

## THAW'S MOTHER GIVES EVIDENCE

She Breaks Down and Cries as She Tells Story of Changes in Son After Trip to Europe.

N. Y. MAN RUINED HIS LIFE.

Dr. Wagner Said Didn't Believe Thaw's Mind Clear When He Was Married.

When He Shot Stanford White Had No Idea That He Was Committing a Crime.

New York, March 6.—Mrs. Wm. Thaw was the first witness called after the luncheon recess. Mrs. Thaw said she noticed a change in her son when he came to Pittsburgh in 1903. He was absent minded and apparently had lost interest in life. Mrs. Thaw broke down and cried while narrating the change in her son following his trip to Europe with Evelyn in 1901.

In explaining his changed condition to her, Mrs. Thaw said Harry told her "the wicked and the man in New York had ruined his life."

Mrs. Thaw, after recovering from her first breakdown, seemed about to weep again and could not proceed. Justice Fitzgerald relieved the situation by ordering her testimony up to that time read to the jury. It had been given in a voice too low for the jury to hear.

In arguing on an objection by Dist. Atty. Jerome M. Delmas said he would invoke the rule of the law that Thaw, being insane in 1903, continued insane in 1904.

"If that assumption is sound," said the district attorney, "there is no reason to believe this defendant is not insane today and it becomes the duty of the court to suspend the trial."

Jerome said he was not suggesting the appointment of a commission in January at this time but was advancing the point as an argument on the question as to whether Mrs. Thaw should be allowed to repeat all conversations with her son.

Justice Fitzgerald overruled Mr. Jerome's objection to Mrs. Thaw, telling conversations with her son in 1904.

Mrs. Thaw said she laid down one condition as to the marriage—that Evelyn's past life should be as a closed book—never to be referred to.

"Battling" Nelson, the pugilist today was the center of attraction in the court where Harry K. Thaw is on trial for his life. The pugilist occupied the entire attention of the spectators up to the time the defendant was called to the bar. Nelson was accompanied by his manager, Wm. Nolan, and they occupied seats just behind the prisoner.

In anticipation of a continuance of expert testimony there were many empty seats in the court room today. They again came to court laden with letters which continue to come to him from all quarters of the globe. Most of the letters are in praise of the defendant and some manifest great satisfaction in reading them.

DR. WAGNER CALLED.

Dr. Wagner, who has been under cross examination since Monday afternoon, was again called to the stand and Dist. Atty. Jerome began to ply him with questions regarding Thaw's will and codicil.

When Thaw wrote the section of the will providing for a defendant in the trial of any one who might take his life his mind was clouded and he did not have as clear an idea of such matters as a man who was wholly sane, but enough to be able to appreciate that the taking of a human life was a crime.

"Doctor, when this defendant stood up to be married upon the same day that will was signed, did he know what he was doing?" asked Jerome.

WHEN THAW WAS MARRIED.

"I don't think his mind was entirely clear."

"Was it clear enough for him to understand that he was getting married?"

"Yes, he understood it."

After questioning Dr. Wagner regarding the letter written by Thaw in 1903 to Atty. Longfellow, Mr. Jerome suddenly asked:

"Was there any period between 1903 and 1904 when this defendant was in full possession of his faculties?"

Dr. Wagner hesitated a moment and then replied:

"There are several months in that period of which I have no record. It is possible that there may have been recovery during that time."

Mr. Jerome took up a number of works by various authors on psychiatry and asked Dr. Wagner's opinion of the works and the writers. For half an hour this line of questioning was kept up, Dr. Wagner admitting that most of the authors noted were "cleared men."

Following this Jerome returned to Thaw's letter, in explaining that a man might be insane and still have a working knowledge of many matters. Dr. Wagner said that in the institution of which he is superintendent he has a patient, who, although the most insane man he has ever seen, is a good housekeeper. One of this man's delusions, which affected him three or four times a day, is that people who are hundreds of miles away are cutting something but causes him nausea.

After finishing with his questions based on Thaw's letters, Mr. Jerome asked Dr. Wagner:

"Do you know a disease known as circular insanity?"

"Yes."

"Is reasoning in a circle a sign of circular insanity?"

## STOCKS ARE HAPPENING

Harriman is Believed to Have Joined New Jersey Central's Stockholders.

READING MENTIONED ALSO.

Officials of Both Companies Cannot Verify Transfer of Holdings to Mighty Railroad Magazine.

New York, March 6.—An unverified rumor that heavy holdings of Reading and New Jersey Central stock has passed under Harriman control, which gained wide circulation today, resulted in a sharp upward turn in Reading this afternoon. According to the report, the big block of stock which changed hands represented the H. C. Frick interest in these two companies. The story could not be verified, but despite this the quotations of Reading were marked steadily upward as the rumor spread, reaching 125 at 1:30 o'clock, a clear gain of 11 points from the low point of the day. Other stocks which had been moving feverishly during the day, began to follow Reading toward the top. In the next 15 minutes Reading declined to 122.

Philadelphia, March 6.—At the office of the Philadelphia Reading in this city, it was stated that the officials had heard of the rumor but knew nothing about the passing of the company to Harriman. A high official said the transfer books do not show such a change in ownership.

## TAFT MUST FACE THE COCKFIGHTING PROBLEM.

Washington, March 6.—One of the questions that probably will confront Secy. Taft upon his arrival in Cuba in the course of a few weeks will be the problem of cockfighting in that island.

Gen. Wood's decree forbidding cockfighting in Cuba. An overwhelming majority of the Cubans themselves demand the right to fight their chickens as they have done for many years.

It was the arrest of a number of prominent Cubans, including at least one presidential candidate, for attending a cockfight in Havana, that caused the decree. Gov. Magallon to promise that he would consider the petitions that were presented to him.

When the sport flourished, the Cuban laborer worked four days a week to support his family and the last of the week he worked in order that he might secure funds for his favorite cock in the pit. Now that the lottery and cockfighting have been stopped, the laborer and farm hands simply stop work for the last two days of the week, having no incentive to continue. This practice is said to have had a really serious effect on the development of the island industry and to have considerably curtailed production.

Probably Secy. Taft will adopt the extreme position and insist that the natives of Havana and the larger Cuban cities, just as he did in the Philippines to the exclusion of the natives and their employees.

The separate acts of the defendant that night indicated insanity.

"They indicate to me that the defendant was insane. He may have had automatic knowledge as to firing the pistol, and he may have had sufficient intelligence to know that he was committing a crime, but he did not know that he was committing a crime."

"If you want to know how much he had taken,"

"Men who have been insane are still susceptible to liquor during lucid intervals. There is nothing in the disease which would make them immune to the effect of liquor, is there?"

"Nothing that I know of."

"What is the basis of the hypothetical question that enables you to tell whether the defendant was insane or drunk?"

"There is nothing whatever in the question to indicate intoxication, much less to indicate insanity."

Dr. Wagner explained that the patient, slow and measured tread, the listless expression, the defendant were not indications of alcoholism.

Mr. Jerome then took up each of the facts in the case and asked the witness if each one might not have been the act of insanity. Dr. Wagner said there was no act which might not have been performed by a sane man.

"A sane man can do anything he likes," said the witness, "provided he has the inclination. And a sane man is often impelled to do things which he cannot help."

"You mean an irresistible impulse?"

"That is all."

Dr. Wagner started to explain but was stopped by Mr. Jerome, repeating the question as to whether or not the defendant was insane or drunk.

"Mr. Jerome said, down, but in a moment was on his feet, saying he had a few more questions to ask."

THE PREUSSER CASE.

"You testified for the prosecution in the Preusser case, did you not?"

## HARRIMAN'S DUST T WASHINGTON

Wants to See What Prospect is For Drastic Anti-Railroad Campaign Next Congress.

SEEMINGLY IS NOT ALARMED.

Prejudiced Public Sentiment Has Been Created by Both Parties for Political Purposes.

Chicago, March 6.—A special to the Chronicle from Washington says: E. H. Harriman is here to see himself what the outlook is for a drastic anti-railroad campaign in the next session of Congress. Since Mr. Harriman has been here he has met practically every one of the leaders of the senate, aside from calling on President Roosevelt and on the interstate commerce commission.

Questioned whether he did not believe the commission would seek for more power over railroads, he said:

"I should judge from the hearing at New York or rather, inquisition—that it is the purpose to impose further restrictions on the railroads of some kind or other. Apparently an attempt is made at New York to bring out anything except what might be used as a basis for asking increased power on the part of the interstate commerce commission."

"But these things will come out all right. Everything that the commission gave a right to increase its power in the swing. The people will come to understand the situation. There was nothing done that has not benefited the people. I am sure that the people will consider the general public that uses the various lines and the figures show that what I say is true. Everything that was touched on at the New York inquisition showed this."

A prejudiced public sentiment has been created for official purposes. It is created by one party as well as the other. There is a lot of buncombe in this whole business. One party will appeal for an act to increase its power and control and stop the development of railroads. The other side will then appeal for an act to take over the railroads under government ownership."

## S. P. TRACK SUBMERGED.

Los Angeles, Cal., March 6.—Advices at the Southern Pacific's general offices here from the vicinity of Salton state that yesterday's storm produced high waves in the inland sea, causing a portion of the railroad company's tracks to be submerged and entailing some damage. The trains were delayed for several days on account of the damage to the tracks has been repaired. The storm has entirely subsided and the sea is again quiet.

## OFFICERS ARE UNABLE TO LOCATE ABE RUEF.

San Francisco, March 6.—When Judge Duane convened court at 10 o'clock this morning Abe Ruef was not present and Sheriff O'Neil reported that he had been unable to find him. Asst. Dist. Atty. Kenney thereupon asked the sheriff to make a search for Ruef last Monday before Judge Hebard, but before a ruling was had on this motion Judge Duane began an inquiry to determine a reason for the sheriff's failure to find the defendant. Charles Hebard, Ruef's attorney, called to the stand and questioned by Kenney as to the time he had seen Ruef last. He declared that Ruef had been seen at the adjournment of the proceedings before Judge Hebard Monday afternoon; that Ruef had come to the office and waited for him there; that he had remained until 10 o'clock and Ruef did not come, and he had gone back out into the street. Ruef was asked why he had made trips and replied that he was at liberty to use the automobile at any time and that he had not seen Ruef on any of these trips. He was asked if Ruef on any of his visits to the office of Atty. Shortridge last night and declared that he had not.

Kenney suggested an adjournment until the afternoon to enable him to bring before the court witnesses who may know something of Ruef's present whereabouts. Judge Duane granted the motion and Detective Burns sent his men out to search for Ruef. During the recess Kenney stated that he had seen Ruef last night and had done his best to find Ruef but would not for the appointment of an officer and would not be able to find Ruef. The court to nominate Detective Burns or someone else.

At the close of the charge of intoxication made by Asst. Dist. Atty. Kenney against Superior Judge Hebard, who on Monday afternoon declared that he had seen Ruef, a meeting of the bar association has been called for Friday to consider Judge Hebard's testimony and the case of the Clara Barton hospital, under the care of a physician and a trained nurse.

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## TWO MORE DEATHS ON COPPER BELT

Engineer J. C. Lynch and Fireman E. O. Wyatt Killed in Bingham Canyon.

ACCIDENT THIS MORNING.

On Same Line Where Representative Taft and Clint B. Leigh Went to Their Doom.

Fatality at Four O'Clock Near U. S. Mining Company's Bridge—Both Bodies Recovered.

(Special to the "News.")

Bingham, March 6.—A bad accident occurred on the Copper Belt Railroad at 4 o'clock this morning which resulted in the death of J. C. Lynch, engineer, and E. O. Wyatt, fireman on the runaway train and the injury of two of the train crew, F. J. Phillips and J. W. Fry.

The accident occurred near the United States mine bridge on the branch line of the D. & R. G., commonly called the Copper Belt road and near the place where Representative Taft and Clint B. Leigh met their deaths about 16 days ago.

In this case, as in the numerous previous accidents of a similar character, some carelessness or got out of control and the train proceeded down the canyon at an increasing high rate of speed. The engine eventually left the track and rolled some distance, becoming a total wreck.

The two injured men were sent to Salt Lake on a special and taken at once to St. Mark's hospital. Phillips is badly scalded about the face and hands, while Fry is terribly bruised. Unlucky complications set in both men will recover.

Since the Copper Belt road was first opened similar accidents have occurred. The last one occurred on this small stretch of mountain track until the last of killed and injured from runaway cars has grown to such proportions that, for its length, the Copper Belt has the unenviable record of being the most fatal railroad in the State of Utah, for nearly every curve is a "Dead Man's Bend."

## FOOTBALL.

Prent. Elliot Says It is an Undesirable Game for Gentlemen to Play.

Boston, March 6.—President C. W. Elliot of Harvard university in his annual report, which will be presented to the board of overseers this week, maintains that football, despite new rules, remains an undesirable game for gentlemen to play, or for the multitudes of people to witness. President Elliot declares that football is properly described by the adjective "barbaric" and that no game in which there is roughness in causing or receiving bodily injuries is suitable for college use. Basketball and hockey are placed in the same class with football, and President Elliot said that he had no thought of recommending any one sport be limited to two games. All other games to be between teams made up of students of college age. He said that the "cheering" which characterizes football is entirely unsportsmanlike and utterly unattractive.

## STROTHER BROTHERS MAY KNOW THEIR FATE TODAY.

Culpepper, Va., March 6.—By late today James and Philip Strother, charged with the murder of William B. Ryland, probably will know their fate. It is not thought that the jury will be long in reaching a verdict.

Atty. Moore this morning, for the defense, presented the legal phases of the case in support of the plea of mental derangement at the time of the shooting, reported by the brothers' attorney as a sudden, uncontrollable impulse, impelled by sense of wrongs to their sister.

John Lee will follow with the additional plea of justification as contained in the "unwritten law."

In the afternoon Capt. Woods will make the final argument for the prosecution. It is not thought that the three speeches will occupy more than six hours.

The two defendants still retain the remarkable composure which has characterized their attitude since their arrest.

Philip, the younger, whose illness yesterday threatened to delay the trial to an abrupt halt, was considerably improved this morning.

## STREETCAR ACCIDENT.

Ten Persons Hurt in One in Louisville, Ky., March 6.—Ten persons were injured, two seriously, in a collision between street cars today. The seriously injured are:

J. W. Pfeiffer and Henry Guckes. A Shelby street car struck a Chestnut street car in the center, breaking it almost in two.

## AN UNFAITHFUL WIFE.

Husband Unexpectedly Returns Home and Kills Wife and Paramour.

Indianapolis, Ind., March 6.—Mrs. Fred Schwomeyer and William Gill died today from bullet wounds inflicted by the woman's husband, Fred Schwomeyer, who had started from his home for Indianapolis, but missed a car and returned home. He found his wife and Gill together. Gill was shot five times and the woman once. Schwomeyer states his home had been ruined. The men had for years been close friends.

## FRANK T. CAMPBELL DEAD.

Lima, Ohio, March 6.—Frank T. Campbell, formerly lieutenant-governor of Iowa, died here today.

## FIRE ON THE VANDALIA.

New York, March 6.—Damage from a fire at sea amounting to fully \$250,000 was reported by the German steamer Vandalia which arrived here today from China and Japan. The fire started in the Vandalia's hold on the afternoon of Feb. 25 and was subdued only after the hold had been completely flooded with water.

## BEETGRASS AND SUGAR CO. CONFER

Utah County Farmers Ask for Changes in Contract.

PLANTING HEAVIER THAN EVER

Indications Thus Far in Utah and Idaho Point to an Increase Over Last Year.

The planting of beets throughout Utah and Idaho will be commenced within the next 30 days, and the contracting for acreage between the farmers and the several sugar companies, has now progressed so far as to make it probable that last year's phenomenal record will be equalled and in some districts surpassed. Already the farmers who grow beets for the factory at Lohi have signed up heavily and the agents of the company are securing new contracts each day.

In only a few districts, like those contiguous to the Spanish Fork cutting station on and a part of Springville, is there any likelihood of a reduction in acreage. This grows from a dissatisfaction on the part of some of the farmers regarding the terms of the contract. The farmers sent a delegation to the city to confer with General Manager Cutler, and they have had several sessions for the past two or three days.

The farmers' demands, when taken into consideration, are of two points, first, that they be allowed to continue the use of the beet knife with the hook attached, to which the sugar company had made objection; second, the sugar company this year makes a requirement of all growers, that in case of necessity, the farmers shall also be required to plant a certain number of acres in the fields until notified by the factory to deliver them, and this the growers objected to.

The quantities representing the farmers consisted of W. O. Creer, A. T. Money, Benj. Argyle of Spanish Fork, Frank Boyer and Thomas Mendenhall of Springville, John H. Lee, Napleton, and George Gee, Provo. They represented the side of the farmers to Manager Cutler, insisting that the discontinuance of the use of the hooked cutting knife, meant a considerable loss to them in time, and that the requirement in regard to planting to a certain number of acres would cut them out of the business through loss in delivery and the extra labor necessary.

Behalf of the sugar company, Manager Cutler insisted that it was impossible to accede to the request of the committee. He showed facts and figures, demonstrating the loss the sugar company had sustained by the use of the hooked knife, not only were the beets damaged, but a vast amount of this was left clinging to them, and this fact was weighed up against the sugar company at an enormous loss. The company's losses on these accounts during a heavy season like last year, had amounted to a very large figure.

Regarding the sowing, Manager Cutler said that the sugar company was willing to pay an additional 25 cents per ton on all sowed beets, but that it was imperative that the company should have the right to call on the farmers to hold back this small part of the crop, in case the tonnage assumed proportions where the factory could not handle the beets. He pointed out that in Colorado the factories were insisting on having 25 per cent of the crops sowed, and that in Germany no factory would accept of receiving beets from the farmers until it was ready to handle them.

The farmers' committee returned home last evening with the result of their conference with Manager Cutler.

## FERRY RESOLUTION.

Mayor Approves Proposed Petition to Legislature Regarding Tax Levy.

Mayor Thompson today approved the Ferry resolution adopted by the city council on Monday night. The resolution provides for a petition to the state legislature asking that a law be enacted permitting the city council to levy a tax of not more than three mills for the payment of interest on the bonds of the city and for a sinking fund for the redemption of the bonds. It passed the council by a vote of 10 to 2, with 3 to 8 of all the "Americans" voting for it.

## COAL LAND CASES.

Amended Complaint Filed in U. S. Court Against Milner Estate.

An amended complaint has been filed in the case of the United States against the estate of John Milner, deceased, Trusts of Milner, Samuel H. Gilson, the Carbon County Land company and Peter N. Campbell. A bill against the same defendants was filed on Jan. 7, 1907, but the papers were not served.

The case involves the title to certain coal lands in northeastern Utah, which is alleged, were secured by the defendants in manner contrary to the provisions of law governing such matters.

## PATENT FOR EUREKA MEN.

(Special to the "News.")

Washington, D. C., March 6.—Patents issued: Utah—Benjamin N. Lehman, N. P. Cook and J. Robertson, Eureka, wrench.

Frank A. Beckwith, Evanston, assignor of one half interest to T. W. Jones, Salt Lake City, in safety device for firearms.

## NEW MINING COMPANIES.

Lead Hill and Hecla Mining & Milling File Articles Today.

The Hecla Mining & Milling company of this city filed its articles of incorporation with the county clerk today. The capital stock of the company is \$400,000, divided into shares of the par value of \$1 each. H. P. Clark is president; W. H. Shearman, treasurer; Lester D. Freed, vice president; J. M. Reynolds, secretary. The officers, with Frank J. Gustin, constitute the board of directors. The company owns the Hecla and four other lode claims located in the Bradshaw mining district, Beaver county, Utah.

Articles of incorporation of the Lead Hill Mining company of this city were also filed with the county clerk today. Its capital stock is \$100,000, divided into shares of the par value of \$1 each. L. H. Gray is president; R. E. Ball, secretary; T. Tilton, vice president and treasurer. The company owns the Lead Hill and West End lode claims located in Beaver county, Utah.

## WASHOUTS ON SALT LAKE ROUTE

Another Flood in Meadow Valley Wash Plays Havoc With The Track.

WILL NOT OPEN FOR 30 DAYS.

"In Four Feet of Water: Am About to Take to Rocks," Wires Acoma Agent.

That the Salt Lake Route will not be open again for through business under 30 days, is evident from the reports brought back this morning by the passengers who left this city Monday night, but were turned back at Acoma, just over the Nevada line. The seriousness of the situation may be imagined also from a message received in this city this morning, from the agent at Acoma, who wired, "I'm in four feet of water; am about to take to the rocks."

The temporary track laid during the week has been washed out and carried down stream, by the floods due to the immediately recent rains which have been very heavy. However, the general manager and Utah division superintendent, with other officers of the road, are on the spot, and every available bit of construction equipment and are doing everything in their power to restore the destroyed roadbed and track. The returned passengers from Monday night's westward train were taken to the Short Line depot this morning, where their tickets were taken up and re-routed over the Southern Pacific from Sacramento, whence all travel will go until the Salt Lake Route is opened again.

I-TOLD-YOU-SO SQUAD.

Local railroad men are not backward about saying that the San Pedro people would have saved money had they built in the first place up along the hills, instead of down in the river and creek bottoms, where the tracks are washed away by every flood; also, that the company will yet have to build via Pioche and through the hills, or else construct a costly road bed of concrete and steel on the present location, which cannot be moved by floods. The wires were all down this morning, but are being rapidly restored.

The railroad officials ascribe their troubles to the presence of the Salton Sea whose evaporation since its formation, has caused an undue amount of precipitation all through that part of the San Bush state, so that lands arid and incapable of profitable cultivation within the memory of the oldest resident, are now well watered and are producing any amount of cultivated products. In view of past experience, and the prospects for the future, the officials of the road are beginning to think seriously of rebuilding the line higher up through the exposed places.

## JONES IS OPTIMISTIC.

Utah Independent "Phone Man Wins From East, 'We Will Win'."

A telegram received in this city, this morning, from Elmer B. Jones says, "We will win." Mr. Jones is not expected back until late in the month, which is taken to mean in Utah in connection with the case of the Utah Independent Telephone company, which is being fought out, and prevent the bonds of his company from being scheduled among the assets of the United States Independent Telephone company.