LAST EDITION

# DESERET EVENING NEWS.

The Advertiser Appreciates Not Only The QUANTITY but Also the QUALITY of the "News" Circulation

TRUTH AND LIBERTY.

28 PAGES — SATURDAY MARCH 20 1909 SALT LAKE CITY UTAH — FIFTY-EIGHTH YEAR

## GUILTY OF MURDER IN SECOND DEGREE

### Col. D. B. Cooper and His Son Robin for Killing Ex-U. S. Senator Carmack.

### TWENTY YEARS IN PRISON.

### Jury Fixed Defendants' Punishment at That, They Taking Verdict Coolly.

**Admitted to Bail in Sum of $25,000—Attorneys Made Motion That Case Be Declared a Mistrial.**

Nashville, Tenn., March 20.—Guilty of murder in the second degree with 20 years' imprisonment as the penalty was the verdict of the jury this morning in the case against Col. Duncan B. Cooper and his son Robin Cooper, charged with the murder of former United States Senator E. W. Carmack.

The jury yesterday acquitted John D. Sharp, a co-defendant. Immediately the defense moved to set aside the verdict because of the verdict of disagreement of yesterday and asked the court to declare it a mistrial. Judge Hart said he would listen to arguments on this motion later. He then fixed the defendant's bonds at $25,000 each, which amount was acceptable to both sides. The verdict, coming as it did upon the heels of Foreman Burke's declaration yesterday that "we are hopelessly tied up as to the Coopers," was a surprise.

The defendants took it coolly—almost without emotion. Mrs. Burch and Mrs. Wilson, the young daughters of Col. Cooper, were brave and aside from tearful eyes, restrained their emotion gamely. Mrs. Burch sat with her arm around her brother Robin's shoulder and Mrs. Wilson was at her father's right. The suspense for the two young women had been heartrending and any verdict, however, unfavorable, was a relief.

JURY DISMISSED.

The jurors were tired looking and dishelved, and when the court remarked "I thank you gentlemen, for your patience an devotion to the state and dismiss you to your homes and your personal avocations," the entire 12 sprang from their seats as one man and hurriedly left the courtroom. The defendants and their counsel remained to complete the bond preliminaries and motions for a new trial.

Various and insistent rumors that the jury had agreed were responsible for a crowded courtroom this morning, and for the presence of attorneys for both sides long before the usual hour for convening. As soon as Judge Hart entered court, and even before he removed his coat, he ordered the jury and the defendants brought into court.

"I understand they have agreed," he remarked to the press table, "and am sending to see."

In almost a moment—9:25 to be exact—the 12 men entered the room and took the same seats they have occupied for nearly nine weeks.

"Have you agreed upon a verdict, gentlemen?" said Judge Hart.

"We have," replied Foreman E. M. Burke hoarsly.

"Advance, Mr. Foreman, and read the verdict."

THE VERDICT.

"We, the jury, find the defendants, Duncan B. Cooper and Robin J. Cooper, guilty of murder in the second degree and assess their punishment at confinement in the state penitentiary for a period of 20 years."

"So say you all, gentlemen?"

"So say we all," in chorus.

Then, after the court had dismissed the jury, Judge Anderson of the defense was on his feet, exclaiming:

MOVED FOR MISTRIAL.

"Your honor, we move the case be declared a mistrial, because of the verdict yesterday. We contend that yesterday's verdict was the only one and that it acquitted John Sharp, but declared a disagreement on the other defendants. We also ask that the defendants be admitted to bond."

"The verdict of the jury makes it a baliable case," was the court's retort. "Hence I will fix the bond of each defendant at $25,000 unless there be some objection. In that event I will hear arguments."

"It is satisfactory to us," said Atty.-Gen. McCarn.

"And to us," retorted Judge Anderson.

"There seems to be nothing left but for the court to pass sentence," added Judge Hart.

"I don't think that necessary," said Judge Anderson. "We move that judgment be suspended and that we be given a new trial. We will be prepared to argue the motion later—probably next week."

"All right, judge," remarked the court. "I know you will not delay unnecessarily and I will take it up at your own convenience."

"Bring in the bond book," said Judge Anderson.

It was done and the defendants signed the bond and returned with their relatives and friends to the room they have occupied in the jail building. Mrs. Burch, who stood bravely and even smiled in the courtroom, collapsed as she reached the narrow corridor leading to the jail and had to be supported by her husband. Mrs. Wilson's eyes were streaming with tears. Both young women have counted confidently on an acquittal, although even their counsel advised against building too many hopes on the result. The jurors were not inclined to talk, but one of them said:

HOW JURY STOOD.

"On the first ballot we acquitted John Sharp and disregarded the conspiracy theory. On this same ballot we stood six for guilty of murder in the first degree with mitigating circumstances, five for murder in the second degree with 20 years, the maximum penalty, and one for acquital. The ballots all day Wednesday and Thursday showed the same result. Yesterday the man who voted for acquittal went over to murder in the second degree, but demanded that only 10 years be assessed. The rest of us did not deem 10 years as anything like adequate, so we disagreed again. Of course, this all referred to the Coopers and to Sharp, whom we had acquitted.

"Early this morning, the man who was holding out for 10 years agreed to 20 years and the six who were voting for a first degree verdict, agreed to this verdict."

While the jurors will not say who the man was who held out for acquittal, it is known from rumors overheard from the deputies he was S. J. Hide.

John Sharp hurried to the courthouse when he heard of the verdict and was soon closeted with the defendants and their counsel. Mrs. Sharp was in court when the jury reported and comforted the daughters of Col. Cooper. Several other friends were with them and accompanied them to the room of the defendants where they awaited the arrival of bondsmen.

After the bondsmen had signed the party was whirled in the burch automobile to the Bradford home.

There will be no further proceeding in the case for about a week.

## WOULD INVESTIGATE CAMPAIGN EXPENDITURES

Washington, March 20.—Campaign contributions during the campaign of 1896 and 1904 will be investigated by a congressional committee to be known as the "special committee of the Sixty-first Congress for the investigation of campaign funds and expenditures in national elections" and to consist of five representatives and 10 senators, should the joint resolution introduced by Representative Weisse of Wisconsin be adopted.

It will be the duty of the proposed committee to investigate into the amount of funds collected and expended, from whom received and to whom paid and for what purposes paid and expended.

The committee is also to determine the influences which prompted the contrubutions and the use of them.

### JOHN BEAN DEAD.

San Jose, March 20.—John Bean, the inventor of the first double-action force pump which was ever sold on the market and later of the famous Buckeye force pump, died at his home in Los Angeles Thursday night. He had lived in California for 25 years and only a short time bofer his heath perfected a pump for spraying orchards. During his life Mr. Bean took out more than 100 claims for improvements on machinery from the patent office.

## G. W. HULBERT DEAD.

**In Early Days Was Pony Express Rider for Ben Holliday.**

Oregon City, Or., March 20.—G. W. Hulbert died here yesterday of heart disease. Hulbert in the early days rode the pony express for Ben Holliday from Kearney to Julesburg, Nebraska, and later had charge of the Virginia station and the Rock Creek station. He came to Oregon City in 1901, from Kearney, where he had lived for 29 years previously. At Kearney he engaged in the mercantile business and served one term as mayor of the town.

## HELEN BERYL WHITNEY

**Eloped With Harvard Footballist Now Seeks Divorce.**

San Francisco, March 20.—Alleging non-support, Mrs. Thomas H. Graydon, who as Helen Beryl Whitney eloped from the Misses Rly school in New York six years ago with the Harvard foot-ball player, is seeking a divorce. Mrs. Graydon is the daughter of J. Parker Whitney, a California millionaire, and she met her husband while he was in Harvard and while she was in the eastern boarding school. Failing to overcome parental opposition to their proposed marriage the couple eloped. Mrs. Graydon arrived here from her home in Cincinnati last week and she is now staying with her parents.

## ROBBED AND THEN THROWN FROM TRAIN

Pittsburg, March 26.—A young man who last evening was beaten, robbed and thrown from an east-bound Pennsylvania train at Wilkinsburg, recovered partial consciousness today and said he was J. D. Ryan, 25 years old, a graduate of Yale, and resided in Chicago. His condition is critical and it is probable he will be paralyzed for life. Two operations were performed today. After the first Ryan revived somewhat and said he had been followed by two men.

"In passing to another car," he said, "I met the men on the platform. They grabbed me by the throat and demanded my money. They took my jewelry and money and then pushed me from the train."

After the operation he again lapsed into unconsciousness.

## BILL PROVIDING FOR EX-PRESIDENTS

Washington, March 20.—Once a president always a government employe if either of two bills becomes a law. One offered by Representative Couldrey, Mo., makes ex-presidents honorary members of the United States senate for life, and as such gives them a salary of $25,000.

The other introduced by Representative Bennett, New York, povides that ex-presidents of the United States should have a seat in the house of representatives with the privileges of debating but not voting.

Under this bill they would receive the same salary as members.

### HIGH PRICES FOR PAINTINGS.

New York, March 20.—Twenty-three paintings, most of them by members of the Barbizon school, brought $81,975 at the Garland sale here last night. The top price, $15,000, went for a Corot, "La Patre Evening on the Lake," sold to T. J. Coolidge, Jr., of Boston. Emerson MacMillen paid $14,000 for Dualigney's "Morning on the Marne."

### TEL. CO. WILL APPEAL.

Salem, Or., March 20.—The Pacific Telephone & Telegraph company has served notice on Atty.-Gen. Crawford that it will appeal from the decision of the supreme court of Oregon to the supreme court of the United States in the action brought by the state of Oregon to collect money under the gross tax law. The company will base its appeal on the contention that the initiative and referendum law and primary system under which the gross earnings tax was enacted is in contravention of section 4, article 4 of the Constitution of the United States. The state supreme court upheld the law.

## WILLIE WHITLA'S FATHER BREAKS DOWN

Sharon, Pa., March 20.—Sobbing and crying, James P. Whitla, the father of the kidnaped boy, broke down today when no word had been received from the abductors, and in a statement to the Associated Press said he wanted to impress on every person interested in the recovery of the boy, that all he wanted was to see his child safe back home. He said he was ready to pay the $10,000 ranson at any time and had authorized agents to pay over the money.

Mr. Huhl, the boy's uncle, remained in Cleveland today to be ready to open negotiations with the kidnapers.

Although every clew is being run down nothing has developed to give the searchers the slightest ray of hope.

## SIX APPOINTMENTS ARE TURNED DOWN

### Alexander, Jensen, Candland, Thayne, Chambers and Walsh Not Confirmed.

### APPROPRIATION BILL PASSES

**Lively Caucuses Preceded Consideration and Compromise Only Saved The Day in Its Hour of Trouble.**

At the conclusion of the executive session of the senate, announcement was made that the following nominations by Gov. Spry were rejected:

Alexander and Jensen, as members of the state board of optometry.

Candland and Thayne, as members of the state board of land commissioners.

Chambers, as fish and game commissioner.

Walsh, as a member of the board of trustees of the State Industrial school.

All other nominations were confirmed.

A situation more complex could scarcely be imagined than that which confronted the legislature today. In the senate only one thing has been accomplished in open session, namely, the passing of the amended appropriations bill. This was accomplished after more than two hours of caucus.

What took place in the caucus room is not known to the public. It was evident, however, that the session or series of sessions, were most torrid in character. This was evidenced from the look of each member who, for one reason or another emerged from the room, which, if not locked, was opened only for ingress or egress.

It is understood that the two factions on the liquor question stood firmly on their grounds, each refusing to yield. The senators who demanded that liquir legislation be enacted before adjournment were in the majority, but could not command the necessary two-thirds to control.

The stand was taken by these that they would not take up the appropriation bill nor confirm the governor's appointments until the liquor bill should be considered.

GARDNER'S ULTIMATUM.

President Gardner was opposed to this plan, and issued an ultimatum to the effect that if the majority did not yield from such stand, he would adjourn the session sine die. After stating his position, President Gardner left the caucus room and did not again enter it.

Once or twice the caucus dissolved, only to again be called together. Senator Williams, as chairman of the appropriations committee, held back S. B. 202, the appropriations bill, intending it as a lever to raise H. B. 240, the liquor bill, to a position where it would receive consideration.

Finally at 11:20, just two hours and 20 minutes after the time set for business, the members came into the senate chamber and the assembly was called to order. It was learned that a compromise had been effected, whereby the majority agreed to consideration of the appropriations bill and to pass upon the governor's appointments, and the other side yielded the point of taking up other bills, including the liquor measure, and promised not to try to force an adjournment until the calendars of both houses were clear, to the satisfaction of all.

Two votes, those of Benner X. Smith and President Gardner, were cast against the appropriations bill, the affirmative being 14, with Senators Miller and Hulaniski absent.

Then the senate went into executive session to consider the governor's appointments, from which they did not emerge until after 1 o'clock.

### FOUNDLING IS ADOPTED.

Lewis A. Merrill and his wife Effie Ensign Merrill adopted a foundling male infant today upon the showing before Judge Lewis that they were able to take care of the child properly. The child is five and half months old and the perentage of the boy is unknown.

### WEEKLY HEALTH REPORT.

Thirty-one births were reported to the city board of health for the week ending Friday, March 19. Sixteen were males and 15 were females. In the same period 29 deaths were reported, 14 males and 15 females. Seven bodies were shipped here for burial.

There were 49 cases of contagious diseases reported to the board for the same week, which is a decrease under last week. There were nine cases of smallpox, six cases of diphtheria, 26 cases of scarlet fever, two cases of measles, six cases of whoopingcough, one case of pneumonia, and four cases of chickenpox. There are 31 houses quartined on account of smallpox, 48 houses for scarlet fever, and seven houses on account of diphtheria. There are nine cases of smallpox in the isolation hospital.

## GANGWAY COLLAPSES TEN PERSONS DROWNED

Barrow in Furness, England, March 20.—A gangway connecting the battleship Vanguard with the wharf at the Villars Son Yard, collapsed today. Fifty were thrown to the docks. Ten were killed and 40 injured.

### GANGWAY COLLAPSES; TEN PERSONS KILLED

Lincoln, Neb., March 20.—Mrs. Lena Margaret Lillie today won her suit against the Modern Woodmen when a jury awarded her $4,283.73. She sued for $2,000, the amount of the policy held by her husband, and interest.

Mrs. Lillie, after a sensational trial, was convicted of murdering her husband. Gov. Mickey later pardoned her and she sued the insurance company.

## INDICTMENTS ARE DISMISSED

### Those Secured by Ex- U. S. Dist. Atty. Norman E. Rurick for Idaho Land Frauds.

### WICKERSHAM TOOK ACTION

**Senator Borah Made No Technical Objection but Stood Trial And Was Acquitted.**

Washington, March 20.—Atty. Gen. Wickersham today directed the dismissal, as to the persons against whom it is still pending, of the indictment secured by the former United States district attorney for Idaho, Norman E. Ruick, against Senator Borah, members of the Barber Lumber company and others for conspiring to defraud the United States of certain timber lands in Boise county, Ida.

Senator Borah made no technical objection to the indictment, but stood trial and was acquitted. John I. Wells and Patrick Downs, two of the other defendants, filed pleas in abatement to the indictment based on the alleged improper conduct of Ruick before the grand jury in urging the return of the indictment. Their pleas were sustained by Judge Whitson in the United States district court for Idaho. In view of the finding of Judge Whitson, the attorney-general decided that the indictment should be dismissed as to all the other defendants against whom it was still pending. The pleas in abatement filed by Wells and Downs were based upon the affidavits of two of the grand jurors, Latham and Sloan, as to the conduct of Ruick before the grand jury. Latham and Sloan were subsequently indicted for perjury by another grand jury in making such affidavits.

## JOHN HAY'S FIRST SKETCH OF LINCOLN

### Had So Much About "Rail Spilter" in it Was Mercilessly Blue Penciled by Editor Angell.

### HAY WAS ONE OF HIS PUPILS.

**Dr. Angell Admits That When He First Saw the Great Emancipator Was Not Favorably Impressed.**

Ann Arbor, Mich., March 20.—An interesting anecdote linking the lives of President James B. Angell of the University of Michigan, the late John Hay and President Lincoln is published in the current number of the Michigan Alumnus, the organ of the University of Michigan alumni.

When Dr. Angell was editor of the rovidence (R. I.) Journal his first glimpse of Lincoln was on the occasion of the repetition at Providence by Lincoln of his famous Cooper Institute speech. Up to this time, says the Alumnus, Dr. Angell confesses that he was at one with the unfavorable impression which seems to have prevailed throughout the east, owing to the awkwardness of Lincoln's personal appearance. Dr. Angell was, however, so deeply impressed with the speech he heard that he became an ardent advocate of Lincoln's election to the presidency.

To bring the candidate before the public in the most favorable light and to overcome the first impression which Lincoln's appearance was so apt to make in the critical east, Dr. Angell employed his young friend John Hay, who was one of his former students, and a student of law in Lincoln's office at that time, to write for the Journal a series of articles which should emphasize the sterling qualities of the man rather than his fame as a rail splitter.

Mr. Hay, however, was so impressed with the contrast between Lincoln's mind and mannerism that even he emphasized too strongly the "rail splitter" in Lincoln and the articles were mercilessly blue penciled by Editor Angell.

These articles as they appeared in the Providence Journal, says the Alumnus, may be taken undoubtedly as giving John Hay's early impressions of the man whose secretary and biographer he was later to become. As the articles were not signed, their historical interest has never been brought out.

## SERVIA ACCEPTS POWERS ADVICE TO DISARM

St. Petersburg, March 20.—The Belgrade correspondent of the Bourse Gazette says in a dispatch that M. Milovanovics, the foreign minister told him today that Servia had accepted the advice of the powers to disarm.

Servia considers the action of the powers to be a guarantee and she no longer has reason to fear armed attack from any sefurce.

**Local Merchants**

But a few days remain in which to make your appeal to PROSPECTIVE CONFERENCE VISITORS before their departure for

**The Semi-Weekly News**

this city. They are readers of the most widely read paper in the intermountain west.

You can reach the Conference visitors through the Semi-Weekly News, issued Mondays and Thursdays.

## BADGER BILL IS PASSED BY HOUSE

### Now Goes to Senate for Concurrence in Amendments by Conference Committee.

### QUESTION OFFERS QUANDARY.

**Representatives Were in Queer Plight Caused by the One Question Which Seemed Beyond Solution.**

The house at 1:30 passed the amended Badger bill by a vote of 33 to 10 with two not voting. It now goes to the senate for concurrence in amendments placed in the bill by the conference committee at the suggestion of Gov. Spry. Those leading the opposition were: Holman, Morris and Funk. Holman's motion to refuse explanations of votes carried, whereupon Morris voted no, explaining vehemently his protest against such a gag rule, and Funk explaining his opposition to such procedure, their terms of explanation being brief and highly colored.

After the passage of the bill, Thompson arose to a question of personal privilege and excoriated the majority for delegating their legislative authority to the executive and resenting the insinuation, previously made, that the minority who had fought for prohibition had at the last stage become disloyal.

Blown back and forth by every wind of diverging opinion, and with a suppressed excitement bordering on the intense, the members of the house this morning wandered about the house chamber, the corridor, halls and the senate room, awaiting some development which might untangle the problem which has confronted the legislation for the greater part of the present session—the liquor question.

With only one bill remaining on the calendar, with the exception of the much mooted measure, the Badger liquor bill, the house had need only for a final session lasting an hour. That measure was senate bill 187, validating certain acts by the county commissioners of Salt Lake county, and there was little doubt that the bill would pass, although opposed by some of the most influential men in the house. But the item of all absorbing interest was the Badger bill, and the question was, should the house pass the measure, in view of the fact that any liquor legislation at the hands of the senate might not be looked for in view of the fact that the sifting committee of the senate refused up till 12 o'clock to report up house bill 240, known as the Hansen bill.

CONSIDERATION SECURED.

Finally, at 11:45 a. m., Speaker Robinson called the house to order, and the report of the house sifting committee reporting favorably with amendments senate bill No. 148, by Badger, for the regulation of the liquor traffic.

Mr. Thompson moved as a substitute to the regular order of the house, adopting the committee report, that the house recall from the senate, the Hansen bill. The motion was seconded by Representative Fuller, but was promptly voted down.

The reading of the bill had proceeded to considerable length when Mr. Wooton made the same motion, as that offered by Mr. Thompson, when it passed.

Docket Clerk Woolley proceeded again with the reading of the bill when Representative Morris at 12:30, moved for a "saunter."

Representative Wooton arose to a question of personal privilege and said he remained in the house at this time only because he felt a great obligation to do so, and felt that to "saunter" at midday meant the end of the session.

The motion to "saunter" was put and overwhelmingly defeated. The reading of the bill was then continued.

RESPONSIBILITY PLACED.

If the Badger bill passes the house, with the amendments offered by the sifting committee of that body, it means that the bill will go back to the senate, which passed the bill several days ago, for concurrence in the amendments. It is conceeded that the senate sifting committee, to which the measure will be referred, on reaching that body, will refuse to report the bill back to the senate, and the responsibility for failure of the present legislature to pass any prohibiting legislation, will be definitely placed with the senate. That body killed the only measure that provided for state wide prohibition, namely the Cannon bill, which was passed almost unanimously by the house; today the senate committee refused to report H. B. 240, the Hansen bill up to the floor of the senate for action, and its smothering tactics, it is anticipated will be again brought into play when the amended Badger bill is sent up with the stamp of approval of the house.

## GOV. HADLEY MAY RESIGN TO BECOME U. S. JUDGE

Jefferson City, Mo. March 20.—A renewal of the report that Herbert S. Hadley, governor of Missouri, is to resign in order to accept a federal judgeship was current here today. It is said that President Taft has promised Senator William Warner that Gov. Hadley will be given the first vacancy that occurs on the federal bench in the west or northwest.

Gov. Hadley's resignation would make Jacob F. Gmelich, now lieutenant governor, chief executive of the state. He is a Republican.

Hadley is the First Republican governor to be elected in Missouri since the Civil war.

### ASST. ATTY. GENERAL.

Washington, March 20.—The position of assistant attorney general of the department of the interior has been tendered and accepted by Oscar Lawler of Los Angeles, United States district attorney, southern district of California.

It is expected that he will assume the duties of the new position about April 1. Mr. Lawler will succeed George W. Woodruff, who at one time was coach for the University of Pennsylvania football. Mr. Lawler was recommended by Secy. Ballinger.

## ORE TRAIN RUNS AWAY, ENGINEER KILLED

Como, Colo., March 20.—An ore train on the Colorado & Southern railway, composed of 16 loaded cars, got beyond control last night on the steep grade from Boreas Pass on the crest of the Continental divide and jumped the track at a sharp curve while going at the rate of 90 miles an hour. Engineer Bud Schwartz, who stuck to his engine in an heroic effort to stop the train, was instantly killed. The other members of the train crew jumped when they realized the train was beyond control and escaped with minor bruises.

So great was the momentum of the train when it left the track that the cars and engine were piled in a heap of scrap 40 feet from the right of way. When Engineer Schwartz realized that his train was beyond control he grasped the whistle cord, and all the way down the seven miles of steep grade his engine kept giving out its shrill note of warning. Schwartz went to his death with the cord in his hand.

### EARTHQUAKE IN BARCELONA.

Barcelona, March 20.—An earthquake shock was felt in this city at 3 o'clock this afternoon.

### PREST. TAFT IN WASHINGTON.

Washington, March 20.—President Taft arrived in Washington from New York at 7:12 o'clock this morning. Mrs. Taft and Miss Mabel Boardman, who accompanied the party from this city, have gone to Boston, it is glad, to look at some summer homes in that neighborhood. The president was immediately driven to the White House in the Taft automobile.

## VICE PREST. SHERMAN IN HIS USUAL HEALTH

Washington, March 20.—Harry E. Devendorf, secretary to Vice President Sherman, received a message shortly after 11 o'clock this morning asking about official stationery matters and making no mention of any indisposition. Word had been received at the vice president's office of widespread rumors that Mr. Sherman had met with an accident and this message, taken as an indication that the report was unfounded,

received with considerable shrdul.4&

The message from Mr. Sherman was received with considerable relief in view of the insistent inquiries received at the vice president's office as the result of the reports which were generally circulated in Washington, New York and other cities.

Utica, N. Y., March 20.—Vice President Sherman is at his home in this city today and is in his usual health.

## STEPHENSON ACCEPTS BOOSEVELT'S INVITATION

Menominee, Mich., March 20.—Fred Stephenson, who is at present in Mexico, has accepted an invitation from former President Roosevelt to join the African hunting expedition. Mr. Stephenson will go direct from Vera Cruz to Mombasa.

### SUES FOR BROTHER'S DEATH.

Roswell, N. M., March 20.—Frank Shirley, as administrator of the estate of his brother, Ollie S. Shirley, today brought suit in the district court against W. T. Wells, capitalist, and extensive property owner, asking judgment in a claim for $17,000 for Wells' alleged act in shooting and killing his brother March 9. Wells shot Shirley in a dispute over labor troubles and he is under $12,500 bond awaiting the action of the grand jury. It is reported that the American Federation of Labor will have one of the foremost lawyers of the United States here to assist in the criminal prosecution of Wells.

## DESPERATE EFFORT TO SAVE AUTOMOBILISTS

San Bernardino, Cal., March 20.—In a desperate effort to save a party of automobilists at the foot of a steep grade in the Wildrose canyon, down which he was being dragged by his runaway team, C. B. Corbin, swung the horses over the brink of the embankment and down the precipitous mountain side, killing Ellis Epperton, a swamper and three of the animals. Corbin escaped without injury.

### MODJESKA NOT IMPROVING.

Los Angeles, Cal., March 20.—Madame Helena Modjeska, the world-famous actress, who lies critically ill at her Bay Island home near Newport, passed a comfortable day yesterday and although she showed no improvement she held her own in her fight for life. There are no hopes entertained, however, for her recovery.

Dr. J. P. Boydy, who is attending Madame Modjeska, states there has been no change in the condition of his patient for the past 24 hours though death may come at any time.

## LIE IS PASSED IN BUILDING CORRIDOR

**Representatives Archibald and McRae Accost Victor Cram and Trouble Begins.**

A fight was narrow averted in the corridor of the city and county building just a moment after the house sauntered at 2 o'clock. Archibald of Summit and McRae of Salt Lake and Victor D. Cram being the principals. Cram is an assistant to A. S. Reiser, publisher of the Daily Bulletin. Archibald accosted Cram in the halls just outside of the doors of the representatives' hall and called him and the Daily Bulletin liars. Representative McRae backed up Archibald, also paying his respects to the staff and publication. The scene became intense and dares were being exchanged in preparation for vigorous assault when cooler heads, led by a newspaperman, who has been on the detail with the house during the session, interfered and prevented a real fight.

A large crowd was present during the heated moments and interest was keyed to a high pitch. A mixup was imminent when spectators interfered.

### DEATH OF MRS. WALKER.

The mother of Fireman S. D. Walker of station No. 2, residing at 239 west Fifth North street, died this morning after a severe illness. Mr. Walker left with the body today for Draper where the funeral will be held tomorrow. The firemen sent a beautiful floral offering as a token of their sympathy for the bereaved family.

## NO NEW TRIAL FOR TOM VANCE

### Convicted Wife Murderer Is Denied His Motion by Judge Armstrong.

### WILL NOW TAKE AN APPEAL.

**Court of Last Resort Will Be Sought In Endeavor to Save His Life.**

With a sardonic smile, Thomas Vance, convicted wife murderer, who was sentenced to be executed a week ago Friday, received the denial of his motion for a new trial this morning by Judge George G. Armstrong after listening to the arguments of Judge Maginnis of Ogden for the defense and of Dist. Atty. Fred C. Loofbourow, for the state. A motion for an appeal to the supreme court was resorted to in a last effort to secure another hearing of the case.

Attorney J. F. Tobin read five affidavits, in behalf of the condemned man, which attacked the character of Mrs. Amanda Vance Ward, a sister-in-law of Vance, and declares that she was not to be believed under oath. Mrs. Clara L. Richards said in her affidavit that Mrs. Ward admitted to her after the trial that the wrong man was in jail for the killing of Mrs. Mary Vance. John Abbott, a neighbor of Mrs. Ward, declared in his affidavit, that he had heard her ask his daughter, Ethel, to testify at the trial and that she would receive enough money in witness fees to purchase a new dress. He made further statements that Mrs. Ward had coached Lena Vance, a daughter of the convicted man, who took the stand and testified against him.

DENIED FOR STATE.

Dist. Atty. Loofbourow read the affidavit of Mrs. Amanda Vance Ward who denied the truth of the statement made by the affiants against her. She declared that influence had been brought to bear upon them in order to secure a new trial.

The affidavits were argued upon their merits by the respective attorneys. Dist. Atty. Loofbourow declared that the affidavits did not contain any new evidence. He showed from the records where the defense attempted to secure the admission of the statements in the affidavits and that the court had passed upon it at the trial, holding that it should be stricken from the records.

Judge Maginnis was unable to convince the court that it was material evidence, and that the affidavits went to show that the testimony of Mrs. Amanda Vance Ward was what convicted Vance, and that it was malicious and vindictive.

Without any comment Judge Armstrong overruled the motion for a new trial and an appeal was taken. Thomas Vance sat behind his attorneys and listened attentively to the arguments. He showed no signs of emotion but a scornful smile played upon his features at the mention of Mrs. Ward's name and when his motion was denied. He was handcuffed and taken back to the state prison.

## THREE PRISONERS MAKE THEIR ESCAPE

**Break Away from the Chain Gang While Photographer for Deseret News Goes Into Action.**

Yesterday afternoon, just before the chain gang which is working on the road between the Warm Springs and Beck's Hot springs, were loaded on to the wagons for the return trip to jail the Deseret News photographer, accompanied by Chief of Police Barlow, visited the gang and a couple of pictures were taken of the prisoners. The men are filling a big cut in the roadway and Chief Barlow had the prisoners lined up so that a good picture of them and the work they are doing could be taken. Just as the camera snapped on the first plate three of the prisoners sneaked up the hill and "beat it" for all they were worth. One of the escaped was Earnest Hill and the other two were Mexicans, names unknown, and all of them made good their escape.

The men were not missed until a carpenter working on a house nearby rushed to the guards and told them that he had seen three men sneak over the top of the cut and run for the hills. A search was at once started, in which Chief Barlow participated, but the men could not be found. Chief Barlow says he cares not just so they will stay away from the city. There were thirty-seven men on the gang and thirty eight went out this morning.

### NEW SINGER IN BRINES HOME.

A new lyric tenor came to Salt Lake yesterday afternoon, M. J. Brines, Jr. He can easily reach up to the third C above the treble staff, and his raddoppiamimentos are said to be something immense. The young singer is also strong on the ravvivando, while his rivolgimentos, his sforzatos and tromba cromaticas are the admiration of the entire neighborhood. The fond parents are confident that the young artist will broaden out into an allargando in the course of 10 days. Congratulations in both concert and international pitch are being showered upon the happy couple. Mr. Brines is composing trios for tenor in alt, soprano and tenor in the lower register, in commemoration of the auspicious natal event.

### MRS. HARRIMAN A VISITOR.

**Brief Stop is Made in This City by Select Party.**

Mrs. E. H. Harriman, with daughter Caroline, and a friend, Miss Moran, arrived on a special train this noon, as the first section of the eastbound Los Angeles limited. After a short rest here, a special over the Short Line carried the party to Ogden whither they were accompanied by D. S. Spencer. A special was made up there that is now carrying the noted tourists towards New York over the Union Pacific road. Supt. Park of the U. P. is accompanying Mrs. Harriman to Cheyenne, where the supt. of the Nebraska division will relieve him. Mrs. Harriman travels in as elegant a private car as can be furnished. She has been with her husband on his Texas tour, and San Antonio came out and is now returning home.