CONVICTS IN CHAINS APPEAR IN COURT

Henry Waddell Is Tried on Charge of Assault With Intent to Commit Murder, and Testimony Is Given by Prisoners Involved in Jail Break.

The striped garb of penitentiary convicts and the clanking of manacles and shackels were seen and heard in the criminal division of the District court yesterday, where Henry Waddell was tried for assault with intent to commit murder. The defendant wore an Oregon boot weighing twenty-five pounds on his right foot and the other five convicts who participated in the jail break at the penitentiary last October were securely handcuffed and shackled.

The case was taken up in the morning and after the securing of a jury the State quickly introduced its testimony. The defendant then asked, through his attorney, Frank McGraw, who was appointed by the court, that the other convicts be summoned to testify in his behalf. The jury consisted of Gilbert Lloyd, A. E. Raleigh, Walter L. Price, James T. Clasbey, William C. Lee, J. H. Hayward, Walace C. Browning and Frank C. Howe.

Acting Warden T. C. Wright and Guards F. H. Naylor and David Wilcken were the witnesses for the State. They testified to the part taken by the defendant in the jail break, the stealing of Guard Jacob's watch and the assault made by him upon the guard. Their testimony was to the effect that Waddell had fired the shot that struck the butt of the rifle in Guard Naylor's hands.

The news that the convicts would be brought in from the penitentiary spread fast and a large crowd gathered in front of the city and county building by 2 o'clock, when they were brought in on the car. The convicts were all dressed in stripes and were in charge of Acting Warden Wright, Guards Ure, Davis, Driggs and Hilton and Deputy Sheriffs Edwards and Smith. Deputy Sheriffs Cowan and Sharp kept a clear road for the procession from the car to the court room.

WORE AN OREGON BOOT.

Waddell, with the Oregon boot on his foot, was handcuffed to Ed Mullen and they were followed by Lynch and Haworth, handcuffed together. Abe Majors and Frank Connors brought up the rear. They were bound together both hands and feet. The shackels were removed from all but Majors and Connors, who were kept fastened together except when released to take the stand. The heavy steel boot was not removed from Waddell's foot.

The defendant was the first called to the stand after the opening statement by his attorney to the jury. Waddell testified that he was not in the office on the third tier at any time on the evening of October 9th and that he did not fire the shot at Naylor. He said the gun would not work and that he never discharged it at any time.

The first of the defendant's witnesses called was Abe Majors. The convict, who is in for life, arose in his garb of half black and half striped clothes and strode with a majestic air to the stand. This witness with the number 1358 across his back did not testify to much. He was rather inclined to enjoy the situation and parleyed with the attorneys. "Were you in the office on the third tier when Guard Naylor was shot at?" asked Mr. McGraw.

ABE MAJORS GETS GAY.

"I cannot answer your question for the reason that it is put in a way that would incriminate me."

"Did you see Mr. Waddell during the evening?" was next asked.

"I will say that at no time on the night in question was the defendant on the third tier or in the office on that floor." He did not see Waddell fire at any one. On cross-examination he admitted that the gun had been in the possession of the convicts for eight or ten days before the break. He said he had had the gun in his possession and knew it was defective. When Mr. Eichnor asked him whom he had tried to operate it on to ascertain that it was defective, Majors looked at the attorney for the defense and then appealed to the court for protection, saying his attorney didn't take care of him.

Mr. Eichnor next asked him how long he had the gun in his possession and how he ascertained it wouldn't work and the witness answered: "That is only another way of putting the same question." He said they had two weapons in their possession, that the one was defective and the other all right. He couldn't remember who had the good gun when he had the other.

Lynch, No. 1310, was the next witness. He saw the gun in Waddell's hands when the first shot was fired. The defendant, he said, was with him on the ground floor and he never saw him discharge the gun.

Connors, No. 1165, testified that the defendant was with himself and others in the doorway of the cell house on the ground floor when the first shot was fired. This, he said, was the signal to make the break.

Ed Mullen, No. 1493, testified in a similar manner to the others. He said he knew nothing of the plan to break until that evening, when informed by Convict Dayton, who was killed while climbing the wall.

Nick Haworth said he was also on the ground floor at the time the shot was fired. He stated that he saw Waddell trying to raise the hammer of the gun and from the fact that he couldn't supposed that it was defective. Lynch, he said, had unlocked the door to his cell and that they had the ladders ready to scale the walls when the signal was given.

Guard Zebulon Jacobs was recalled in rebuttal testimony by the State. He told of the attack made upon him and said he must have been unconscious when the first shot was fired.

Short arguments were made by the attorreys for both sides after the witnesses had been taken from the courtroom as they had been brought in. The jury retired at five minutes before 4 o'clock.

The defendant, Waddell, is now serving a seven-year term for burglary and three years for an assault on the principal witness against him by throwing a spittoon at him in the courtroom at Ogden. His sentence will expire December 21, 1907.

COURT CALENDAR.

Cases Set for Today.

DISTRICT COURT.

Division No. 1—Hon. W. C. Hall, Judge.
Moyland C. Fox, etc. vs. S. C. Sudbury et al.
Fritz Riepen vs. H. S. Tanner, etc.
Division No. 3—Hon. S. W. Stewart, Judge.
Isadore Carlton vs. Consolidated Railway and Power company.
Division No. 3—Hon. C. W. Morse, Judge.
State of Utah vs. Henry Waddell.
Division No. 4—Hon. T. D. Lewis, Judge.
No court.

CITY COURT.

Civil Division—Hon. H. S. Tanner, Judge.
Lavagando vs. Neder.

CASE OF BRUTAL NEGLECT AIRED IN COURT

The separate maintenance suit of Josie Long Smith against Charles Smith was tried before Judge Hall in the first division of the District court yesterday and the defendant was ordered to pay his wife one-half of all his earnings. From the testimony of the defendant this would not amount to much, as he testified on the stand that his monthly salary amounted to $51. He further stated that out of this amount he had been paying $32.50 per month on his wife's doctor bills, $10 for rent and that they lived on the balance. In contradiction to the charge made in the complaint that he was believed to be worth about $30,000, he smiled sardonically and said he didn't have a dollar's worth of property.

The little daughter of the plaintiff was placed upon the stand. She testified that the defendant had furnished the plaintiff with but $2 worth of groceries in the past two years. She said he had paid the rent, bought the coal and supplied stale bread. The little girl broke down and wept when she told of her mother's sickness and the cruel treatment of the defendant toward her. She told of the father had put the mother out of the bedroom when she became sick with cancer and too weak to work. The child said that she and her mother lived in one room and that the father and a younger son occupied the remaining three rooms. At the time of the separation in the family the witness said the defendant used language of a most vile nature and that one time he choked the plaintiff.

Mrs. Mary Pitcher, Jane Marck and Mrs. Caroline Anderson all testified to the neglect of the plaintiff and the squalid condition of the one room in which she has been compelled to live at 75 East First South street. It was stated that the little girl earned $1.50 a week as a nurse with which to supply her mother with necessaries and that the little son, 9 years of age, looked after the woman's wants when she was confined to her bed.

The couple were married on September 12, 1893. The plaintiff charged desertion and non-support in her complaint and asked for $50 per month alimony. At the conclusion of the trial Judge Hall ordered that the defendant pay the plaintiff 50 per cent of his earnings until further instructed by the court.

BROWN TO BE TRIED ON ADULTERY CHARGE

Former Senator Arthur Brown entered a plea of not guilty to the information charging him with adultery when arraigned in the criminal division of the District court yesterday morning, and his case was set for trial on March 22nd. Before entering his plea the defendant made the stipulation that in doing so he reserved the right to object to the jurisdiction of the court and to former proceedings in the case.

Brown strongly objected to setting the trial of the case for the above date, and presented affidavits to the effect that his attorney, Judge King, could not be present at that time, and that a material witness for the defense was absent from the State. The affidavit set out that Mrs. Nellie Hayden, former proprietress of the Independence rooming-house, is in Honolulu and will not be back for six weeks. This witness, he said, would testify that Mrs. Bradley was not at the rooming-house on the night in question.

District Attorney Eichnor said he would admit the matter set forth in the affidavit, but that it was for the jury to determine the truth of the statements in the light of the other evidence to be introduced. The defendant excepted to the order of the court setting the case for March 22nd.

On motion of Mr. Eichnor, Judge Morse postponed the time for passing sentence upon Mrs. Anna M. Bradley, who pleaded guilty to having committed adultery with Brown, until April 4th.

WIDOW WANTS $25,000 FOR HUSBAND'S DEATH

Ida May Wilton, widow of W. H. Wilton, asks for $25,000 from the Southern Pacific Railroad company for the death of her husband, which occurred, according to the complaint, on account of the negligence of the defendant company. W. H. Wilton was a locomotive engineer in the employ of the company, and on the 24th of March, 1902, the boiler of his engine exploded at Matouras, Nev. The plaintiff alleges that the engine was old and damaged, and that the defendant is at fault.

Court Notes.

Emma G. Naylor is another claimant against the Utah Con. Mining company for damage said to have been caused by the Highland Boy smelter. The claims, under five different heads, amount to a total of $13,872.85. The case is now pending in the Federal court.

A complaint was filed in the criminal division of the City court yesterday against Sam Bjorklund, a barber in the Kenyon shop, charging him with violation against the Sunday ordinance. A representative of the Barbers' union is said to have secured a shave from the defendant on Sunday for the purpose of prosecuting him.

Edward P. Graves has brought suit in the Federal court, as receiver for the North American Savings, Loan and Building company of St. Paul, Minn., against Laura P. Cory et al. The suit is in the matter of a promissory note, for which judgment was received in the court at St. Paul, and the plaintiff asks that a receiver be appointed for Utah.

Suit for divorce was commenced in the District court yesterday by Emma Welham against Edward Welham on the grounds of cruelty and non-support. The complaint alleges that the defendant struck the plaintiff with his clinched fist, greatly bruising and injuring her. The parties were married November 8, 1897, and have two children. The plaintiff asks for the custody of the children and for alimony.

Attorney Wiley L. Brown was examined as to his sanity at the county jail yesterday and was taken to the State mental hospital at Provo last night by Deputy Sheriff Steele. Brown, who is well known in Salt Lake, has been suffering from melancholia for some time, and since his arrest last week has refused to speak or to eat. The examination was conducted by Drs. Mayo and Odell before District Attorney Eichnor and County Clerk James.

MORO CAMP RAIDED AND CANNON CAPTURED

WASHINGTON, March 14.—Acting Adjt.-Gen. Hall has received the following cablegram from Maj.-Gen. Wade, dated Manila, March 13th:

"Maj.-Gen. Leonard Wood reports an attack upon a reconnoitering force east of Cottabao by a strong party of Moros made hostile by the passage of the anti-slavery law.

"The Moros' position was shelled and the Moros flanked and the outworks taken. They were strong and well constructed. Cannon captured, twenty-one old Spanish, thirty-three Lantakas, also large quantity of ammunition and supplies. No casualties on our side."

PROF. S. H. CLARK'S FINE OPENING

Splendid Dramatic Recital of "Cyrano de Bergerac" Appauled by a Large Audience.

That was a very splendid dramatic recital with which Prof. S. H. Clark commenced his series of lectures in this city last evening. Barratt hall was well filled and the large audience followed with intense interest the reading of "Cyrano de Bergerac," which gives ample scope for the display of the dramatic powers of a reader. The entire story was read, Prof. Clark resting but a few minutes between each of the five acts, and that to the very close of the scene in Convent park he could hold the undivided interest of his auditors was the best possible tribute to his power as a dramatic reader. The interpretation of the scene before Roxane's house, the siege of Arras and the dramatic ending of the scene in the Convent park were especially fine, and were received with enthusiasm by the audience.

This afternoon at 4:15 o'clock Prof. Clark will lecture on "The Tragic Ideal," which is given by request. There will be no evening lecture. Tomorrow afternoon the subject of the dramatic recital will be "Julius Caesar." In the evening Prof. Clark will give an interpretative recital of "Armgart," by George Eliot.

WEALTHY MAN KILLS HIMSELF WITH POISON

HAYWARDS, Cal., March 14.—With no other known reason for taking his life but the fact that his wife was lying ill in a San Francisco hospital, Michael Hartery, a wealthy rancher of Castro valley, near this place, took a draught of poison last night and died some time before midnight. He was found dead in his bed at 12 o'clock with an empty glass beside him which is supposed to have contained strychnine and whisky.

Hartery was a pioneer of southern Oregon. He settled in that country many years ago and engaged extensively in the cattle business. He came here about one year ago.

ARRESTS IN MOJAVE LYNCHING CASE

BAKERSFIELD, Cal., March 14.—Three men have been arrested in connection with the Mojave lynching case. James Cowan is charged with murder and was implicated by the verdict of the Coroner's jury. He denied everything but there is said to be considerable circumstantial evidence against him. Two men named O'Neil and Clancy have been arrested as accessories and warrants are out for two others, one of whom is reported missing.

It has developed that there was absolutely nothing upon which to base a charge of any serious offense against the negro.

Bright's Disease and Diabetes News.

Sacramento, Cal., March 7, 1904.

To relatives of those having Bright's Disease or Diabetes:

Knowing what I do I consider that it would be almost criminal to conceal the knowledge I have as to the curability of Bright's Disease and Diabetes when there are so many homes constantly saddened by the presence of these hitherto fatal diseases.

I had Diabetes myself for many years—had exhausted the best of medical talent here without result—it steadily progressed till I heard that there was a cure for it in San Francisco. It looked unreasonable but I sent for it. In a few weeks I was on the mend and in six months was in my usual health and strength. I then put an engineer of our road on it. He was broken down with Diabetes and was retired. In a few months he was back to his old position on his engine. Later my son, aged 13 years, was discovered by our physicians to be in an extreme condition as the result of Bright's Disease. They felt certain he could not live but a short while. I got the treatment for him and he is now, to our delight, strong and vigorous again and at school and growing wonderfully. Many here are taking the treatment. I have told a great many persons for I know it to be an almost certain cure for Bright's Disease and Diabetes in all stages. Yours faithfully,

CHAS. A. NEWTON,
Yardmaster S. P. R. R. Co.

The above refers to the newly discovered Fulton Compounds the first cures the world has ever seen for Bright's Disease and Diabetes. We are the sole agents. Ask for pamphlet. F. J. Hill Drug Co.

CHICAGO MAN'S WEIGHT RECORD

Lost Forty Pounds—Then Regained Them by Taking Rexall Dyspepsia Tablets.

Months of acute suffering!
Reduced to almost a skeleton!
Pain banished; health restored; flesh regained—through Rexall Dyspepsia Tablets!

J. D. Roberts, of 21 Quincy Street, Chicago, says:

For about eight months I was troubled with a very severe form of indigestion and endured intense suffering, besides losing about forty pounds in weight. After trying all sorts of preparations and also treating with physicians without result, I at last tried Rexall Dyspepsia Tablets and with the best of success, though at first I had no faith in them. After using two boxes I found myself almost entirely cured, and now, after using four boxes, I have regained my weight and am entirely well.

Dyspepsia is caused by an abnormal state of the gastric juices. There is one element missing. The absence of this destroys the function of the gastric fluids. They lose their power to digest food.

Thanks to the recent discovery of a group of famous specialists we are now able to supply the missing element—to restore to the gastric juices their digestive power, and to make the stomach strong and well.

We know that Rexall Dyspepsia Tablets will positively and permanently cure this disease, no matter how bad it is.

We want you to try them, and will return your money if you are not more than satisfied with the result.

Price 25 cents, at our store only or by mail.

Smith Drug Co., Druehl & Franken, Druggists, Salt Lake, Utah.

DEVELOP THE BUST

The greatest attractiveness of a woman's figure is a finely rounded Bust and in no direction is a lack of woman's charms so striking as in a deficiency in this particular.

DR. CHARLES FLESH FOOD

is positively the only preparation known to medical science that will develop the immatured bust or restore the natural beauty of a breast lost through nursing. IT MAKES THE FLESH FIRM AND HEALTHY. ON SALE AT DEPARTMENT STORES AND DRUGGISTS.

SPECIAL OFFER

The regular price of Dr. Charles Flesh Food is $1.00 a box, but to introduce it into thousands of new homes we have decided to send two (2) boxes to all who answer this advertisement and send us $1.00. All packages are sent in plain wrapper, postage prepaid.

FREE A sample box—just enough to convince you of the great merit of Dr. Charles Flesh Food—will be sent free for 10 cents, which pays for cost of mailing. We will also send you our illustrated book, "Art of Massage," which contains all the proper movements for massaging the face, neck and arms, and full directions for developing the bust. Address

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And we intend to keep it up. We are not only strong in prices, but in styles. Each garment was selected with care, and here are special items explaining the littleness of our prices:

$10.95

Buys a most attractive suit of the new 1904 style.

THESE NEW SPRING SUITS, MADE OF ALL WOOL, VENETIAN SERGES AND CHEVIOT, IN THE PREVAILING ETON STYLES.

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Buys one of the latest fancy mixtures in spring suit fabrics unexcelled.

for richness and durability. They are made in the popular Eton style, with blouse effect body lined with taffeta silk.

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Private Diseases cured in 3 to 10 days, without the use of poisonous drugs.

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Varicocele Completely and permanently cured by my new process; all disagreeable symptoms soon disappear completely and forever; it is safe, painless and bloodless. An absolute cure guaranteed.

Blood Poison Every vestige of poison removed from system without aid of mercury or potash.

Consultation is free and invited, and in consulting me you may be sure that nothing that science can devise or skill perfect has been left undone to afford you a speedy, safe and permanent cure.

WRITE me in full confidence, explaining your troubles as they appear to you, and receive by return mail my honest and candid opinion of your case.

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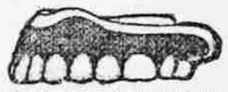

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