

STATE ALLOWED A WIDE RANGE

Judge Armstrong Permits the Proof to Lie With Three Counts.

EVIDENCE ALL TECHNICAL.

Chemical Lore Delved Deeply Into by Both Sides in Effort to Ascertain Effects of Poison.

That neither the beating alleged to have been administered to Mrs. Thomas Vance, nor the poison alleged to have been given her afterwards by her husband, was alone responsible for her death, but that these two causes, operating conjointly, or either of them produced the murder, is what the prosecution in the Vance case will seek to prove.

This point is the essential one brought out at this morning's session of the Third district court, in which Judge George G. Armstrong opened the session by ruling on the motion of the defense, made Wednesday afternoon, that the prosecution be compelled to elect one of the three counts alleged in the complaint.

One of these counts alleged death from beating, another from poisoning, and a third from a combination of both beating and poisoning. Judge Armstrong's ruling, which was given at the opening of court, was that the motion of the defense would be overruled, thus allowing the prosecution to prove its case on any one of three counts.

Contrary to the general expectation, the defense made no extended statement of its case in opening this morning. The impassioned plea to the jury, a familiar occurrence at such times, preceding the more impassioned effort in the summing up arguments, was entirely lacking.

The first move of the defense, on obtaining the case through the resting of the prosecution Wednesday afternoon, was to put on witnesses through whom they hope to prove that Mrs. Vance herself took another poison, as medicine, which was the real cause of her death, and that this other poison could have produced the symptoms recorded, as easily as mercuric-bi-chloride, which it is alleged Vance put in her drinking water.

The witnesses were Miss Lena Vance, through whom it was sought to prove that the severity of the beating administered had been overdrawn by the prosecution. John Kelly, an expert pharmacist from Oregon, who was asked as to the effect of mercuric bi-chloride tablets on water, and the length of time it would take a tablet sufficiently dissolved to poison a glass of water.

The defendant, Vance, sits quietly by and seems to take only a casual interest in the trial. He chews gum continually. Two small red spots around his temples make it apparent, however, that he is laboring under a nervous strain.

MISS LENA VANCE. The first witness called to the stand by the prosecution was the daughter of Mary and Thomas Vance. The defense attempted to prove that if the beating administered to Mrs. Vance by her husband had been very severe she could not have carried her small child down town, immediately afterwards.

Judge Maginnis, attorney for the defense, asked the witness how old the baby was when her mother went up town and where her mother had intended going. The witness replied that the baby was two years old and that her mother went to a blacksmith shop, the location of which she did not know.

The witness was then dismissed, and Dr. John T. Kelley, an Ogdan pharmacist, was called to the stand and gave expert testimony concerning the nature and length of time necessary to the solution of mercuric bichloride.

The defense sought to prove that under the conditions of the Vance poisoning case that mercuric bichloride, if administered in a glass of water, could not have gone into solution in sufficient quantity to cause death.

Dr. Kelley testified that he had made many tests and experiments upon the solubility of mercuric bichloride under various and diverse conditions. He said that if a mercuric bichloride tablet were dropped into a glass of water and was not shaken or stirred it would take five hours for the tablet to dissolve, if the solution was stirred or shaken, however, solution could take place in 10 minutes and if the tablet were crushed, solution would take place in a very short time.

THE BEST COUGH CURE

Half-ounce of Virgin Oil of Pine, two ounces of Glycerine and a half-point of Whisky, mixed, will cure any cough that is curable and break a cold in 24 hours. Take a teaspoonful every four hours. Ask your druggist for the genuine Leach's Virgin Oil of Pine compound, pure, prepared and guaranteed by the Leach Chemical Co., Cincinnati, O.

per part of a glass two hours after dropping a mercuric bichloride tablet in it and had found no trace of the mercury. He testified that mercuric bichloride could readily be recognized in solution by its strong metallic taste. In conclusion he answered to a question of the prosecution that if the tablet were crushed and scattered over the surface of the water it would take four or five minutes for solution to take place.

Herman Harms, city chemist, was called to the stand next and testified to the same effect as Dr. Kelley concerning the solubility of mercuric bichloride. He was asked if a normal person in normal physical condition would not immediately perceive that poison was in the water. The defense objected to the question on the ground that the witness was not competent to judge of the physical condition of Mrs. Vance at the time, the alleged poison was administered. The objection was overruled by Judge Armstrong and the witness answered that a person in normal physical condition could detect an appreciable amount of mercuric bichloride in a drinking position. Mr. Harms further stid that were the water containing the poison drank immediately after the poison was added only a small quantity of the poison would be in solution.

DR. MONNAHAN ON STAND.

Dr. T. F. Monnahan of Salt Lake was the next witness for the defense, and his testimony was calculated to show that the symptoms of oil of wine poisoning were similar to those of mercuric bichloride poisoning. The essential oil of savine is a drug used in criminal operations and earlier in the trial testimony had been introduced to show that vomit emitted by Mrs. Vance had smelled of the savine oil. The defense is trying to prove that Mrs. Vance might have died from the effects of oil of savine or some other drug.

The prosecution, however, forced an admission from Dr. Monnahan that the symptoms were not exactly those of the poisonous oil and that the oil takes much longer to act than does the mercuric bichloride.

All poisoning symptoms were rehearsed by both the defense and the prosecution. The doctor was asked by the defense that after considering all the symptoms of the death of Mrs. Vance and the fact that Mrs. Vance had carried the child down town immediately after the beating, did he, the witness, consider that the death of Mrs. Vance was due to the kicking administered by Vance. He replied that he did not believe so. A discussion then began between the witness and prosecution concerning savine poisoning. Medical authorities were quoted. With the symptoms named and suddenness of vomiting taken as a hypothesis, Dr. Monnahan admitted that the indications were that death was not caused by oil of savine.

DEFENDANT CHEWS GUM.

The defendant, Vance, sits quietly by and seems to take only a casual interest in the trial. He chews gum continually. Two small red spots around his temples make it apparent, however, that he is laboring under a nervous strain.

RAILROAD MAN BEATEN.

Grover Moore, a railroad man, was set upon and severely beaten at the corner of West Temple and South Temple streets this afternoon by four railroad men, whose names he does not know, but whose faces are well remembered by the victim. Moore says he reported several O. S. L. brakemen to the superintendent for "kicking up money," which interpreted means that hoboes contributed to their coffers with coin in payment for rides on freights and other places where riding is hazardous and not first class. The victim was taken to a nearby store by bystanders and the police notified. Moore was then taken to the emergency hospital at the police station by Patrolman Gillespie where his wounds were dressed. In the meantime his assailants were scattering and the police armed with warrants for the arrest of John Doe, Richard Roe, Richard Doe and John Roe, are in hot pursuit.

WEATHER REPORT

The lowest temperature of the season was reached early this morning, when the mercury touched 18 degrees above zero. But the thermometer is higher up the scale now.

High barometric pressure extends from the north plateau southeast to the south Atlantic coast, causing fair weather over most of the country. Over the south plateau and north Atlantic states the air pressure is low producing precipitation over portions of California, Arizona, Oklahoma, Louisiana, Texas, the Atlantic states and lake region. Light precipitation was also reported over portions of South Dakota, and Manitoba. The lowest temperature was at Lander, Wyo. It degrees at time of report.

The high pressure over this section will cause fair and colder tonight and Sunday in this locality. There is only one low area today, in the country, and that is in southern Arizona.

Record at the local office, United States weather bureau, for 24 hours ending at 6 a m today:

Poulton Madsen Owen & Co. 111-113 Main Street



Correct Clothes for Men Benjamin Clothes.

This Store is filled With Good Clothes for Men and Boys

There is always one store in a town that carries the popular line of clothes. Not the cheap line nor the high priced line, but a stock of good honest clothes that you can always "bank" on as being correctly styled, correctly tailored and correctly priced. This is the store than occupies that position in Salt Lake today.

Benjamin Clothes our first grade—are style standard. No clothes more honestly tailored or more justly priced are sold in Salt Lake today. Suits and overcoats sell at \$18 to \$40. These prices are surely popular and the clothes are highest grade. If you'll allow us a try-on you'll agree.

This same policy of honestly made goods, honestly priced, is carried through each department, and whether it be clothing for man or boy you are sure of the best values.

Men's Suits and Coats at \$15 and More Boys' Suits and Coats at \$3.30 and More

Poulton, Madsen, Owen & Co.

111-113 Main Street.



Boys' Coats and Caps



Boys' Suits—best makes



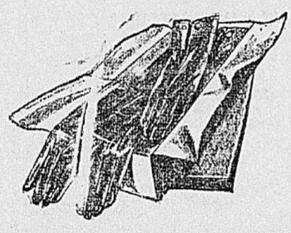
Knit Wool Mufflers—very comfortable



Benjamin Fancy Vests.



ENSIGN \$3.00 HATS Many Good Lines of Men's Dress Gloves —Prices Are Moderate



Original Holeproof (Insured) Hosiery for Men, Women and Children. Guaranteed Six Months.



Correct Full Dress



Light Dress Overcoats



Auto Coats and Rain Coats



Heavy Overcoats

Temperature at 6 a m. 19; maximum, 31; minimum, 1; mean, 24, which is 6 degrees below normal. Total excess since first of the month, 23 degrees; total deficiency since Jan. 1, 59 degrees.

The thermometer registered today: 6 a.m. 21 7 a.m. 22 8 a.m. 22 9 a.m. 22 10 a.m. 22 11 a.m. 22 12 m. 22 1 p.m. 23

YESTERDAY'S RECORD Highest 21 Lowest 19

STEVENS WHO STOLE MAIL POUCH CONVICTED

Kansas City Nov. 27.—Charles Stevens, the negro who stole \$50,000 from a registered mail pouch here several months ago, was found guilty in the federal court today on all six counts. The maximum penalty is 35 years. He will be sentenced later.

Stevens traveled extensively following the robbery and spent money freely. He finally returned to his haunts in Kansas City and was arrested. He was placed on trial Wednesday last and was defended by a lawyer who came here from San Francisco for that purpose.

The stolen pouch contained money being shipped to New York by a Los Angeles bank. The pouch was recovered but none of the money was ever found by the officers. Stevens is believed to have buried the treasure with the idea of getting it when he has served out his term in prison.

MARYLAND QUARANTINED.

Washington, Nov. 27.—The department of agriculture today ordered a quarantine against the entire state of Maryland so far as cattle and sheep, etc., are concerned, on account of the appearance of foot and mouth disease.

KAISER IS IMPROVING.

Berlin, Nov. 27.—A bulletin issued by the physicians from the new palace at Potsdam this afternoon announces an improvement in the condition of Emperor William, who is suffering from a cold. His majesty was able to pass several hours out of bed this morning.

ARE YOUR FRIENDS INTERESTED IN UTAH OR IDAHO?

If so, send them the Christmas "News." It will contain THE FULL STORY OF 1908, in BOTH STATES. We will mail it to any address in the United States you may send us for 15c. Magazine Form 25 cents.

ZION'S GIGANTIC HAT SALE

Is Now on at 336 South Main

- \$2.50 and \$3.00 values now \$1.50 \$1.50 Crushers 50 cts \$2.00 Boys' Hats 65 cts \$1.00 Winter Caps 45 cts \$1.00 Children's Tams now 30 cts \$1.00 Neckwear 50 cts 75c Ties 35 cts

McCARTY'S

336 South Main—2 Doors North of P. O.

ENSIGN GROCERY

151 East Third South St.

Your order will receive our prompt attention. Large supply of Turkeys and all other poultry to meet the holiday demand. Cranberries, celery, nuts and mince meat at market prices.

- Beet Sugar, per sack \$6.10 Wedding Cake Currants, 2 pkgs. 25c Cane Sugar, per sack \$6.20 Maxin's Brand Salmon, per can. 10c 16 pounds Sugar for \$1.00 with each \$1.00 purchase. Loose Macaroni, 2 pounds. 15c Splendid Smooth Potatoes, 65c per bushel. Swift's Premium Hams, Breakfast Bacon, all kinds of canned goods, vegetables, fresh fruits, strawberries, and a full line of Groceries at correspondingly low prices. High Patent Flour, per sack \$1.30 Straight Grade Flour, per sack \$1.15 Blue Ribbon Raisins, 2 pkgs. 25c

Courteous Treatment. Prompt Delivery to all Parts of the City. Both Phones Bell 1078, Ind. 3145.

For the Housewives A Maker of Happy Homes THE McDUGALL CABINET

An After Thanksgiving Thought

How enjoyable was the little family affair of Thanksgiving—all sat down to its sumptuous meal—and the mother was one of the merriest and most cheerful.

THE McDUGALL CABINET Had saved her almost miles of unnecessary walking, and when meal time arrived she was not too weary to enjoy the dinner, and that is the daily experience to the happy possessor of this household necessity.

We Sell Them H. DINWOODEY FURNITURE COMPANY.

"The Time Will Come When You'll Remember" Chamberlain Music Co. 51-53 Main St.

Goldfield-Tonopah

Most Direct Route From All Utah. Leaves Salt Lake 8:15 P. M. Arrive Goldfield 6 P.M. Tonopah 7:05 P.M. Round Trip Miners Excursion Rates on Sale Daily. 169 MAIN STREET

8:15 P. M. Daily Los Angeles Limited For Southern California

A PALACE ON WHEELS Electrically Lighted, Observation Library Buffet. 24 Hours to Los Angeles. EXTRA STANDARD SLEEPERS. From Salt Lake City.

Office 169 Main Street