JUDGE DEY GIVES LIE DIRECT TO TRUST LAWYER

RED HOT LETTER TO THE COUNCIL

City Attorney Takes Positive Stand in Matter of Doctored Deeds.

NEVER SAW INSTRUMENTS BEFORE COUNCIL ACTED

Gives Credit to Attorney Sanford for Discovering the Rotten Steal.

City Attorney, Judge C. C. Dey, in a statement to The Tribune Friday gave an emphatic denial to the statement of Le Grand Young, attorney for the hierarch's street railway company, which was to the effect that the City Attorney had seen the deeds which were discovered in the hands of the recording authorities by Allen T. Sanford, attorney for Mr. Homer. Mr. Young stated in court Thursday that the deeds prepared by the railway company had been referred to the City Attorney's department and approved by that department through Judge Dey. Judge Dey's statement sets at rest any such false impression that the officials of the railway company have sought to create in their present extremity. It also puts to deserving silence any credit to Democratic candidates for office who were said to have first discovered the objectionable portion of the deeds. Credit is given to A. T. Sanford where it belongs.

Never Saw the Deeds.

"The deeds will show themselves that I have never seen nor approved them," said Judge Dey. "The proceeding always is to refer such matters to my department before final action by the Council. Usually a week is given me to examine into the legal aspects of such matters after they were so referred. An examination of the deeds in question will disclose the fact that I have not examined them, for the City Attorney always puts his indorsement upon the deeds themselves. These deeds do not bear my indorsement. I have never seen them. The proceedings were irregular, and any statements that I have seen the deeds are not true."

Gives Lie Direct.

Judge Dey in giving the lie direct to the Attorney for the hierarch railway company puts at rest in the minds of the people any impression that he was responsible for the boldest piece of jobbery and disreputable thievery of the people's rights and the attempted larceny of the city's property that has ever been attempted. To the people the recent passing of the franchise to the company which operates on an antiquated schedule, with miserable service generally, including open cars during the winter time, was bad enough, but to have the gates open wide for grand larceny of the city's rights and property is going entirely too far. The Morris administration has gone far; in fact, to the very limit, in seeking to rush this hold-up through without giving the people or the City Attorney the privilege of defending their rights.

Judge Dey Writes to Council.

To further strengthen his position and opposition to the bald attempt to hold up the city, Judge Dey has prepared the following letter, which will reach the Council Monday night:

To the Honorable President and Members of the City Council. Gentlemen:—I suggest the advisability of rescinding so much of the resolution passed by your honorable body September 11, 1905, as approves the deed from the Utah Light and Railway company to the city, and the deed from the Utah Power company to the city, for the reason that said deeds were inadvertently approved without being referred for the opinion of the legal department, and it having been brought to my attention by Mr. Sanford (in the case of Homer vs. the City) that these deeds are not in accordance with the contract or in the form provided by statute, and as drawn are made conditional, and subject to become void.

Such a provision was not authorized by, nor in, the contract, and I was never given the opportunity of examining these deeds prior to the passage of said resolution. Neither of the deeds appears to have received the approval of the Engineering department nor of the Legal department, and as they are so radically bad and ineffective, I hasten to call your attention to the same so that you can compel proper deeds to be executed without delay. Yours truly,

CHARLES C. DEY,
City Attorney.

Salt Lake City, Utah, October 27, 1905.

Will Company Consent?

Judge Le Grand Young, counsel for the Utah Light and Railway company, was asked if the company would consent to a change in the wording of the deed, so that the city would be protected amply, in case the company's franchise should be modified at any time in the future.

What Judge Young Says.

"I would go a long way to help City Attorney Dey and Assistant City Attorney Bramel," the Judge replied. "If there was a misunderstanding on their part. I told Judge Dey, however, that there was a restrictive clause in the deed and I understood that he had seen and approved it."

May Set Their Price.

Continuing, Judge Young said he supposed the company would be willing to place a valuation on the property, so that the city could pay a specified sum for it, in the event that it went back to the company. "That is," he added, "if we are permitted to place our valuation on it."

"What would be your valuation?" was asked.

"I do not believe it would be proper for me to state what valuation we place upon it at this time," was the reply.

"You understood, then," was asked in conclusion, "that Judge Dey had seen the restrictive clause and approved it?"

"Yes; that was my understanding," was the reply.

VISITOR COMMENTS ON THE POOR CAR SERVICE

No Street Cars at the Depot to Meet the Incoming Trains.

"Salt Lake is destined to be the chief city between Chicago and San Francisco," said a visitor from Los Angeles who stopped off yesterday on his way home from the Pacific Northwest, "but there will have to be a revolution before that is realized.

Car Service Is Fearful.

"The car service, for instance, is an example. I arrived here Thursday evening over the Short Line. The train was considerably late, to be sure, but that was no excuse for there being not a single street car at that train. Not only was there no street car there when the train came in, but passengers who did not take carriages were obliged to stand on the platform for twenty minutes and wait for a car to take them up town.

Long Wait Down Town.

"But that wasn't all. I was with a party of friends who had to go to Third East street, near Second South. When we arrived at the corner of Second South and Main there was no Second South car in sight, and so we waited there for fifteen minutes. And so from the time the Short Line train reached the depot until I got back to the Kenyon corner, having merely alighted from the Second South car to help my friends with their baggage, catching the first car back, was exactly one hour

Need Better Service.

"How the people of Salt Lake can put up with a thing of that kind is more than I can understand. In Los Angeles I live four miles from the center of town, and yet a car passes the door every three minutes. I am afraid the citizens of Los Angeles would not long put up with such a car service as the Utah Light and Power company furnishes here."

WAY THE RAILS LIE

Innovation in Railroad Map to Be Issued by Harriman Lines.

Edward H. Harriman, president of the Union and Southern Pacific and Oregon Short Line roads, is about to "do a deed" that will place his name among the heroes of the world. Action that the famous financier is about to take requires bravery of the highest order and its commission will entitle him to the plaudits of 70,000,000 Americans who travel more or less during their strenuous existences.

Mr. Harriman is going to print and publish a map of his big system without the time-honored straight lines, which since the first wheel was turned has always represented the routes of roads. Did you ever see a folder in which the lines of a road were shown as they actually run? No; they are always almost absolutely straight lines.

Now Mr. Harriman has told his passenger representatives to forget the straight lines and print a map showing exactly the way the rails of these roads lie. As a result there will soon be issued by the passenger department of the Harriman lines the most unique map ever sent out by a railroad; there will be no straight lines on it, but there will be no deception about it; it will show the railways exactly as they run.

Now that the ice has been broken by a nervy man, it is believed all railroads in the country will fall in and print folders with maps of their systems as they are, meaning the advent of truth in transportation literature.

Rich, warm, healthy blood is given by Hood's Sarsaparilla and thus coughs, colds, and pneumonia are prevented. Take it now.

BUILDING WILL NOT FALL

City and County Structure Is in No Immediate Danger.

Through the publication of a story Friday, to the effect that the walls of the city and county building were cracking, the impression gained ground that the building was unsafe. Such, however, is not the fact. To the contrary, the building is as safe as any in the city.

Early Friday morning, as soon as he had heard the report, Lou Johnson, private secretary to Mayor Morris, took himself to the southeast corner of the building, where a cement wall is being put in, and attempted to lift it. It is only fair to Mr. Johnson to say that he did not exert his entire strength, but he exerted himself sufficiently to reach the conclusion that the building is perfectly safe.

The cement walls are being put in to prevent seepage from making the basement rooms damp.

WILL SELL UTAH BUILDING

Structure Which Cost $6500 to Be Sold for $275.

Utah's State building at the Portland exposition has greatly depreciated in value since its erection. The building was erected at a cost of about $6500, but at a meeting of the Utah commission of the Lewis and Clark exposition, held Friday afternoon in Gov. Cutler's office, it was decided to sell the building for $275. A Portland man with a preference for the "Virginia" style of architecture is the purchaser.

GRAND UNION TEA CO. OPENS ANOTHER BRANCH

The Grand Union Tea Company opened a store at No. 58 West First South street this morning. They have a novel window display in the way of a four pint nickel-plated French coffee pot given free with one pound can of their baking powder, and a wrought iron candle stick with a colored twisted candle given with a fifty cent purchase in addition to the tickets. The firm has been doing business in Salt Lake for nearly three years, and are well known, which is demonstrated by the throng that has been crowding their store this morning. Their store has been fitted up in a thoroughly up-to-date manner with a complete line of Grand Union goods and presents. They have on display a very fine line of Havilland china, their own importation; also cut glass of the latest pattern, rugs and rockers. Their teas and coffees imported from China, Japan and Brazil, are blended by experts to suit the varied tastes of American tea and coffee drinkers.

DID WRONG, BUT NOT PURPOSELY

Frederick Sanford Registered in Belief That He Was Entitled to Vote.

WILL HAVE NAME TAKEN FROM REGISTRATION LIST

Clerk Eldredge Denies That He Put Objectionable Words on the Papers.

Frederick Sanford, who The Tribune stated Thursday morning had registered illegally in the First district on October 17, visited the American party headquarters Friday afternoon and spent some time in consultation with the managers of the party. He insisted most positively that he had committed perjury without any intention of doing wrong. He said that the terms citizen and resident had confused him in reading the law regarding registration and voting, and that he would immediately proceed to have his name removed from the registration books.

Mr. Eldredge Denies Words.

It was stated to the representative of The Tribune by W. H. Wilkinson that Mrs. Wilkinson had seen the naturalization papers of Mr. Sanford, and that there was written on the back the words: "These papers are all right. Joe Eldredge." The papers that Mr. Sanford has in his possesion at present contain the usual certificate of the clerk to the effect that the papers contain a complete copy of the records in the clerk's office as far as the particular case is concerned. Mr. Eldredge said Friday that he had not made any notation such as the above, but that the usual certificate was placed on the back to show that the papers were merely a copy of the records.

Mrs. Wilkinson Still Firm.

Mr. Wilkinson on Friday said that his wife had seen the words as stated, and that they were written with a stub pen, and that there was no typewritten words upon the back of the papers at all. In justice to all parties concerned The Tribune gives both sides of the controversy. On the authority of Mr. Wilkinson the existence of the disputed words was used last Thursday.

Same Old Rumors Bob Up.

There was a rumor on the streets Friday that the church had taken its hands off of the political situation entirely, and that both the Republican and Democratic parties would have to shuffle for themselves without the church being on one side or both. This would be reasonably astonishing news were it not for the fact that ever since Statehood just such stories have been circulated at the instance of those more closely concerned. Politicians are quick to seize upon such reports as authentic, or that such a thing would ever come to pass. Complete annihilation of these two political branches of the church is not what the Mormon church desires.

Politicians Are Worried.

There was a meeting of the worried powers that be at the city and county building yesterday. Politicians smiled knowingly as they beheld the Mayor and Councilman Hartenstein come walking down the street together following the meeting. Fernstrom followed shortly afterwards and there was not present that complete air of happiness which usually attends the politician under fire. In playing the game with the citizens with a stacked deck the administration forgot the fellow who was looking over the shoulder of the dealer.

WOMAN'S AUXILIARY.

Two Meetings Are Scheduled for the Coming Week.

Two meetings of the Women's auxiliary are already scheduled for the coming week, the first at the home of Mrs. W. H. Wilkinson, 1374 Tenth East street, on Wednesday evening, November 1, at 8 o'clock, and another at the home of Mrs. J. E. Darmer, 54 South Sixth East street on the evening of November 2, at 8 o'clock. Music and speaking upon subjects relating to the issues of the campaign will be the features.

More and more interest being taken by the women of the city in the questions now before the people is an encouraging sign for the American party. They are beginning to realize as never before the necessity for combined action on the part of all loyal Americans who love their country and want to see the laws obeyed.

Women's American Club.

A business meeting of the Woman's American club will be held in the Kenyon parlors today at 2:30 p. m. All members are urged to be present as business of importance will come before the meeting. All ladies interested in the work of the club are invited to attend.

Political Notes.

Americans of the Fifth ward are making great preparations for their rally, which is to be held next week. Full particulars will appear in The Tribune tomorrow.

Monday night in Harmony hall the colored members of the American party will hold a grand rally. Speakers have been assigned to the meeting and there will be fine music. After the speaking there will be a dance.

SUIT AGAINST SMELTER

Andrew Thomson Says He Suffered Injuries of Various Kinds.

The damage suit of Andrew Thomson against the Utah Consolidated Mining company was taken up before a jury in Judge Lewis's court Friday. Thomson alleges that his eyesight was impaired, his lungs injured and his crops destroyed by the smelter fumes and he wants total damages in the sum of $1750.

On the witness stand Thomson told how his crops had been discouraged and destroyed, and how he had suffered personally. The testimony had not been concluded when court adjourned for the day and the hearing will be resumed Monday.

Insist upon having clean bread. Take Royal Bread; it bears our Crown Label. Ask your grocer for it.

Look Out for Him.

Food Inspector Meyers desires housewives to keep a lookout for two men who have been selling doctored butter in the city within the past few days. Mr. Meyers says the butter is part tallow, and he is anxious to apprehend the men who are selling it. The butter, he says, is stamped with a sheaf and looks like the real article. If telephoned to, Mr. Meyers will look into the matter at once.

Decree of Divorce Asked.

Mrs. Louise Simpkins has instituted divorce proceedings against Joseph E. Simpkins, on the ground of failure to support. The parties were married in April, 1901, and have one child.

To Foreclose a Lien.

The Bingham Coal and Lumber company has filed an action against Charles Schneider to foreclose a mechanic's lien in the sum of $132.34. The property is situated at Bingham.

Burton Coal & Lumber Co.
Coal, lumber, cement. Telephone 808.

TELEGRAPH BUSINESS STEADILY INCREASING

So Says E. J. Nally, an Official of Postal Company, Now in Salt Lake.

E. J. Nally and wife of Chicago are registered at the Knutsford hotel. Mr. Nally is general superintendent of the Postal telegraph, and he is just completing an inspection of the offices of the company lying between Chicago and Salt Lake City. Like many other men who hold high positions, Mr. Nally began life as a messenger, and is a graduate of the "key." Thirty years ago he was office boy of the present president of the Western Union Telegraph company, Robert C. Clowry.

Business Increasing.

According to Mr. Nally, the business of the Postal Telegraph company is rapidly increasing, a new office being established daily. He states that the operations of the company are especially satisfactory in the Western country.

Local Operations Large.

As to Salt Lake City, Mr. Nally states that the local business of the last two weeks has been the largest since the company began operations here, and the importance of the Salt Lake office will be greatly increased with the completion of work at present underway, which should be finished within the next six weeks.

New Lines West.

The company is at present increasing its facilities from Salt Lake to Portland and Seattle, by adding two more wires to the trunk line operating north from here. The completion of this work will make the local office a repeating point of the overland route, for all business to the Pacific coast and Northwestern points, as well as for the cable service to the Orient.

Extending Cable.

Arrangements are being made, Mr. Nally states, for the extension of the company's Pacific cable from Guam to Yokohama and from Manila to Hongkong. From San Francisco the cable goes to Honolulu, thence to the Midway island, to Guam, to Manila. The only people on Midway island are the employees of the telegraph company, there being eighteen in number. The island is naturally barren, surrounded by coral reefs, and was uninhabitable until the company made it a station. To do this it was necessary to transport dirt to the island for garden purposes. Every piece of wood used on the island is taken there from San Francisco.

The annoyance of having dessert that is "just a little off" in flavor is obviated by using Burnett's Vanilla Extract.

ONLY A SIX-INCH STREAM

But Before It Great Skyscrapers Would Tumble Into Ruin.

Imagine a perpendicular column of water more than one-third of a mile high, twenty-six inches in diameter at the top and twenty-four inches in diameter at the bottom. These remarkable conditions are complied with, as far as power goes, in the Mill Creek plant, which operates under a head of 1,500 feet, says Hamilton Wright, in the World Today. This little column of water, which, if liberated, would be just about enough to make a small trout stream, gives a capacity of 5,500 horse-power, or enough power to run a good-sized ocean-going vessel. As the water strikes the buckets of the water wheel it has a pressure of 650 pounds to the square inch.

What this pressure implies is evidenced by the fact that the average locomotive carries steam at a pressure of 190 or 200 pounds to the square inch. Were this stream, as it issues from the nozzle, turned upon a hillside, the earth would fade away before it like snow before a jet of steam. Huge boulders, big as city offices, would tumble into ravines with as little effort as a convex burr is carried before the hydrant stream on a front lawn. Brick walls would crackle like paper, and the highest skyscrapers crumble before a stream like that of the Mill Creek plant.

It takes a powerful water wheel to withstand the tremendous pressure. At Butte Creek, Cal., a single jet of water, six inches in diameter, issues from the nozzle at the tremendous velocity of twenty thousand feet a minute. It impinges on the buckets of what is said to be the most powerful single water wheel ever built, causing the latter to travel at the rate of ninety-four miles an hour.

This six-inch stream has a capacity of 12,000 horse-power. The water for operating the plant is conveyed from Butte creek through a ditch and discharged into a regulating reservoir, which is 1500 feet above the power house. Two steel pressure pipe lines, thirty inches in diameter, conduct the water to the power house.

SHALL NIAGARA BE DAMMED?

Unique Plan Proposed by an Engineer for Saving the Falls.

With the attention of most thinking people directed toward Niagara falls and its threatened destruction, Alton D. Adams, in an article on "How to Save Niagara Falls," in the Technical World Magazine, offers what may prove to be the final solution of the problem. Mr. Adams says: "With a dam across Niagara river, between Lewiston and Queenston, and a reservoir six miles long and reaching to the cantilever bridge behind it, plants taking water from the dam would operate with a substantially constant head. To connect such plants with the dam only short steel pipes would be necessary and the cost of the entire development per horse-power would be very moderate. The water head of 100 feet at this proposed dam is only two-thirds of that which is available most of the time at the falls, but on the other hand the volume of water passing the dam is equal to the entire discharge over both the American and the Horseshoe falls.

"With the normal discharge of Niagara river, which is 272,000 cubic feet per second, falling 100 feet, the gross horse-power developed would be 2,500,000. Making liberal allowances for losses of head in the penstocks and tailraces, and assuming only a fair efficiency for water wheels and generators, fully 90 per cent of this 2,500,000 gross horse-power, or 1,500,000, could be continuously generated at the proposed dam in the form of electric current. This output is about two and one-half times the actual and proposed capacities of all the hydro-electric plants now completed or under construction about Niagara falls, and is six or seven times the combined capacity of all the electric generators now ready to operate at the falls."

Goods at your own prices. I. X. L. Furniture Co. Removal sale.

LOGAN IS FINED

Court Sentences Him to Pay $10 for Beating Jack Hobbs.

Frank Logan, the man who beat Jack Hobbs' face into a pulp because the latter refused to pay for a game of pool, and later attempted to break up the furniture at McIlroy's saloon on Commercial street, Tuesday night, was let off with a $10 fine by Judge Diehl Friday afternoon. The testimony proved that Hobbs went into the place looking for trouble and got it. The court so stated in passing sentence on Logan, saying that ordinarily an assault and battery case of such proportions would be punishable by an exceedingly heavy fine.

Blaze in a Barn.

Fire in the rear of 454 Main street Friday evening threatened the destruction of considerable property at one time, but luckily there was little wind and it only required a few moments' work to quench the flames. Sparks from a bonfire started the blaze in a barn belonging to M. H. Walker. Over 100 feet of hose was connected up by the firement, in expectation of what might develop.

Turner Bros.,
successors to Marnane & Co., hay, grain and coal. 125 E. 2nd So. 'Fones 1995.

M'MURRIN CASE IS DISMISSED

County Attorney P. P. Christensen Agreed to Arrest, but Didn't Do It.

WHAT HE SAYS ABOUT IT; M'MURRIN'S ACCOUNT

Father Says Boy Is Wayward, and Was Not Brutally Whipped.

Totally ignoring the wishes of several prominent citizens, who from personal examinations were ready and are still ready to swear that the thirteen-year-old son of Joseph W. McMurrin was brutally beaten recently by his father, and actually refusing to carry out the request of Dr. T. B. Beatty that the latter be arrested on a charge of assault and battery, County Attorney P. P. Christensen appeared in Justice Dana T. Smith's court Friday and asked that the case against the defendant, one of the first seven presidents of the seventies, be dismissed.

Case Is Dismissed.

Practically speaking, there was no other alternative for the court but to comply with the request. It is always presumed that the County Attorney has made a full investigation and knows what he is talking about when he faces a court and asks for or recommends such action. In this instance the court did as it always has done, complied with the request of the County Attorney.

Facts in the Case.

The story as told by The Tribune one day recently will be recalled by its readers. Joseph W. McMurrin, a man weighing 200 pounds and possessed of an ungovernable temper, compelled his thirteen-year-old son to remove every stitch of his clothing and taking him into a room and locking the door the father beat him with a strap until the boy's body and limbs were black and blue and great welts showed traces of blood where the leather had cut into the flesh. The attention of such men as D. H. Christensen, City Superintendent of Schools; A. C. Nelson, State Superintendent of schools; J. W. Kerr, president of the State Agricultural school of Logan, and Judge Willis Brown of the Juvenile court, was called to the boy's condition.

Examination Made of Lad's Injuries.

In company with Dr. T. B. Beatty, an examination was made of the boy's injuries by the gentlemen in question and every one of those gentlemen expressed himself at the conclusion of their findings that the child had been treated in an inhuman manner and that they would so testify if subpoenaed to appear in court. What is further, each and every one of these gentlemen is still of the same opinion and each and every one of them would appear today or a month from today and make affidavit to the condition in which they found the McMurrin child to be.

Witness' Wish Ignored.

"You may say for me," said one of the gentlemen referred to above, seen by a Tribune representative, "that my wishes in this matter have been ignored. I have requested the County Attorney to have Mr. McMurrin arrested. He has promised me that he would do so. In fact he has made a number of promises in regard to the matter that he hasn't kept. I am one of the men who caused the complaint to be issued. I did so because I believed and still believe that the facts in the case warranted me in doing so.

Disgusted With Attorney's Acts.

"I was anxious that Mr. McMurrin be arrested because I firmly believe that to do otherwise in a case of this kind would be to set an example that would be hard in the future to get away from. There has not been and there is not now a single bit of malice in this matter, at least as far as I am concerned. The testimony of the men who examined the boy, my own examination and, in fact, the confession of the father, would warrant me in swearing out such a complaint. County Attorney Christensen promised me faithfully that he would arrest Mr. McMurrin on Tuesday. He didn't do it. He promised me that he would prosecute the case and he has failed to do that also. If such men are not to be punished for their acts how can we expect to punish others for similar acts. I am very certain that the best thing Mr. McMurrin could have done would have been to plead guilty and pay a fine for his act. I am thoroughly disgusted with the action of the County Attorney in refusing to do his duty in this case."

The following statement was made in writing Friday evening by Dr. T. B. Beatty for The Tribune:

Statement of Dr. Beatty.

"I was surprised to learn of the action of the County Attorney, which was taken without my knowledge or consent. The last time I saw him he promised to issue the warrant and prosecute the case. The action was begun with his approval and consent, and was taken after careful deliberation, and entirely devoid of malice on my part. It was simply a case in which a serious offense had been committed and without reference to the extenuating circumstances which might be pleaded, to fail to take cognizance of it would weaken the efficiency of the organization which I represent and constitute a failure to perform my duty in the matter which I propose to do in every case of the kind irrespective of persons."

The following statements were made Friday by Joseph W. McMurrin and County Attorney Christensen in the office of Justice Dana T. Smith, previous to the dismissal of the case:

Statement of Defendant.

"I would like to say that I have had considerable difficulty with the little boy and have resorted to every method in order to wean him from his waywardness that I could think of, and have not been in the habit of punishing him in any form aside from keeping him on the premises and not allowing him to go out and play. Some time since I purchased for him a pony, carriage, saddle, harness and a complete outfit to keep him away from bad boys and to induce him to do right. At the commencement of the present year he ran away from home and when he returned I received him kindly and tried to show him how his mamma and I felt over his conduct, and he promised to do better. There was no punishment administered, but as a result of this he was placed under the jurisdiction of the Juvenile court. The first Saturday after he reported and the following morning he left home to go to Sunday-school, and we did not see him for a week and we learned that he had hired a buggy. He sent a little boy back to the livery stable and he returned the rig. Then the proprietor of the livery called for the pay. That exasperated me and I made inquiries as to where he had been and then told him that he was to have a good punishment.

Used a Strap.

"Then I took a small strap and took him over my knee and spanked him soundly, not in a fiendish and brutal manner, but it may be that while I was administering the chastisement and he was resisting, I might have struck somewhat harder than I intended, but there was no element of brutality. I thought before this occurred that we had the little boy pretty well weaned from his waywardness. I think that with him it is not so much that he is naturally willful, but that he is easily led by other boys. I do not wish to say anything that would reflect upon him and I would not like to burden him with a name that would encumber him in the least."

"If the court please:—In the matter of the State vs. McMurrin, I desire to move your honor to dismiss the case. I have examined carefully into the facts, and I find an absolute absence of malice and wantonness. I found the facts substantially as stated to your honor by the defendant. I found Waldo to be an extremely wayward boy, and that he had provoked his parents to a degree that warranted punishment. As to whether the defendant punished his child more than he should have done, or whether punishment at all was proper, is not for this court to say; the law fixes no standard of punishment, and I should hesitate to prosecute a parent for whipping his child in the absence of malice or wantonness unless it could be shown that the punishment might permanently disable the child, or that he was struck in some vital part of his body. In this case the punishment was administered by a strap upon the buttocks and the fleshy part of the legs. I find from the facts that the defendent told Waldo that he would punish him, that he should go upstairs in his room and that defendant came after. Then in a deliberate, kindly spirit administered a sound thrashing to the boy. As I said before, there being an absence of malice and wantonness, I move the case be dismissed.

FERDINANDO CHIAVINI SUES SMELTER PEOPLE

Former Saloon Man Wants Damages in the Sum of $2000.

Ferdinando Chiavini is a firm convert to the old axiom to the effect "that it never rains but it pours." Mr. Chiavini has certainly had his share of trouble during the past few months. However, although slightly disfigured, he is still in the ring. Chiavini's trouble began at Bingham some months ago, when his place of business was burned down. For some reason he was blamed with the fire and a mob was so thirsty for his gore that the officers took him under their care until the feeling was abated.

Accused of Arson.

Then Chiavini was arrested on a charge of arson, but he was able to establish his innocence and was released from custody. From Bingham he came to Salt Lake and was arrested for selling whisky at Bingham without a license. Upon this charge he was also exonerated, and he then decided to open a saloon near Garfield beach to cater to the wants of the people employed by the American Smelting and Refining company.

Deported From Smelter Site.

The saloon was opened in the due course of time, in a tent, and Chiavini says he expended $588.75 in fitting up the place. For the first time in months the place took on a roseate tint and Chiavini felt that he had reached the turning of the tide. But in this he was mistaken. Shortly after he had opened for business, he alleges in a complaint filed in the Third District court Friday, the smelter people came along and told him to "git." Chiavini refused and the smelter employees, to the number of forty or more, loaded his truck into a wagon and deported him for a distance of about two miles and set his belongings down amid the sagebrush that there abounds.

Demands Damages.

Chiavini now alleges that the action of the smelter people was wrongful and he wants compensation in the sum of $2000. The smelter people, it is understood, claim that the ground occupied by Chiavini was their property, while Chiavini claims that it was his. This point will be an important one in the adjudication of the case.

JUDGE POWELL HURT

Taken to Hospital, Where He Lies in a Critical Condition.

Judge John Powell lies at the Dr. Lewis private hospital, 352 East First South street, in a critical condition, the result of a runaway team crashing into a vehicle in which he was riding Friday noon.

Attendant Also Hurt.

The accident happened on East South Temple, near the intersection of D street, and one of the attendants of the hospital in question, who accompanied the Judge, received severe injuries as well.

Judge Just Out of Hospital.

Judge Powell had been confined at the hospital for some time previous to the accident, and was still compelled to use his crutches. Inquiry at the hospital late Friday night failed to secure any futher information in regard to the condition of those who were injured.

PERSONAL MENTION

Jacob Coleman, County Clerk of Juab county, was a Salt Lake visitor Friday and spent several hours looking over the method of keeping records in County Clerk Eldredge's office.

State Auditor Edwards visited Ogden on business Friday.

Mrs. J. Willard Squires and children have returned, after a four months' visit in the large Eastern cities.

To Entertain at Dinner.

Miss Carrie Steward will entertain at dinner Wednesday evening in honor of Mrs. Benita Sabin Somers-Cocks (Madame Le Mar). Miss Steward is an old-time friend of Mrs. Somers-Cocks, but when she heard her sing in New York in September Miss Steward was amazed at the development in the power and beauty of Mrs. Somers-Cocks's voice.

Will Probably Deny Request.

According to an officer of the Government whose headquarters are in this city, it is against the law to use Government buildings for any except the purpose for which they were erected. Therefore, it would not be within the jurisdiction of the Secretary of the Treasury to grant the request of the local Grand Army men to allow them to have their regular meetings in the Circuit courtroom.

Getting Ready to Move.

Men are now busily engaged in numbering the new postoffice boxes and placing the partitions for the receiving of pouches. Everything is being put in readiness in this department of the Federal building, and the office will be moved from the old to the new quarters as soon as the additional furniture arrives.

Mrs. Anderson Fined.

Mary Anderson, who was found guilty of stealing a silk shirt from Barton & Co. by a jury in Judge Armstrong's court, Wednesday, was fined $50 by Judge Armstrong on Friday.

Will Be Paid Today.

Clerk Judd of the Board of Education will distribute $2759.66 among the officers of the board and janitors today. Of this sum $921.66 goes to the officers and $1838 to the janitors.

Has Nice, New Office.

Miss Ethel McDonald, stenographer in the office of City Recorder Critchlow, now has an office room of her own, adjoining the general offices. The new room was opened Friday.

November Term of Federal Court.

There will be a setting of jury cases for the November term of the Federal court on Monday, October 30, at 10 o'clock.

Ladies' Literary Club Meeting.

The Browning section of the Ladies' Literary club meets today at 1 o'clock with Mrs. A. H. Boxrud, Sixth East street.

DRASTIC ACTION BY FEDERATION LA[illegible]

Action City Administration Employing Japanese Coolies Strongly Condemned.

COMMITTEE WILL PRESENT RESOLUTIONS TO MO[illegible]

Officers of Federation [illegible] That There Are Many [illegible] Workmen in Salt Lake.

Drastic resolutions were adopted by the Utah Federation of Labor at its meeting held last evening, condemning the action of the city administration in employing Japanese coolies in preference to idle Americans on the work at the Cottonwood conduit.

Will Wait Upon Mayor.

A committee of three was appointed to present these resolutions to Mayor Morris this morning, and also to enter a protest against the employment of Japanese on any work that the city may have in hand.

During the meeting a very heated discussion took place, some of the delegates, it is said, trying to make political capital out of the situation; but the resolution is reported to have been voted down by a large majority.

No Political Ax-Grinding.

Secretary J. T. Lavery stated last night that the Utah Federation of Labor has no political axe to grind in this controversy, the federation simply desiring to see that justice is done to all workingmen in this community.

Mr. Lavery again emphatically stated that the officers of the federation believe that there are many idle taxpayers whose money is being paid out to Japanese in wages, and who are more than willing to accept work on the same footing, but cannot obtain the employment.

HELD WITHOUT BA[illegible]

Frank Mazza Must Answer Charge of Murder.

After listening to the testimony of several witnesses in the preliminary hearing of Frank Mazza, charged with the murder of Joseph Vatrella on the night of September 5, Judge Diehl on Friday held the defendant to the District court without bail.

The prosecution was conducted by Attorney Arthur Christensen and Messrs. Weber and the accused was defended by Attorney Newton. Practically the entire testimony was furnished by Frank Mazza, who agreed that Mazza shot and killed Vatrella because of a quarrel. The language said to have been used by the latter while in conversation with Mazza's wife. The night of the tragedy Mazza went to Vatrella's house, called him into the street and shot him dead. In fact, the testimony so far given tends to show that this was the night when the murder was committed, the only thing upon which the witnesses differed being as to whether or not Vatrella insulted Mrs. Mazza.

After the shooting Mazza made his escape and was only located recently near Boulder, Colo. Following his arrest Capt. Burbidge went after him and while coming back the prisoner is said to have confessed the killing to the officer.

P. E. O. Rummage Sale
Saturday, Oct. 28, St. Mark's

GOLD MEDAL FOR U[illegible]

Awarded at Portland for [illegible] Fruits, Vegetables and [illegible]

A message received last night by [illegible] ningham, secretary of the Utah Fr[illegible] sion, announced the fact that Utah [illegible] awarded a medal for fruit and vegetables [illegible] nuts. A gold medal was awarded [illegible] Judd for fruit.

Jefferson Meyers, president of the [illegible] Clark exposition, has written Manager Clawson of the Utah exhibit, congratulating him on the fine showing made by the state at Portland. The letter reads, in part as follows:

"The Pacific coast people will remember this favor on the part of your [illegible] ship. I desire to congratulate you [illegible] on the fac-simile of President Jefferson [illegible] to Capt. Merriwether Lewis." This is one of the most beautiful souvenirs that have been given out at the exposition [illegible] is deserving of a great deal of credit [illegible] curing such an interesting historical [illegible] ment for this purpose."

Salt Lake Photo Supply
Developing, finishing. Main st.

PUMPKIN PIE-FINKA

Unique and Interesting Program Arranged for Hallowe'en.

Exceptionally unique and interesting will be the Halloween programme to be given by Sego Lily lodge of the Fraternal Brotherhood on Tuesday evening, October 31, in the W. hall. Charming musical numbers by Misses Marguerite Harley, Emily Rolland Clayton and Pearl Allenbaugh, followed by Mrs. W. A. Wight and Dr. [illegible] electric club-swinging by Prof. [illegible] tune-telling by the world-renowned queen, "Ramona." Unique costumes and scenes will be on the list of attractions of pumpkin pie and finka fruit. The [illegible] will be for the members of the order of the Fraternal Brotherhood of [illegible] their friends.

DRAPER IS IN JA[illegible]

Was Found Guilty of Contributing to the Delinquency of His Children.

J. O. Draper, who some time ago was given a thirty-day sentence in the police court for contributing to the delinquency of his children, but who appealed his liberty on suspended sentence, is now at the county jail for his time. A few days after Judge Diehl passed sentence upon Draper he arrested and given a five-day term in the police court, thus violating the terms of his release from the Juvenile court. Draper's sons have been in the large business houses, both [illegible] enough to make their own way.

WINNERS OF FAR[illegible]

Three More Seek to Obtain Water for Irrigation.

Three more winners of farms on the Uintah reservation are seeking to obtain water with which to irrigate those same farms. The [illegible] mens of Murray wishes to divert [illegible] feet of water from the Strawberry river. [illegible] liam McQueeny of Park City asks for [illegible] ond-feet of Duchesne river waters. [illegible] P. Plander of Santaquin wishes to divert [illegible] 2 second-feet from Rock creek. The [illegible] for all three water rights were filed in the office of State Engineer Tanner.

Non-Support Is Ground [illegible]

Non-support is the ground on which [illegible] White is seeking a decree of divorce [illegible] bert S. White. The litigants were married in December, 1900, and it is alleged that [illegible] more than a year past, White has failed to provide for his wife. Mrs. White asks that she be allowed to resume the name, May Sadler.