To him who watches everything is recaled. "This includes all sorts of want ad. bargains" to those who match" the want ads, day by day.

DESERET EVENING NEWS.

TRUTH AND LIBERTY THURSDAY FEBRUARY 14 1907 SALT LAKE CITY UTAH

10 PAGES-LAST EDITION

LEGAL ASPECTS OF SMOOT CASE

Senator Knox Makes Strong Argument Against Election Committee's Resolution.

ANSWERS HIS OPPONENTS.

They Would Expel Him Because Of Some of Friends' Acts and Because He is a Mormon.

subject to Limitation of Constitution, States Untrammeled in Their Right To Choose Senators,

Washington, Feb. 14 .-- Senator Knox eday addressed the senate in opposition to the resolution reported from the committee on privileges and elections, "that Reed Smoot is not entitled to a seat as a senator of the United States from Utah." He was accorded the closest attention because of his discussion of the legal questions involved on the point of expulsion, which would require two-thirds of the senate, or exclusion, requiring only a majority of the votes. He contended that nothing less than two-thirds of the entire membership of the senate could unseat the Utah senator.

SHOULD NOT BE EXPELLED.

BOULD NOT BE EXPELLED. HOULD NOT BE EXPELLED. In Knox asked: "Should the senate spell Senator Smoot, and why?" and any senator smoot, and why?" and spell Senator Smoot, and why?" and spell senator Smoot, and why?" He should not be expelled for believ-ing the Mormon religion. The irrevoc-hormons in view, guaranteed religious should not be expelled for being a member or officer of the Mormon of the same reason. He should the senator Smoot's consent or app-proval, supposing he did consent or sproval, supposing he did consent or proval, supposing he did consent or sproval, supposing he did consent or proval, supposi After arguing that there is no federal

After arguing that there is no federal law against polygamy or polygamous cohabitation applicable to Utah. now Utah is a state, and when she was ad-mitted to the Union of states it was known that there would and could be none. Mr. Knox again asked and an-swered his pointed question. His an-swer was: was:

CLAIM OF SENATOR'S OPPONENTS

CLAIM OF SENATOR'S OPPONENTS "Because, first, it is claimed he is wicked in this, that some of his friends having cohabited with several women More Utah became a state, are con? muing to do so until death, and that is approves of them as officers of a durch which does not chastise them for so doing; and second, because he is a Mormon and that Mormonism is a hierarchy disloyal to our institutions whose will he is bound to obey." Mr. Knox said that he had inten-tionally referred to the proposed ac-tion against Senator Smoot as expul-

telonally referred to the proposed ac-tion against Senator Smoot as expul-sion, and he did not think the senate would seriously consider that any ques-tion is involved except that of expul-sion. He contended that there is no sensition of Senator Smoot's possessing son. He contended that there is no question of Senator Smoot's possessing the qualifications prescribed by the Constitution, and therefore he could not be deprived of his seat by a ma-prity wete. He declared that it is not in the power of the senate to say to the states, "These are not enough, the require other qualifications," or to say that we cannot trust the judgment of the states in the selection of sena-tor, and we therefore take the right to disapprove them for any reason."

rule of the Constitution for which I am contending. I know of no case it does not reach. "I cannot see that any danger to the senate lies in the fact that an improper character cannot be expelled without a fwo-thirds vote. It requires the unanimous vote of a jury to convict a man accused of crime; it should re-quire, and I believe that it does require a two-thirds vote to eject a senator from his position of honor and power to which he has been elected by a sov-ereign state." Mayor Thompson is Fined Two Hundred Dollars

THEORY OF CONSTITUTION. Mr. Knox said that if he were asked Mr. Knox said that it he were uncert to state concisely the true theory of the Constitution on the important point of the qualification of a senator, he would unhesitatingly say: "That the Constitution undertakes to prescribe no would unnestitutingly say: That the Constitution undertakes to prescribe no moral or mental qualification and in respect to such qualifications as it does prescribe, the senate by a majority vote shall judge of their existence in each case, whether the question is raised before or after the senator has taken his seat. That as to all matters af-fecting a man's moral or mental fitness, the states are to be the judges in the first instance, subject, however, to the power of the senate to reverse their judgment by a two-thirds vote of ex-pulsion when an offense or an offensive status extends into the period of sen-atorial service, and such a question can only be made after the senator has taken his seat." "It is hardly proper," Mr. Knox con-

taken his seat." "It is hardly proper," Mr. Knox con-tinued, "to adopt a rule of constitu-tional construction and senatorial ac-tion based upon the theory that the states who send criminals or idiots to the senate. Benicks in the set states who send criminals or idiots to the senate. Besides it does not seem to me to be conceding much to a state after it has deliberately and solemnly elected a senator after the fullest con-sideration of his merits to concede on the first blush of the business the state's intelligent and honorable con-duct by allowing its chosen representa-tive admission to the body to which he is accredited. is accredited.

MAN OF UNBLEMISHED CHARAC-TER. "As regards Senator Smoot, all have

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Judge Morse Holds That He is In Contempt of Court by Refusing to Obey its Commands Regarding to Shutting Off of Big Cottonwood Waters Which are Finding Their Way Into the New Conduit-A Stay of Five Days Granted. A fine of \$200 was imposed upon , the law and the orders of the court. not disobey the order of the court. and that the people of the city expected | Judge Morse did not agree with the Mayor Thompson today, by Judge

Morse, for contempt of court in connection with the injunction suit brought by the Progress company to restrain the city from diverting the waters of Big Cottonwood creek into the new conduit and thus into the city. The city officials falled to turn the water out of the conduit and back into the stream as instructed by Judge Morse, in a temporary restraining order issued last Saturday. Hence the plaintiff had the mayor brought into court for contempt.

Judge Morse delivered quite a lecture to the mayor for his disobedience, saying that as the chief executive of the

THAW CASE GOES

OVER TO NEXT WEEK

Adjourned to Monday on Account

Of Death of Wife of Juror

Bolton.

Defendant Visited by His Wife-He

Receives Many Valentines, Some

Of Them Works of Art.

New York, Feb. 14 .- Owing to the

death of the wife of Joseph H. Bolton,

one of the jurors, the trial of Harry

K. Thaw was this afternoon postponed

Mrs. Bolton had been ill for several

days with double pneumonia. Her husband, who had been locked up with

the li other jurors for more than three weeks, was allowed to visit her home twice yesterday and again early today. He was accompanied on each occision by two other jurors and two court offi-

until next Monday morning.

that much of him. He then imposed a fine upon the mayor who started to write out a check for the amount but was stopped by City Atty. Hiles, who asked the court for a stay of proceedings for five days to permit the city officials to decide whether or not an appeal is to be taken. The stay was granted and the mayor was released upon his own recognizance. It is quite probable that an appeal will be carried to the supreme court. Judge Hiles contended that Mayor Thompson could not be held in contempt for the reason that he had not been served This arrangement will remain effective

with a copy of the restraining order and city he should certainly comply with did not know its terms and hence did one way or another.

GOV. GOODING ON

attorney for the city and assessed the fine in the sum named.

As to City Engineer Kelsey, who was cited for contempt, the court held that he was not an executive officer of the city and could not be held rosponsible for following the instructions of his superiors in office. Arrangements were made yesterday afternoon between the city and the Progress company whereby the city will allow enough water to flow down the creek to fill plaintiff's mill race but will divert the remainder into the conduit to be used by the city. until the injunction is finally settled

and Nelson turned to her and asked what she had such a sneer on her face about. Mrs. McCready replied that she did not have a sneer on her face. At that Nelson said: "You're a liar. You heard what we were talking about and you are sticking your nose into our affairs." The witness said that she remonstrated with him for talking to ber mother in that manner and his be-came angry and shoved her down in a chair and said that he was going to leave.

chair and said that he was going to leave. He packed his suit case and grip and started out but Mrs. Nelson induced him not to take the grips with him as the neighbors would see him and it would create somewhat of a scandal. He left the grips on the porch and went up town. About 7 o'clock that evening he sent a messenger after them and Mrs. Nelson found that he was at the Wilson hotel. Later in the evening she said that he telephoned to her and wanted her to come to the hotel, but she was hysterical over the manner in which he had treated her and was not in any condition to go so refused to join him at the hotel. The next morning he came back and seemed terrified, at the way he had noted and asked her it due had told

Join him at the hotel. The next morning he came back and seemed terrified, at the way he had acted and asked her if she had told any one about it and declared that if it got out he would lose his job in the schools. He then asked his wife to bring his lunch to school at noon. She did so and he then said that be did not want to go back to her parents' home after the way he had acted and asked her to try and find some other place. They found a place, but could not get the house for two weeks so they then returned to her parents. Even then Mrs. Nelson testified that he treated she and her parents just like servants and would have nothing to say to any of them. He refused to kiss her goodbye and would go out the back door to avoid her. On one occa-sion she called him back and asked what was the matter and he replied that he had made a mistake in marrying her.

and that he had made a mistake in marrying her,

A few days later she said that he gave her \$20 and among other things the bought herself a pair of shoes. When he saw them he became angry and said that she had lied to him and had deceived; that he had given her that money for household purposes and instead she had bought shoes. He said that she got the money under and instead she had bought shoes. He said that she got the money under false pretenses, and that people went to the penitentiary for such things. He also declared at that time that she was a "grafter," and that her mother dressed her up and chased her around town to try and eatch some drummers. Soon after they had moved to their own house she said that she wrote a letter to his sister in Portland and when he came in she read it to him. He insisted on reading but she object-ed. He then insisted that there was something in the letter which she had

SAMPLE CONVERSATION. There was a telephone in the house which he wanted her to have taken out but when the telephone man came he insisted on leaving it there and asked her to wait until her hus-hand came home and talk with him about it and have him sign up a con-tract which he left. When he came home and found that the telephone had not been taken out he flew into a rage and said that she had made ar-rangements to keep it there after he had told her to have if taken out. She insisted that she had not male any such arrangements whereupon he call ed her a "d— liar." Mrs. Nelson tole him that she hoped God would strike her dead if she had not told him the truth about it. He replied: "God is not doing such things. If he was you would have been dead long ago."

BURST INTO TEARS.

MOST SURVIVORS EMPLOYES. Twenty Per Cent of Crew Saved,

Passengers on the Sinking Larch-

mont Left to Shift for

Themselves.

The French say that "Nothing is a footless stocking without a leg:" and that is about the only thing you can-not buy or sell through advertising.

FIFTY-SIXTH YEAR

CAPT. M'VEY'S BOAT

FIRST TO LEAVE

But Only Eight Per Cent Of the Passengers.

Number of Known Lost Hundred and Thirty-Eight-Seventy-One Bodies Have Been Recovered.

Providence R. L. Feb. 14 -- A new element was injected into the horror attending the loss of the steamer Larchmont in Block Island sound Monday through a collision with the schooner Harry Knowleton, when Capt. McVey of the steamer early today admitted that his lifeboat was one of the first, if not the first to leave the sinking ship. This statement was made in reply to charges by Fred Hlergsell, an 18-yearold lad of Brooklyn, one of the survivors, that the passengers were left to shift for themselves: that the ship's sourt for themserves; that the snips crew crowded the boats without at-tempting to provide for the passengers, and that Capt. McVey was the first to desart the ship. The statement of the boy created a sensation in view of the fact that 10 of the survivors were em-ployes upon the ship, or in other words, that while 20 per cent of the passengers survived

saved only 8 per cent of the passengers survived. Capt. McVey explained that while his boat may have been the first in the wa-ter it was because he had a good crew and that he remained by the ship until it went down. He said that he made no move to get into his boat until he had given orders to his men to lower all the boats and clear away the rafts. While his boat was in the water it was fastened to the ship by a rope in the ruining gear that had become caught, and this was cut by Boatswain Tobe-son, who saw that with the ship settling rapidly the boat and its occupants would be caught in the whirlpool and sucked beneath the surface. The cap-tain's boat was on the windward side and he said he called to the passengers to jump into the boat, which would hold about 22 persons in all, but the electric lights had been extinguished and in the dark-

would hold about 22 persons in all, but the electric lights had been extinguished and in the dark-ness and confusion none heeded the summons. Everybody was on the lee-ward side and he ordered his men to row around there, he claims, but the gale balked his plan and as the boat, was driven away from the steamer, his, men had to give up their task and o crouch in the battom of the boat out of the way of the piercing wind. At 8 o'clock this morning the num-ber of known lost in the frightful ca-lamity stood at 138. At least 157 per-sons were known to be upon the steam-er and there is every indication that the number was nearer 200. Seventy-one bodies had been recovered up to 8

the humber was hearer see, seveny-one bodies had been recovered up to 8 o'clock and 49 of these are in the morgue awaiting identification. The stream of persons passing through the morgue looking for miss-the patchese of dotabally not even

ing relatives or friends did not cease until after midnight, and at that time 38 of the dead had been identified. Many persons were early on hand to file once more between the long lines of dead, more between the long lines of dead, and very train brought more people up-on the mournful quest. The "survivors at Block Island are reported "as well as could be expected." The weather has moderated this morning and was clear and mild. Un-der the conditions there was little ex-pectation of more bodies washing actors today. ashore today.



senate and amended by the house yesterday, in which the senate eliminated the words "celestial and patriarchal" marriage, but which the house amended to include them, Gov. Gooding sent a communication to the house this morning, stating his mind in unmistakable terms. He wants the law general enough to include all classes by adding an adultery and fornication clause, as he suggested in his message. He said: "I feel it only proper to notify you that I am radically opposed to the enactment of any law aimed particularly at any religious sect. If the elector's oath is to be amended, it should be made general in its character and all class of crimes against the home should be included, in the amended law." He further stated that if the Mc-

Cutcheon bill as passed by the senate and amended by the house yesterday

MRS. NELSON TELLS

SOME VERBAL BOUQUETS.

ed. He then insisted that there was something in the letter which she had not read to him, and that she did not want him to know. She denled that such was the case and he then called her a liar but that he could not blame her for lying because that was the way she was brought up. He said that both of them could not stay in the same house that night, and that either she or he would have to leave. He left the house and shayed away all night and she sat up and cried all night.

night. SAMPLE CONVERSATION.

down and cried and it took her some time to regain her composure. Ac-cording to her statement she has had hardly a pleasant hour in the company of her husband since their marriage in this city on July 18, 1906. She de-clared that during their wedding tour to Fortland he began treating her cruelly and keep it up after their re-turn until she could stand it no longer and left him to return to her home. Among other things she stated on the stand that he drank considerable whisky and wine and she thought par-haps that had something to do with hies conduct and she hid the liquor from him but he kept up his ill treat-ment of her just the same. She was

tar, and we therefore take the right to disapprove them for any reason." Subject to the limitations imposed by the Constitution, said Mr. Knox, the states are left untrammeled in their dati to choose their senators. He redied the fact that the Constitution make the senate to protect itself against improper members' by expeli-ing them by a two-thirds vote if they are guilty of crime, offensive immor-ality, disloyalty, or gross impropriety during their term of service. He speci-fied these reasons, he said, because he could not imagins the senate expelling a member for a cause not falling with-in one of them.

a member for a cause not falling with-in one of them. Calling attention to the fact that Pennsylvania was the first to take steps to approve the Constitution, he prayed that she "will be the last to acquiesce in the invasion of rights in-volved in this heresy of senatorial gualifications of senators and kindred qualifications of senators and kindred modern heresics of constitutional con-

PERFECTION OF HUMAN LIBERTY

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EXPEL FOR ANYTHING.

SENATOR SMOOT'S TOLERANCE. Concerning Senator Smoot's tolerance of the continued polygamous relations by certain Mormon officials, Mr. Knox

said "The only thing alleged against Smoot

"The only thing alleged against Smoot is that he lets this sleeping dog lie. If this disqualifies him,' every citizen of Utah, Mormon and gentile, is likewise disqualified, who likewise refrains from prosecuting the old Mormon polygam-ists—and they all do." Declaring that polygamy is dying out and they polygamous marriages have

and that polygamous marilages have ended in Utah, Mr. Knox said: "I do not see how the sanctity of the

American home is at stake in this issue. If the Mormon Church teaches polyg-amy and encourages its practise, sure-ly the fact that Senator Smoot is a monogamist and has from his youth up set his face and lifted his voice against polygamy is conclusive evi-dence that he is fighting by precept and example for the sanctity of the 'American home against his Church and under circumstances requiring the greatest moral courage. If, on the other hand, the Mormon Church is not teaching and encouraging polygamy, the argument that the sanctity of the American home is involved here utter-ly fails. You may take either posi-tion and it will lead to Senator Smoot's

complete vindication and to the certain conclusion I have indicated, that the purity of the American home is not in jeopardy. You may take either horn of the dilemma. If the Church is teaching polygamy, Smoot is preaching and practising monogamy. If the Church is not teaching polygamy, it is blameless, and the whole case against Smoot fails

"We are all sworn to support the Con-We are all sworn to support the statution of the United States. Per-sonally, I construe this to mean that I have solemnly obligated myself not to vote to deprive any person or state of any right guaranteed by that instrument

ment. "Entertaining this view, and for the reasons I have stated, I could not yield to the importunities and, in some cases, the demands, that I cast my vote for forest for some the state of the task Senator Smoot's expulsion without de-liberately violating my oath of office; without yielding my judgment to oth-ers, as it is alleged Senator Smoot will yield his to the Mormon Church; and without converting my place here from one of honor to one of shame."

"SUFFRAGETTES" PREFER PRISON TO PAYING FINES.

London, Feb. 14.-Fifty-six women suf-fragists who were arrested within the precincts of parliament last evening were arraigned in police court today. charged with disorderly conduct and resisting the police. Mrs. Deshard, a sister of Gen. French, who has taken a prominent part in the suffragist movement and who was the leader of yesterday's attack upon the house of commons, was sentenced to pay a fine of 10 or 21 days' imprisonment. Some of the women who previously had been of the women who previously had been imprisoned for engaging in suffragist demonstrations also were fined 10, with the option of a month's imprisonment. The rest of the prisoners were condemned to pay \$5 fine each or undergo two weeks" in jail. They all elected to go to prison.

This an easy step after the first one is taken, because of a man's religion, to indicate the next and logical one of ex-fusion because of his notions upon econo-nies and then because of his attitude beard certain legislation. "I know of no detect in the plain METEOR TRAIN WHECHIGH." St. Louis. Feb. 14.—The fast St. Louis and San Francisco passenger train. Known as the Meteor, was wrecked near knaken late vesterday, injuring the fire-man and the news agent slightly. The en-sing a which that is believed to have been tampered with.

by two other jurors and two court offi-cers. Mr. Bolton was in his place in the jury box when court convened today, but it was known that his wife's con-dition was so critical that he might be called away at any moment. The ses-sion had been in progress less than 15 minutes with Dr. Evans continuing his direct testimony, when the summons to the juror came. His home is far up in the Bronx, and when Mr. Bolton gat there he found his wife all but dead. She had been kept alive by oxygen un-til he arrived, but expired within an hour after he reached her bedside. It was agreed, on motion of Dist.-Atty, Jerome, that the other 11 jurors should not be kept under lock and key longer, but should be allowed to re-turn to their homes pending the re-sumption of the trial Monday morn-ing. It was 2:35 p. m., when Mr. Je-rome made the formal announcement of the death of Juror Bolton's wife, and moved for the adjournment until Mon-day morning. His action followed a conference between Justice Fitzgerald and the opposing counsel. When the jury filed into court there d the opposing counsel. When the jury filed into court there were two members missing, Juror No.

were two memoers missing, Juffr No. 5, Harry C, Harney, having remained with Mr. Bolton. Thaw was brought in to hear the order for adjournment. He seemed downcast, but in common with every-one else in the case, declared he felt the deepest sympathy for the juror. Mr. Jerome, in moving for the ad-

the deepest sympathy for the juror. Mr. Jerome, in moving for the ad-journment, declared that to keep the other jurors away from their homes during the interim would be more of a hardship than had been contem-plated when the rule at the beginning of the trial was invoked. He said it was with the consent of the defend-ant's counsel that he asked that they be allowed now to return to their allowed now to return to their home life

Justice Fitzgerald addressed the rors, explaining to them that the jurors, explaining to them that the rule keeping them together had not been adopted with the idea of casting the slightest reflection upon them In "The action was not taken." he con-

tinued, "upon the separate recommen-dation of either side, but upon the agreement of both sides, and for rea-sons which appeared to be sufficient

sons which appended to be sufficient and excellent alike to the interests of the defense and the people." "It would have been adhered to until the end of the trial, but this unfortunare commence her proceeded if currence has prevented it. "You will be allowed to return to

your homes now: but let me appeal to your honor to not read any newspaper stories of the case; not to speak to any-one about the case, and not allow anyone to speak to you. I for any you may not be submitted to any annoyance. Guide yourselves according to the dic-tates of your honor. You will return here Monday morning, at which time I hope we may be able to continue the case."

ily

After the jury left the room Dist Atty. Jerome announced to the court that the attorneys for both sides had agreed that the testimony of Dr. De-mar of Kittanning, Pa., and Dr. Bing-aman of Pittsburg should be taken in

the form of denselt is that they might return to their bomes. These doctors, it is said, will testify regarding insan-ity on both sides of Harry Thaw's fam-After the recess was ordered today, Mrs. Harry Thaw, who had expected to take the stand late this afternoon.

Aris, Harry Thaw, who had expected to take the stand late this afternoon, visited her husband in the Tombs. Thaw received many valentines today, some of them decided works of art. The illness of Dr. Carlos F. McDon-ald, the alienist who has been retained by the prosecution, caused an interrup-tion in another murder trial today. Dr. McDonald represented the prosecution in the case of Aran Tashilan, who is charged with having murdered his brother in a tenement house at the "house of many nations," and disme m-bering the body, the doctor was to have gone upon the stand today, but when his name was called a physician came forward and explained that the alien-ist was seriously fill. The case was im-mediately adjourned until Lext week.

GARCIA'S MESSAGE.

Filipl Barcia, imported from Spain at tremendous cost, etc., was on trial before Judge Dichl this morning on the converse of stealing a large quantity of copper bond wires from the Utah Light and Rallway company. Garcia was convicted and sentenced to three months in the county jall.

should pass it would not meet his approval.

JAPS SECURE BAIL.

Men Accused of Robbing Eclipse Grocery Released This Morning.

T. and E. Nuvazaki, the Japs arrested connection with the Eclipse grocery store robbery, are no longer in jail. This morning a Jap named Harry Aka, called at police headquarters and gave his personal check for \$1,000. The prisoners were released on \$500 bonds each. The com-plaints have not been filed in court as yet, and the arraignment of the prisoners will probably not take place until tomorrow.

"ROLLED" A STRANGER.

Bartender, Mexican and Woman Held As Witnesses by Police.

Shortly after 4 o'clock this morning. Of ficer Fred Clough arrested Bud McIntyre a bartender, Samuel Blanco, a Mexican, and Bessie King, a woman of the town on the charge of robbing a stranger of \$40. The name of the latter was not given to the police. He got mixed up with the crowd and later discovered that he had been relieved of \$40. Then he told his troubles to the police and the arrest fol-lowed. It was learned at noon that the persons arrested did not rob the man. but that a woman who has not yet been apprehended got the money. The prison-ers are being held as witnesses.

NOT SENTENCED TODAY.

Slayer of Voss Will Hear His Doom Prononneed Feb. 20.

A. T. Day, colored, who stands convicted of murder in the first degree for the killing of H. H. Voss, also colored, last killing of H. H. Vess, also colored, last fail, was not sentenced today by Judge Armstrong as was intended. The matter of hearing arguments on the motion for a new trial filed by the attorneys for the convicted man, and also of passing sen-tence upon Day, was continued by the court until Wednesday, Feb. 20, upon mo-tion of the defense. Day was brought in-to court this morning but Attorneys Lit-ile and Dunn we're not ready to argue the motion for a new trial so the continu-ance was granted and the prisoner was taken back to the county fail to await further proceedings.

..... ELEVENTH VICTIM.

Son of I. D. Rees Latest to Die of Cerebro Spinal Meningitis.

Eleven persons have fallen victims to

cerebro spinal meningitis so far this month. The latest fatal case was that month. The latest fatal case was that of Earl Rees, the 13-year-old son of Issac D. Rees, who resides at 1948 east Third South street. The lad died yes-terday afternoon, after an illness of less than three days. It was at first sup-posed that a fall he had a few days before was the cause of his illness, but the attending physician, Dr. E. V. Sil-ver, was not of the same opinion. Edson W. Coale, who died Tuesday night, from the dread malady, will be buried from O'Donnell's undertaking parlors tomorrow, commencing at 2

partors tomorrow, commencing at 3 o'clock. At 11 a. m. on Sunday memor-iar services will be held at the First Methodist church.

from him but he kept up his ill treat-ment of her just the same. She was accompanied in court by her father and mother and two young lady friends. She was very stylishly dress-ed and presented a handsome appear-ance on the witness stand. Her ex-amination was conducted by Judge Burion, her attorney, and she was cross-examined by Judge H. P. Hen-derson and Atty, A. J. Weber, who represent Mr. Nelson. There were a very few spectators in the court a very few spectators in the court room this morning but they were deeply interested in the proceedings.

CALLED HER A GRAFTER.

made some very sensational state-

ments during her evidence before the

court today in support of her com-

plaint for divorce. At frequent intervals during her examination she broke

down and cried and it took her some

Mrs. Nelson, after giving the date and place of her marriage and stating her residence, detailed fully almost every incident which occurred during her married life wherein her husband had treated her cruelly. She said that while they were in Fortland on their wedding tour he complained about her extrava-gance and particularly about eating at high priced restaurants. He then called her a "grafter" and said that all she was fit for was to spend money. He then told her he had borrowed the money with which to take a wedding trip and that she had been nothing but an expense to him that far. After learn-ing that they were traveling on bor-rowed money she said that she insisted on coming home.

HE PAID NO BOARD.

They returned to **Falt** Lake about Aug. 27 and went to live with her father and mother. They stayed there about six weeks and as far as she knew her six weeks and as far as she knew her husbabad had not paid a cent for their board while they were there. All the time they stayed with her parents she said that he treated her indifferently and when they were talking of their home which they were planning, she said that he would not allow her to re-fer to it as "our" house and told her that he wanted her to understand that it was his house.

that he wanted her to understand that it was his house. The first week they were there she said they went out driving when he asked her if the piano at her home belonged to her. She said that it was and that they would take it to their new home. He declared that she lied; that the piano was not her property and that he would not have married her if he had known that the piano did not belong to her. He said that he would take her home and let her stay there and would not live with her any more. and would not live with her any more. She says that he jerked and whipped the horse so that it nearly upset the buggy but that she talked with him and tried to pacify him before they returned home.

NELSON GOT MAD.

A few evenings after that she said that his sister called on them and was accompanied with her intended hus-band. They were talking about get-ting married and the sister's flancea mentioned the matter of caring for Mr. Nelson's mother and wanted to know if he would contribute a certain amount Nelson's mother and wanted to know if he would contribute a certain amount each month for her support. At that Mr. Nelson flew into a rage and ordered the young man from the house. When Nelson returned to his room she asked him what was the matter and he told her that it was none of her business and suggested that she mind her own business. He became angry because she told him that he should not act that way towards his sister's finncee that he told her that he would not sleep with her that night and that she could go and sleep with her mother.

sleep with her that night and that she could go and sleep with her mother. In the latter part of September she said that the gave a party to one of her girl friends who was going to be married. Her husband asked to see the line of mersons by the dard he oblasted list of persons invited and he objected to several names on the list and told her that she could not invite them. He gave her to understand that he was her husband and that he should say who her friends were to be in the fu-

CALLED MOTHER A LIAR. Her mother then came into the room | ed today.

At this point Mrs. Nelson burst into tears, and it was some time before she could proceed with her testimony. Upon resuming, she said that her husband would rave so that she was afraid of him. He called her a har and told her to go home and did everything he could to tantalize and humillate her. On one Saturday afetrnoon she sail that she went to her mother's and her husband did some shopping. When he came home he brought some herring and beer for lunch, but she did not care for either, so she ate hardly any lunch. He accused her of having eat-

lunch. He accused her of having ear-en her dinner at her mother's, which she denied, and he then called her a liar. She insisted that she did not lie, whereupon he flew in a rage and said: "Shut your d— ugly mouth and keep it shut until you can speak and decent."

TOOK A DRINK OR TWO.

Mrs. Nelson said that her husband took a drink of whisky or wine nearly every morning and evening, and that the thought perhaps that had some-thing to do with his conduct, so she hid it and empired it out. One night when the weather was very cold, she when the weather was very cold, she said he got angry and would not sleep with her. He went into another room and took nearly all of the bed clothes with him, and she was so cold she had to get up and dress. The next morn-ing he told her to go home and stay, there, and she packed her belongings and celled an expresent and sent them to her home. She then telephoned to her mother to come to her and then

and called an expected to her home. She then telephone then her mother to come to her and then for the first time she told her mother what had happened and what she in-what had happened and what she in-moded to do. Her mother talked the model to do, the her and advised her what had happened and what she in-tended to do. Her mother talked the matter over with her and advised her to wait until Mr. Nelson came home and talk the matter over with him. She followed her mother's advice and waited for him. She tried to talk with him and recalled their happy days as lovers, and how they planned their future happiness when they should be married and have a home of their own; but he would make no reply.

THIS IS WHAT HE WROTE.

During the narration of those happy days Mrs. Nelson again gave way to tears and sobs and buried her face in her handkerchief until she could recovtears and sobs and burled net here the her handkerchlef until she could recov-er her composure. Continuing she said that she brought up all those things just to see if he did not still have some love for her and would not ask her to stay with him. He still said that he was sorry he married her and that he had made a mistake and she then left the house and took the car for her mother's. He passed her on the street while she was waiting for a car and would not speak to her. The next morning she said that she received the following note from him which was in-troduced in evidence: "Dear Madam: "Kindly raturn today the property of Mrs. Smith and also the property be-longing to me which you and your fie-counting to the property be-

of Mrs. Smith and also the property be-longing to me which you and your ac-complice took from my house yester-day. D. A. NELSON." In answer to a question from her at-torney Mrs. Nelson said that she did not take anything that belonged to him or to Mrs. Smith. With the final state-ment that her husband got violent at every little thing she did and raved so that she was afraid of him, her direct examination was consended just be-fore the court took its noon recens. During the hearing this monthing Mr Nelson sat beside his attenting an Nelson sat beside his attorneys and was at times very pervous and excited. The case will probably not be conclud-

COL. J. F. HARRISON DEAD.

He Was a Grandson of President Wil-

liom Henry Harrison.

Mond City, Kan., Feb. 14.—Col. James Findlay Harrison, a grandson of Presi-dent William Henry Harrison, died at his home here today of old age, aged \$2 years. He was born in Cincinnati and had lived in this country since 1865. He fought un-der Mai.-Gen. Zachary Taylor in the Mexican war. He was a graduate of West Point and up to recently has engaged in his profession of civil engineer. Among the children who survive him are J. S. Harrison and A. R. Harrison of Heienz, Mout.

PROVO VETERAN DEAD.

Ernest Osterloh Succumbs to Pucumonia This Morning.

(Special to the "News,")

Provo. Feb. H .-- Ernest Osterloh, a well known Provo man, died from pneumonia at 11 o'clock tihs morning. after being ill for about six weeks. He was born Aug. 6, 1828, in Holstead, Prussia. He came to the United States in 1859, and after living some time in Indiana moved to St. Joe, Mo., where he lived until he came to Utah 27 years he nyed unit he came to tran at years ago. He was a veleral of the Civil war, having served in the Fifth Mis-souri cavairy. Ho leaves a wife, four children and a number of grandchil-dren. Funeral services will be held Saturday at the Fourth ward meeting-house, beginning at 1:30 p. m.

GREAT BILL ARRANGED.

University Students Have Unique Program to Swell "Sweater Fund."

President Kingsbury and Dr. Merrill of the University at a student meeting today delivered talks in which consolidation was discussed as a beneficial step in

day delivered talks in which consolitation was discussed as a beneficial step in a.e.m. " The "Sweater Fund" entertainment arbeid and the student of the students will be being and be a



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