THE DESERET EVENING NEWS.

TRUTH AND LIBERTY.

FRIDAY, JANUARY 12, 1960, SALT LAKE CITY. UTAH.

FIFTIETH YEAR.

cent ales

CONFESSION OF MRS. MILLS MADE PUBLIC

lasterly Statement For the Defense Made by Judge Powers-Many are Moved to Tears During His Argument.

ter Her Fall, She Contemplated Suicide-The Husband's Discovery That Wrung From Her a Confession of Her Guilt -She Refused to Give Her Seducer's Name, Until She Learned Her Husband Had Been Led to Believe That a Physician Was the Guilty Man, When She Broke Down and Named J. C. O'Melveney-Told the Whole Story at St. Mark's Hospital in the Presence of Rev. D. Douglas Wallace and Wife.

al today were of an intensely intering nature, and full of dramatic in-

The testimony for the prosecution losed with the report of it given in ast night's "News" and Judge Powers mmenced his opening statement for he defense. He resumed this morning, and spoke for two hours, being listened with intense interest by all the paries concerned, as well as by an audice that fairly packed the lobby.

Judge Powers spoke with intense Judge Powers spoke with intense when aims fert sait lake, leaving ins earnesiness, and though he used the simplest language and employed few of his aris as an orator, his presentation if the case could hardly have been a nore powerful one.

During his recital of the facts leading ip to the tragedy, when he told of Mills' implicit trust in his wife, and his perfect confidence in the man he elieved to be his best friend, J. C. Melveney; described the awful scene when the defendant first learned of his wife's faithlessness, Capt. Mills covered s face with his hands and wept like child. Many in the audience were ite as deeply affected, and handkerhlefs fluttered all over the court room. Mrs. O'Melveney was, strange to say, but little affected during the powerful ital. Only once or twice, when the Mills left Salt Lake to take up his duties in the army of the United States, the last words of parting that O'Mei-veney gave him were, "Fred, if any-thing happens to you, I will see that your family does not suffer. These cene of the shooting came up, did she oppear to be agitated more than usual. ce or twice during Judge Powers' tement, she smiled quictly. Her other sat beside her during the day, nd frequently consulted with her. Capt. Mills kept his hand at the side his face during the whole day. The neath the same roof tree, and ex-changed the closest confidences. w. Mills, of Helena, his brother-inaw, sat directly behind him, and durthe statement he was frequently fected to tears. afternoon of October 3, this defendant calmiy walked into O'Melveney's office, udge Powers told the whole story of s tragedy from the standpoint of the ense. In brief, he told how the frienddeliberately shot the latter dead. ip between Mills and O'Melveney, ce. is the case presented by the prosecution. ented by thirteen years of association, as renewed when Mills and his wife We shall see. Mills had been assigned to some work for the government, in e here from the west, after Mills Utah, with reference to irrigation. Later, he had had offered him the chair had served in the army; how they oped at O'Melveney's home for le of days, until the defendant went of engineering in the Nevada State Unithe hospital to undergo a severe eration; how, on recovering partially, At that time, in September last, his prospects had never been brighter. At was promised a position by the Short evenne; how he came back to Salt in his wife, never had anything occurred ke last September, having had a to make him doubt her in the least. On air offered him in the University of September 22rd, then, when Mills re-turned to Salt Lake from Cheyenne, he vada; how one night he found a slip paper in his wife's handwriting, and was still a sick man, but his prospects mit she had thrown away, in which were bright and he was happy. e idea of suicide was suggested; how at once went to Pocatello to get m her an explanation and there arned from a confession, wrested meet his wife and children, he was n her, that she had been untrue to struck with his wife's appearance of despondency. He tried to cheer her-told her of his brightened prospects, m while he was absent in the army; ow she resisted all of his entreaties to ve her tell the name of her seducer; the husband and wife finally children to be reunited. She spoke of agreed to separate; how Mills conferred having contemplated a visit to Pocatello with his friend, O'Melveney, regarding his social distress, the defendant never and Boise with her family. He urged her not to give up the visit on account ting that O'Melveney was himof his return, but to go on to Idaho if the man whose name he had tried obtain from his wife; the penitent ers written by Mrs. Mills to her she wished. sband, begging forgiveness for her ne; how at last, when urged by the Ricketts block, and on the night of nister to make a full confession, she Sept. 25, his eye fell on a scrap of torn ed J. C. O'Melveney as the guilty paper in his wife's handwriting, directnan; how completely this overwhelmed

The proceedings in the Mills murder | and then settled with his wife in a little home. He applied to the Short Line for a position, relying upon the kindness of O'Melveney to secure it. He was given to understand that he would have the position and an order was made for Dr. Prinkerton, the Short Line surgeon, to make a physical exam-ination. Soon afterwards, however, Mills learned that the order for his

examination had been countermanded. He then went to Cheyenne where he secured a position under Elwood Mead in the work of gathering information on irrigation. However, his ill-health continued, and he found himself unable to work as he had done in the past. When Mills left Salt Lake, leaving his

LEFT HIS IDOLS BEHIND.

When Mills entered the service of his country, his one regret was that he had to leave those idols of his heart, his wife and children, behind. But he had his life insured for \$22,000, at war risks, in her favor; he left over \$400 in the bank for her use, and during all the time he was in the army, he sent cover. He did not know what was coming. itself deeply on Mills, who had, up to her over \$100 a month of his pay for that moment, implicit confidence in O'Melveny. He felt that he might be her support. So that she was well proemergency.

boot black at the entrance, asked him his wife. On September 28 or 29 he to have a shine, Mills heard nothing, saw nothing. He went straight on. His coolness was that of a mind diseased. write a formal note or agreement of separation from his wife. In this they agreed to the separation and she agreed that he should have the care and cus-tody of his children. This he signed and sent to his wife at the hospital.

A PHYSICAL AND MENTAL WRECK.

and sent to his wife at the hospital. She signed it and returned it to him. Next he went to the office of P. L. Wil-liams and made his will in favor of his children. On Sunday following he met here Dr. Stubbs, of the Nevada University, and it was settled that Mr. We shall show you that after his ad-mission to the county jail, he improved physically and mentally. At first he was entirely preoccupied and stared at his friends. At times he had been moody and depressed, so that the jailor, Mr. Thomas Thomas, did not deem it safe Mills was to take the chair of engineer-ing in the Nevada University. All this time he tried in vain to drive the to leave him alone.

The night of Thursday, October 5th, he lay down on his cot with his clothes on. He sank into a deep slumberous stupor, from which he could not be aroused. He remained in this condition until late the next morning, and on awakening, could not recall what took place the night before. Since then he has been moody at times, and on December 1st Dr. J. W. Gibbons, of the Idaho insane asylum, made a thorough physical and mental examination of Mills. We shall show you by him that Capt, Mills possesses what is termed the insane temperament. He is of the mental rather than the physical type. His ancestors were of the same type. With Dr. Gibbons will come Dr. Pike, of Provo, who will describe his condition.

MILLS REPUTATION ABOVE RE-PROACH.

We shall show you that prior to this shooting, Capt. Mills' reputation was simply beyond reproach. We shall show you that he is not the man who could strike down another in cold blood. We shall show you that under our statutes, this shooting was justified. Our defense is that of knowledge suddenly thrust upon Mills that his nearest friend had ruined his wife, destroyed his home, blasted his life and injured his little children, impelled Mills to kill O'Melveney, and that he could not stay his hand. Then we shall show you that he was suffering from past typhoid mental abberation. In this condition, his intense passion, awakened by the news, overthrew his reason and made him irresponsible.

AS TO CHARACTER.

Prominent Men Testify that Mills' Reputation Stood Very High.

Immediately after the conclusion of the opening statement for the defense Judge Powers called several witnesses who testified as to defendant's reputation for peace and good citizenship, while the depositions of others to the same effect were read.

All of these witnesses agreed that Mills's reputation stood very high in Pocatello, Boise and elsewhere waere he had lived or was well known. Those whose testimony was presented were United States Senator Heitfeld, of Idaho, Judge Isaac Sullivan, of Idaho, President Thos. E. Ricks, of Rexburg, Idaho, D. C. Roder, of Focatello, D. W. Brown, of Idaho, and C. K. Bannister, of Ogden.

SOME MEDICAL TESTIMONY. Statement as to Mental and Physical Con-

dition of Mills.

demand \$5,000 for the death of their father. The defense claims Smidt was killed as the result of his own negligence and arelessness

Plaintiff rested its case at noon today, and this afternoon a motion for nonsuit was in course of argument when this report closed.

DOING TIME IN THE "PEN."

Wife of Frank E. Clift, Convicted of Grand Larceny, Wants a Divorce.

Cecil Clift, by her attorney, J. M. Hamilton, filed a divorce suit against Frank E. Clift in the Third district court today, alleging that she was married to the defendant at Park City on July 4, 1896, and that she has ever since conducted herself as a kind, loving and obedient wife. The defendant is accused of being a man of low and vulgar habits, now doing four years in the State prison, having been convi ted October 19, 1898, of grand larceny. Mrs Clift prays for a decree of divorce, the custody of a two-year-old child, and the restoration of her maiden name, Cecil Wilgus.

Deputy Sheriff Cummock this after-noon served a copy of the summons upon the defendant at the State prison.

QUESTION SET RIGHT. Exact Position of Salt Lake Bar Res

garding Circuit Court.

By way of setting the question straight in the minds, of the public in the matter of the proposed new Tenth court circuit, a prominent citizen of Salt Lake and a member of the bar, was seen in regard to the matter, and made the following statement:

"At present there are four branches of the Federal court, viz. the district court, the circuit court, the court of appeals and the supreme court. Under the system that now obtains the judges of the district courts, sits also as cir-cult judges, in the absence of the regular circuit judges, and contrary to the general impression, practically all the civil causes in the United States courts are tried in the circuit branch, with the district judge sitting in the absence of the circuit judge.

"The contention of the Salt Lake law-yers, is to add circuit judges rather than increase the number of districts. "Of all the bills that are now pending

in Congress on this subject that seems to meet with the greatest favor, is the one known as the American Bar association bill, which provides for district courts, courts of appeal, and the supreme court, virtually abolishing what is now called the circuit courts. What the bar of this city wished to impress upon Senator Rawlins was, that if they found that the Eighth circuit is over-burdened with work, favor attaching Utah to the Ninth. In the event this was done, Salt Lake would stand chance to have a session of the court of Appeals once or twice a year."

BIRTHDAY CELEBRATED.

Interesting Gathering at the Home of

NO MUNITIONS OF WAR FOR BRITAIN.

NUMBER 46.

Germany Forbids Herr Krupp to Fill the Big Order for Shells Recently Given by the English Government.

Kaiser Says Furnishing War Materials Would be a Breach of Neutrality, and Germany Will Have None of It-No Supplies for Either Side-British Losses at Ladysmith January 6 are 148 Killed, 269 Wounded-General Buller on the Advance-Occupies the South Bank of the Tugela, Near the Boer Camp-Second Attempt to Cross the River-Trying to Flank the Boers-Lord Methuen's Illness Denied-His Successor-Shiploads of Oats for the British Army.

Nord Deutsche Gazette says:

The government has decided that it would not be compatible with strict neutrality to allow war materials to be sent from Germany either to Great Britain or to the Transvaal, and therefore when it was reported that Herr Krupp was making steel shells for Great Britain the firm was promptly required to stop any intended dispatch of arms, guns, ammunition or other

war munitions to either belligerent. London, Jan. 12 .- The war office announces the British casualties at Ladysmith January 6, among the rank and file, were 135 killed and 242 wounded. Lady Methuen has issued an absolute contradiction of the rumors that Lord Methuen is ill or that he was injured by the falling of his horse at the battle of Magesfontein. The war office this morning received

the following dispatch from Jen. Buller dated Springfield, Thursday, Jan. 11, at 9:20 evening:

"I occupied the south bank of the ugela river at Potgieters Drift this With reference to a Washington remorning and seized Pont. The river ia port cabled here that the Boers will rein flood. The enemy is strongly enfuse to receive Adelbert S. Hay the new trenched about four and a half miles United States consul at Pretoria, now to the north. on his way to his post, on account of

Berlin, Jan. 12 .- The semi-official | of Frere. The last news from Sprngfield was that it was held by the Johan-nesburg corps under Gen. Viljoen, and that the Boers had big guns in position at Potgieters Drift, apparently six or eight miles north of Springfield and across the big Tugela. The position of the drift and the pont is regarded as of great importance. It is reported here that Gen. Buller submitted his plan of campaign to Lord Roberts after the latter landed, and that Gen. Roberts sanctioned It.

There is a belief here that Gen. Hector MacDonald will succeed Gen. Methuen in command of the British forces at Modder river.

There was an unique and interesting ceremony at the Guild hall today when 500 of the City of London imperial volunteers received their kits and the free-dom of the city. The big crowds in the vicinity cheered the arriving volunteers, each of whom received a parchment certificate of the freedom enclosed in a blue case. The ceremonial admitting the officers this afternoon was more elaborate. It occurred in the presence of the lord mayor, Mr. A.J.Newton, the councilors, and the duke of Cambridge, This portion of the regiment which sails tomorrow will attend a special service in St. Paul's cathedral tonight and will afterwards be entertained at supper by the benchers of the inner

the fact that he "was in constant com-

munication with the British foreign of-

fice while in London," the Associated Press is informed that Mr. Hay's com-

munication with the foreign office con-

sisted of a social call on Lord Salis-bury, which lasted only a few minutes

and was undertaken purely by a son of

the United States secretary of state

and a former ambassador of London

as he desired to personally pay his fa-

ther's compliments to the premier. The Associated Press is officially noti-

fled that Lord Salisbury and Mr. Hay

Philadelphia, Jan. 12.-It is reported here that the British government has

purchased several shiploads of oats for

the use of the army in South Africa.

Two vessels are reported to have been

did not discuss Transvaal matters.

s, and then the closing scene in the Mills' excellent character was then eshlished by the defense, testimony s ling being the first introng this ed by Judge Powers. A number of minent men, citizens of Utah and ded on the stand or by de-Mills' splendid character. testimony showing Mills' ille in Honolulu and its effect defendant's mind, followed. This showed that he was a very severe suf-ferer, mentally and physically.

JUDGE POWERS OPENING.

Magnificent Statement as to the Theory of the Defense.

In resuming his opening statement, Judge Powers said the defense would rove that Mills was a sick man, mentally and physically, from the time he eft Honolulu, for the United States. ist year, after having served in the United States volunteer engineer corps during the war. When he arrived at San Francisco, he was still suffering rom post typhoid mental abberation. Insanity was not itself a disease, but a symptom of a disordered mind. Insanity took a considerable scope in the phases it exhibited. Transitory mania or frenzy was one form of in-

sanity. Cases were not infrequent where one had suffered severe illness, he was afflicted with some form of in-senity, which might be of the type known as transitory mania or melan-. The defense would show a maning from disease of the nervous

After leaving San Francisco, Captain After leaving San Francisco, Captain and Mrs. Mills came here and stopped invitation of Mr. and Mrs. O'Melveney, they were at the Offer and Mrs. O'Melveney,

FRIENDSHIP OF MILLS AND O'-MELVENEY.

men, Mills and O'Melveney, had slept

under the same blankets, eaten be-

THE MOTIVE BEHIND IT ALL.

The State has shown that on the

But is that all? Was there no motive?

versity, at a salary of \$2,000 a year.

that time he had the utmost confidence

FOUND HIS WIFE DISCOURAGED.

which would enable husband, wife and

THE FIRST AWFUL BLOW.

They were occupying rooms at the

ed to him. It came as a thunderbolt

out of a clear sky upon this poor sick

His wife, whom he loved, the mother of

tracted, and in the morning took the

his wife, told her of this scrap of paper,

and then there fell from her lips the

saddest story ever poured into the e of man. She admitted that on Sept. 23,

she intended to kill herself, and that

when he saw her walking with her chil-

REFUSED TO NAME HER SE-

DUCER.

He said there could be only one thing

that could possibly impel her to such

an act, and that was that she had been

untrue to him. He implored her to tell

him the truth, and she then confessed

He demanded the name of the man

and she refused to give it. They both returned to Salt Lake on the morning

of September 27. Capt. Mills did not

know the name of his wife's seducer.

that she had been untrue to him.

but he persisted in asking.

her last walk with them.

dren, she was, as she expected, taking

'My dear husband: When you see

man.

The note read:

this I shall be dead.'

When he got off the train and went to

Mills left Salt Lake to take up

most feel as though you had not been a friend to me, and if I should find that to be true, I believe I should kill you on sight." O'Melveny reassured him, Mills and O'Melveney were friends. They had been for years. Their familles were intimate, and when Captain and they went on to the house

said then and there:

his

That

in the presence of the guilty man.

INVOLVING A PHYSICIAN. Arriving there, Mrs. O'Melveny came in and Mills asked what she knew about his wife. Mrs. O'Melveney hesitated and finally said she had heard that Mrs. Mills had been too free with a certain physician, had gone to parties, dinners and restaurants with him, and led him to believe that she was a single woman

thought of his troubles from his mind, but could not. He went to Provo on October 2, to get away from it, but re-

turned to Salt Lake the next morning.

Although he had a return dicket, such was his state of mind that he bought another ticket at the Provo depot.

Coming up town he went to the Ken-

yon hotel and was in a very distressed

ANOTHER LETTER FROM MRS. MILLS.

me received some letters there, among

them one from his wife. In this she expressed profound sorrow and regret

for what she had done, and hoped that

by living a pure life, she might some time hope for his pardon. She said that though his allowance to her had been

magnanimous, she had lived beyond

her means while he was in Honolulu, and owed \$70 to Mrs. Wallace, \$50 to Mrs. Cook, of Pocatello, and \$50 to J. C. O'Melveney. In Mills' pocket when arrested, was a letter from his wife

speaking somewhat bitterly of certain rumors against her at St. Anthony,

MILLS CALLS ON O'MELVENEY.

This letter caused Mills to call on his old friend O'Melveney. They had some talk and mills asked if his wife had borrowed \$70 from him. O'Melveney

said she had, and asked if Mrs. Mills

had told him of it. Mills said she had,

but O'Melveney told him not to hurry about paying it. Then O'Melveney asked Mills what was the matter as he

seemed to be worried, and the latter in-

"John, have you ever heard any-thing against my wife?" O'Melveney

started. Then he said he had-woman's

gossip-but advised Mills as a friend to pay no attention to it. O'Melveney

said he had heard his own wife men-

tion something of the kind, and Mills

wanted to go to their home at once and

ascertain something about it. Finally

they started to O'Melveney's home, and

Mills was so weak that they had to stop

and wait for a car. All the time they discussed this matter and Milis finally

told him that he and his wife had

Wait until you have absolute proof."

A DRAMATIC SCENE.

This was at the Eagle Gate, and

Mills replied: "Suppose she has told

me?" O'Melveney started. He was run to

His movement impressed

He

"John, I al-

'For God's sake, don't do that, Fred.

agreed upon a separation.

quired:

mental condition.

On hearing this, Mills rushed from the O'Melveney called to him, tried house, to calm him, saying: "Fred, you are too Puritanical. Women are not what you think they are, and your ideas don't go in this western country." But Mills went on alone to the hospital and saw his wife in the presence of Mrs, Wal-lace. He told his wife he had received her letter, that he would pay the bills, and that he had seen O'Melveney. He referred also to the rumors she had mentioned, and told her that to his sorrow he had learned she had been too familiar with a physician, naming the man.

A PHYSICIAN INVOLVED.

She was surprised and indignant, denied it and convinced him that the story regarding the physician was altogether untrue. She enumerated the times and places where she had met or seen the physician, going over it all with such particularity that there was no room left for doubt.

THE CLIMAX REACHED.

However, this increased Mills' excitement, and he demanded to know the seducer's name. Mrs. Wallace also begged her to tell the truth, as that was the only way to win forgiveness, and finally Mrs. Mills said: "It was Mr. O'Melveney,

At this Mills threw up his hands and said: "Great God, it was my friend," and walked up and down the room. Mr. Wallace came in, and it was suggested that the statement be written down. This was done, the letter sealed, and has been in the possession of Rev. Mr. Wallace until this time.

MRS. MILLS' STATEMENT TOLD AT LAST.

Mrs. Mills in her statement said that at the time this began, Mrs. O'Mel-veney was away from home. O'Melve-It was terrible. His wife was going to take the life that God had given her. ney told her he had had some trouble his children, going to kill herself! All with his housekeeper, and asked her, as a friend and intimate of the family, night he walked the floor as one disto come up and stay a while. She did so, going with her sister, Naoml. They went about the middle of July, each of first train for Pocatello. He sought out the ladies having a separate bedroom.

AND SO SHE FELL.

When she first went, O'Melveney was out of town. She remained there until Aug. 15. At one time O'Melveney told her that Mills had said to him that his marriage was a failure. He then said Mills had told him that if O'Melveney had married her, be (Mills) would have been a happier man. He told her that Mills did not love her, and said if he had, he would never have left her and entered the army. And so she fell!

THE MATCH APPLIED. This was the story Capt. Mills listened to. Not only that his wife had been false, but that his friend had planned He had gotten her to his house for that purpose. Then Mills was overcome. The match had been applied to the magazine and the powder exploded. Mr. Wallace pleaded with Mills and

MILLS' FIRST RESOLVE.

She still refused and he became destried to calm him, but it was of no tried to caim him, but it was of no avail. Mills at last rushed out of the hospital. Where he went, no one, not even Mills, knew. He was absolutely wild and beyond himself. The frenzy was upon him. In the moments when his seething brain perate. He put his revolver in his pocket and walked out to take his own life. But the faces of his little chil-dren arose before him and stayed his hand. He returned to the rooms in the Ricketts block, and she said she had had a thought, he saw O'Melveney. no excuse to offer-there could be none Finally he was on his way to the acad--and she only asked him to let her emy to see his children and he found himself in front of the Short Line building.

Dr. Thomas Edward Wetzells' deposition was read by Judge Powers. He described Mills' condition while ill

with typhoid fever at Honolulu and told of Mrs. Mills coming there in January. The effect of her arrival seemed to do the captain good. Mills had a most severe attack of typhold fever that the witness had ever even in all his practice, in which the patient lived. Questions asked as to Mrs. Mills' conduct on the voyage home, and her reputation at the same time, were objected to and sustained for the time. Mrs. Mills' treatment of her husband

was that of a loving wife. The affection was mutual.

CAPT. MILLS SUCCESSOR.

Douglass W. Ross. Engineer for the State of Idaho, Testifies.

Douglass W. Ross, state engineer of Idaho, a position held by Mills until he entered the army, testified that he saw Mills at the city hall here the morning after the shooting. The defendant appeared to be thin and careworn, kent his eyes on the floor. His eyes were dull and expressionless, and when witness spoke to him ,he would start,stare at the witness and make no response.

Witness had long been associated with defendant in Idaho, and could say that his reputation in that State was very good.

INFIDELITY IS ALLEGED.

Mrs. Trowbridge of Deaver Takes Stops Looking to a Divorce from her Husband,

Sheriff Howells is in receipt of a complaint in divorce from the attorneys of Catherin M. Trowbridge, Denver, which was today served on the de-fendant, Harry C. Trowbridge, in this The document recites that the city. marriage between the parties took place in Colorado eight years ago, and that for more than a year past Trowbridge has wilfully failed to support his wife. The complaint further recites that since the year 1898 Trowbidge has sustained adulterous relations with a woman named Ethel Hutchinson. It is also set out that the defendant has been guilty of extreme crueity toward his wife; that he has on numerous occasions flourished a revolver in her face and a razor, too.

Trowbridge is a waiter at Sands' restaurant on east Second South street, this city.

To Recover a Deed.

Margaret Jane Parker, Jeannette F. Griggs and Elizabeth Ashtor, trustees of the Fifteenth Ward Relief Society, have entered suit against Roy Jones. Salt Lake City, Salt Lake county, and the State of Utah, in which it is asked that the sale of Roy Jones for taxes of 1½x5 rods of ground in lot 1, block 79 plat A, be set aside and the property deeded back to the plaintiffs. The parties claim the assessment to be void and illegal.

Estate of Emma J. Stewart.

B. W. Driggs, of Pleasant Grove, by his attorney, Daniel Harrington, filed a retition in the probate court today praying that letters of administration ssue to him in the estate of Emma J. Stewart, deceased. Mrs. Stewart died at Sandy, January 5, of this year, leav-ing an est te consisting of real and personal property, of the total value of \$1,925. The heirs are four children ranging in age from 19 to 10 years Hearing on the petition was set for January 27th.

TRIAL OF A DAMAGE SUIF.

Case of Goachim Smidt et al before Judge Cherry and Jury.

The \$5,000 damage suit of Goachim Smidt et al, sons and daughters and sole heirs of John J. W. Smidt, deceased, ve the Rio Grande Western company, was called for trial before Judge Cherry and a jury yesterday af-ternoon, with Judge W. H. King, Judge J. W. Burton and J. J. Whittaker for the plaintiffs, and Judge Howat and a small party this afternoon at 3 o'clock Waldemar Van Cott for the defendant

President Cannon Last Night.

The celebration of the birth of President George Q. Cannon has become a fixed annual custom in the family of the vencrable leader. His last brithday, which occurred yesterday, was no exception to the rule. During the afternoon his children, grandchildren and other relatives to the number of between eighty or ninety, gathered at his handsome house to do honor to his name and memory. A most pleasant time followed. The serving of dinner commenced at three and finished at six. Following was the menu:

> Veal Soup. Crac Salted Almonds, Crackers.

Celery. Olives. Cold Turkey. Sliced . Cranberry Sauce. Sliced Ham.

Creamed Mushrooms in Timbale Cases. Thin Bread and Butter. Celery and Cabbage Salad.

Cheese Wafers. Bombe Glace. Assorted Cakes

The program, menu and committees were beautifully printed in blue and gold. On the first page was the inscription:

GEORGE QUAYLE CANNON. 1827-1900. Birthday Anniversary,

January 11. at 2 p. m.

The rendition of the program took place in the evening and was most interesting. The principal feature was an operetta composed by a member of the family and enacted by his grandchildren. The various periods and callings of President Cannon's life were splendidly set forth. The full program was as follows:

PROGRAM.

Music..... Musical club · CHARACTERS.

Mother Elizabeth Son Espy Fairy Queen Louise testimony and the arguments made by First Fairy Mary Mr. Schroeder and Mr. Roberts. Printer Georgius It was practically agreed that the Miner Daniel committee would wait until the return of Mr. Miers, who went to Indiana to

......Children and Grandchildren

AccompanistGrace. Letters from absent ones.....Brigham

home, past and present Jno. Q.

(with tableaux) Isle of Man Hester

Great Britain Ca The original Jno. Cannon and wife Carol

AmericaEmily SongCarol Music Club

The concluding remarks were by President Cannon and were characterized by strong, fatherly advice and counsel.

affair was, were: General-Jno. Q., Hugh, Hester.

Program-Mary Alice, Annie, Amelia,

Refreshments-Emily, Carol, Grace,

Arrangements-Sarah A. J., Miriam, Brigham, Read.

VISITED SALTAIR.

to the Famous Summer Resort.

Drs. King, Stewart, Odell, Fisher and Whitney. Two women were in altend-

from the definite news that Apart General Buller has attempted a second time to cross the Tugela river, the only news is the list of casualties among the British officers in the fight at Lady-smith Saturday, Jan. 6th, showing 13 killed and 27 wounded. Among the latter was Lieut. Col. William Henry Dick-Cunyningham, commander of the second battalion of the Gordon Highlanders since 1897, who has since suc-cumbed to his wounds. He was immensely popular everywhere and his death will cause widespread sorrow. Gen. Buller's movement obviously is of a flanking character of attack, but

whether it is intended to push the advance home or whether his operations are only a feint to cover a frontal attack on the Boers at Hangwana mountain, remains to be seen. Springfield, whence Gen. Buller's dis-

chartered to load the cargoes at this patch was sent, is sixteen miles west port for Capetown.

COMMITTEE REPORTS NEXT WEEK

Agreed as to Roberts's Polygamous Status, but Disagrees as to Procedure-Efforts to Get Together-Will Wait for Mr. Miers.

[SPECIAL TO THE "NEWS."] differ as to the power of the House to Washington, D. C., Jan. 12 .- The exclude the member from Utah on his special Roberts committee was in exprima facie right to be sworn in. ecutive session today, and discussed the It is generally believed the case will legal questions involved in its report. be determined next week. Each member gave his opinion on the

> Washington, Jan. 12 .- The Roberts investigating committee continued its executive sessions today. Members of the committee said the outlook for reaching a conclusion were quite indefinite, as individual views were being expressed for the purpose of securing some common basis of understanding.

The absence of Mr. Miers, of Indiana, may delay a report until next week. Chairman Tayler states that the lack of a speedy report is in no way significant of disagreement in the committee, but is owing to the mature consideration which is being given to the numerous

The committee is of one opinion on the subject of polygamy, but members | important questions involved.

attend the funeral of his wife's mother.

Chairman Tayler is trying to secure a

unanimous report on the method of

He will be here next Tuesday.

Croxall, Fisher and Beatty, of the Sall Lake County Medical society, visited the pest house yesterday afternoon. The fourteen patients confined there were found to be doing well, and receiving the best of attention.

NOT SMALLPOX AT ALL.

Alfred Johnson of Santaquin Has Typhoid Fever-Provo Breathes Easler.

Special per Deseret Telegraph.

Provo, Jan. 12 .- County Physician Robinson, after careful personal investigation of the case of Alfred Johnson, the Santaquin man who was supposed to have confluent smallpox, gives out that the patient is suffering from a bad case of typhoid fever and his body is covered with abscesses and bolls and not smallpox pustules at all.

The news is very welcome to the citizens of Provo.

FUNERAL NOTICE.

Splendid Progress Made Today-Patients Receive Almost Immediate Attention. The rush of children at the board of health office for the purpose of being vaccinated continues without interruption. If anything, the crowds were larger today than the two preceding The total number that have redaye. ceived attention to date is nearly 1,000.

procedure.

Special Party Makes a Midwinter Run Wonderful progress was made today, the youngsters getting vaccinated almost as soon as they had bared their arms. The operations, both this morn-ing and afternoon, were attended to by

famous summer resort was enjoyed by

THE DOCTORS KEPT BUSY. Nearly 1,000 School Children Have Thus Far Been Vaccinated.

Mary E

Vera.

Printing and Invitation-Jno. Q., Angus, Hugh.

The committees in whose hands the

