APOSTLE SMOOT IS TO BE RELEGATED

Conference of Church Republicans Held in Salt Lake to Consider His Case.

LINCOLN DAY BANQUET WAS ALSO DISCUSSED

Why the Curlies, and Kinkies, and Fussies Are Left Off the Programme.

"It was just a little informal conference—that was all," said a prominent church Republican when pressed by The Tribune for information regarding a meeting of church Republicans held here last week. "Yes, of course, politics was talked about, but the meeting was not prearranged."

"But there were several hold-over senators and several other aspirants for the legislature present, were there not?" asked The Tribune man.

"Yes, that is true; but, say, who has been leaking to you? Yes, in view of what you tell me, I will tell you some of the matters discussed. Smoot's candidacy was considered and canvassed. Yes, the hold-overs were from strong church counties and they were a unit in saying that Smoot must quit. Now, as one of these senators said, 'it's this way: In my district, and you know I come pretty near knowing, the rank and file of the church are tired of Smoot. A great many of my constituents are reading The Tribune and these persons are outspoken. Not only are they against the apostle, but also against any other ecclesiast. They maintain that if Smoot should resign the apostleship that it would conclusively show that he cared more for the loaves and fishes than for the church, and would drive away saints who now support him. Of course the Gentile element will be against him if he does not resign his ecclesiastical position. To be plain, Smoot is between the devil and the deep sea, but his senatorial career ends with this term in the senate.'

"The others in the conference talked in similar strain. The whole tenor of the talk was, however, that something would have to be done in the way of heroic action to counteract the growing sentiment in favor of the American party, which is sweeping the state, and something desperate will have to be done if Salt Lake county is to be saved this fall.

From Rich County.

"One of the party was from Rich county and he was frank enough to say that there was a very strong sentiment in his county toward organizing the American party there. Said he: 'Our people are tired, very tired, of the held-up or tithe system levied by the church, and now that money is demanded instead of the option, as heretofore, produce or money, has incensed many of our people and they have come to the conclusion that the only way for them to obtain redress is through the election of an American Legislature, when legislation which they believe will be enacted will compel a show-down of the tithe gatherers. The revolt is on in our county and you can't stop it.'

"Now," continued The Tribune informant, "there is a revolt against Roosevelt or any one whom he dominates, for one of the parties in the conference said: 'our people are disgusted with Teddy. His attacks upon corporations in many instances, they believe, are unwarranted. He is held responsible for the panic, as any other administration in power would have been, but the people hold him responsible directly for the closing of the mines, which shuts off a market which has been worth thousands of dollars to us. I tell you you can't fool the people, and when a pocket is hit the most vulnerable part of the body is hurt.'

"This is simply a brief of the talk in the conference, which was a prolonged one. Another thing, by the way, was also discussed; that was the coming Lincoln day banquet in Salt Lake. One of the party who had been approached on the subject said: 'I was asked to make a talk at this feed, and was told that the Curlies and Kinkies and Fussies and Criminals, as The Tribune designates them, were to be relegated. Even Postmaster Thomas, I was told, was to be muzzled. The programme had not then been completed, but I was told that there would be either seven or eight persons on the programme. A majority of these would be members of the dominant church, as I am, but these were to make no reference to Smoot in their talk. They were to eulogize Roosevelt and compare him with the great emancipator in their talks.'

Gentile Minister.

"Continuing, he said: 'To give the banquet the air of a non-church one, I was told that a Gentile minister would offer the invocation, and that possibly a member of the State Supreme Court, who, while a member of the church party, could not be driven by the Federal bunch, would deliver an address. Nothing was to be said or suggested to him as to what he should say, and it was thus thought he might make reference to Smoot and his career in the Senate.' I see since that a member of the court has been placed on the programme.

"The conference, as I said, while an informal one, opened the eyes of those present. It disclosed the fact that there was a revolt, and one that had assumed large proportions against the Jacks and Saints whom you designate as the Federal bunch, and who are under instructions from the king who resides near the Eagle gate. I tell you the people, and by the people I mean the church outside of the hierarchy, have had their patience sorely tried, and they have about concluded to retire the Thomas family, the Bootlis, the Andersons and their ilk. They can do it at the polls, and I am afraid they will. The returns from Utah in November may astonish the country and result in a trek to Mexico and Canada and other States."

Correction.

In the report of the election of directors of the Utah Savings and Trust company, Tuesday morning, the names of J. J. Daly and W. S. McCornick were omitted. The directors elected for the ensuing year are E. A. Wall, W. J. Halloran, W. S. McCornick, J. J. Daly, W. M. Ferry, E. C. Howard and Fred T. Jensen of Pleasant.

NEW APARTMENT HOUSE SOON WILL BE BUILT

Mr. Cummings of Pasadena Will Erect a Handsome Building in This City.

The second large real estate deal for the week was consummated Tuesday with the purchase by N. P. Cummings of a plot of land 66x100 feet at the corner of D street and First avenue. Ground will be broken Wednesday morning for the erection of one of the handsomest apartment houses in the city.

The building will be of brick, three stories in height and will contain nine four-room apartments, one five-room apartment and two six-room apartments. All apartments will have reception halls. By a novel arrangement in the construction, all of the rooms will receive light from the outside, and there will be no light shafts or wall light for any room in the building. The front will have a Colonial porch with large columns and balconies at each floor. A feature of the building will be the garage for the use of the tenants who have automobiles.

There will also be a billiard room and other accessories which will make the building probably the best fitted out and most conveniently arranged of any apartment house in Salt Lake. The purchaser, Mr. Cummings, is from Pasadena, Cal. He is now contemplating moving his family to this city and remaining here permanently. The deal was closed through A. Richter of this city.

SUE TO ABOLISH PRIVATE FISH POND

Frank Qualtrough et al. have filed an action against Brigham Reese et al. in the Third District court, to enjoin the defendants from maintaining dams and screens in a branch of Mill creek, which prevents fish from passing through into waters on the premises of the plaintiffs, and obstructs the flow of the water. Damages in the sum of $500 is also asked.

"ALLAH, IL ALLAH," SAY NOBLES OF "EL KALAH"

Shriners Plan Great Caravan With Many Treasures and No "Camels."

On the evening of February 21, the Nobles of El Kalah, A. A. O. N. M. S., of Salt Lake City, will give an entertainment for Masons and their ladies that will eclipse any social function ever conceived by the brain of man. In the first place El Kalah has a patrol that is noted the Nation over for its splendid worth. This patrol will give an exhibition drill to start off with. Then the Scottish Rite bodies will place a set of tableaux in full regalia that will be worth miles of travel to see.

The ladies of the Eastern Star also will contribute valuable services to the Shriners, and there will be other attractions too good to let go at this time. It should be mentioned, however, that the Mason and his lady, who care to dance will be given the entire evening to indulge therein, while those who get hungry will find abundant means to lose their appetites.

J. M. Marriott, recorder, has sent out to the faithful a handsome and breezy notification regarding this event, and it is expected that there will be a great scrambling of Nobles across the deserts that lie between them and the Salt Lake oasis.

THREE SPECIAL TRAINS TO CARRY THE ELKS

Three special trains, each carrying eight standard Pullman sleepers, a baggage car and chair car will, in all probability, leave Salt Lake Saturday at midnight over the Salt Lake Route for Los Angeles, as the third annual excursion conducted by the local lodge of Elks to California.

Two special trains already have been arranged for, and from indications the third will be necessary. A number of side trips have been planned for the excursionists. Secretary Raybould Tuesday received a telegram from J. S. Gardner, manager of the Los Angeles Racing association, stating that he has sent to Salt Lake by express 500 tickets, each good for admission for one couple at the races in that city Friday, February 14.

Thursday evening the local Elks, instead of holding their regular social, will throw open the club house here for all who intend making the trip Saturday night. It will be a "get acquainted" meeting, and all prospective excursionists are invited to attend, whether or not they are Elks.

B. & G. ASSOCIATION ELECTS ITS OFFICERS

At a meeting of the Butchers' and Grocers' association, Monday night, George W. Fassell was elected secretary for the ensuing year, and E. G. Elegie was elected manager of the collecting and rating department. It is intended to give some attention to this department in the future. The retail grocers have been greatly injured in their business in the past, by being unable to collect accounts which were due them. It is now intended to ascertain as far as possible the financial standing of all persons who run accounts with members of the association and make a rating something after the manner of the Dun and Bradstreet ratings, and to place these at the disposal of members of the association. It is hoped by this means that a good deal of annoyance and loss may be avoided by eliminating bad accounts.

POLICE ATTEMPT TO SUPPRESS A BURGLARY

Prying open a window porch climbers entered the residence of James E. Jennings at 425 East South Temple street, late Monday afternoon, while the family was eating dinner, and stole several diamond rings, a gold watch and other valuable jewelry.

The burglary was reported to the police immediately, but they suppressed it. So dark and secret was Chief Pitt about the burglary he solemnly instructed the detectives detailed on the case not to talk about it, and would not permit it to be entered in the "squeal book." Of course the story leaked out through neighbors within an hour or so, rendering the chief's dark and mysterious but senseless plans to keep it quiet useless.

New Mining Company.

A certified copy of the articles of incorporation of the Alamo Gold Mines company of Monticello, Utah, were filed with the Secretary of State, Tuesday. The company is capitalized for $1,000,000, in shares valued at $1, and the officers are as follows: J. R. Howitt, president; P. R. Butt, vice-president; Fred P. Davy, secretary; H. Rose, treasurer. The company owns the Alamo, Little Gem, Ram's Horn and White Rock claims in San Juan county.

ATKINS'S ACCOUNTS ARE THOUGHT SHORT

Sensational Scenes When Asked for Books by Councilmen Raybould and Wood.

STREET SUPERVISOR'S CLERK IS SUSPECTED OF THIEVING

Over Hundred Poll Tax Receipts Given, and No Returns Are Made.

Thomas St. Leger Atkins, chief clerk in the office of Street Supervisor Jacob T. Raleigh, is under suspension, and will be called upon to face serious charges. The charges, in brief, are that Mr. Atkins, within the past few months, has issued 117 poll tax receipts for which he has not accounted. The receipts show the names and addresses of the persons paying the tax, but do not show whether the tax was paid in cash or labor. The book in which these receipts were found has been kept in the safe by Mr. Atkins. It has never been posted up, and no one but himself has had access to it.

There was a sensational scene in Supervisor Raleigh's office late Tuesday afternoon, when Chairman Raybould, of the Committee on Streets, and Councilman Wood went into the office and asked to see the poll tax books. All of the books, except the one kept in the safe by Mr. Atkins, were forthcoming in a jiffy, but when the remaining book was asked for, Mr. Atkins, so Mr. Wood says, claimed that he had misplaced it.

Reluctance to Open Safe.

Mr. Wood then said to Mr. Atkins: "We want the book you have in the safe," and Mr. Raleigh, who had just entered the office, ordered Mr. Atkins to produce the book at once. Mr. Atkins claimed that he had left the key to the safe at home, and was told to go and get the key at once. He left the office, and returned in about three-quarters of an hour, saying that he had been unable to find the key.

At this juncture Mr. Raleigh said that he would have the safe forced open if access could not be gained to it in any other way, but an employee of the building was sent for who was able to open the strong box.

When the safe was opened the book was found, and it was learned that 117 receipts had been issued upon which no return had been made. Mr. Raleigh at once ordered Mr. Atkins to surrender the bank book and check book of the department, and informed him that he was suspended. This suspension was reported to the Council later and concurred in.

Mr. Atkins, when asked for a statement, said that he did not care to discuss the matter pending an investigation, but added that everything would come out all right.

The book was turned over to the City Attorney and a rigid investigation will follow.

TRANSFERS OF REALTY INDICATE CONDITIONS

That the local real estate market is active at this time is shown by the following transfers which were consummated during the past week. Arthur A. Sweet of Sweet & Sweet purchased from John Dorius a handsome white pressed brick modern home at the corner of First avenue and M street. The building is a nine-room structure.

After the purchase of his new home, Mr. Sweet sold his former residence at 560 South Fifth East to Mrs. Ottilie Felt. This building was also a modern building of red pressed brick, but contains only six rooms.

Adam Boyd purchased the five-room red pressed brick house at 531 East Sixth South for a home; and J. C. Winslow of Ogden bought from William Losee of this city the six-room house at 619 East Ninth South.

The total consideration involved in these transfers, which were made by Meeks & Lynch, is in the neighborhood of $20,000.

CIDDIO NOW DISCLAIMS KNOWLEDGE OF ENGLISH

Francesco Ciddio, who upon his recent arrest by the Federal authorities, is said to have confessed to the blowing up of a hotel and the killing of Louise King in British Columbia, in 1906, has been suddenly deprived of his knowledge of the English language. Attorneys Weber and Olsen have been retained by friends of the Italian to fight against his extradition, and it is understood the defense will be premised upon the claim that Ciddio does not understand English and was not competent to answer the questions put to him by the arresting officers.

The Government will introduce witnesses in rebuttal, who will testify that Ciddio answered all questions, many of which were in no sense leading, intelligently. He denied knowledge of some details of the crime, but, it is said, he admitted he blew up the place while drunk. Commissioner Baldwin Tuesday set the date of Ciddio's hearing for Friday.

INFIDELITY THE CAUSE OF MARITAL DISTRESS

Upon the ground of infidelity, Jennie May Westman has filed an action for divorce against John Adolph Westman, in the Third District court. They were married in 1896 and have three children ranging in age from six to eleven years.

The first act of infidelity complained of is alleged to have occurred at Los Angeles in May, 1905, but later, upon Westman's promise that he would be good thereafter, Mrs. Westman says, she returned to him for the sake of their children. Subsequently, however, she alleges, Westman criminally assaulted a young girl who was employed in the family, and she then left him for all time.

In addition to a decree of divorce, Mrs. Westman asks that she be awarded the custody of the children.

ASKS $20,000 FOR DEATH OF YOUNG SON

The $20,000 damage suit of Sina Cunningham against the Utah Sugar company for the death of her son, William Cunningham, is on trial before a jury in Judge Ritchie's division of the Third District court.

It is alleged that William Cunningham, an eighteen-year-old boy, died on February 13, 1907, from asphyxiation, caused by gases in a tank of the company, which he had been ordered to clean. His death occurred one day after he had been at work in the tank.

LIVES ENDANGERED BY A RUNAWAY

Detective Shannon Saves at Least One Boy From Death.

LIVES OF SEVERAL BOYS IN DANGER FOR A TIME

Mother of One Lad Dragged Fifty Feet in Effort to Save Him.

In a runaway that endangered the lives of eight or ten persons, among whom were four boys of tender age and one aged woman, Detective Richard L. Shannon of 27 Johnson street, Tuesday afternoon, saved the life of Harold Dupaix, the four-year-old son of Joseph A. Dupaix of 711 South Emery street, and earned a lifelong gratitude of the frenzied mother, who was desperately, but heroically, trying to save the boy.

A few seconds before the runaway horse turned the wagon upside down in its mad flight through streets, alleys and back lots, the gritty and determined detective tore off the rear-end gate of the flying vehicle and dragged the Dupaix lad from his perilous position to the ground, otherwise the boy in all probability would have been crushed to death underneath the wagon when it overturned.

Full of Thrills.

The runaway, which was full of thrills, was caused by the breaking of a bit. As Harold Dupaix, four years old, and Leslie Dupaix, six, sons of Joseph Dupaix of 711 South Emery street, and Orville Henderson, eight years old, and Walter Dixon, thirteen, were crossing the Jordan river bridge at Eighth West and Eighth South streets, on their way from the Dupaix grocery store at 876 West Eighth South street, to the Dupaix boys' home, in a wagon drawn by one horse, the bit broke, frightening the animal into running away.

Maddened with fright, the animal dashed wildly across the bridge, despite the efforts of the Dixon boy, who was driving, to stop it. Half a block across the bridge the wagon struck a telephone pole and the driver was hurled fifteen feet through the air to the street, carrying the seat with him, but the other three boys, seated in the bed of the wagon, were not thrown out.

Races Around Lot.

Dashing to an alley near Johnson and Leveridge streets, the horse ran in and passed to an open lot, around which it raced madly six times, hauling the frightened lads, who dared not move so terrific was the speed at which they were going, behind it.

As the runaway animal dashed from the open lot and alley to the street, the little girl of Detective Shannon in the yard of her home nearby saw it and called to her father. The detective ran out and futilely attempted to stop the runaway by grabbing the bridle rein near the saddle on the back band, not knowing the bit was broken.

Tearing down the street the maddened animal attempted to enter a closed highway, but was deterred by the obstruction and turned around and dashed back toward the Dupaix home, Detective Shannon being dragged under the wheels of the wagon in a second attempt to stop it. In making the turn at the entrance to the barn lot at the Dupaix home, Leslie Dupaix and Orville Henderson were thrown out, being hurled ten feet into the air and landing one on either side of the wagon, but the younger Dupaix boy remained in the wagon.

Mother Dragged Fifty Feet.

The lad's mother heard the clatter of the runaway and saw the animal tearing into the barn yard. Screaming at the top of her voice she heroically attempted to stop the flying animal by the line attached to the broken bit but failed, of course, although she pluckily held on and was dragged fifty feet.

In the meantime Detective Shannon, who had been pursuing the frightened horse, entered the Dupaix barn yard and, deciding that it was useless to try to stop the horse, and determining to save the life of the boy, grabbed the rear-end gate with the intention of springing into the wagon and lifting the lad to safety. The end-gate gave way, however, and noticing that the boy whose life was in imminent jeopardy was seated on a blanket, the detective grabbed it and dragged the lad from the wagon to safety.

Ten seconds after the detective had pulled the lad from the wagon the horse raced out of the lot and turned the vehicle upside down in making a turn in the street, smashing the wagon, and then stopping from exhaustion.

With the exception of a few small bruises all the boys were unhurt, but their escape from fatal injuries or possibly death is considered miraculous.

City and Neighborhood

A PLEASANT triple surprise party was given by Miss Florence Teska and Mrs. E. S. Carson at the Board of Trade building to Paul Teska, Joe Rubash and E. S. Carson. Everybody was happy.

R. H. HODGE has filed an action against James Mackie, in the Third District court, to recover $40, alleged to be due for rent, $135 for hay, and $134 for pasture bill, on a farm the plaintiff says he rented to defendant. Attachment proceedings have also been instituted.

THE JOHN DAYNES Jewelry company filed articles of incorporation in the office of the County Clerk Tuesday. The company is capitalized for $25,000, in shares worth $25. The officers are as follows: Royal W. Daynes, president; Frank Boss, vice-president; J. Fred Daynes, secretary and treasurer.

S. H. M'MURRIN and Miss Irene Wilson were married Tuesday evening at 5 o'clock by Joseph W. McMurrin, father of the groom, at the McMurrin home, 22 East Sixth South. The bride wore a beautiful traveling costume of brown. Mr. and Mrs. McMurrin left on their honeymoon Tuesday evening at 8:30.

JUDGE LEWIS and a jury are trying the case of James H. Mease against the Union Mercantile company of Mercur, which involves 125 shares of the company's stock, valued at $2500. Mease alleges that the stock was taken from his possession on January 18, 1904, and the company sets up that the stock was sold on an assessment, which Mease voted to levy.

ON FRIDAY evening the forty-second anniversary of the Mt. Moriah lodge of Free and Accepted Masons will be celebrated at the Masonic temple by a banquet and dance. A musical programme has been arranged and it is expected that the affair will be worthy the celebration of the birthday of the lodge. The banquet will be preceded by a reception, which will begin at 8 o'clock. The banquet will begin at 9:15 o'clock.

AT THE annual meeting of the stockholders of the Home Fire Insurance company Monday afternoon the old board of directors was elected for the ensuing year. H. G. Whitney was re-elected secretary and L. S. Hills, treasurer. The directors are as follows: Heber J. Grant, Charles S. Burton, John C. Cutler, Joseph F. Smith, David Eccles, John R. Barnes, Philo T. Farnsworth, Thomas G. Webber and George Romney. The other officers will be elected by the directors.

SWEEPING DECREE BY SUPREME COURT

Reverses Opinions of Territorial Judges and Rebukes District Judge.

HABEAS CORPUS WRIT IS FINAL JUDGMENT

Proceeding Is Not Rendered Inoperative by an Appeal Therefrom.

An opinion as to writs of habeas corpus which will be read with interest by lawyers and District Judges throughout the State was handed down by the Supreme Court Tuesday. The court holds in brief, that habeas corpus is a civil proceeding, in that it is brought to vindicate a civil right; that a judgment remanding the prisoner, in charge, is a final judgment, and can be appealed from; that a District Judge has no right to go behind the commitment, unless it can be shown that the committing magistrate violated his duty. The opinion reverses two opinions of the Territorial Supreme Court.

The title of the case is Emil Winnovich against Sheriff C. Frank Emery, appellant. Winnovich was arrested at Bingham Junction in June, 1907, on a charge of murder in the first degree, growing out of a riot and the killing of a man at that place. He was held to the District court by Justice of the Peace Williams, and later applied to Judge Armstrong for his discharge on a writ of habeas corpus, upon the main ground that there was not sufficient evidence against him to warrant the Sheriff in holding him.

Judge Armstrong reviewed the case and took testimony in the matter. As he found that the only evidence against Winnovich was that of an accomplice, he ordered the man discharged from custody, and Sheriff Emery released him. However, the Sheriff immediately appealed from the judgment.

Judgment Not Final.

When the matter reached the Supreme Court counsel for Winnovich urged that the appeal should be dismissed, upon two grounds, namely, that the State has no right of appeal in a criminal case, and that no appeal lies from habeas corpus, because the order or judgment of discharge is not a final judgment.

As to the first proposition, the opinion holds that habeas corpus proceedings are civil proceedings, for the reason that they are brought to protect, or vindicate, a civil right. On the second proposition, it is held that an order of the court, remanding a prisoner, or discharging him, is a final judgment. In making this ruling, the opinion reverses the ruling of the Territorial Supreme court, as laid down in the cases of Mead vs. Metcalf and in re Clasby, wherein it was held that an order remanding or discharging a prisoner was not a final judgment, and that no appeal was permissible in any event in habeas corpus proceedings.

The latter holding of the court brings up another important question. The State Constitution provides for an appeal from all final judgments, and it was urged that if appeals could be taken from judgments in habeas corpus proceedings, the judgment would be suspended by the appeal, and the very purpose of the writ defeated.

Judgment Not Suspended.

Upon this point the opinion says: "This argument, or conclusion, to our minds, assumes that to follow which does not follow. Without an express statutory provision to that effect an appeal does not, of its own force, suspend the judgment in a habeas corpus proceeding. Even in those States where an express right of appeal is given by statute the courts have held that the taking of an appeal does not suspend the judgment. But this question is not involved in this case, and we therefore express no opinion on it, except to suggest that such a result does not necessarily follow from the allowance of an appeal, and therefore that it is not a conclusive reason or argument against the allowance of appeals in such proceedings."

Discussing the merits of the case, the opinion points out that the District Judge undertook to determine from the evidence whether or not there was probable cause to hold the defendant, and, as to his right to do this it is held: "That, as a general rule, the courts hold that on habeas corpus, in the absence of a statute conferring the right, the courts cannot go into the evidence adduced before the committing magistrate, but must confine the inquiry to questions of jurisdiction, and, if it be found that the magistrate had jurisdiction of the subject matter and the person of the defendant, that the complaint stated an offense and that a hearing had upon the charge and the process under which the accused is held, is regular, and that the magistrate acted within his jurisdiction, then the court may not discharge the prisoner. The writ of habeas corpus cannot be made to serve the purpose of an appeal or writ of review, unless some statute specially authorizes this to be done."

Judge Transcended Sphere.

The opinion then holds that there is no statutory authority in this State whereby a court or Judge, on habeas corpus, may review the evidence adduced before a magistrate in support of the criminal charge, for the purpose of determining whether the evidence was either competent or sufficient to warrant the magistrate in holding the accused for trial to the District court and in committing him for that purpose.

It is next pointed out that the proceedings before the magistrate were not attacked upon jurisdictional grounds; there was a proper complaint, the magistrate had jurisdiction, a hearing was had, witnesses were examined, and the law was complied with in every particular; also, the commitment papers were not attacked.

"This being so," the opinion adds, "the District court who heard the habeas corpus proceedings had no authority to review the evidence before the magistrate for the purpose of determining its sufficiency to support the judgment or order entered by him holding the accused to answer to the District court."

The opinion of the court is written by Justice Frick, and Chief Justice McCarty and Justice Straup concur.

Winnovich left Utah shortly after his discharge by Judge Armstrong, and is now said to be in Greece. Others alleged to have been involved in the trouble are out under bonds.

FISHER BOUND OVER TO FEDERAL COURT

Commissioner Baldwin Takes Testimony in Hawse Mail Purloining Case.

Bert Fisher, charged with having taken a letter addressed to W. H. Hawse from the postoffice in this city, was taken before Commissioner Baldwin Tuesday and bound over to the April term of the United States court.

Fisher is said to have met Hawse at Pocatello about a week ago. They began drinking together, it is thought, and finally landed in Salt Lake. Delighted with his new companion, Hawse confided in him that he was expecting a letter from his brother at Stockton, to whom he had written asking that money be forwarded to him at Salt Lake. He further told Fisher that he expected the letter would contain bills and not a money order, as it would save the trouble of obtaining cash.

Fisher succeeded in getting his companion drunk and, leaving him, inquired at the general delivery for Hawse's mail. He received a letter from Hawse's brother, but which contained a money order, and could not be cashed until the bearer was identified. Fisher was so positive that a letter would come containing money that he again, later in the day, inquired if there was not another letter for Hawse, but did not receive one.

When Hawse began to sober up he remembered that his brother was to send him money and called at the postoffice, where he was informed that his mail had already been taken out, and the man who had called for it was described.

Hawse suspected Fisher and the matter was reported to the authorities, who investigated. When Fisher was arrested two clerks identified him as the man who had called for Hawse's mail at the general delivery.

T. J. Gundry, postoffice clerk, testified Tuesday morning that Fisher was the man who called for the mail and to whom it was delivered. Upon this testimony the commissioner bound Fisher over.

BETTER TIMES NOW ARE ON THE WAY

General Freight Agent Wild of the D. & R. G. Road in the City.

The decrease in freight traffic experienced by Western roads in common with other roads throughout the country has hit the bottom and better times already have started, according to Fred Wild, Jr., general freight agent of the D. & R. G. system, who arrived in Salt Lake Tuesday night from Denver on his way to Los Angeles.

"I do not believe we shall find it necessary to lay off any more men or to lay up any more equipment," declared Mr. Wild at the freight offices of the Rio Grande here, Tuesday afternoon. "Of course, in common with every other road in the country, we have suffered an enormous decrease in our freight traffic. I would not care to even estimate it in percentage. It was very large, however, and we are recovering slowly from it. The equipment we were forced to put up is gradually coming back to the road again. I cannot predict just how long it is going to take us to get back to a normal level, but it is safe to say it will be several months.

"Any number of causes combined to pull down our freight traffic. Principly with us, however, was the failure of merchants to purchase their usual stocks of goods in the East this winter. The closing down of the mines in Colorado and Utah was a big factor in the situation, however. That meant less coal for us to haul, a big decrease in smelter supplies and products to transport and a big, general, all-round decrease.

"Wages have not decreased as yet, and I am not in a position to say whether they will or will not. That is an operating matter."

LINDSAY UNABLE TO PROCURE FIVE HUNDRED

Ambrose H. Lindsay, who is charged with having purloined a letter from the mails while acting as substitute railway mail clerk in Nevada, was taken before United States Commissioner at Ogden, Monday, and bound over to the next sitting of the Federal court in Nevada. In case Lindsay fails to find the bond of $500 necessary to insure his appearance, Judge John A. Marshal will be asked to issue an order of removal, directing the marshal of Utah to transfer the prisoner to the Nevada Federal authorities. Lindsay is now in jail, and so far has been unable to secure bail.

LYNCH AND DONOVAN ARE GIVEN SIX MONTHS

Mike Lynch and Joe Donovan pleaded guilty to information charging them with burglary in the third degree, in Judge Armstrong's division of the Third District court, Tuesday, and were sentenced to six months each in the State prison. The light sentence was passed upon the recommendation of District Attorney Loofbourow.

The men were accused of stealing certain articles from room 29 in the Uintah hotel on Commercial street.

Large Stock Concern.

The Keystone Land and Cattle company, with a capital stock of $200,000, in shares valued at $100, filed articles of incorporation in the office of the County Clerk, Tuesday. The company takes over a large area of land in Routt and Rio Blanco counties, Colorado, together with a large number of cattle, horses, sheep, hogs and range and camp outfits. The officers of the company are: M. K. Parsons, president; Abraham Hanauer, vice-president and treasurer; A. Hanauer, Jr., secretary.

Visit Factory.

In charge of Miss Peterson, and the matron, Mrs. Card, about one hundred young ladies of the domestic science class of the L. D. S. hospital visited the tea and coffee plant of Hewlett Bros., Monday, for the purpose of observing the manufacture of spices and foods. The domestic science class of the U. of U. will visit the place next week, chaperoned by Miss Wheeler.

Masquerade Ball.

The Pythian Sisters gave a masquerade ball at Kennedy hall Tuesday night. The prizes were awarded, first to Miss Rea Wilson; second, to Miss Maud Bloth, as an American beauty rose, Joe Sands, as Pythias, and H. M. Randolf, as Damon, were given the men's prizes. The affair was largely attended and successful.

BUREAU WILL FRAME DEMANDS ON CLAIMS

M. & M. Association Proposes a Clearing House for Utah Shippers.

DELAYED PAYMENTS TO RETURN SIX PER CENT

Organization to Bring Railroads, Dealers and Consumers Closer Together.

As a result of the agitation which was begun some months ago by the Manufacturers' and Merchants' association, the Utah Shippers' Traffic bureau is being formed. It will be under the charge of H. L. Johnson, an old railroad man who is well acquainted with the traffic departments of the different systems. It is intended to organize the merchants who are interested in the regulation of traffic rates and with that purpose in view the secretary of the Manufacturers and Merchants' association has made a canvas of many merchants of the city and received gratifying responses.

The new organization is to be entirely separate from the M. and M. association in its operations, but for the present the manager will be responsible to the directors of the association and will have an office at the Chamber of Commerce.

Some of the matters which it is thought should be taken up for adjustment by the bureau are set forth in the letter which Mr. Johnson sent to the officers of the Manufacturers' and Merchants' association and which follows, in part:

"The bureau in its action will reasonably that of a clearing house for the shippers to handle all matters pertaining to freight conditions.

Interest on Claims.

"Utah should be represented in the matter of a uniform classification of rates, both local and otherwise. We should endeavor to bring about a more satisfactory method of handling claims. As an instance of what should be done I suggest that each claim presented to the railroad have a clause attached to it reading as follows: 'Interest is demanded on this claim at time of settlement for elapsed time in excess of thirty days from date of claim, at the rate of six per cent.' This would have a tendency to give much quicker service than we have been given in the past.

"Another pernicious abuse is the necessity for the owner of freight to release it at the owner's risk or to accept the alternative of paying 20 per cent additional to the regular rate for 'carriers' risk.' There can be but one legal rate under the ruling of the Interstate Commerce commission.

"You should endeavor to establish commodity rates on various commodities for the resultant profit to the jobber and decreased cost of living to the consumer.

"You should endeavor to bring about a definite manner in which the long and short haul may be applied; the present method places the shipper in a constantly challenging mood as to the fairness of its application to his consequent detriment.

"The bureau should be with various other traffic organizations to help put the idea of the publicity of railroad accounts, where the cost per ton per mile can readily be applied to any certain commodity, enabling a shipper to meet the railroad company on an actual basis rather than a presumptuous one."

BOARD OF EDUCATION WORKS BY CANDLELIGHT

A fuse blew out and the Board of Education met Tuesday night in the city and county building grouped around a table in a room dimly lighted with candles, but important business relative to school matters was transacted, and the members of various committees appointed for the ensuing year were announced by Judge H. P. Henderson.

The appropriation list for books, amounting to $15,000, most of which will be spent for purchases for the entire year during January, was read and approved. The contract for the books was let in July.

By a vote of the board, psychology was eliminated from the high school curriculum, and spherical trigonometry for seniors during the last semester was substituted.

The members of committees are as follows: Rules, J. T. Hammond, W. J. Newman, C. S. Martin; M. J. Cheesman, Byron Cummings; school law, M. Thomas, M. J. Cheesman, A. G. Glauque, Oscar W. Moyle; teachers and school work, Byron Cummings, W. J. Newman, Joseph Oberdorfer, J. T. Hammond; buildings and grounds, A. G. Glauque, Joseph Oberdorfer, Oscar W. Moyle, M. Thomas, C. S. Martin; finance, Oscar W. Moyle, J. T. Hammond, Byron Cummings, C. S. Martin, M. J. Cheesman.

With the exception of the committee on rules, of which Judge Henderson is chairman, the chairman is the person whose name appears first in the list.

CHAMPION TALKS OF FIGHT WITH LEWIS

Frank Manteil, welterweight champion of the world, arrived from Boston Tuesday and will stop over until Thursday to visit with his old chum, Pete Sullivan, and will then continue on to the Pacific coast. Mantell has several good offers and says that he will adhere strictly to 142 pounds in the future in all his outdoor contests. He expects to meet the best men on the coast in his class.

Speaking of his contest with Harry Lewis he said that he had his man going when he was rapped a hard blow on the chin which sent him down for the count of nine. He said that had the referee let him go he would have roughed it out to the end of the round and would have come back strong. Up to the close of the contest was stopped it was all his. He was so confident that Lewis could not hit him hard enough to damage him that he got careless and took a punch to get one in.

ROOM FOR MORE STOCK ON NATIONAL FORESTS

Notices of approval of applications for allotment to permit grazing on the Salt Lake national forest, near Mill Creek and Little Cottonwood have been sent out by Supervisor K. H. Clark, who said Tuesday that though the government only allowed 1500 horses and cattle on the range, the allotments have not all been assigned.

On the Wasatch national forest, 4500 horses and cattle are permitted to graze, and these have not been fully applied for, but the allotments for 1600 head of sheep have already been exceeded, 6146 head. The supervisor will have to go through the applications and select those who will be permitted to use the range and those who are best able to graze sheep in other parts of the country.

Chinese Entertain Council.

The Council, police and fire departments were guests of Chin Chin, Mayor of Chinatown, for a few minutes Tuesday night. In the patrol wagon, driven by Patrol Driver Denny Sullivan, all the Councilmen visited Plum Alley and were conducted through it by Mayor Chin, witnessing the celebration by the celestials of Chinese New Year. The police department was represented by Sergeant John Hempel and the fire department by Chief Charles A. Vail.