in Utah and they
resemble so much the operations of one
J. R. Thompson that I think it quite
probable that I think it quite probable
that they are the same person."

"I first heard of Thompson about 15
months ago. He broached his proposi-
tion to me in the most casual way.
He said he was looking for a partner
to help organize a business matter pro-
fitable to both, that he described this
desirable partner to friends of mine so
that they introduced him to me as the
kind of a man he was looking for.

SAME OLD SCHEME.
"Well, in unfolding his scheme, he
told me there was a fine tract of tim-
ber land and that he had made a com-
plete investigation of the tract. He knew
its value and had a company ready
to buy it at \$1400 for each acre. He
wanted my money to enter on it under
the homestead law. To guarantee the
good faith of the transaction he offered
his company, he must, however, insist
on a deposit of \$100 to be put in a
safety deposit box in a local bank—to
escape the comment that a bank ac-
count would be used."

"We were also to sign an agreement
to transfer title for the consideration
of \$1400. He claimed he could get us
title in the land within six months
and this was irregular since the hom-
estead time was 14 months. I asked so
many questions as to the manner and
methods by which he would prove up
within 14 months that he dropped me
and I never heard from him again. I
kept a pamphlet on the U. S. land laws,
written by a Mr. Witter of Denver. He
never spoke to me again. I put quite
a number of people on his guard and
kept at least 25 of them from being
stung. Although he went so far as to assure
his dupes later that he could get the
deal through in six weeks, they were
still fools enough to stay with him.
He got 30 in Durango, 20 more at
Aztec, and as many more at Farmington,
and other towns. Well some of these
'Smart Alacks' made the claim
that they had been given inside in-
formation as to how the scheme would
be worked to get them their title in
six weeks, though having government
agents' signatures on the U. S. school
land, subject to sale by the state."

WAS GOVERNMENT LAND.
Well as to the outcome, the graffer
got his gang of suckers together at
Plaza Blanco and took them on a wild
goose chase up the San Juan River
into the heart of Canyon Largo. There
they settled and he had everyone of
them dreaming of sudden affluence,
when along came a forest ranger. He
kept them off that they were on a
government forest reserve and had
about time enough to make their get
away off of it before he took other
means to effect their departure.
Then Thompson became perturbed,
(Continued on page two.)