FIFTY-SIXTH YEAR

THE LAND BOARD INVESTIGATION

Senate Committee on Inquiry Finds Clerk Harry S. Anderson Guilty as Charged.

NO MEANS OF PUNISHMENT.

Is Accused of Using Inside Information to Personal Profit And Against Others.

A New Law is Recommended Making It a Misdemeanor to do What Accused Clerk Did.

Contrary to general expectation among senators, the special land board investigating committee today turned in a report, and it is fully as drastic in its statements as was the resolution introduced by Benner X. Smith calling for the investigation. Harry S. Anderson, who was charged with using information gained in his capacity as a confidential employe of the office, to further his own interests against those of applicants for land, is declared to have been found guilty as

The land board itself does not escape eriticism. It is declared that the board members should have investigated thoroughly the reports and charges made to Chairman Lynch some time made to Chairman Lynch some time ago, and should have prevented the occurrence of such things as those complained of. A new law is recommended making it a misdemeanor for land board officials to buy or take up state land while in office, and the board members are criticised for following that practise in this regard.

members are criticised for following their practise in this regard.

Chairman Hulaniski who wrote the report, declared after the senate adjourned this morning, that the matter would probably come up again, and that a bill will be introduced on the subject. He also intimated that when the regarding session. the senate meets in executive session to confirm the governor's reappoint-ments to the board, the matter will be threshed over in an exhaustive man-

THE REPORT IN FULL.

The report is not signed by Senator The report is not signed by Schatch Benner X. Smith. He accepted the position of special prosecuting attorney for the committee, and it was on the evidence he developed from witnesses during the committee sessions that the report is based. Its text is as follows:

follows:

Mr. President—Your special committee on state lands, appointed under resolution of Feb. 27. 1997, beg leave to report that under the authority of said resolution they have examined into the charges made and subpochaed witnesses and taken testimony under oath, and we now find the following facts:

That on the 20th of July, 1996, part of section 34, townsift 2 north, range 1 east, was unoccupied, government land and subject to selection by any citizen through the state land office to be purchased as provided by law. This property will be hereafter referred to as the Sorensen land.

SHOWN BY ANDERSON.

SHOWN BY ANDERSON.

It appears from the evidence that this land had been surveyed and was this land had been surveyed and was open and subject to entry for several years prior to this date: That a few days previous to July 20, 1906, one Muller examined the plats in the state land office for the purpose of ascertaining whether this land was open for the purpose of ascertaining whether this land was open for purchase and that he was shown the plats by an employe of the office, one Harry Anderson. It further appears from the evidence that Frank B. Stephfrom the evidence that Frank B. Steph-ens, acting as attorney for Muller, on the 19th day of July, 1906, again in-spected the plats, for the purpose of ascertaining whether the same could be selected and purchased, as provided by law, and that he was shown the plats by said Anderson, and as far as the records of the state land office were concerned, the same was open for selection. That thereupon said Stephens secured from the state land forms for contracts of purchase and had the same executed by one Doscher, who was acting for Muller in making the selection. The application with a check accompanying the same, was sent to the state land office on the 21st or 22nd of July, 1906.

CLERK'S BROTHER-IN-LAW.

It further appears from the evidence oge P. A. Sorensen, who is a aer-in-law of said Anderson, exepublic, on the 20th day of July, 1906 in application to purchase part of the same land applied for by Doscher. It appears from the evidence that the application of both parties came into the plication of both parties came into the hands of said Anderson, and that it was the usual practise of said office that said applications would be placed in his hands. There is no record on either of said applications showing which was received first, nor showing which was returned for on the 21st of July, and that on the Boscher application was returned with an endorsement thereon for the effect that the land already been applied for. It appears that both of the applications came not the hands of Anderson; that he look the same to the United States and office, as was the custom, and there found that there were no filings in said office affecting the right to seect, and he so indicated on each of the applications. It further appears that on the 23rd of July, 1906, Sorenson fied his application for a homestead approach the same property in the United States land office. It further appears that an applicant to purchase lands through state election may be defeated in acquiring the lands by a person iomesteading or filing a desert entry ipon the same lands, and that a person can protect his right of selection by a person prior in time.

ANDERSON MAKES DENIAL. ands of said Anderson, and that it was

ANDERSON MAKES DENIAL.

Anderson denies that he informed forensen, his brother-in-law of the inquiries that had been made in reference to this selection. Sorensen desies that he received any information from Anderson, aithough he admits that Anderson swore him to his application and exhibited to him the maps of the lang at the time of making the same. Borensen owned no other and in this vicinity and stated that he applied to purchase the same for in investment.

WHAT EVIDENCE SHOWS.



Photo, by Jonnson.

SENATOR BENNER X. SMITH,

Anthor of the Investigating Committee Resolution Under Which Harry S. Anderson is Put in Peculiar Position.

be sustained by the evidence of combe sustained by the evidence of competent witnesses: That shortly after Sorensen homesteaded the land in the United States land office, inquiry was made by Mr. Dunn of that office from Anderson in reference to a deficiency in the fees which had been left with the homestead entry, and that Anderson referred Dunn to a Telephone number where Sorensen was found: That a few days afterwards when Dunn advised Sorensen that sufficient That a few days afterwards when Dunn advised Sorensen that sufficient money had been paid to complete the homestead entry, and that a receipt had seen sent to Sorensen, Anderson requested Dunn not to say anything further about the matter. It further appears from the evidence of Mr. Woolley, an employe of the United States land office, that shortly after the homestead entry of Sorensen, Anstates tand office, that shortly after the homestead entry of Sorensen, Anderson told Woolley during a conversation with him at the United States land office, that he had put his brother-in-law, Sorsensen, on to the land, and that he (Sorensen) would have to "divvy" up with him.

COMMITTEE'S CONCLUSION.

In view of the relationship of the parties and the fact that this land had remained open for selection for a long time, and that the same was filed on by Sorensen the day after the inquiry had been made at the state land office of Anderson; and in view of the statements made by Anderson to Dunn and Woolley, the committee are forced to the conclusion that Anderson disclosed to Sorensen the fact that parties intended to select said land, and had Sorensen make the selection for the purpose of interfering with a bona fide applicant, and for his personal profit and advantage.

THE GARNS ENTRY.

What is known as the Garns entry ras investigated by your committee. was investigated by your committee, and it appears from the evidence that and it appears from the evidence that some time in the spring of 1906, one Thomas, who was an employe of the state land board at that time, wrote to Garns a letter of inquiry in reference to lot 23, section 3, township 21 south, range 16 east, in the vicinity of which Garns lived. That Thomas wrote to Garns for the purpose of acquiring information in reference to said land, and that if the same was desirable, he and Anderson intended to select the same. Garns did not reply to the letand Anderson intended to select the same. Garns did not reply to the letter, but on or about the 19th day of March, 1966, he forwarded his application to purchase through the state said lot 23, and paid a part of the purchase price.

COLLUSION CHARGED.

It further appears from the evidence that Anderson, for the purpose of preventing Garns from obtaining the advantage of his application to select, he (Anderson), on the 17th of select, he tanderson, on the trans-pecember, 1996, attempted to home-stead the same in his own name and for his own benefit, but that having exhis own bencht, but that having exhausted his rights to homestead and still with the intention of defeating the Garns entry, he applied to and obtained one of his personal friends, one Pascoe, to file a homestead entry upon the same: That the same was done by Pascoe wholly in the interest of Anderson, Anderson, Cymishing and Anderson. Anderson furnishing and paying the fees required to make said homestead entry, and that he obtained and caused said entry to be made for the express purpose of defeating the Garns entry and acquiring the land himself.

INVESTIGATED BY LYNCH. Investigated by Lynch.

It further appears from the evidence that in the Doscher entry Anderson was accused of giving his brother-inlaw Sorensen information in reference thereto and causing him to make the entry, and this accusation was brought to the notice of William J. Lynch, the president of the state land board, on or about the 1st day of August, 1906, by one Gibbs, wha stated in substance the facts to said Lynch and that the claim was made that Anderson had caused the Sorensen entry to be filed, based upon his information that other parties were about to apply for the

caused the sorenses entry to be filed, based upon his information that other parties were about to apply for the land. It appears from the evidence that Lynch had a conversation with Anderson in reference to the matter: That Anderson denied all connection therewith and that Lynch did not lay the matter before the land board or make any other or further examination or investigation whatsoever.

In reference to the Garns entry it appears from the evidence that on or about the 20th of January, 1907. Judge W. C. Hall, acting as attorney for Garns, made a complaint to W. D. Candland, a member of the board, in regard to Anderson's interference in the matter, and that Anderson in substance admitted to Candland that he had made the entry for the purpose of defeating Garns; that the complaint was referred to in a meeting of the state land board on or about the 7th of February, 1907, but that no action was taken thereon at that time, or any other time.

The taker Judge Hall laid the Garns

but that no action was taken thereon at that time, or any other time.

That after Judge Hall laid the Garns objections before the board on the 16th of February, 1907, Anderson secured from the parties making the homestead entries upon the Garns land a relinquishment of the same, and that the same was delivered to Judge Hall by Mr. Senior, the attorney for Anderson, who testified that it was not delivered upon condition that the charges would be withdrawn by Judge Hall.

OFFICIAL INVESTIGATION. WHAT EVIDENCE SHOWS.

It further appears from the evidence half of the bulky decument to the print hope for the big fair. An appropriation were that both of these complaints were or. The other half is still under fire tion of \$20,000 will probably he left in years.

laid before three members of the board on or about Feb. 16, 1907, and that the board agreed to call a meeting to consider the same, and that they did, of the 26th of February, 1907, call a meeting, bus that no investigation was made and said meeting was adjourned for the reason that a member of the board was absent, and that adfournment was had until the 5th day of March, 1907, and there is no evidence before the committee that the board at any time has investigated or acted upon either of these charges.

So far as the committee is advised there is nothing in the law prohibiting a member or employe of the board of land commissioners from acquiring state lands in the ordinary and usuat way. But in our opinion, it is a serious

state lands in the ordinary and usual state lands in the ordinary and usual way. But in our opinion, it is a serious violation of public duty and contrary to the duty and trust owing by employes and officers of the public, that an officer or an employe of the state land board should use or disclose information received by him as to the intestions of citizens to make selections or purchase public lands and either himself or through another cause prior selections to be made or homesteads to be filed on the same for his personal benefit and for the purpose of defeating the application of citizens desiring to purchase. And the committee is of the opinion that Anderson is guilty as charged of the above violations of public duty, and that the individual members of, and that the state land board as a board should have, when informed of such charges, made a thorough investigation thereof, and taken such steps as to avoid in the future the repetition of the same.

The committee is further of the opinion that the legislature should by law require that the state board of land commissioners should upon the receipt of all applications immediately wide.

commissioners should upon the receipt of all applications immediately indicate thereon the exact time of the receipt thereof, so that such applica-tions as receive priority by reason of time could not be defeated.

AS TO FUTURE PENALTIES.

We are further of the opinion that some provisions should be made looking to the punishment of members or em-ployes of the state land board who for their personal gain, or with the intento interfere with the acquiring of state lands of citizens, disclose the informa-tion that they receive in their official capacity and cause other parties to se-

capacity and cause other parties to se-lect said lands or homestead the same. Your committee is further of the opinion that neither the members of the board nor employes of the office should be permitted, while such, to either directly or indirectly acquire any of the public lands of the state, or any interest therein. This would seem to of the public lands of the state, or any interest therein. This would seem to be a wise provision in view of the fact that the state board is the selling agency of the state, and neither the selling agency nor the individual members thereof should be permitted to buy from themselves.

Your committee is further of the opinion that section 17, chapter 64, Laws of 1899, as amended by chapter 35, Laws of 1901, should be amended so as to prohibit the state board from accepting relinquishments of homestead

cepting relinquishments of homestead entries of persons who have filed the same after an application had been filed by other persons with the board selection or purchase of the same lands, or any part thereof.
Respectfully submitted,
E. A. HULANISKI,

GEO. W. LAWRENCE

ARBUCKLE'S P. O. RANCH.

Orders it Sold Because Had to Re-

move Illegal Fences.

Cheyenne, Wyo., March 13.—John Arbuckle, the New York Coffee king, has ordered the manager of his big "P O." ranch containing 55.000 acres and lying north of this city, to sell the ranch at once, together with the stock, which consists of \$125,000 worth of cattle and houses. cattle and horses.

The sale is due to the recent ac-

The sale is due to the recent action of the government in forcing Arbuckle to tear down 45 miles of fences erected on government lands, and in the absence of a land leasing law, Arbuckle has no place to rang his live stock Arbuckle has been offered \$300,.

the legislature for the final-days of action between brief "saunterings" for

sleep and food, is the appropriation bill.

Senator Williams, not so active in other

legislative fields, has been working on

this bill the larger part of the present

session. This week his committee has

been meeting nightly, and has sent one-

half of the bulky document to the print-

WILL PROTECT

Continue to Hug "Honest George" to Bosom.

MAYOR DENSELY IGNORANT.

Says He Does Not Know Anything About the Police Scandal Matter.

In the Meantime Party Leaders, Attorneys and Officer Accused of Conspiracy Hold Star Chamber Session.

"I do not know anything about the Sheets matter at all. I have not talked with him or any one else about suspending him or giving him a leave of ibsence." This is the statement made by Mayor Thompson today when asked by a "News" representative as to the probability of Chief of Police Sheets being suspended from office pending his trial in the district court on the charge of conspiracy, for which offense he was bound over to the district court yesterday by Judge Whitaker of the city

Judging from the attitude of the "American" members of the council during the former investigation of Chief Sheets when he was charged with compounding a felony in connection with the famous McWhirter robtion with the famous McWhirter robbery, it is not likely that they will take any action toward suspending the chief this time even though he has been bound over to the district court. At that time the minority members of the council attempted to have the chief suspended during the preliminary hearing but the "Americans" opposed it to a man. It is therefore expected that they will take the same stand this time and retain Sheets in his office under the cloud which the McWhirter case has cast over his office.

WILL NOT ASK FOR VACATION. There is no danger of the chief ask-

ing for a leave of absence pending his trial in the district court but it is highly probable that the minority members of the council will on next Monday night make another attempt to have him suspended until the case

is settled.
County Aity. Hanson could not state
today when the preliminary hearing
of Jim Donaldson, Detective Raleigh
and the other men charged with conand the other men charged with con-tential will be held as he had not been able to consult with their attor-neys in the matter. The hearing of Atty. Newton has been set for next Monday, but it is thought that per-haps they might waive preliminary hearing and await the action of the district court.

PUBLIC DEMANDS IT.

The public generally is demanding the suspension of Chief Sheets at least pending his trial in the district court and a great many have expressed the great many have expressed the opinion from office entirely. What impres "American" council and mayor is de-idedly uncertain but it is not thought but they will give it serious consider-

In the meantime, however, there was said to be a very interesting meet ing held this morning present at which were some of the leaders of the "American" party, their white elephant, George Sheets and his counsel.

RAPIDLY RISING WATERS.

Three Men Drowned, Railway Bridge Washed Away.

Pittsburg, March 13.—Three men drowned, a railroad bridge washed away and an engine and five freight cars in the water are the result of the rapid rise during last night of Deer creek, near Harmarsville, Pa., on the West Pennsylvania railroad. The dead:

West Pennsylvania railroad. The dead:
J. B. Mikesell, an engineer,
W. J. Cantwell, fireman,
J. M. Johnson, brakeman,
A freight train which entered upon
the bridge got no further than the
second span when it gave way. Before the engineer, fireman or brakeman upon the forward ways of the man upon the forward part of the train could resize what happened, the bridge went down, carrying the en-gine, trainmen and five freight cars with it. One of the loaded fre cars was carried down the cree quarter of a mile. Rain has fa quarter of a mile. Rain has fallen for the past 24 hours.

MORGAN GOES TO EUROPE.

New York, March, 13.—J. Plerpont Morgan sails this morning for Liver-pool on the steamer Baltic. Mr. Mor-can went aboard the steamer last evening, which was scheduled to sail early Mr. Morgan declined to be inter

Mr. Morgan declined to be inter-viewed on his Washington mission and refused to state what could be ac-complished by the rallroad's confer-ence with President Roosevell. He sent out word that he did not care to add anything to his Washington state-ment. ment.
It is not known definitely how long Mr. Morgan will be gone.

RESPITE FOR BAR MAIDS.

A Mighty Cut in the Big Appropriation Bill.

It Amounts, By Necessity, to Almost a Million Dollars-No Intermountain Fair For Utah as Proposed-One State Fair Only For the Current Biennial Period-Sixtieth Day of Session Comes Tomorrow

GOVERNOR ASKS GEORGE SHEETS ABOUT TEACHERS

"American" Party Proposes to Demands That State University Faculty Members Tell of Absences.

Were Away at Times But They "Prove An Alibi" When it is Suggested They Were Lobbying.

To what extent have professors, teachers, and employes of the two his state schools been engaged in the busiess of lobbying during the progress of the consolidation tight in the legis-

Gov. John C. Cutler has addressed a communication to Seey. D. R. Allen of the university requesting an immediate report upon the subject, and Secv. Allen has replied in a communication sent governor has made a similar request of the Agricultural college authorities is not known. Various members of both faculties were present in the legislative halls during the past few weeks.

The note sent to Secy. Allen was re ceived last night and he sent out to members of the faculty the following hotice: "Governor Cutler requests a report giving the names of professors, teachers and employes who have been absent from the university or their classes within the past 60 days. You may give an excuse but this is not re-

PROF. CORAY.

PROF. CORAY.

The reports from the various professors are as follows:
Prof. Coray was absent part of one forenoon on leave from President Kingsbury. The time was occupied in escorting Judge Dunham of Valaira, N. Y., a Cornell classmate, through the county building. In the senate chamber Judge Dunham was introduced incidentally to Representative Mills, President Kerr of the Agricultural college, Senators Bullen, Park, Williams and other members of the legislature. Senator Bullen, knowing Judge Dunham to be conversant with Cornell's experience with consolidation, took him in charge and Prof. Coray returned to the university.

PROF. PAUL'S BUSINESS.

PROF. PAUL'S BUSINESS.

PROF. PAUL'S BUSINESS.

J. H. Paul, professor of nature study, was absent from 12 to 4 p. m. on March 11 to inquire, by direction of Prof. Stewart, as to the legislative status of the bill recommended by Sept. Nelson relating to county teachers' institutes and to inquire, by direction of President Kingsbury, concerning a senate joint resolution for memorializing Congress in behalf of the Burkett Pollard bill for the appropriating of from \$10,000 to \$15,000 annually to each state normal school for the teaching of agriculture and domestic science to normal students.

PROF. CHAMBERLAIN.

PROF, CHAMBERLAIN.

Prof. Chamberlain was absent for half a day at the request of the house judiciary committe to explain the anatomy bill, relating to material for medical classes, and last Menday dur-ing the discussion of H. B. 187 for the tablishment of laboratories for bactereology.

OTHER PROFESSORS

Drs. Gowans and Anderson were called away on various occasions to attend urgent calls from patients in e city. Prof. Merrill was absent from the

university on Friday, Jan. 25 and Monday, Jan. 28, on a trip to Sanpete county. During his absence his class-es were arranged for. Prof. Lyman has been absent from

the university on three occasions, Once he went to Morgan and on the two other occasions he was attending di-rectors' meeting in Millard county. Of the other professors at the university several have been absent on account of sickness or pressing business, but one and all declare that they have talked very little outside regarding any pending legislation whatso

ever. MUST STOP LOBBYING.

Resentment against educational in-Resentment against educational institutions participating too heavily in legislative lobbying has already been expressed in the shape of house bill 303 introduced by Speaker Harry Joseph. It provided against "pernicious activity in politics by college professors," and was killed in the house this moralog after a lively debate. During the speaking it was intimated that professors who thought much of their positions ought to conuch of their positions ought to come themselves to their class room

LOUISVILLE STRIKE.

Shows no Improvement, Rain Adding To Discomfort of the People.

Louisville, Ky. March 13.—No improvement was shown this morning in the strike situation. Discomfort was added to inconvenience and the citizens with the novelty of the strike worn zens with the novelty of the strike worn
off, walked to their places of business
through a heavy rain.

The street railway company started
four cars at 8 o'cleek, the first one out
carrying 14 policemen.

The company promised to increase the
number hourly if they can induce the
men they claim to have to take charge
of the cars. Through the intermedia

of the cars. Through the intermedia-tion of various commercial organiza-tions in the city, a meeting of the directors of the street railway company, will be called this afternoon in an attempt to reach a settlement of the strike.

SAGE FOUNDATION IS ESTABLISHED

Mrs. Russel Sage Sets Aside Sum Of Ten Million Dellars

ALL PRESENT GOOD EXCUSES. ITS OBJECT IS SOCIOLOGICAL.

To Investigate and Study the Causes Of Adverse Social Conditions, Including Poverty and Vice.

Albany, N. Y., March 13:-Mrs. Bassell Sage, through her counsel, Henry W. DeForest, authorized the follow ing statement in relation to the Sage foundation, a bill incorporating which has been introduced in the legislature

"I have set aside \$10,000,000 (or the endowment of this foundation. Its object is the improvement of social and living conditions in the United States. It will be within the scope of such a foundation to investigate and study the causes of adverse social conditions including ignorance, poverty and vice; to suggest how these conditions can be remedied or umeliorated, and to put in operation any appropriate means

put in operation any appropriate means to that end,

"While having its headquarters in New York City, where Mrs. Sage and I have lived and where social problems are most pressing and complicated, partly by reason of its extent and partly because it is the port of entry for about a million innulgrants a year, the foundation will be national in its scope and in its activities.

"I have sought to select as my trustees men and women who are familiar

"I have sought to select as my trustees men and women who are familiar with social problems and who can bring to their solution not only zeal and interest but experience and judgment."

The trustees named by Mrs. Sage to carry on the work are: Robert W. DeForest, Clevaldn H. Dodge, Daniel C. Gilman, John M. Glenn, Miss Helen, Gould, Miss William B. Rice and Miss Louisa L. Schuyler, all of whom have had wide experience in philanthropic work.

PROFESSOR E. A. ROSS FAVORS SMALL FAMILIES.

Chicago, March 12.—Small jamilies have a new champlon in the person of Prof. Edward A. Ross, the University of Wisconsin sociologist, who combats Prosident Receivest theory and lays down a novel argument for the distribution of the human race. He takes a stand against the popular views of what he calls "the hobby riders" and maintains that the cause of the shrinkage in population "lies in the human will as influenced by certain factors which have their roots deep in the civilization of our times.

These factors, he declares, are democracy, the emancipation of women and the decrease of religious belief.

Restriction of birth rate, he alleges, will have one result, "that dwarfs all others—namely: That it will check population pressure which, he asserts, is the principal cause of war, mass poverity, wolfish compelition, and class conflict. "With restriction," he asserts, "society will for the first time become master of its destiny."

The conclusion of his reasons, which are presented under the title of "Western Civilization and the Birth Bate," in the current number of the American Journal of Sociology, issued from the University of Chicago press yesterday, is as follows:

"Restriction is a movement at bottom of the state in the current number of the American Journal of Sociology, issued from the University of Chicago press yesterday, is as follows:

"Restriction is a movement at bottom of the current number of the American Journal of Sociology, issued from the University of Chicago press yesterday, is as follows:

"Restriction is a movement at bottom of the current number of the American Journal of Sociology, issued from the University of Chicago press yesterday, is as follows:

Journal of Sociology, issued from the University of Chicago press yesterday, is as follows:

"Restriction is a movement at bottom salutary and the undoubted evils in its train appear to be minor, or transient, or self-limiting, or curable,"

Prof. Ross declares it is a mistake to attribute the decline in the birth rate to the popular causes, as the comfortsble celibacy of cities, the broadening freedom of divorce, the postponement of marriage, and others which he assigns to the "hobby riders"

The effects of reducing the size of the average family, Prof. Ross states, are a rising plane of comfort, a growth of savings, a wider diffusion of awnership, a gain in longevity, a lessening of infinat mortality, the cessation of war, man poverty, wolfsh competition, and class comfet.

Prof. Ross, however, decries the evils of "false" restriction and decrees the standard family should have from four to six children.

SAVED HIS MOTHER'S LIFE.

J. H. Grange Kills Deputy Sheriff Acord, His Stepfather.

Silverion, Colo., March 13.—To save the life of his mother, whom he be-lieved was about to be killed by his stepfather, J. H. Grange, an 18-year-old boy, shot and killed Deputy Sheriff William Acord, his stepfather. The deed was done with a revolver which Grange picked up from a shelf. Grange claims that Acord was beating his mother over the head with a revolver and he shot him to save her from fur-The mother corroborates the boy's story as to abusive language, but does not admit that her husband was beat-

ing her with a revolver. BANKER COMMITS SUICIDE.

Canton, O., March 13.—Horace G. Mr-Dowell, president of the Farmer's bank of Canton, shot and killed himself is his country home five miles north of

PANIC IN THEATER.

Caused by Flash of Lightning and People Quieted by a Comedian.

ple Quieted by a Comedian.

Chicago, March 13.—A dispatch to the Tribun efrom Nowport, Ky., says:

Hetween 400 and 500 persons, principally women and children, in a state or punic when lightning struck the Grand theater here last night, were quieted and many were saved from death by the presence of mind of a comedian performing on the stage.

As it was a score of women and children were crushed under foot.

While the performance was in progress there was a flash, and the theater was in darkness. The audience rose to its feet and made a rush for the exists Walling women, sereaming children, and shouting men aroused the crowd to an excited frenzy.

In the middle of the panic Albert Dashington, the comedian, appeared on the stage with a capile in his hand and making jokes at the thunderbolt and subsequent darkness. His words foon pacified the audience.

HAMMERSTEIN SIGNS NORDICA. New York, March 14.—Oscar Hain-merstein of the Manhattan Opera House closed a contract with Lillian Nordics, the prima donna, yesterday. hattan next year for the full sea-son of 20 weeks. Mr. Hammerstein would not say how many times a week Mmc. Nordica will appear or what the monetary side of the contract is,

DID EVELYN THAW TELL THE TRUTH?

Jerome Says He Can Show That She Swore Under Oath That Thaw Beat Her.

RELIES ON HUMMEL AFFIDAVIT

Prosecuting Attorney Thinks That All the Evidence for the State Will be in Friday.

Early Adjournment Taken to Permit Formulation of Hypothetical Question And Consultation of Authorities

a short session of the court trying Harry K. Thuw for the murder of 'Manford White, adjournment being taken shortly after noon until tomorrow. This action was taken partly to give Mr. Delains an opportunity to consult the authorities and prepare an argument in reply to an impassioned appeal by Dist. Atty, Jerome for the appeal by Dist. Atty, Jerome for the admission of testimony by Abraham Hummel in contradiction of Evelyn Nesbit Thaw's evidence, and partly upon the statement of Mr. Jerome that if he was allowed the afternoon in which to complete the hypothetical question to be put to his experts be thought the state could close its case in rebuttal tomorrow night. He said he had been assured by Mr. Delmas that his cross-examination of the experts would not be long.

The matter of Hummel's testifying was still undecided.

Mr. Jerome spoke for more than an

was still undecided.

Mr. Jerome spoke for more than an hour today, contending that Hummel's testimony is the most vital in the case.

"I will show that this woman swore under oath that she had been beaten by Thaw in Paris because she would not sign papers he had prepared and which falsely accused Stanford White of drugging and betraying her."

Mr. Jerome declared that the material issue of the case was as to whether

al issue of the case was as to whether Evelyn Nesbit told her story to Thaw Evelyn Nesbit fold her story to Thaw in Paris.

"If she did not tell that story," con-cluded Mr. Jerome, "then the cause of this man's insanity disappears, I claim the right 10 show that Evelyn Nesbit herself has denied the story she told this jury."

J. C. SMITH RECALLED.

James Clinch Smith, Stanford White's brother in-law, was called again as a witness in the Thaw trial, this morning, Mr. Smith was late in arriving alid Mr. Jerome summoned Abraham Hummel to the stand. Scarcely had Hummel taken his seat when Smith appeared. Thereupon Hummel was temporarily excused.

Mr. Smith was questioned by Mr. Delmas for the defense as to the cablegram from Mr. Jerome summoning him to appear as a witness. him to appear as a witness.

Mr. Smith said he did not have either the original of the cablegram

or a copy.

"As I remember the message, it read: Your evidence most important. Your attendance desired."

He had first communicated this evidence to his lawyers.

evidence to his lawyers.

Mr. Smith said he returned to this country on Feb. 17, and communicated with the district attorney's office on the 19th. He had reduced to writing his conversation with Thaw upon the roof garden and had shown the memoranda to his counsel and Mr. Garvan. Mr. Delmas had no further questions and Smith was excused.

HUMMEL ON STAND.

Mr. Hummel again took the stand. He had testified before the arrival of Mr. Smith that he saw Evelyn Neshit at his office Oct. 27, 1903, after her return from Europe.

"Did you, after a conversation with Evelyn Neshit on Oct. 27, dictate something to a stenographer?" asked Jerome

Delmas objected upon the ground that this was not in rebuttal of any testimony offered by the defense.

Justice Fitzgerald overruled the ob-

jection.
"Yes, sir," answered the witness.
"Did Mrs. Thaw tell you that Thaw wanted to injure White and put him in the penitentiary and that Thaw begged her time and again to swear to documents he had prepared involving Stanford White and charging that he had drugged and ruined her, and that Thaw had beaten her because she would not sign the paper?" asked Jerome.

Delmas arose to lay the ground for an objection. He asked Hummel if at the time of the conversation with Miss Nesbit he was acting as her logal as-

Nesbit he was acting as her logal adviser and attorney.

"No, I was acting for Stanford White," replied the witness.

"And you did not contemplate some action in Miss Nesbit's behalf?"

"No, there was no logal action contemplated so far as she was concerned."

"There was no communication between the witness and Miss Nesbit as rounsel and client?"

DEPOSE PRODUCTS.

said Deimas, "to "I make sold Delmas, "to the question, as the ground that it is not proper robuttal."

Before the court could rule, Delmas put farther questions to the witness which had reference to the payments he received from Stanford White for legal services. The amount puld for this particular item of service, witness sattl, was about \$100.

Delmas renewed his seneral objection.

"It is not rebuttal," said Delmas. "It is also immaterial and prelevant and not proper testimeny."

Mr. Jerome proceeded to argue the points of law involved.

JEROME'S CONTENTION.

Mr. Jerome's emitention was that if it could be shown that under eath Miss Nesbit defiled that she told Thaw the stories about Stanford White whien she testified to have rold him in Paris, that testified to have told him in Paris, that fact must have weight with the jury in deciding whether she had in truth made that statement, related in her testimony and which has been the basis of theory that the defendant is meane. "If her story is true," continued Mr Jerome, "I know of nothing in history or literature more sublime than Evelyn Nesbit's self-sacrifice in her renunclation of the love of the man who we are told was paying honorable court to her. "But she returned to American on Oct. 24 and on Oct. 27 she was in Humbled's office with the man who she now says ruined her and there she said that in Europe Thaw had stripped her and beat her with a whip because she and beat her with a whip because she refused to sign a paper accusing White of drugging her. Stanford White, she said, nover harmed her.

EVELYN NESBIT'S STORY. "The proposition I make to the court

The great problem looming up before | with the problem shead of cutting down | for a state fair either this year or demands for money by eliminating the next year, sithough only one fair will large sum of \$837,000. By this total the be allowed for the biennial period. The remaining \$337,000 will have to be requests exceed the possibilities of the trimmed from the demands for the state's income. Five hundred thousand support of state institutions. Two years dollars of this sum will be sliminated at a single blow when the appropriation ago the general appropriation bil amounted to \$750,000, and of course, in asked for an intermountain fair in 1905 will be stricken out, thus killing any

the very nature of things, the sum will hope for the big fair. An appropria- exceed that figure for the coming two