

# ARGUMENTS ON IN SPENCER CASE

### Taking of Testimony is Completed Before Judge Diehl This Morning.

## TRY TO IMPEACH DAUGHTER.

Deputy Sheriff Sperry and Mrs. Wallace Testify, but James C. Bertoch is Excused.

The taking of testimony in the case of Samuel G. Spencer closed shortly after 11 o'clock today, after which arguments were heard until the noon recess.

The first witness called this morning was Deputy Sheriff C. A. Sperry, the purpose of whose examination being the impeachment of Louie Spencer, the 17-year-old daughter of the defendant. The same questions were put to Mr. Sperry as had been propounded to Sheriff Eyster yesterday, relative to certain alleged admissions made to the officers at the Wallace home on the night of Aug. 26, 1907.

Mr. Sperry was permitted by the court to answer three questions; namely, that Miss Spencer admitted that she had seen her father in bed with Iva Wallace, and at different times with the same person and each of the Spencer girls.

Mrs. Wallace, mother of Iva Wallace, answered affirmatively the same questions as propounded to Mr. Sperry, after testifying that she had been present at the time.

### DID NOT TESTIFY.

The prosecution then called James C. Bertoch in rebuttal. The defense objected to any testimony that he might give, on the ground that it was not proper rebuttal, as he had not counsel contended, testified at the proper time, and there was nothing for him to rebut. The objection was sustained and Mr. Bertoch was excused.

### ARGUMENTS NOW ON.

Asst. County Atty. Meyer then made the opening argument for the prosecution, followed by Atty. Adam J. Finney for the defense. The latter had not concluded when Judge Diehl announced a continuance of the case until this afternoon at 3 o'clock.

### TROUBLES OF ITS OWN.

The waterworks department is working all of its outside men to the limit. The cold weather and the carelessness of householders taken together makes much for the department to worry about. All hands are busy turning off water from houses where water jackets in ranges and hot water heaters have burst. The superintendent is endeavoring to adopt a plan requiring all householders to shut off the water from pipes exposed to the cold and thus prevent freezing.

### WATER CASE STILL ON.

The taking of testimony in the action brought by the Progress company against Salt Lake City was resumed before Judge Morse in the Third district court this morning. The case reached its fifth day of trial. The examination of John Brainard was the most important business undertaking this morning. He claims a water right in the South Fork of Big Cottonwood creek and the nature of his claims was gone into along the lines upon which the examination of all previous witnesses has been made. C. S. Kinney this morning withdrew as attorney for the Lower Ellison ditch and H. A. Smith was entered of record in his stead.

### WANTS SEELEY'S RECORD.

#### Pacific Athletic Union Compiling Data About Tramp Athletes.

The Pacific Athletic union, an institution controlling football on the coast, is planning to make a gallery of athletic hobs. "to clear the coast decks of crooked athletes," it is stated in a letter to a Salt Lake, asking for Seeley's local record.

The object of this gallery is to compile data about men who drift from college to college, appear on football teams, do very little studying, and remain in undergraduate life more years than the normal four, allotted to the industrious student. The use of the data is to protect Pacific coast colleges from using such men on their teams, or being deceived through a lack of knowledge of their practices.

The letter received here requests the local record of Player Seeley, for addition to the data already collected about him by Director Sidney Flexito, of the Athletic union. Seeley is known to have played at Williams college 10 or 11 years ago, at Stanford seven years ago, and on other teams since.

Other men who are being listed in the category are Hoston, Iose, Sleaker, Gregory, and a number of famous athletes who have made their way through a number of colleges during an undergraduate period.

From the record so far gathered it

## Peptiron Pills

Ironize the blood, feed nerves and brain, tone the stomach, aid digestion, give restful sleep. Especially beneficial in nervousness, anemia, Chloroform-coated, pleasant to take. 50c. and \$1. Druggists or mail.

**Hood's Act on the Pills** liver and bowels, cure biliousness, constipation, morning and sick headache, break up colds, relieve uncomfortable fullness after dinner. John B. catarrh. 25c. C. L. HOOD CO., Lowell, Mass.

## "TOM" SHOW FOR FEB. 3.

Salt Lake Press Club to Present Again Best Offering Ever Seen Here.

The historic walls of the Salt Lake theater will be in dire danger Feb. 3. The Press club's Tom show is to be the attraction on that date and if the fun doesn't "bust some'n" it will stretch it, anyhow. There's going to be lots of local color in take-offs, gags, local hits and all styles of new and good things the coming affair, it is expected, will be more of a success than anything yet attempted by the talented writer-actors. The play has been brought up by playwright manager and John B. Spencer and other experienced individuals will help to push the good thing along.

## TRIBUTE TO MRS. ELLIS.

Was Daughter of Apostle Orson Hyde And Well Known in Salt Lake.

News of the death of Mrs. Della Hyde Ellis reached her family during Christmas time. She died on Christmas day. Mrs. Ellis has many friends and acquaintances of her youthful days in this city who were pained to learn of her demise. Since residing away from Salt Lake she has frequently returned to her old home and has kept friends in remembrance. Her last visit to this city was made two years ago, when she met many of those whom she knew in girlhood.

Mrs. Emmeline B. Wells pays the following tribute to Mrs. Ellis: "Della Hyde was born in Kanesville, Iowa, Dec. 28, 1849, and was the daughter of Apostle Orson Hyde and his wife Marinda Johnson Hyde. After leaving her home in Nauvoo, Illinois, for the west, Apostle Hyde and family, including little Della, came to Utah in the early fall of 1852, and settled just opposite the temple block on the north side. Their daughter Della grew to womanhood in the Hyde home. Her mother, Mrs. Orson Hyde, was one of the grandest women the writer has ever known. Della was often spoken of as the 'flower' of the home. She was certainly a beautiful and attractive young woman.

"After her marriage she first resided in California, and afterwards for 18 years in Boston. More recently, however, she has lived in Seattle, where she leaves two sons, one of them a prominent lawyer in that city. Mrs. Ellis died after suffering for several months at the Battle Creek sanitarium, in Michigan. She leaves a large number of relatives in this city and state. Mrs. Laura M. Miner, Frank Hyde, Emily Chase, Alonzo E. Hyde and the youngest sister, Mrs. Joseph Bull, who was her constant companion in her early life, and who feels most keenly the separation, and regrets that she could not be with her in her last hours of suffering and pain."

## THE CITY'S FINANCES.

Report of Municipal Treasurer Shows Condition Jan. 2.

Chief Deputy Frank Godbe of the city treasurer's office has rendered a statement of the condition of the city's funds as required by the new ordinance passed by the council upon the suggestion of the special auditors who have been going over the city's account books for the past year. The statement shows the condition of the city finance at the close of business Jan. 2 and is as follows:

	Cr.	Dr.
General funds	118,587.18	
Contingent		53.45
Street	6,446.13	
Water supply	122.04	199.87
Waterworks	6,446.13	
Sewer	1,220.04	
Water bond sinking	3,857.99	
Sewer bond sinking	2,093.00	
Bond interest		7,068.41
Total	\$44,442.67	\$7,353.73
Cash on hand	\$37,088.94	

Added to the cash on hand is a remittance of the city's portion of the last tax collection, amounting to \$11,639.21, which is apportioned as follows: Contingent, \$34,350.53; street, \$38,544.34; water supply, \$8,587.63; sewer, \$715.64; library, \$2,562.54; bond interest, \$26,478.34.

It will be seen that with the tax receipts the city will be able to wipe out all its overdrafts and start the year's work with a neat cash balance on hand.

The Wasatch Literary Circle meets this afternoon with Mrs. J. E. Berkel.

Mr. and Mrs. Jacob Moritz will leave shortly for California and expect to take an auto trip through the southern part of the state.

The Undine club met Thursday evening at the home of Miss Edith Edmonds, at which meeting the following officers were elected: President, Jennie Nelson; vice president, Virginia Smith; secretary and treasurer, Lisle Bradford; editor, Edith Edmonds. The business of the meeting was transacted, after which light refreshments were served. The club will meet next Thursday at the home of Miss Hazel Dorius.

Mr. and Mrs. Percy Madsen are at the Whitehall.

Mr. and Mrs. George W. Snow left yesterday for California.

The Seekers' club meets this afternoon with Mrs. Charles Seaton.

The Misses Isabel and Amy Osborne, who have been spending the past two weeks with Miss Le Compte in Park City, have returned.

Tomorrow Mr. and Mrs. G. W. Putnam entertain informally at cards, the event to follow the meeting of Mrs. Putnam's afternoon club at her home.

Arthur B. Withers of Ely, Nev., is in the city for a few days.

Mrs. J. M. Denny won the prize at the meeting of the Monday afternoon card club yesterday at which Mrs. A. Feabody was hostess.

## KEMMERER COAL UNDERBIDS UTAH

### Reduction of Twenty-Five Cents At Mines Went Into Effect Yesterday.

## IS CHEAPER TO THE RETAILER

Notice of Drop in Price in Form of Circular by Manager of Mines To All Agents.

The situation in coal is that every center where it is mined is again fighting for new territory, after a long period of agreements by which one company restricted its operation to a certain limit, where its resources could be absorbed. The Utah Fuel Co. is pushing out into Nevada, and California. The Kemmerer Fuel people are pushing more vigorously into Utah, and today Kemmerer coal is 25 cents cheaper to the retailer than it has been. If the retailers follow the example of the Utah coal dealers and drop the delivery charge to 50 cents the ton, coal should be on the retail market this week for 50 cents cheaper than it was a few weeks ago, or \$5.50 per ton, instead of \$6, which was charged till Utah coal dropped to \$5.75.

### NOTICE OF DROP.

The announcement of a drop in Kemmerer fuel comes in a general notice from the mines, by P. J. Quealy, general manager, to all agents. It reads: "On and after today (Jan. 6), the mine prices on Kemmerer coal will be as follows:

Lump and nut	\$2.25
Run of mine	1.75
Slack	1.25
All per ton of 2,000 pounds, mine weights. These prices apply on all unfilled and standing orders on which shipments are made on and after Jan. 6, 1908.	
WHAT IT MAY BE.	
The freight rate to Salt Lake is \$1.75 per ton. The retail margin is supposed to have been \$1, which would make the net price, if it reaches the consumer, compiled by the following schedule:	
Price at mine	\$2.25
Freight to Salt Lake	1.75
Retail margin	1.00
Household	.50
Total to consumer	\$5.50

The reduction is important to consumers from the fact, chiefly, that it is the first indication of a break at the mines, and the entrance of coal mines into the movement for lower prices. So far all reductions have been managed by the retailers, who have trimmed their delivery charges.

This new mine price for Kemmerer fuel is 25 cents the ton less than Utah coal, with an equal freight and retail margin, and at present a delivery rate of 25 cents more the ton. No retail reduction has yet been announced, and the coal is quoted today at \$6 as usual.

## TO SHOOT HIS HEAD OFF

Councilman Martin Takes Himself Fernstrom's Remarks About Grafting.

So far as is known, there are no notes on the butt of Councilman L. D. Martin's revolver. In fact, it is not known that he owns and carries a revolver—maybe he does and maybe he doesn't. Nevertheless, he tried dreadfully hard to appear like a really and truly western man with blood in his eye just after the council session adjourned yesterday. Councilman Fernstrom had made some remarks, directed to no one in particular, concerning grafts that have put councilmen in other cities behind penitentiary walls. The cause was gas franchises in which some questionable conduct was involved. Martin thought the remarks were sent in his direction, and thereupon in his heart there was a ranking something that made him want to kill somebody. After the council adjourned he galloped up to Councilman Fernstrom and told him that if ever again he accused him, Martin, of grafting, he, Martin, would shoot his Fernstrom's head off. Fernstrom was unaffected.

## SOCIAL AND PERSONAL.

Dr. and Mrs. G. B. Proutz have issued invitations for a dancing party to be given on Friday night in honor of Mrs. H. D. Que of New York, and Mr. and Mrs. Karl Seidel.

The leap year party given last night by the young ladies of the Congregation B'nai Israel at the Ladies' Literary club house, was an enjoyable affair a large number being present and the ladies thoroughly enjoying their new privileges.

Mrs. A. D. Cleveland entertained her car club yesterday.

The Daughters of Utah Pioneers will hold their remembrance meeting tomorrow at the Lion House at 3 o'clock. W. W. Hilder will lecture on the history of the Hebrews.

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## Baby Restless Last Night?

### Then you should have one of our "Easy-to-Read" Clinical Thermometers to ascertain if there was a fever. Price \$1.00 Delivered anywhere.

## F. J. HILL DRUG CO.

### "The Never Substitutors."

## FLECHTER TO BLAME.

### Investigation Into Thistle Junction Wreck Results in This Decision.

At the conclusion of a rigid investigation officials of the Rio Grande announced they felt Herbert W. Fletcher was entirely responsible for the accident Sunday morning at Thistle Junction. This accident cost Fletcher his life. Members of train crews of both trains figuring in the collision were examined and all asserted stoutly that Fletcher was too old a man and too good a railroader to have been asleep at his throttle. They were of the opinion that he was thinking of his old home in Virginia, which he was going to visit within a few days, and this took his mind away from his train, the track and the freight train ahead. Fletcher's funeral will be held at 2 o'clock this afternoon from Evans' undertaking parlors.

## PICTURES FREE.

Our east window is full of pictures, unframed. Select the picture you like and we will frame it for you, charging only for the frame.

MIDDLEBURY-RODGE CO., 33 East First South.

## BIG DEAL IN REALTY.

Clayton Investment Company Becomes Owner of Richards Street Property.

A real estate deal of some interest was concluded yesterday afternoon, when the Clayton Investment company became the full possessor of 42 feet front on Richards street, where the Auditorium rink now stands. The property belonged to the Zion's Savings Bank & Trust company, and the deal was begun a year ago, the price being \$7,500. For business reasons the transfer was not made at that time outright, but the deed was placed in escrow, a deposit made, and interest paid on the amount remaining. The property is now valued at \$24 per front foot, and had it been re-oid before the money stringency, it is claimed \$20 per front foot could have been got for it. In fact the Clayton Investment company was offered twice the deposit in escrow, about twice what they paid. The property is now owned by the Clayton Investment company, which is paying about \$160 a month rent, so that the investment is a profit, able one from the start. Credit has been given to the advancing in a way that is very gratifying to local owners.

## WHY COLDS ARE DANGEROUS.

If you would be immune from disease, keep the eyes wide open from disease. Each successive cold weakens the constitution and renders it more susceptible to other ailments. Chamberlain's Cough Remedy will cure you cold promptly and restore the system to its normal condition. For sale by all druggists.

## FOR A DETENTION HOME.

Juvenile Court Commission in Session Going Over the Question.

The juvenile court commission is holding an important meeting in the governing office this afternoon. In addition to the members of the commission present, Mayor Bransford, the county commissioners, Judge Gowen, Superintendent Reynolds of the Newhouse home, Probation Officer Guardello Brown and others interested in the working of the juvenile court are present. The meeting has been called to consider the matter of providing a detention home in Salt Lake to be maintained jointly by the county and city. The city's position is that it has no authority for the expense, due to a defect in the law drawn by former Judge Willis Brock, which is filled with defects blocking almost every attempt of the court to provide better conditions among young boys and girls of the city. It is believed by interested parties that the meeting this afternoon will result in an understanding between both city and county and that a detention home will be provided.

## HOW TO AVOID PNEUMONIA.

You can avoid pneumonia and other serious results from a cold by taking Fole's Honey and Tar. It stops the cough and expels the cold from the system as it is mildly laxative. Refuse any other remedy in the yellow package. F. J. Hill Drug Co., "The never substitutors."

## TWO-STEPPING CONTEST.

One of the largest crowds of the season attended the Auditorium last evening to witness the first event of a week's two-stepping contest on roller skates. Last evening's contest narrowed down to a fight between Miss Mabel Anderson and partner, against Miss Ruth Sinder and Earl La Mont. The former were finally declared the winners and will enter the finals on Saturday evening. The second round takes place this evening after the first match. It was announced that Miss La Mont had resigned his position as floor manager. Bert McArthur was appointed in his place.

## HOSTETTER'S BITTERS

The Bitters will promptly relieve an attack of Heartburn, Indigestion, Costiveness, Biliousness, Chills & Colic. Try a Bottle. Also ask your Druggist for a free copy of our 1908 Almanac.

## MEAT-EATING

### suits some people.

Others do better on well-cooked cereals.

For real power of mind and body—for a clear brain and a steady, enduring nervous system—there is

### No Food for Man

that equals

## Grape-Nuts

### "There's a Reason."

Read "The Road to Wellville" in pgs.

## CITY ENGINEER'S REPORT.

### History of Work Done by Department in 1907 Makes a Big Book.

The force in the office of City Engineer L. C. Kelsey is busily engaged in compiling the report of work done under the supervision of the engineering department of the city during the year just closed. The report will be the largest in number of pages and illustrations that has ever been compiled by the department. Last year's report contained 175 printed pages and about 50 illustrations. This year's report will contain about 250 pages, 60 photographs and 20 maps and drawings.

## DISBURSED THE CONGREGATION

The person who disturbed the congregation last Sunday by continually coughing is requested to buy a bottle of Fole's Honey and Tar, F. J. Hill Drug Co., "The never substitutors."

## 1907 BUILDING PERMITS.

### Inspector's Report Shows 591 Issued For 690 Structures Costing \$3,133,930.

Building Inspector D. W. Gamble submitted his report to Mayor Bransford this morning. The report includes the period from Jan. 1, 1907, to Dec. 31, 1907. It shows that during the year 591 permits were issued for 690 buildings costing \$3,133,930. Brick, concrete and iron buildings cost \$3,014,250; frame, \$14,000; 27 additions and alterations, \$45,700.20. Fees were received amounting to \$1,987.15, and the expenses of the office were \$887, or a net revenue from the office of \$1,100.15. The report recommends a revision of the ordinances to meet new conditions.

## LATE LOCALS.

Today's Clearings—Today's local bank clearings amounted to \$592,796.80 as against \$1,530,212.86 for the same day last year.

Mayor Approves Council Acts—Mayor Bransford today signed up all matters passed upon by the city council at yesterday's session.

A Grand Ball—The grand ball to be given by the Congregation Montefiore for the benefit of the free Hebrew school will take place on Wednesday evening, Jan. 8, 1908, at Kennedy's hall, No. 68 Market street.

Through Traffic Resume—The Rio Grande announces that its main line has been cleared of all wreckage from Sunday morning's collision at Thistle Junction and through traffic is again on its usual.

New Books Arrive—The new books to be used by the city treasurer and the city auditor in the system suggested by Westerman & Trader and adopted by the city council, have arrived at the joint building. They are of the loose leaf variety and will require daily balances in all departments.

Mrs. Parker is Dead—Mrs. Mina Parker, wife of George Parker, died yesterday afternoon of pleurisy, at her home in Murray, Utah. She will be buried in that town Thursday at 2 o'clock. She was 36 years old and a native of Scotland and was widely known.

Russ High, John Says—John W. Rover, vice president of the Lucky Dutchman Mining company and promoter, recently connected with other well known propositions, has a prize of which he is boasting exceedingly. He says it goes for \$100 per cent. It is a girl—three days old.

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## JANUARY

## Clearance Sale of Dressers AT MADSEN'S

DRESSERS of QUALITY, Beauty of Design and Perfect Workmanship.

Come and choose from 75 designs. Prices ranging from \$11.90 to \$100. Just like cut, \$19.75

THIS IS THE BIGGEST DRESSER SALE IN SALT LAKE'S HISTORY

P. W. Madsen's Furniture and Carpet Store

51, 53, 55, 57 EAST FIRST SOUTH STREET

## NEW TRANSFER RULES.

### Street Car Company Says Privilege Has Been Abused.

Notices appeared in the streetcars today, that on and after Jan. 15, no transfers would be issued to passengers unless requested, and then only at the time fares were paid. Inquiry at the company's offices indicates that there has been a great abuse of the transfer privilege. It has been the habit of passengers, according to company officials to ask for a transfer not only when they paid their fares, but when getting off the car, as though their luck had been in. Then and then to give the transfers to their friends.

Moreover, the company officials say they have found that some conductors would give transfers to members of their families in lieu of fares, which could be readily done, as the slips could be punched for any hour that the recipients desired to use them.

Altogether, the management of the street railway found that the company was being badly imposed upon, and has now taken measures to stop it.

The night came on, the good wife smiled. "Thank God, she softly said. "Thank God, we're happy, healthy and bright. We at the Rocky Mountain Tea at night."

## CIVIL SERVICE "EXAMS."

### Plenty of Them Announced and Some Are Rather Attractive.

Anyone desirous of entering civil service ranks have an abundance of examinations to choose from, some announced being: Press feeder, government printing offices at 25 cents per hour, eight hours per day, Jan. 29; scientific assistant to seed tester, \$1,000, man; \$340, woman; Jan. 29-30; tariff clerk, \$1,200, Jan. 29; stenographer, Jan. 27; topographical draftsman, \$900, Jan. 29-30; computer, \$1,000 to \$1,200, Jan. 29-30; Mergenthaler operator, \$4 per day, government printing office, Jan. 22; machinist, Jan. 22; second class steam engineer, \$720, Jan. 22; forest planting assistant, \$900, Jan. 22; South Dakota and Minnesota, \$50 per month and Arizona, \$54 per month, Jan. 22; teacher mechanical drawing, Carlisle, Pa., \$600, Jan. 22; copperplate map drawing, \$900, const survey, Jan. 15; physician, \$720 to \$1,200, Jan. 15; sanitary engineer, dairy department, department of agriculture, \$1,400 to \$1,600, Jan. 15-16; apprentice may engraver, navy department, \$700, Jan. 15, and interpreter, immigration service, \$1,200, Jan. 15.

## SALT LAKE CITY SUE.

### Edward Simpson Seeks to Recover \$8,795 Damages from Municipality.

Alleging five causes of action, Edward Simpson has brought suit against Salt Lake City as a municipal corpo-

## UNION DENTAL CO.

### HONEST WORK HONEST PRICES.

Painless Extraction of Teeth or No Pay All Work Positively Guaranteed. Phones: Bell, 1128 X; Ind. 1112.

## ANOTHER POINT IN FAVOR OF McDONALD'S DUTCH CHOCOLATES BE SIDES EXCELLING IN QUALITY; THEY ARE FRESHER THAN THE EASTERN CHOCOLATES.