

# THREE YEARS IN STATE PRISON.

That is the Sentence Imposed on  
Garland for Manslaughter.

## MOTION FOR A NEW TRIAL.

It is Overruled by the Court—Powers  
Plea for Minimum Penalty—  
Judge Morse's Reply.

Frank Clarence Garland was summoned before Judge Morse this morning to receive sentence for the crime of which he had been convicted, voluntary manslaughter. The sentence was three years at hard labor.

As is customary in such cases, a motion for a new trial was made. In making the motion Judge Powers reminded the court that no substantial testimony had been brought out to show that the shot which had caused William's death in the saloon fight at Bingham last December had been wilfully fired, and there was still a question as to whether or not he had been surrounded by sufficiently great bodily harm to justify his shooting Wilfully.

In reply prosecutor Elmore said that he had little to say. The jury had found a verdict for what it believed to be the truth in the case, and he was willing to stand by that finding.

In overruling the motion for a new trial the court simply remarked that the evidence had been carefully submitted and the law had been fully stated to the jury. Garland was then requested to stand up for sentence.

Before the court pronounced the sentence, however, Judge Powers asked to be permitted to make a few more remarks with regard to the sentence.

He said: "The law has placed a wide discretion with the court which must be graduated as might appear just from the evidence. The term is from one to ten years. It seems to me, though I may be biased, that if ever there was a case where no more than the minimum punishment should be inflicted this is one. He was used to the rough scenes of a mining camp, yet he had earned a good character from the most reputable people. He was only tending bar in the Bingham saloon when his partner was occasionally absent in the East. He had treated the three young ruffians gently, but their conduct had been riotous and they had used such vile language to Garland about himself and his mother as would have caused any man to lose control of his temper."

"Admitting, as claimed by the prosecution, that Garland fired to kill, would not every fair-minded man endure that that had been driven beyond endurance, and that he should be sentenced to act as he did. He is not a bad man, and should receive the minimum sentence. I will therefore appeal to your honor in the name of humanity and justice not to make him suffer more than the law compels."

The court said that after a fair and impartial trial Garland had been found guilty of voluntary manslaughter. He asked, and received a negative answer, "I would gladly shrink this duty which is imposed on me. Circumstances which are against a minimum sentence. The young man was miners and were intoxicated when they entered the saloon where the shooting happened. Yet the defendant told them more intoxicants. There was undoubtedly a high pitch of excitement at the time, but the court does not feel that under the circumstances the best interests of society would be subserved by passing a minimum sentence. The punishment should be such as to deter from treating life lightly."

## RIGHT-OF-WAY SUIT.

R. G. W. vs Horn Silver Mining Company Trial Nearing the Close.

Trial of the case of the Rio Grande Western Railway company against the Horn Silver Mining company, which commenced before Judge Hall yesterday afternoon, was resumed this morning, when all the testimony in the case was taken. Arguments will be heard Monday morning.

The suit was brought to condemn a right-of-way for a crossing over the old smelter site. The existing grade crossing at Murray having always proved a fruitful source for accidents. The plaintiff company claims that the agreement with the best interest price for the right-of-way, and now demands an excessive price therefor.

The mining company wants to use the old smelter site for a new zinc smelter and claims that the proposed right-of-way of the railroad would destroy this site. There are three smokestacks on the old site, valued at \$20,000, and the new right-of-way would come so close to the westernmost of these to necessitate the removal of any buildings being erected between it and the track. The county commissioners are interested in the case on account of the report that the new right-of-way would be cut to a level of six feet below the country road, which would make the crossing much more dangerous than the present one.

## Gets a Decree.

Sarah Walker this morning received her decree of divorce from Thomas William Walker in accordance with the referee's report, which has already been reported in the "News." The divorce as granted in the grounds of desertion and non-support.

## Plead Not Guilty.

Before Judge Stewart this morning Al Frazier, accused of stealing six sheep, entered a plea of not guilty. His trial was set for June 12th. Other settings made were: Frank Hale, selling liquor without a license, June 13th; Charles Volzing, fornication, June 14th.

## Appointed Guardian.

Judge Hall today appointed Dora Alstine, their mother, guardian of the estates of Charles Gordon Van Alstine and Helen Emily Van Alstine, under a bond of \$2,000 in each case.

## Law and Motion Day.

This was law and motion day with Judge Morse. The following cases were disposed of:

Neils Anderson vs Isaac Woolf et al; demurrer sustained. Ten days to answer.

F. A. Wiswell vs H. O. Rose; demurrer sustained and twenty days allowed to answer, if overruled.

C. A. Palmquist vs Mine and Smelter Supply company; demurrer submitted and taken under advisement.

Addison Cain vs E. W. Fash Jr. et al; motion to set aside service of summons sustained by consent.

Sarah Eversand vs Alanzo E. Hyde; demurrer withdrawn. Fifteen days to answer.

John Anderson vs Oregon Short Line

Railroad company; demurrer argued and taken under advisement.

Arthur Bailey vs J. H. Kirkpatrick et al; dismissed, each party to pay own costs.

R. McDonald vs John McNally; referred to Attorney George H. Smith to hear and report.

Mary H. Sorensen vs South Jordan Canal company; demurrer sustained. Ten days to answer.

James McLaughlin vs Highland Boy Mining company; demurrer and motion to strike out certain portion of complaint argued and taken under advisement.

Boynton Furnace Co. vs Utah State and Hardware Co.; demurrer overruled by consent. Fifteen days to answer.

Helen Knox, etc. vs W. E. Hubbard; demurrer argued and taken under advisement.

Utah State and Hardware company vs Junction Co-operative Mercantile Co.; demurrer argued and taken under advisement.

Ida Johnson vs Salt Lake City Railroad company; amended complaint allowed to be filed by consent.

## TO ORGANIZE NEW STAKE.

Apostles Cowley and Woodruff Go to Oregon for That Purpose.

Apostles M. F. Cowley and A. O. Woodruff left today for La Grande, Oregon. They have gone thither for the purpose of organizing a Stake of Zion. The organization will be made on Sunday, with Elder F. S. Bramwell president. It has not been said who his counselors will be. President Woodruff was formerly the president of the Northwestern States mission.

## HOME FROM CEDAR CITY.

H. Claud Lewis and Wife Here for Their Vacation.

H. Claud Lewis, one of the instructors at the Branch Normal school at Cedar City, arrived in this city this morning in company with his wife.

Mr. Lewis states that the affairs of the Branch Normal are very encouraging. The last appropriation by the Legislature will be used to improve the library and the laboratories. The attendance next year also promises to be much larger than ever. A summer school will be conducted there opening on Monday.

The smallpox there is under control, due largely to the wise provisions of Dr. Middleton. In the two cases that are now convalescing are well there will be no smallpox in Cedar.

## EXCURSION TO PORTLAND.

June 11th and 12th.

Via the Oregon Short Line. Only \$31.50 round trip. Tickets good returning until Sept. 8th.

## MORE ABATEMENTS.

Board of Equalization Today Knocks \$9,267 Off Tax List.

Although the county board of equalization abated \$9,267 of assessments today the abatements refused amount to a sum considerably in excess of this amount. The abatements made were as follows:

On real estate—

James Stacy ..... \$ 120

Francis Brown ..... 125

Ellen Arnold ..... 10

On Improvements—

John H. Hedges ..... 125

Willard Young ..... 390

Anna Taylor ..... 100

Lizette Evans ..... 200

Frances Brown ..... 50

Ellen Arnold ..... 200

On Personal Property—

William Rogers ..... 15

Edna Schaefer ..... 25

Adelaide Williams ..... 25

Susannah Symons ..... 50

George Trowbridge ..... 45

Rosenbaum Brothers ..... 4,500

Francis Brown ..... 60

On Mortgages—

Eliza M. Snell ..... 1,000

Mary Soffe ..... 300

W. A. Sherman ..... 350

Salt Lake Electric Supply Co. .... 445

A. A. Rosenthal ..... 81

Thomas W. Jacobson ..... 1,000

Taxes Remitted to Indigents—

Benjamin P. Bingham ..... 5

Charles G. Walker ..... 5

Ada J. Evans ..... 19

Edna Standing ..... 10

John M. Davis ..... 5

Peter H. Hannibal ..... 10

Mary A. Anderson ..... 5

Elizabeth Cook ..... 5

Alice Naylor ..... 5

Amey Sprout ..... 10

Total ..... \$9,267

## RECITAL IS APPRECIATED.

Large Audience Enjoy the Organ at the Tabernacle This Morning.

The organ recital at the Tabernacle this morning was enjoyed by about 2,500 people. The doors were closed promptly at ten minutes after eleven, which prevented several hundred people from listening to the music. The selections played by Prof. McCellan were very beautiful, and Mr. Pyper's solo was received with enthusiasm. He declined to respond to an encore, though urged to do so very earnestly.

## M. J. KIMBALL, POSTMISTRESS.

(Special to the "News.")

Washington, D. C., June 8.—Margaret J. Kimball has been appointed postmaster at Meadowville, Rich county, Vice H. H. Kimball, resigned.

A postoffice has been established at Boulder, Garfield county, Utah, with Hannah Baker as postmaster.

## LATE LOCALS.

Dr. Orson Howard of the University, has entirely recovered from his slight indisposition and will attend his classes on Monday.

George T. Odell, manager of the Cop-Wagon & Machine Co., leaves tonight on a visit to Omaha.

Mrs. George T. Odell gave a luncheon party on Thursday, graduation day, in honor of the following young ladies: Ella Loveston, Nora Schaefer, Edith Grant, Kate Groo, Clifton Mayne, Vera Sharer, Jennie Shaver, Adelaide Odell.

Miss Lizette Smith and Mr. Matt H. Collinson, Jr., will be married on Monday, June 10.

Andrew W. Dowd, 35, of Sunnyside, and Frankie S. Sharp, 25, of Salt Lake, and Frank S. Mann, 31, and Minnie M. Keohober, 31, both of Salt Lake, today obtained marriage licenses.

On Tuesday evening next the Sunday school of the Twentieth ward will give an enjoyable strawberry festival. An interesting program has been arranged and a good time is assured those who attend.

W. W. Lim, the sheepherder who was shot in the arm last Wednesday by some cattlemen, had his arm amputated at St. Mark's hospital this afternoon.

Caligan & Co. of Chicago have been given a contract by the State board of examiners for the printing and binding of the reports of the Utah Supreme court for the current year. Enough copy will be supplied for the use of the court and its officers and for exchange with the Supreme courts of other States, the publishers retaining the copyright and the right to sell the volume of reports to Utah attorneys at \$4.25.

# S. P. SURVEY IS NEARLY FINISHED

Indications that the Big Road Will  
Be Built Into Salt Lake.

## WATER PROBLEM ON DESERT

Springs Are Encountered Along the Proposed Route Around the South End of the Lake.

From information brought in from Tooele this morning it seems that there is no doubt that the Southern Pacific will build round the south side of the lake and enter Salt Lake City. The surveyors have finished their survey into Tooele and have returned to the desert for further operations which will terminate within the next few days.

The proposed route, which practically follows on a nominal water level for the major portion of the cut-off, will open up valuable mining properties on the desert. In anticipation of the coming of the railroad there has started an epoch of activity in Silver Island, Lake Side, Newfoundland, Timpany and other mining districts and miners are prospecting in the mountains adjacent.

Taken all in all it begins to look as though there will be a mild boom in the regions affected on account of the coming of the railroad.

The only problem which now confronts the Southern Pacific is that of scarcity of water. It is stated, however, that by sinking wells that a good flow can be had. The proposed route, along the proposed route, will be the springs of Pilot's Knob, Newfoundland and Cranberry Canyon can be developed so that they will fill the requirements.

The outlook for the Southern Pacific coming to Salt Lake is very bright and the residents of Tooele county are accordingly jubilant.

## WESTERN CLASSIFICATION.

Eastern Merchants and Jobbers Are Not Enthusiased Over the Outlook.

New York, June 8.—William Carthy, commissioner of the New York Freight and Transportation bureau, in discussing the recent changes in freight classification made by western railroads, particularly the change permitting Western merchants to ship various kinds of merchandise in mixed carloads, said:

"Every instance where the western classification has been changed to read 'mixed car loads' is a direct discrimination against the city of New York, since all rates to Western points are made on the official classification which does not permit mixing cars to the Mississippi river and this increases the distributing power of every jobbing house located on a line drawn from St. Paul through Chicago and St. Louis, or, in other words, all cities located on the west bank of the Mississippi river, such changes as these are drawing the lines and a seat of distribution of New York closer and closer and we should have the co-operation of merchants here to take up and fight just such propositions which are driving freight to Western distributing centers. The only thing to do is to go right ahead and protest against the changes that are to take effect on August 1."

"These changes have been effected through influence brought to bear on the railroads by the St. Louis, Kansas City and Chicago Traffic bureau, which the merchants of these cities support to obtain such results as this in the equalization of rates and the destruction of their respective geographical situations."

Mr. W. M. R. Corwin of the Merchants' association, said that the classification being compared and fully with the present schedule and if the new ratings are found to be hurtful to New York and shippers to this section, the association would take the matter up with the Western classification committee.

## PLATING TIES.

San Pedro, Los Angeles & Salt Lake Starts Work in California.

Los Angeles Times—While the officials at the other end of the San Pedro, Los Angeles and Salt Lake line are contending for territory, those at this end are quietly making preparations for the work. They have tiers of railroad ties, aggregating 35,000, piled beside the old Terminal track, just across the river from the Santa Fe yards, and are busy at work plating them. This operation consists of imbedding into the ties steel plates about eight inches long by four inches wide, flat on one side and having three sharp ribs running lengthwise on the other. These are sunk into the ties for the rails to rest upon. Work was begun Monday noon, and 2,500 ties were plated that day.

## K. O. KYES PLUNGES.

Traveling Freight Agent of the C. M. & St. P. Goes into Wool Business.

The friends of K. O. Kyes, the traveling freight agent of the Chicago, Milwaukee & St. Paul, bring back word from Boise to the effect that Kyes has apparently started in to corner the season's clip. From advices received from the seat of action Kyes started operations last Wednesday when a farmer mistook him for one of the wool-

## Salt Rheum

It may become chronic.

It may cover the body with large, inflamed, burning, itching, scaling patches and cause intense suffering. It has been known to do so.

Do not delay treatment.

Thoroughly cleanse the system of the humors on which this ailment depends and prevent their return.

The medicine taken by Mrs. Ida E. Ward, Cove Point, Md., was Hood's Sarsaparilla. She writes: "I had a disagreeable itching on my arms which I concluded was salt rheum. I began taking Hood's Sarsaparilla and in two days felt better. It was not long before I was cured and I have never had any skin disease since."

## Hood's Sarsaparilla

Promises to cure and keeps the promise. It is positively unequalled for all cutaneous eruptions. Take it.

buyers from the effete East, and drawing him on one side told him that he had the finest clip that was ever shorn from the back of a pedigree, blue ribbon, Lincoln. The rains to his did not take much stock in the story until he learned that the clip consisted of a bag and a half, and then in an off-hand manner told the dockmaster that he would give him 9 cents for the clip. The dockmaster, with which the farmer took up his bid nearly caused heart failure, but he was game and emptied his pockets for the ante. Then he walked down the street, so awed up with pride at being a beated wool owner that, if it said, he lost that fancy set of studs which he dons on state occasions. Then he proceeded to endeavor to dispose of his buy to one of the numerous woolmen who were in town. At first he hesitated, but then Slater, Joe Strang, L. Koshland and others, but they would have none of him. "What kind of wool is it?" queried Slater. Kyes said that he did not know, but Slater, in great haste, came to his rescue and went down and examined the wool. He pronounced it to be a very fine sample of "suckling-ewe's wool." By this time the rest of the boys had gathered around and a fierce discussion was the result. Finally it was decided that the clip was a superior bale of "silk tag-locks." Then Kyes endeavored to realize upon his purchase and at the same time make a few dollars on the side. Without indulging in any painful reflection, the railroad man was turned down on all sides and left with the wool on his hands and no coin in his pockets. From last October Slater has sent the bag-and-a-half to Elcom on consignment and wired to headquarters for funds.

## HEAVY WOOL SHIPMENTS.

Big Sale Scheduled to Place at Price on Monday.

The Vernal woolgrowers will come in to place tomorrow in order to attend the sale which will take place on Monday. The sale will be a record one judging from present indications. Already the wool offered amounts to over 800,000 pounds in weight and it is not unlikely that on the day of the sale that one million pounds may change hands. Needless to say every wool man and railroad freight agent in this territory is today packing his grip and going down to the scene in anticipation of business.

Among the big sales that have been consummated during the past week the one at Caldwell on Wednesday takes first place. On this occasion close upon half-a-million pounds were sold. Among those who parted with their clip at prices ranging from 9 to 11 1/4 cents were J. Jacques, J. C. Buce, William Pallas, Adam Blackstock, William Callas, McKenzie, E. P. Junior and George Briggs. The major portion of the wool was purchased by Biseman and Patterson, who bought respectively 272,000 and 148,000 pounds. Nearly all of the sales were shipped east over the Santa Fe.

## VANDERBILT GETS CONTROL.

Purchases Interest in the Toledo, St. Louis & Western Railroad.

New York, June 8.—The Mail and Express says:

"It was announced today on excellent authority that the Vanderbilt interests had purchased the control of the Toledo, St. Louis & Western railroad. This announcement has been expected as negotiations for control of the property have been going on for months."

## Pres. Mellen Denies Rumors.

St. Paul, Minn., June 8.—President Mellen of the Northern Pacific said today there was no truth in the published statement that he had resigned.

"I have not resigned," said Mr. Mellen, and I do not contemplate resigning."

## Another Denial.

Philadelphia, Pa., June 8.—It is officially denied at the office of the Pennsylvania railroad that the company has purchased the Wheeling & Lake Erie and Wash roads.

## SPIKE AND RAIL.

No. 5, Rio Grande Western, came in in two sections again today.

H. B. Kooser of the Missouri Pacific went down to Price this morning.

The Opal club's excursion to Ogden tomorrow promises to be a heavily attended event.

J. D. Kenworthy, assistant general freight agent of the Rio Grande Western, has returned from Denver.

The Rio Grande Western is putting in spur in the neighborhood of Sugar House ward to the brickyards on Eleventh East street.

Contracting Agent Streib for Sells and Gray's big show is town today figuring with the Short Line officials regarding the hauling of their circus through Utah and Idaho.

The conference of Western railroad presidents in New York has been postponed until July 5, by which time it is expected that the status of a number of the smaller roads will have been determined.

As a sequel to the recent wreck on the Rio Grande Western near Lehi, the company has put in a bill against the Lehi Irrigation company for \$500 damages caused to their roadbed by the overflowing of an irrigation ditch.

P. P. Shelby, general manager of the Pacific & Idaho Northern, stated in a recent interview that his company would extend their lines from Council, the present terminus, on to the Seven Devils country. This road connects with the Oregon Short Line at Weiser and is now within thirty-five miles of the Seven Devils mining district.

The new tariff of the Fruit Growers' Express and the Kansas City Fruit Express has been issued by Manager Robert Graham. The new tariff reduces the refrigerator charges \$10 to \$35 per car. The exact reductions are as follows: From Sacramento, Auburn, Penryn, Colfax, Newcastle, Loomis and Bonville to Ogden, Salt Lake, Pueblo, Denver, Portland, Tacoma, Spokane, Butte and Helena, the rate is reduced \$70 to \$60 per car.

## PEOPLE WHO ARE PASSING

Postoffice Inspector James O'Connell of San Francisco is staying at the Kenyon.

Chas. R. McBride, ex-member to the legislature from Tooele, is a guest at the White House.

Alfred Floyd of Cedar City is staying at the White House. He is county sheriff of Iron county.

Secretary of state for Idaho, Major C. J. Bassett, is in the city on a business trip. He is staying at the Kenyon.

Judge John Stansbury, who is special government attorney on Indian depredation claims, is in the city and is staying at the Kenyon. He is on an official tour of the West.

Frank Vreeland and bride are in the city on a visit to the bride's sister, Mrs. Fred Wilkins. Mr. Vreeland is the chief of the fire department at Cheyenne.

Salt Lake City had a distinguished visitor yesterday afternoon in the person of Mrs. Mary Lowe Dickinson, former president of the National Council of Women, and present secretary of the International Red Cross.

Daughters. Mrs. Dickinson is the au-

# FLAVORING EXTRACT.



Lemon,  
Vanilla,  
Orange,  
Strawberry,  
Raspberry,  
Pine Apple,  
Rose,  
Almond,  
Banana.

If you want the very best, those that have the rich, natural flavor of the fruit, use Three Crown flavoring extract and you will always be pleased with the result.

## Hewlett Bros. Co.

SALT LAKE CITY, UTAH.

thor of many books of both prose and poetry. She makes her home in New York, but frequently visits different sections of the country in her effort to uplift the young women of the United States. During the few hours she was here yesterday she was with Mrs. E. B. Wells, a fast and firm friend. Mrs. Dickinson is on her way to Portland and British Columbia, where she is to deliver a number of lectures. She expects to return to Salt Lake in the latter part of June and spend a number of days here. It is probable that some kind of reception will be arranged in her honor by leading Salt Lake women.

## LEFT PENNILESS.

Deserted Sister of Clapp Gets a Place With the Frawley Company.

After quoting a Salt Lake special dispatch to Los Angeles, regarding the point raised here by the attorney of J. Warland Marcott or A. W. Clapp as he is sometimes known, with a view to securing his freedom, the Express of this city says:

Even if there were no danger of again being extradited, it is not probable that Clapp will ever again return to Los Angeles. The friends he made while in this city, after careful investigation, have become convinced that he is absolutely worthless and admit that they have been victimized. They are willing, however, to stand their losses and let the matter drop if they are not subjected to further annoyances at his hands.