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WEATHER TODAY—Fair.

SALT LAKE CITY, UTAH, FRIDAY MORNING, JANUARY 10, 1908.

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FIRST PRESIDENCY ISSUES ULTIMATUM

All Saints Who Fail to Pay Tithes Shall Lose Their Standing.

LETTERS READ BY BISHOPS ON SUNDAY, DECEMBER 29

Announcement Also Made That Soon There Will Be a Revival of Polygamy.

The first presidency of the Mormon church has within the past three weeks through a communication of a semi-secret nature, addressed to all stake presidents, promised the members of the church that certain revelations and principles that have been laid aside for a time will shortly be resumed; this being construed to be a revival of polygamy.

The first presidency in the same letter gave an ultimatum to all members of the church who are behind in their tithing, or who refuse to pay tithes, in a statement which in effect says, "that all brothers who have fully paid up their tithes shall withdraw their fellowship from all members of the church who are behind or who refuse to meet their tithing obligations."

With what follows in the letter regarding tithing, the majority of Mormons to mean but one thing—that the breaking point has been reached between the first presidency of the church and the members of the church who are pulling away from the tithing idea.

Written by First Presidency.

The letter containing the promise of the re-establishment of polygamy and the threat to drive from the church the non-tithe-payers bears the signature of Joseph F. Smith, president of the Mormon church, and the names of Anthon H. Lund and John R. Winder, his counselors. It has been read in practically all the wards of the various stakes in and about Salt Lake, as far as can be learned.

The content of the letter became known in Salt Lake circles in the early part of this week, when a Salt Lake woman, the daughter of influential Mormons, living about fifteen miles south of Ogden, returned to town, bringing with her the report that on Sunday, December 29, President Grant of Davis stake read the letter to a congregation of Mormons assembled at the meeting house in Syracuse ward.

The reading of the letter dropped like a bombshell in the meeting, and the Mormons present and created no end of comment. Many declared it the most drastic and significant ever issued by President Joseph F. Smith.

The woman who brought the report of the letter to the meeting is well known here and is of wide acquaintance. The Tribune withholds her name because of her relationship to Mormons who were present at the service in Syracuse ward on Sunday, December 29, when the letter from the first presidency was read.

Text of the Letter.

As near as can be learned the text of the letter was as follows: "The bar of Mormons at the present time who object to paying tithes, or who claim they are unable to do so. This declares the first presidency, is very wrong, and so important do they consider the situation, that they have decided that all members of the church 'shall' withdraw their fellowship from those who refuse to settle up their tithing accounts."

Proceeding further, the first presidency promised, "that those revelations and principles of our faith which we have had to lay aside for a short time shall in a very short time be resumed in all their fullness."

Following the reading of the letter by President Grant on the Sunday in question, Bishop Cook of the ward arose and announced in a very significant manner that he would keep his tithing books open until the following night and that "the hopes are that all members of the church who are delinquent brethren would see fit to drop in and see him." The letter from President Smith also urged all officers of wards and stakes to diligently inquire into the financial affairs of the members of their wards, and to see that the rights and opportunities of all impartial and straightforward administration.

MAYOR BRANSFORD'S PLAYS OF PLUMS

After a Strenuous Day He Virtually Decides Upon His Appointments.

HOBDAY WILL SUCCEED HINES AT WATERWORKS

Complete List That Will Be Sent to the Council Next Monday Night.

Mayor John S. Bransford had a strenuous day, Thursday. From 10 o'clock in the forenoon until a late hour in the afternoon, his honor was closeted with members of the Council, old and new, and other prominent members of the American party, discussing the appointments which he will present to the Council next Monday evening.

It is understood that, with the exception of the Board of Park Commissioners, comprising five members, Mayor Bransford has virtually decided upon all of his appointments. For the park board the names of former Mayor Ezra Thompson, former Mayor R. P. Morris, A. Fred Wey, Charles H. Griffin, J. H. Mann, W. J. Bentz and J. E. Bamberger are being discussed. The Mayor desires to secure a representative man from each ward and the board will comprise three Americans, one Republican and one Democrat.

Other changes are said to be as follows: J. D. Brough, in place of H. H. Brough, as oil inspector and sealer of weights and measures; A. B. Hirth, in place of D. W. Gamble, as building inspector; H. G. McMillan, as chairman of the Board of Public Works, in place of Fred J. Leonard; A. S. Kendall, in place of T. A. Heringer, as humane officer; James A. Shorten, in place of J. E. Wiscomb, as city sexton. The list as understood to have been decided upon follows:

Superintendent of Streets and Irrigation—Jacob T. Raueigh.
Superintendent of Waterworks—Thomas Hobday.
City Engineer—L. C. Kelsey.
Land and Water Commissioner—Frank Matthews.
City Sexton—James A. Shorten.

Board of Health—Mayor Bransford, ex-officio, chairman; Dr. R. W. Fleisher and J. E. Raueigh, members.
Board of Public Works—H. G. McMillan, chairman; Charles D. Rookledge, W. H. Balloran, C. F. Brooks and S. M. Barlow, members.
Food Inspector—Walter J. Frazier.
Plumbing Inspector—H. H. Buckholdt.
Humane Officer—A. S. Kendall.

It is thought that Mr. Heringer, present humane officer, may be made chief clerk of the Board of Health.

Mounted Officer Bob Golding made his initial appearance in the Council chamber Thursday evening in sergeant's uniform, to succeed Officer James Taylor.

MENTAL HEALERS HELD FOR DEATH OF CHILD

KALAMAZOO, Mich., Jan. 9.—The coroner's jury at Plainwell, which has been inquiring into the death of Walter Neesley, aged two and a half years, son of Mr. and Mrs. David N. Neesley of Sacramento, Cal., brought in a verdict this afternoon finding that the child died of pleuro-pneumonia, and declaring the mother guilty of gross negligence for failing to secure a service of a physician or to call in medical attendance.

The charge was treated by two members of a sect of mental healers. No responsibility, it is declared, attaches to the father, who was with the child during the child's sickness and death. The verdict declares Mrs. Willmont of Grand Rapids and Mrs. Mary L. Hood of Kalamazoo, who treated the child, are guilty of gross negligence in not doing anything to learn the nature of the disease or to call in a physician.

HUGHES BOOM FOR PRESIDENCY LAUNCHED

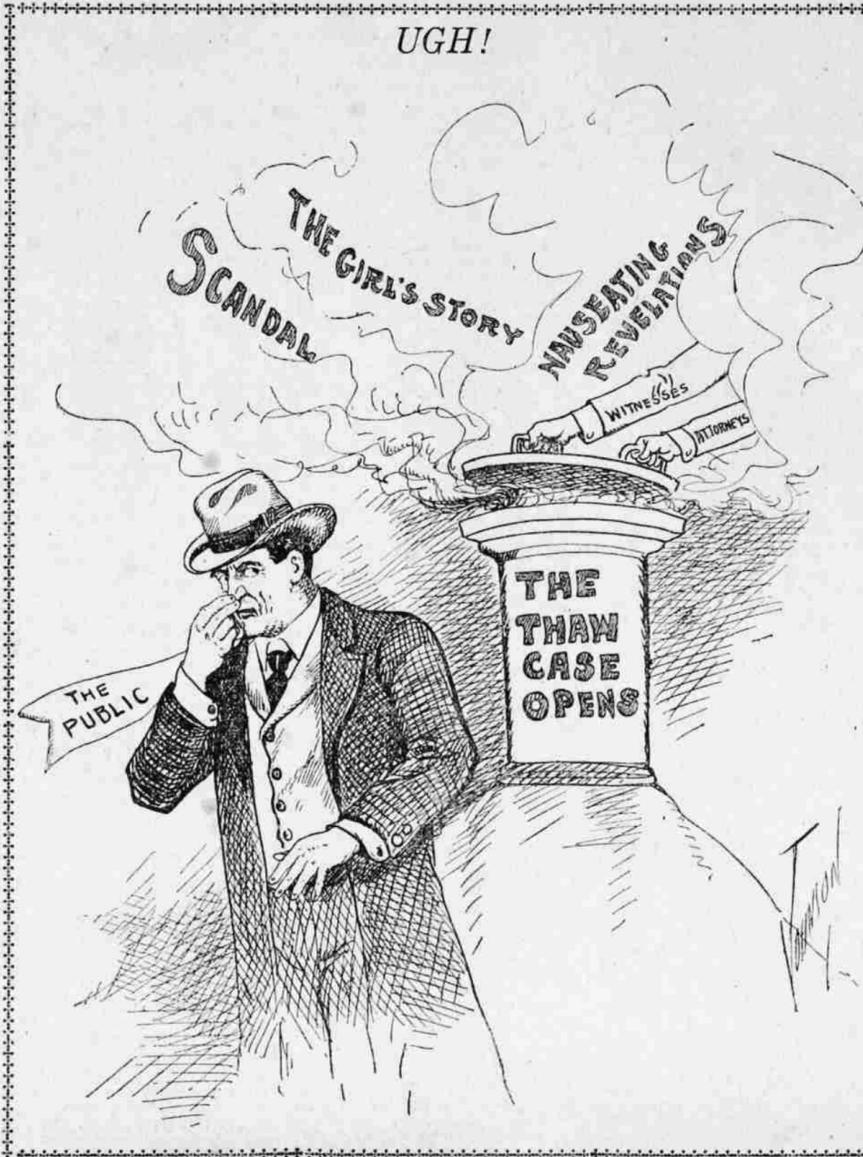
NEW YORK, Jan. 9.—The candidacy of Charles E. Hughes for the Republican Presidential nomination was launched at a Hughes dinner given by the entire Assembly district at Terry Garden tonight. The Governor was not present, but sent a telegram in which he expressed the wish that all should contribute in making the Republican party a constantly effective instrument for the correction of abuses and for conserving the rights and opportunities of all by impartial and straightforward administration.

The speakers included Seth Low and Dr. Robert Stuart MacArthur, and their arguments in support of Governor Hughes' candidacy were greeted by 300 diners with tumultuous applause. All of the speakers declared that he should be New York State's candidate.

Terrorists Arrested.

LAUSANNE, Switzerland, Jan. 9.—Eleven alleged Russian terrorists, including a young woman, were taken into custody here today, after an encounter with the police. They are charged with threatening to kill the late French President and contributed \$1000 to the revolutionary cause.

past three weeks copies of this letter have been read to scores of assemblies of Mormons, when it was supposed that no Gentiles were present, and that particularly throughout the rural districts of the State and intermountain country has the word gone forth that polygamy is to be resumed with the sanction and encouragement of the first presidency of the church.



ONE JUROR RESULT OF ALL-DAY SESSION

Progress Made in Thaw's Second Trial Disappointing; Five More to Get.

NEW YORK, Jan. 9.—One new sworn juror was added to the Harry K. Thaw trial panel today, making seven in all, selected from the four hundred talesmen summoned since the beginning of the second hearing on Monday. Another panel of one hundred will report tomorrow morning. Justice Dowling has announced that he will hold court on Saturday if necessary, to complete the jury.

At the time of the luncheon recess today the box was filled with six permanent and six temporary jurors, but peremptory challenges swept all of the provisional men away. Just before the adjournment hour, at 6 o'clock, when today's venire had been exhausted, five temporary jurors had again been selected to fill the back row vacancies. But one more the arbitrary challenges were brought into play, and all but one of the men on probation were allowed to go.

The sole survivor of the day, who took his place as trial juror No. 1, was William E. Doolittle, chief clerk in the auditing department of the New York Central railway. The rate of progress was not gratifying, either to the prosecution or defense, and better things are hoped for tomorrow. At the close of today's work the prosecution had employed fourteen of thirty challenges allowed by law, and the defense had expended nineteen. The court can, in its discretion, increase the number of challenges allowed either side, and last year, at the first trial, Justice Fitzgerald did so.

TAFT ASSOCIATION OF NEW HAMPSHIRE FORMED

CONCORD, N. H., Jan. 9.—About 150 Republicans of this State met here today and formed the Taft association of New Hampshire. Former Governor Frank Williams was chosen president. Letters were received from United States Senators Gallinger and Burham and Congressman Currier and Sulloway, expressing disapproval of the meeting, on the ground that it was unwise for the party to declare at this time in favor of any candidate.

TRIES TO KILL SISTER. THEN COMMITS SUICIDE

COLDWATER, Mich., Jan. 9.—Vernon L. Nettleton, a hardware dealer, 35 years of age, while suffering, it is supposed, from acute melancholy, due to business troubles, rose from his bed early today and gashed his sister's throat. He then nearly severed his head with a carving knife, dying almost instantly. Miss Nettleton may recover.

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HOLMES IS SERIOUSLY ILL AT LOS ANGELES

Knutsford Proprietor Confined to His Bed by Attack of Laryngitis.

Special to The Tribune.

LOS ANGELES, Jan. 9.—Gus Holmes, proprietor of the Knutsford hotel at Salt Lake City, and former manager of the Angelus hotel here, is seriously ill at his apartments in the Augustus. Mr. Holmes arrived in Los Angeles Tuesday afternoon. He had been suffering from the effects of a slight cold, but on the trip from Salt Lake City contracted a severe case of laryngitis.

He was forced to take to bed shortly after his arrival, and yesterday his physician, Dr. Gordon Bayless, issued orders refusing all callers.

"Mr. Holmes is a sick man, but if he is kept quiet for a few days I believe he will be all right," said Dr. Bayless tonight.

MINERS FROM UTAH REACHING GOLDFIELD

Eighty Men Recruited in Salt Lake City Taken Quietly Into Nevada Camp.

GOLDFIELD, Nev., Jan. 9.—Eighty miners and hucksters arrived in Goldfield today on a special train and were unloaded at Jumbo town and taken directly to the boarding-houses of the Consolidated company. Of this force, fifty will be employed in the Mohawk mine. The men are all Americans, and were recruited in Salt Lake City from former employees of the mines at Park City, Utah. The majority of them are said to have been Western Federation men, but all are said to have signed the pledge exacted by the Goldfield operators.

The new employees left Salt Lake at midnight Tuesday in charge of Clarence Siga, chief of the detective staff of the Consolidated, and at Las Vegas were transferred to a special train which was in waiting and brought here without a stop. So quietly were the arrangements made that the officers of the local union were unaware of the arrival of the train until after the men disembarked. In consequence, there were no pickets on hand. It is quite probable that other operators will follow the example set by the Consolidated and go to Utah for men.

UNION MEN DENOUNCE THE ACTION OF SPARKS

RENO, Nev., Jan. 9.—Fully one thousand union men attended a mass meeting here tonight, protesting against an expression of Reno unions on the labor situation at Goldfield. Resolutions upholding Governor Sparks in calling for troops were introduced and seconded, but were voted down amid hisses. Resolutions were then passed stating that the troops were an unnecessary expense, were called without cause, and that it was the sense of those assembled that the primary purpose for bringing the troops to Goldfield was to reduce wages and aim a direct blow at organized labor in Nevada. Members of the State Legislature, who spoke, were derided as enemies of union labor for unbolting the call for troops.

CARTER OF MONTANA OPPOSES ADMINISTRATION

HELENA, Mont., Jan. 9.—Senator Carter of Montana notified officials of the National Wood Growers' association, which meets here next week, that he will soon offer an amendment to Senator Burkett's bill providing for the control of trading upon the public lands in the arid sections of the country.

Opposing the administration's wish, as specified in Senator Burkett's bill, this matter shall be controlled by the President and Secretary of Agriculture, Senator Carter would place the supervision of this proposed legislation entirely in the hands of the general land office of the department of the interior.

SENATOR GORE WOULD BAR THIRD TERM BY LAW

WASHINGTON, Jan. 9.—Senator Gore of Oklahoma today introduced a joint resolution providing that no person shall be eligible to be elected President of the United States for more than two terms in succession.

SCHMITZ AND RUEF FREED BY COURT

Decision Handed Down Sets Aside Conviction of Former Mayor.

NO CRIME TO "HOLD UP" THE FRENCH RESTAURANTS

Scores of Indictments Pending Against Both Men and They Remain in Jail

SAN FRANCISCO, Jan. 9.—The judgment and order are reversed and the trial court is directed to sustain the demurrer to the indictment and discharge the defendant as to such indictment.

This was the decision handed down today by the District Court of Appeals, reversing the judgment of the trial court in the case of former Mayor Eugene E. Schmitz, sentenced to five years in San Francisco on the charge of extortion, based upon the alleged holding up of the French restaurants in the matter of liquor licenses, and setting aside the indictment on which his conviction was had. The trial was made notable by the appearance of Abraham Ruef, the political dictator, who controlled the municipal administration and practically placed Schmitz in office, as a witness against the Mayor, testifying that he had paid him his share, \$2500, of the \$5000 received by Ruef from the French restaurants. In order, that Schmitz would permit the Board of Police Commissioners to issue liquor licenses to them, Ruef had, previous to this, dramatically pleaded guilty to the same charge, at the same time making the original statement that he was innocent.

View of Appellate Court.

On the ground that the indictment did not show that a public offense was committed, because it did not allege any threat to injure property, the court holding that a liquor license was not property, but mere permission; that Ruef, in order to obtain the license, and a liquor license by one who had no authority in the premises did not constitute a threat against property, and because of numerous errors in the ruling of the trial Judge—Superior Judge Frank H. Dunn—the Appellate court held that the indictment was invalid and the conviction null and void. In effect, the court held that Schmitz was not given a fair and impartial trial.

Among the errors of the trial court as the cause for reversal the Appellate court, in its decision, containing about 12,000 words, enumerates the following: That the court, under the defendant's objection, allowed the prosecution to peremptorily challenge two jurors after they had been accepted, and sworn, without any proper cause being shown, or even stated; that the court permitted the filing of affidavits disqualifying the Sheriff and Coroner as officers to take charge of the jury, and appointed an alior for that purpose before the affidavits were first served upon the defendant, and refused to allow the defense to file counter affidavits showing the alior named by the court was prejudiced, biased and a personal enemy of the defendant; the admission by the court of the hearsay evidence of five witnesses; that the court admitted the testimony of Ruef in rebuttal when it did not constitute evidence in rebuttal, and upheld the prosecution in improper examining the affidavits of the defendant, and that the court erred in overruling the defendant's demurrer to the indictments.

Causes a Sensation.

While the decision was not wholly a surprise, even to the prosecution, and had been freely predicted by Schmitz's friends for some time, it did not fail to cause something of a sensation, and was the sole topic of conversation today.

The decision will have the effect of invalidating the other four indictments, charging Schmitz, as well as Ruef, with extortion, and rendering void the plea of guilty, made by Ruef, as the Appellate court held that no crime was committed.

By this reversal it is feared that the prosecution has lost its hold upon Ruef, who was freely predicted tonight that the former political boss would now refuse all overtures for immunity, wholly or in part, to testify in the bribery graft cases, and fight every indictment against him.

Many Indictments.

Although the court ordered Schmitz discharged from custody on the extortion indictments, neither Schmitz nor Ruef can take advantage of the reversal for sixty days, and even then there is little likelihood that either of them will be able to get the enormous bail required for their release. There are still pending against Ruef 125 indictments charging bribery, on which the total bail is \$1,170,000, and Schmitz would have to get bonds for \$450,000 on the forty indictments that remain against him.

The prosecution has twenty days in which to ask the Appellate court for a rehearing of the appeal, and the court has ten days in which to decide the appeal. The appeal would then go to the Supreme Court, where the same length of time would be required before the decision of today can go into effect.

Superior Judge Dunn, before whom Schmitz was convicted and Ruef pleaded guilty, did not hesitate to criticize the action of the higher court. He said:

Judge Dunn Criticises.

"It is to be regretted that the hearing of this appeal came up before a court whose members have relative and intimate friends against whom many indictments were returned by the grand jury that returned these true bills. In view of these facts, I do not believe that the court was in the proper position to make such a reversal."

BODIES OF VICTIMS HACKED TO PIECES

Arkansas River Is Yielding Evidence of Brutal Quadruple Murder at Florence, Colo.

YOUNG DIVORCED WOMAN ONE OF FOUR MISSING

Lynching of Arrested Suspect Feared and Officers Take Every Precaution.

FLORENCE, Colo., Jan. 9.—That Ercolo Buffetti, Dominick Minichiello, Joseph Minichiello and Mrs. Frank Palmetto, who mysteriously disappeared in this city, were foully murdered and their bodies chopped to pieces, is the positive opinion of the police. The disposition made of their bodies is believed to have been partly revealed by the finding of human lungs, a thorax, and a piece of a tongue in the Arkansas river.

It is believed that other ghastly remains are being scattered along the bed of the river by the swift current, and towns below here have been notified to watch for the appearance of any evidence of murder that may come to the surface.

Anton Bavari, who is in jail charged with the murder of the Minichiello brothers, is said by Chief of Police Furniss to have confessed that he killed a man in Italy before coming to America. In his house was found a bunch of letters addressed to Tony Neroni, and this is believed to be his real name.

Is Heir to Fortune.

One letter was from his father in Italy asking him to return to the old country and participate in a fortune the family had recently inherited. The father offered to use every effort to clear the son of the murder charge in Italy if he would return.

Bavari was engaged in market gardening here in partnership with the Minichiello brothers, and is accused by the police with having murdered them in order to obtain their money and other property. He had \$350 when arrested.

Buffetti Was an Old Man Employed in the Garden.

The police believe he was killed because of his knowledge of the other alleged murders. His name was added to the list of missing last night.

Young Woman One Victim.

Mrs. Palmetto was a young divorced woman who disappeared two months ago. She had kept house for Bavari, but repeatedly refused to marry him. All her clothes have been found in Bavari's cell.

Learning that mobs had been organized in the surrounding coal camps for the purpose of storming the Florence jail and lynching Anton Bavari, the Italian believed by the authorities to have murdered the Minichiello brothers, Chief of Police Furniss at 1:30 today, spirited the prisoner to Canon City, where he was placed in the county jail.

HARRIMAN INTERESTS REPLY TO MR. FISH

CHICAGO, Jan. 9.—With the implied purpose of countervailing the charges made by Senator Fish, his supporters enjoin the voting of \$51,231 shares of stock of the Illinois Central railroad held by the Union Pacific Railroad company and by the Railway Securities company, an answer by the Illinois Central Railroad company was filed in the Superior court in this city, accompanied by counter affidavits from Mr. Harriman, Walter Lutigen, John Jacob Astor, Alex G. Hackstaff, Cornelius Vanderbilt, John W. Aldrich, Robert W. Goetz and Charles A. Peabody. The documents admit the existence of hostility toward Mr. Fish, but it is declared that this money was due to the actions of Mr. Fish in beginning the litigation.

Goetz and Peabody each denies that Harriman dominates and influences him. Harriman avers that he does not dominate or influence Goetz or Peabody or any of the directors of the Illinois Central.

Each of the affidavits denies having voted prejudicially to the interests of the Illinois Central Railroad company, and declares that the only dealings had between that company and the Union Pacific railroad company since the last two years have been agreements for connecting their tracks and the use of the station of the Union Pacific at Omaha, both of which were accomplished, it is pointed out, by Mr. Fish, and for the interchange of traffic and division of rates in which, although no change has been made or proposed within a year.

GOVERNMENT UPHELD IN CAPTAIN CARTER CASE

CHICAGO, Jan. 9.—Judge Kohlsaat, in the United States Circuit court, rendered a decision this afternoon in favor of the government in the case against Capt. O. Carter, former United States army engineer, charged with having embezzled \$700,000 of government funds through conspiracy with Contractors Greene and Gaylor.

The court ruled that Carter was not entitled to the \$400,000 in unregistered railroad bonds and other securities traced by the government safety deposit vaults and banks in various parts of the country. Under the decision the government will retain these securities and the famous case which resulted in the conviction of Captain Carter and of Green and Gaylor and the imposing of a penitentiary sentence, is brought to a close.

Findings of Captain Carter, which the government claims were proceeds of Carter's collusion with Greene and Gaylor, are tied up by suits pending in the Federal courts of New York, New Jersey, West Virginia, Georgia and Illinois.

Successor to Havemeyer.

NEW YORK, Jan. 9.—W. O. Thomas, who since the death of H. O. Havemeyer has been president of the corporation, has been elected president of the corporation.

Continued on Page Two.