

T. J. TOBIN GOES TO WESTERN PACIFIC.

Is Appointed General Material Agent for the New Gould Road.

THIRD SAN PEDRO MAN TO GO.

Is Well Known Here as Formerly Connected With the Oregon Short Line and Clark Road.

Another man who was a factor in the building of the Salt Lake Route has entered the ranks of the Western Pacific. This time it is T. J. Tobin, who has been appointed general material agent for the new road, in charge of all construction material, with headquarters in the Safe Deposit building, San Francisco.

Mr. Tobin is well known here, where he held a similar position with the Oregon Short Line during the building of the Leamington cut-off prior to the time it was included in the sale of the Short Line south of Salt Lake to the Clark interests. When this work was completed Mr. Tobin went down on the construction in Nevada below Caliente and remained with the road until it was completed.

Including Assistant Chief Engineer H. M. McCartney and Chief Clerk Dunbar this appointment makes the third man who took an active part in the building of the Salt Lake Route, and whose residence was Salt Lake, to join the forces of George Gould on the new line to the Pacific tidewater.

EQUIPMENT ORDERS.

Stupendous Figures Covering the Business During Last Year.

Chicago, Jan. 5.—Startling totals are in the figures which the Railway Age prints in its issue of today, showing its annual statistics of the car and locomotive business. The figures show that in the 12 months just closed the railways of the country have ordered 341,315 freight cars, 635 locomotives and 3,339 passenger cars.

In 1904 the figures were: Locomotives, 2,538; passenger cars, 2,213; freight cars, 136,561.

In commenting upon the matter the Railway Age says: "The aggregate capacity of the car and locomotive plants and the railway shops which build new equipment is not sufficient to produce in a twelve-month period the large results represented in the foregoing. It therefore follows that the orders here recorded will, in many cases, carry the builders far into the present year, and possibly in some cases before the end of 1906 before deliveries are completed. It is not likely in view of this condition of affairs that the orders for 1906 will reach the high level of the year just closed."

INSANE SOLDIERS.

On Sunday the Oregon Short Line and Union Pacific will receive a party of 14 insane soldiers, who are being brought home from the Philippines, and will be placed in the government asylum at Washington. Accompanying the unfortunate men are a surgeon, nurses and attendants. They are traveling in a tourist sleeper. These consignments are occurring with startling regularity, the men apparently succumbing to a combination of climate, food and bad liquor on the islands.

MIDLAND DINING CARS.

Railway Age: Colorado Midland was reported in our issue of Dec. 22 as having ordered the construction of three dining cars in its own shops. We are informed that these are 60-foot chair cars, built by the Pullman company in 1901, and are now being remodeled into combination chair and cafe cars, the chair compartment to have a seating capacity of 24, while the cafe compartment will seat 16 people and will have refrigerator and be as complete as any dining car.

SPIKE AND RAIL.

E. C. Pennessy, superintendent of dining car service for the Salt Lake Route, is here from Los Angeles.

Assistant Supt. McAbee of hotels and dining cars on the Denver & Rio Grande is numbered among the visitors in this city today.

Frank Groesbeck, traveling passenger agent of the Denver & Rio Grande, has returned from a business trip over the Southern Pacific.

Business on the Salt Lake Route is becoming decidedly heavy. In addition to the regular through travel 18 round-trip tickets to Los Angeles were sold to Salt Lake people yesterday.

The Utah-Mexican Sugar and Live Stock company announces that it has made arrangements for an excursion from Salt Lake to Mexico City on Jan. 10. The fare for the round trip will be \$88.25, the lowest on record.

George H. Daniels, recently appointed advertising manager for the New York Central, and Maj. S. K. Hooper, general passenger agent for the Denver & Rio Grande, are among the prominent railroad officials who are scheduled to be in Salt Lake on the occasion of "See America First" convention, Jan. 25.

Big scales are being installed at the union depot, Ogden, for the purpose of weighing the United States mail, which is to commence some time next month. Under the government contract the mail has to be weighed at certain intervals. This will require the employment of several new men for the work.

Clarence Wolfgang of this city who has creditably served his apprenticeship as a locomotive fireman on the San Pedro, has just passed a very successful examination for promotion from the left to the right side of the cab, and now holds his left hand on the throttle, with his right on the reverse lever.

DR. HALL IN COURT.

Notes With Interest the Workings of Tribunal for Juveniles.

Dr. G. Stanley Hall, the noted educator who is in attendance at the teacher's association this week, again paid a visit to the juvenile court today, and was an interested spectator during the entire morning session of the court. He was accompanied by a number of other prominent educators among them being Mrs. Alice G. Cooley of Minneapolis, State Superintendent of Schools, Nelson and City Superintendent of Schools, Christensen of this city and a number of the principals of the city schools. A number of leading members of women's clubs of the state from Salt Lake, Ogden, Provo and Logan, who are interested in the juvenile court work were also present as visitors of the court.

Since his first visit to the court, Dr. Hall has become deeply interested in juvenile court work that ever before and is very much pleased with the juvenile court law and the workings of the court.

WAS CHAS. SMITH LEGALLY MARRIED

Question Arises in Connection With Present Wife's Suit For Divorce.

FORMER DECREE NEVER FILED

For the Fourth Time Mr. Smith Figures in Divorce Court for Failure to Provide.

Charles Smith, a well known bookkeeper and accountant of this city, is again forced into the lime-light of the divorce court, and matters may develop which will result in something more serious than a simple divorce action being brought against him. Within less than two years Smith has figured in no less than four divorce cases in the district court, the fourth one having been filed today. A search of the records of the clerk's office disclosed the fact that as yet no decree of divorce has ever been filed of record in the last action in which Smith was defendant. Hence the question arises as to whether or not his marriage to the present Mrs. Smith is legal.

The action which causes the complication was brought by Annie M. Smith on July 22, 1905. She filed her first action for divorce on May 22, 1905, but it was dismissed without prejudice and she then filed her second action on the date first mentioned. On July 23, 1905, an order was entered by the court granting Mrs. Smith her divorce as asked, but as yet the decree has not been filed in the court, and hence is not effective.

Apparently without ascertaining whether or not the decree in that case has been signed by the court and filed for record, Smith married his present wife, Eliza Stokes Smith, at Tooele City, on Oct. 21, 1905. Mrs. Smith has the same complaint to make against her husband as did his two former wives, namely, that he has failed to provide her with the common necessities of life, although abundantly able to do so.

NEARLY STARVED HER.

In her complaint she alleges that ever since the day following their marriage defendant has refused to provide for her and that most of the time he has compelled her to live upon bread and water. She stated the treatment accorded her until Dec. 13, 1905, when she left him and went to the home of her friends and lived in order to keep from starving. She alleges that defendant earns from \$100 to \$150 per month. She asks that he be compelled to pay her alimony in the sum of \$50 per month and attorney's fees and costs of suit. In addition to the divorce she also prays for the restoration of her maiden name, Eliza Stokes Chalmers.

ACTION NUMBER ONE.

The first action against Smith was filed by his former wife, Josie Long Smith, on March 11, 1904. On the witness stand testimony was given in behalf of Mrs. Smith which indicated a very bad state of affairs in the Smith home. It was shown that he would always provide himself with food but would not allow his wife to have but very little. It was also shown that she suffered from want of food and her health was greatly impaired and she was finally compelled to accept charity from friends. The records in the case show that Smith was compelled to pay her alimony and did pay the sum of \$18.75 shortly after the action was filed. Mrs. Smith died before the case was finally disposed of and thus that action was closed.

SECOND WIFE'S SUIT.

A few months after the death of his first wife he married again and on May 23, 1905, his second wife filed suit for divorce against him charging him with failure to support. This case was dismissed without prejudice and she then filed another complaint on July 22. The ground of action was the same as in the previous one and the plaintiff was Annie M. Smith. As stated above a decree was ordered in this case but as yet it has not been filed with the clerk of the court and is not effective.

In the case filed today an order to show cause has been issued compelling Smith to appear before Judge Armstrong on Jan. 12 and show cause why he should not be compelled to pay his wife temporary alimony.

MERVYN BENNION SELECTED.

West Point Cadetship for Student of L. D. S. University.

It was reported last evening by the members of the examining board to select the nominee for the appointment from Utah to the military academy at West Point, that the successful contestant is Mervyn S. Bennion. It was stated that this applicant who made a fine showing in the examination, and was chosen by the board as the most suitable candidate for this high honor, was a student of the state university, but this is an error. Mr. Bennion is a fourth-year science student of the Latter-day Saints' university of this city. He now has a splendid opportunity, as this is a post of honor that is greatly coveted by ambitious young men.

Mr. Bennion has been a student of the Latter-day Saints' university during the past three years, and it is said that he stands high in his work there, and in favor among the professors. A few weeks ago, when President Paul announced that an examination for the West Point appointment for Utah was about to be held, Mr. Bennion decided to take the examination. He had not specially prepared for it, and his success is therefore the highest honor. President Paul says he is a young man of good habits, of quiet and unassuming manner, and a first-class student. He is a real gentleman, about 19 years of age, and of good constitution. He should make an excellent military student and officer for the United States' service. His father is Isaac Bennion of Vernon, Tooele county, Utah, who will by this time, no doubt, be receiving the congratulations of his friends over the honorable distinction awarded to his son.

STRIKE IN THE EMERALD.

It was reported about the floor of the mining exchange this afternoon that what appears to be a good strike of ore had been made on the 900 level of the Emerald property in Tintic.

EVIDENCE AGAINST STANDARD OIL CO.

New York, Jan. 5.—William G. Rockefeller, nephew of John D. Rockefeller, the president of the Standard Oil company, was one of the witnesses who attended the hearing today before Frederick W. Sanborn, a special commissioner appointed by Gov. Folk of Missouri, to take evidence in two suits brought by the state of Missouri against the Standard Oil company and companies alleged to be allied with it.

Other witnesses who are expected to testify possibly today are H. H. Rogers and John D. Archbold, vice presidents and directors of the Standard Oil company. The hearing was held in the office of Henry Willman, E. T. Redford, a director of the Standard Oil company, was the first witness. Herbert E. Hatley, attorney-general of Missouri, conducted the case for the state. The evidence was taken for use in two suits which have been brought by the state of Missouri. In one of the suits the state seeks to bar the Standard Oil company of Indiana, a branch of the Standard Oil company, which transacts its business west of the Ohio river, from doing business in Missouri. This action also aims to exclude the Waters-Pierce Oil company and the Republic Oil company from transacting business in Missouri.

In the other action the state aims to prevent the three companies named from carrying out the terms of an alleged pooling agreement by which it is charged that the business of their competitors is crushed. It is alleged by the prosecution that the three corporations are favored for the purpose of preventing competition and the controlling of prices in violation of the Missouri anti-trust law.

The penalty of such violation is forfeiture of charter or license to do business in the state.

Among counsel representing the corporations were Alfred D. Eddy of Chicago, and John D. Johnson of St. Louis. It is charged that the corporations have discriminated the western states, each controlling the business of its territory, but all being in reality branches of the one trust.

In the second suit Attorney General Hatley named as additional defendants H. C. Crenner, doing business under the name of the International Works, and H. A. Williamson & Co. He alleged that the two defendants also were dummy competitors of the Standard Oil company.

All the witnesses were taken to a private room and sworn in behind closed doors, the newspapers being excluded. The witnesses so sworn were William G. Rockefeller, James A. Moffett, E. T. Redford, Howard Page, H. H. Rogers, John D. Archbold, Wade Hampton, Frank Q. Barstow and A. V. Jockel. Mr. Rogers asked that his evidence be taken privately, but his request was refused.

Before Mr. Redford began his testimony, A. V. Jockel was first put on the stand, but was withdrawn upon agreement that his evidence shall be submitted in writing. Frank Hagerman, of counsel for one of the companies, said that he wanted to know if the proceedings were for advertising purposes.

Mr. Redford said he had been engaged in the business of refining since 1870 and was formerly with Boyd and Thompson.

"Was the latter company absorbed by the Standard Oil?" asked Atty-Gen. Hatley.

"No, object on the ground that the question has no bearing on the issues," said Mr. Hagerman.

Atty-Gen. Hatley insisted on the question being answered. Wm. V. Howe, of counsel for the companies, instructed the witness not to answer, but Mr. Hatley said the witness had no right of counsel. The commissioner directed Mr. Redford to answer, but Howe interposed, saying:

"The witness shall not answer. We are pleading under the laws of the state of New York."

"We are proceeding under the laws of Missouri," replied Mr. Hatley.

"I want you to take down my objection," said Mr. Redford.

"I shall not do it unless directed by the court," said Commissioner Sanborn.

Atty-Gen. Hatley again instructed the witness to answer the question and said that any privilege claimed by the witness must be claimed in person and not by counsel. When the question was repeated the witness said:

"By advice of counsel I decline to answer."

"What was your next employment?" was next asked.

"The Standard Oil company of Indiana objects to the question," said Mr. Hagerman.

Mr. Redford refused to answer on advice of counsel.

Mr. Redford said he had been a director of the Standard Oil company of Indiana for three years.

"Have you any personal objection to disclosing what your business was three years ago?"

Counsel objected and Mr. Redford refused to answer.

"Do you refuse to answer for the reason that your answer might tend to incriminate you or subject you to criminal prosecution?" asked Mr. Hatley.

"I have no other reason than those I have stated," said Mr. Redford.

"When did you first become connected with any Standard Oil company?"

Mr. Redford objected and wanted his objection noted on the record, but Commissioner Sanborn refused.

"You have no standing here," said Commissioner Sanborn.

"I am sorry that the ignorance of the commissioner prevents my appearance here," said Mr. Rowe.

"I insist that you treat me with respect or leave the room," replied Mr. Sanborn with warmth.

"Do you know where the Standard Oil sells oil and does not?" asked Mr. Hatley.

"I do not."

"Did the question of territory come up before the board of directors?"

"Not while I was present."

"What do you know about the business of this company of which you are a director?"

"Very little except as to its financial standing."

Mr. Redford said his duties as director are to listen to reports of the officers of the company and to vote on them. The officers, he said, are J. A. Moffett, president, and W. B. Cowan, vice president, he could not remember the names of the others at the moment.

The hearing proceeded very slowly owing to the fact that the testimony was taken down in hand by the commissioner. This was done at the request of one of the Standard Oil lawyers. Atty-Gen. Hatley agreed to this method, saying that he could stay as long at the hearing as anyone.

BUYS JENNINGS FARM.

Simon Bamberger Gets Valuable Property at Farmington, Near Laagoon.

The old William Jennings farm of 300 acres, 14 miles north of this city, has been purchased by Senator Simon Bamberger for \$20,000. The property is on the Salt Lake & Ogden road, and it is to be greatly improved. The immediate parties to the transaction are Harold Jennings and Sidney Bamberger.

It was stated this afternoon that Sen-

ator Bamberger will erect a fine summer residence on the property in the early springtime, and that it is to be the summer home of the family.

PERSONALS.

Cashier Howard S. Stowe of the Herald has resigned.

Miss Nettie Amussen has gone to Los Angeles on a vacation.

Miss L. E. Rutt has returned from a pleasant trip to southern California.

Fred Scarff is in town for a few days from Chicago. He is still in the drug business.

Dr. G. Stanley Hall, the noted educator, is being entertained at the University.

R. H. Whittenore left yesterday afternoon on the Limited for California, to be away a month.

Manager A. S. Zimmerman of Held's hand has gone to New York for two weeks on a business trip.

Postmaster Frank E. Hanson of Fillmore is in town, as the guest of his brother, Willard Hanson.

Mrs. A. J. Davis and Mrs. N. D. Shoups will leave for a month's trip to Los Angeles Sunday next.

Mrs. W. E. Borah of Boise, wife of the well known attorney and politician, is a guest at the Knutsford.

Miss Clara Hall and Miss Judith Evans have returned from a pleasant trip of 10 days into southern Idaho.

Mrs. G. T. Odell and daughter, Misses Adelaide and Marie, will remain at the Hotel York, in New York City, until the last of the month.

John G. Bechtel is in Los Angeles at present, but will go north shortly, and enter Alaska with sleds and dogs. He says this way is pleasanter than to go by sea.

Mr. and Mrs. Al Golbe are up from the Pioche country, visiting with relatives in this city. Mr. Golbe reports conditions down in that part of Nevada as very promising.

Dr. Henry LaMotte, the retired naval surgeon, and Mrs. LaMotte, have returned to Salt Lake after a very pleasant and invigorating hunting trip in the southern part of the state.

Samuel Russell has returned from a two weeks' trip to St. Louis. On his way back Mr. Russell stopped at Fort Leavenworth, where he met Chaplain Axton of the Eighteenth infantry who showed him all over the post.

HAVE YOU THE CHURCH WORKS?

No Latter-day Saints' home should be without a set of the standard Church publications on the center table or in the library. Send for the new free catalogue, Deseret News Book Store, Salt Lake City, Utah.

FINE JOB WORK.

Turned out on short notice at the Deseret News, a large shipment of new types and supplies just in. Our facilities for letter heads, bill heads, tags, envelopes, pads, etc., are unequalled by any establishment in the west.

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Everything Sweet
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THE PLACE OF
HONEST TREATMENT.
NO. 72 SOUTH MAIN.

Saying things don't count
these days, it's the Prices,
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We only ask that you try us

Headquarters for
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Both 'Phones 573.

PROBATE AND GUARDIANSHIP NOTICES.

Consult County Clerk or respective signatures for further information.

IN THE DISTRICT COURT, Probate Division, in and for Salt Lake County, State of Utah. In the matter of the estate of William Gardner, Deceased. Notice.—The petition of William Bradford Gardner, administrator of the estate of William Gardner, deceased, praying for an order of sale of real property of said deceased, and that all persons interested appear before the said court to show cause why an order should not be granted to sell so much as shall be necessary, of the following described real estate of said deceased, to-wit:

Commencing at a point 13 rods, 13 feet west of the northeast corner of the northeast quarter of section 16, township two (2) south, range one (1) east, Salt Lake Meridian, and running thence south 59 rods, 24 feet, thence east 12 rods, 48 feet, thence south 12 rods, 6 feet, thence west 14 rods, thence north 94 feet, thence west 14 rods, is like, thence north 82 rods, thence east 162 rods, 15.38 feet, to the place of beginning, situate in Salt Lake County, Utah, together with fifty (50) shares of water right in the Tanner Ditch and fourteen (14) shares of the water in the Green Ditch, as appurtenant to said ground, said land being situate in Salt Lake County, Utah, has been set for hearing on Saturday, the 24th day of January, A. D. 1906, at 10 o'clock a. m., at the County Court House, in the Court Room of said County, in Salt Lake City, Salt Lake County, Utah.

Witness the Clerk of said Court, with the seal thereof affixed, this 3d day of January, A. D. 1906.
(Seal) J. F. ELDREDGE, JR., Clerk.
By W. H. FARRAR, Deputy Clerk.
James H. Moyle, Attorney for Estate.



Amazing Sale
of \$7.95

Amazing Sale
and \$10.00

CHILDREN'S COATS AT \$1.95



OUT for the All-Eclipsing Sale of Coats, at \$1.95, this sale stands pre-eminent as THE COAT EVENT OF THE SEASON. This gigantic purchase of over Seven Hundred Coats at less than cost of material. The purchase was astounding in its proportions--amazing in it's values--Comprehensive in its assortment--Ultrafashionable in the correctness of style. They come in all colors, with large cape and coat collar, handsomely trimmed, large sleeves and back strap. Your choice, instead of \$7.95 to \$10.00, "The Hummer's" price only \$1.95; ages 4 to 14 years.

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Good Things
For Children.

Good Things
For Mother.

GENT'S FURNISHINGS.

Gent's and Boys' Hats, all sizes and styles 75c, worth up to \$2.50.
Caps for Gents 50c, worth \$1.25.
Suits for Gents.
Dress Shirts, 29c; worth \$1.00.
Boys' Golf Gloves, 19c; worth 40c.



Good Things
For Men.

Good Things
For Boys.

Boys' Mitts, 25c; worth 50c.
Linen Laundered Shirts, sizes 14 1/2 and 17, extra good quality, 49c, worth \$1.00.
Sweaters, various sizes, value \$1.50, for 75c.
Mufflers, 75c and \$1.00; worth up to \$2.50.
Boys' Heavy Fleece Underwear, 29c garment; worth 65c.

THE HUMMER CASH STORE,

228-230 MAIN STREET.