

LOWER COURT IS SUSTAINED

Ship Building Company Loses Fight Against Receiver.

OTHER FIRMS ARE AFFECTED

TOWNSEND-DOWNY YARDS CLOSED DOWN.

Philadelphia, Pa., Nov. 28.—The appeal of the United States Ship Building Company against the decision of Judge Kirkpatrick appointing James Smith, Jr., receiver for the corporation, was today decided against the company. The opinion rendered by Circuit Court Judge Acheson, Dallas and Gray, was filed by the former. Judge Kirkpatrick's action is sustained and the order for the receivership made permanent, until the further order of the court. The opinion, in part, follows: "Upon the whole, we are of the opinion that the bill presented a case of which the circuit court, sitting in equity, had jurisdiction, and that the appointment of a receiver was within the authority of the court. We also think there was evidence to sustain the findings of the lower court and to justify the order appointing a receiver. Whether a receiver should be appointed was a matter largely within the discretion of the court, in view of the special circumstances of the case. Upon review of the examination we cannot say that the appointment of a receiver and granting an injunction was improvidently made. It was urged at the argument that the decision appealed from was equivalent to a final decree. Although there is no assignment of error to bring this question before us, still it is presented for present consideration. As we read the order it is not intended to be a finality, and is not so in legal effect. But to remove any possible doubt on this point, we will amend the order by striking from the fifth paragraph of the concluding words, and especially by the act of the legislature of New Jersey, entitled an act concerning corporations, and substitute therefor the words, 'with jurisdiction to subject at all times to the orders and directions of this court, and we will add the foregoing order to stand until the further order of this court.'"

RUINED THE BUSINESS.

Recent Revelations Involve Whole Ship Building Industry.

New York, Nov. 28.—The fact that the credit of the ship building industry had been completely destroyed by recent revelations regarding the operations of the United States Ship Building Company, is given as one of the principal reasons for the closing of the Townsend-Downy ship yard at Shooters Island, in a statement issued today by Wallace Downey, president of the Townsend-Downy Ship Building Company, at the offices of the company here. The statement follows: "The temporary embarrassment of the Townsend-Downy Ship Building Company is directly the result of losses and delay in performing contracts, incurred through the abominable conditions prevailing in the labor and material market during the last two years. The exorbitant demands of workmen and restriction of value of work done, added to the impossibility of securing promptly from steel manufacturers material for use in ship construction, has rendered it impossible to carry on an advantageous business. These difficulties and the fact that the credit of the ship building industry has been completely destroyed by recent revelations regarding the operations of the United States Ship Building Company, has for a time prevented the carrying out of the plans of this company. The company has a substantial property and a modern equipped plant for ship building, dry docking and ship repairs, and after adjustment of present difficulties will undoubtedly resume business."

NEW YEAR'S GREETING.

Messages Will Be Sent to All Civilized Countries.

Washington, Nov. 28.—The officials of the naval observatory are arranging to send a New Year's greeting from Washington to all the countries of the civilized world, by means of a series of signals to all points to mark the exact second of the beginning of the new year. A similar plan was employed successfully last year in the case of the United States, and it is now intended to extend the service this year to cover the continent of North and South America, the distant island possessions of the United States, and all points in the world having the necessary cable and telegraphic connections in case the co-operation of foreign governments can be secured, of which there is scarcely any doubt. Last year the receipt of the midnight signal was accurately timed at the Lick observatory in California, and it was found that it took only six minutes to transmit a second in transmission from Washington.

NAVAL COMMISSION HOME FROM EUROPE

New York, Nov. 28.—Among the passengers who arrived today on the steamer Philadelphia were Commander Robert E. Peary, commander of the expedition, and Lieutenant William S. Simms, Lieutenant Surgeon Henry G. Beyer, U. S. N., who have been inspecting the base stations of British and German naval stations with a view to determining the advisability of building similar bases at our navy yards for the housing of seamen to take the place of receiving ships. Commander Peary said there was a report that he had negotiated for the purchase of a ship for his next expedition to the north polar sea.

PROPOSED MONUMENT TO THE LATE POPE LEO

Rome, Nov. 28.—The pope today received the committee charged with providing for the erection of a monument to the late Pope Leo XIII at Carrignano, Leo's birthplace, assured the committee of his moral and material support for the enterprise. The papal secretary of state, Cardinal Merry del Val, and Cardinals Ramello, Vanutelli and Vives y Tito, other prominent ecclesiastics and a number of laymen gave a similar assurance. The committee will select a support of prominent foreigners, including Cardinal Gibbons and the Duke of Lodi.

SUICIDE IDENTIFIED.

New York, Nov. 28.—A man who committed suicide early today in his apartment here has been identified as Victor Banno, a clerk in a clothing store of Virginia City and San Francisco, who came to New York about eight months ago. He was a brother to Simon and Peter Banno, wealthy residents of this city, and was by them regarded as eccentric and almost a recluse.

MARINE GUARD WITTEDRAWN.

Washington, Nov. 28.—Commander Mertz of the gunboat Newport has reported to the navy department under date of Nov. 27, that Santo Domingo is quiet and that the marine guard has been withdrawn from the city so recently surrendered to the Dominican insurgents.

Card of Thanks.

Mr. and Mrs. W. B. Scheid and family desire to express their thanks to neighbors and friends and all who so kindly aided and comforted them in their recent bereavement.

S. & S. Bakery, 328 South Main.

Strayer & Scoville will open a first-class bakery and lunch room at 228 S. Main St. All kinds of plain and fancy breads at lowest prices.

REPUTATION GONE, BUT CARTER IS FREE AND HAS THE MONEY

Leavenworth, Kan., Nov. 28.—A few minutes before 4 o'clock this morning Oberlin M. Carter, ex-captain of engineers, walked out of the portals of the federal prison at Ft. Leavenworth a free man. At the gates he met by his uncle, L. D. Carter, and immediately drove in a hack to the union depot in this city. This last movement was a ruse to throw the newspaper men, whom he wished above all things to avoid, off the track. At the union station he was met by a representative of the Associated Press, and while Carter's attorney waited to be interviewed as to his plans as to the future, he said: "I will catch the Missouri Pacific train out of here at 5:14 o'clock for Kansas City, and thereafter breakfast, will take the fast Santa Fe train direct to Chicago. I wish to spend Sunday with my mother, who is over-anxious to see me."

While awaiting his train, the ex-army officer conferred freely on a large number of subjects, but always skillfully avoided the introduction of anything in regard to his conviction or his plans for the future. He spoke at length about the prison, but even then turned the talk from himself to generalities, in regard to himself he merely said: "I am feeling as well as could be expected under the circumstances. Deprived to an extent as I was of exercise, I could not hope to be better situated."

The captain looked much older than when he entered the prison nearly four years ago, but showed no trace of illness.

It was thought last night that an officer of the department of justice might be at the prison gates to receive Carter on an indictment, but such was not the case. When he decided to leave the gates were thrown open to him and he passed on to the prison walls for the first time since he was brought into court during his attempt to obtain a release by an act of legislation which congress had provided.

ARMY AND NAVY OFFICERS GUESTS AT BANQUET IN PHILADELPHIA

Philadelphia, Nov. 28.—Army and navy officers were the honored guests tonight at the "Founders' day" banquet of the Union League. The list of guests included Lieutenant General Young, Major General Brooke, Major General Corbin, Brigadier General A. T. Bates, Brigadier General John A. Johnson, Admiral Dingley, Admiral Dewey, Admiral Remy, Melville, O'Neil, Clark, Harris, Sligbee, General John C. Black, commander-in-chief of the Grand Army of the Republic, Senators Penrose of Pennsylvania and Perkins of California, and Governor Pennypacker of Pennsylvania.

In response to a toast, General Young made an interesting speech concerning the army, in which he said that the recent organization of a staff had done more to promote the efficiency of the army of the country than any other act of legislation which congress had provided.

INTERNAL REVENUE RECEIPTS SHOW A FALLING OFF THIS YEAR

Washington, Nov. 28.—John W. Yerkes, commissioner of internal revenue, in his annual report to the secretary of the treasury shows that the total receipts of his bureau for the fiscal year ending June 30, 1903, were \$230,740,927, at a cost of collection of 2.7 per cent. The receipts for the last fiscal year are about \$44,000,000 less than for the year 1902.

"This decrease," says the commissioner, "is not due to a diminution in the business movements and commercial transactions of the country, but entirely to reduction of internal revenue taxes. The receipts for the first three months of the current fiscal year show a gratifying increase, and estimated that the receipts for the fiscal year ending June 30, 1904, will aggregate \$250,000,000.

"Payments of drawbacks or rebates on all original or unbroken factory packages of smoking and manufactured tobacco, snuff and cigars held by manufacturers or dealers at the time the decrease in the rate of taxation on these articles became effective, amounting to \$1,000,000, were received during the fiscal year. These were received 2,538 claims for the refunding of internal revenue stamps, other than unused documentary and proprietary stamps, amounting to \$2,500,000, and during the fiscal year 1,549 claims, amounting to \$905,995, were allowed, and 902 claims, amounting to \$46,575, were rejected or returned for amendment."

PANAMA JUNTA HAS DECIDED WHAT TO DO WITH THE TEN MILLIONS

Washington, Nov. 28.—M. Bannu-Varela, the minister from Panama, had a conference today with Acting Secretary of State Loomis concerning financial questions connected with the canal problem. It appears that the junta had determined to reserve all of the \$10,000,000 to be paid to Panama by the United States after the treaty is ratified for public improvement.

The minister is going to New York for a day or two, and has been advised by his government and through private agents that General Reyes, before leaving Port Antonio, had suggested to the executives of nearly all the republics of South and Central America what amounts to a protest against the action of the United States in the isthmus, and an invitation to direct their diplomatic representatives in Washington to confer with him to safeguard the interests of Latin-America. The same circular has been brought to the attention of the state department, with a query as to whether it is proper to make it unnecessary for the United States government to notice the matter further, but it is assumed that the British, South and Central American countries will follow President Castro's example.

MORRIGEAU WILL SUE FEDERAL OFFICIALS

Butte, Mont., Nov. 28.—A Missoula dispatch says: "Joe Morrigeau, the Flathead claimer, has been notified by United States troops last night, arrived here today. He says he will bring suit against the federal officials in the federal court. Morrigeau is a Carlisle man, is wealthy and able to hire good legal counsel."

CAPTAIN EXONERATED.

San Francisco, Nov. 28.—The government inspectors of hulls and boilers who investigated the loss of the steamer Charles Nelson filed their report today. It exonerates the master of the Nelson and his officers from all blame in connection with the casualty and adds: "Moreover, great credit is due to Captain Gunderson for the able and courageous way in which he coped with the grave danger which threatened the lives and property under his charge."

MOTORMAN FATALLY INJURED AT SEATTLE

Seattle, Wash., Nov. 28.—W. W. Hammond, motorman, was seriously and perhaps fatally injured by a head-on collision of street cars this morning. Seven other men were slightly injured, and the cars met at full speed at the bottom of a sharp grade and turn during a dense fog. Only the fact that the electric company's trolley passengers the use of the front platform during fogs prevented loss of life.

HIS SHOT BUCK HOME

Berlin, Nov. 28.—All the officers, except three of the battalions stationed at Forbach, the scene of Lieutenant Bilson's novel, entitled "A Little Garrison," for which he was sentenced to six months imprisonment and to dismissal from the service, are either ill or on leave. It is said that every officer of this battalion will be transferred or obliged to resign in consequence of Bilson's revelations.

BRYAN ABOARD.

London, Nov. 28.—William J. Bryan lunched with Joseph Chamberlain at Highbury today and will go to Dublin tonight.

St. Petersburg, Nov. 28.—William J. Bryan has written from London to arrange for an interview with Count Tolstol.

See the Ladies' Home Journal booth at the Bazar and Home Market, First M. E. church, Wednesday evening, Thursday, Friday and Saturday, day and evening.

DREYFUS GETS ONE MORE TRIAL

This Time the Examination Will Be Judicial.

JUSTICE IS NOW IN SIGHT

IMPORTANT DEVELOPMENTS ARE EXPECTED.

Paris, Nov. 28.—The efforts of Alfred Dreyfus to secure a judicial examination of his case have at last been crowned with success. After examining the dossier in the case submitted to him by General Andre, the minister of war, Minister Justice Faillat has transmitted that document, together with the petition of M. Dreyfus for a revision of his sentence, to M. Durand, the president of the commission instituted by the ministry of justice. This commission will pronounce upon the advisability of the request for a revision of sentence.

M. Dreyfus views the favorable action taken by the minister of justice as a step toward the careful consideration given to the case by Minister Justice. His conclusions are regarded as in the highest degree favorable to Dreyfus, since they refer the question of a revision to a commission.

Nothing has yet transpired to indicate that General Andre has discovered documents of doubtful authenticity or that there was maneuvering on the part of Minister Andre, whose conduct Dreyfus trial to conceal important facts, though assertions to this effect have been made. It is stated that M. Griebelin, formerly chief of the staff of the records of the headquarters staff, has made important revelations. The commission will receive the documents next Wednesday.

The decision of Minister of Justice will refer the question of a revision of the Dreyfus sentence to a commission. It is officially stated, is based upon an article of the criminal code, which provides that in a case where, after condemnation new facts develop or where previously unknown proof of a nature which would tend to establish innocence is presented, the condemned person has a right to ask for a revision of sentence, and the right to pass upon such request belongs to the minister of justice, who will decide after having taken the opinion of a commission composed of three directors of his ministry and three members of the court of cassation. The present commission consists of M. Durand, Alphonse Merle and Marquis de la Roche, of cassation and M. Mercier, Geoffroy and Dupre, directors of the ministry of justice. M. Alphonse is an Israelite, M. Durand a Catholic and M. Marignan a Protestant.

DREYFUS IS HAPPY

Declined to Make Any Comment Upon the Case.

Paris, Nov. 28.—M. Dreyfus, in the quiet of his home at Neuilly, expressed his happiness because a revision of his case had been granted, but declining to make any comment upon the case, he should make communication only to the commission. In the absence of specific information regarding the case, he declined to make any comment upon the case, he declined to make any comment upon the case, he declined to make any comment upon the case.

HARRIMAN PRAISES WORK OF EMPLOYEES

Ogden, Nov. 28.—President Horace G. Burt of the Union Pacific railroad, accompanied by the party of eastern railroad officials who attended the opening of the Lucin cut-off by President Harriman on Thanksgiving day, passed through the city this afternoon en route home. The party will reach Omaha Sunday night.

President Harriman has sent the following telegram to Alex Miller at New York: "Please explain to the board of directors and to Jacob Schiff that we have just completed a trip over our line from Omaha to Reno, and found the work completed and the new road in general more impressive than any of us expected. We are highly gratified and the officers and their employees deserve great credit for their masterful efforts."

RUSSIA VEHEMENTLY DENOUNCED AT TOKIO

Tokio, Nov. 28.—M. Oshi, former minister of commerce and agriculture, who lately visited Manchuria, has recently protested in a public speech against the incessant increase of the Russian railway situation. The minister declares it is necessary to suspend the negotiations and demand an instant stoppage of reinforcements, and in the event of the refusal, to resort to an appeal to arms.

WOULD LIKE TO SELL YOU A HAIR BRUSH

Can show you the most complete line of pure bristle brushes in this city. We guarantee to please you or money back.

F. J. HILL DRUG COMPANY.

Family Chemists, Cor. Opp. Postoffice.

KILLED BY SAVAGES

Shipwrecked Sailors Meet Awful Fate on Botel Tobago.

Duharissotta, Me., Nov. 28.—A letter received today from the wife of Captain Hoelstad of the ship Ben Sewall, wrecked, partly confirms the report that a host of people, including Hoelstad, the first mate, twelve men and a woman were killed on Botel Tobago, an island inhabited by savages. The letter says five men, including a Russian, Japanese and Filipino, were found, and seven men and a Japanese woman, wife of Mate Morris, were missing.

From the wording, although the letter is not explicit, it is thought the writer meant that the bodies of the five men were found.

The letter says that the mate landed on Botel Tobago contrary to the captain's wishes. Captain Hoelstad kept on to the south cape of Pormosa, where his party was kindly treated by the Japanese.

WOUNDS PROVED FATAL

Leviston, Ida., Nov. 28.—Stewart L. Luper, a hermit farmer, who was stabbed Thanksgiving night by Harry Thompson, a 17-year-old boy, died today. The stabbing occurred during a dance near Gifford in the Nez Perce country. Luper's son and a brother of Thompson were fighting when Luper intervened. Thompson cursed Luper and when the latter slapped him the assault with a knife followed. Luper died with everything new and modern in the story, and I have her. Thompson is now confined in jail here.

AMBASSADOR ARRIVES

New York, Nov. 28.—Sir Henry Mortimer Durand, the new British ambassador to the United States, arrived on the Etruria today. Lady Durand and Miss Amy Durand will follow him in about a fortnight. Other passengers were C. John Ritchie, son of the former English ambassador to the exchequer, and Clark Ritchie, son of the lord mayor of London. The Etruria brought \$1,000,000 in gold.

THE NEW WILSON

European Hotel, Salt Lake City. 20 rooms, 60 with bath, popular price restaurant. Rates \$1.00 to \$2.50 per day.

Mr. Ira J. Strayer and Mr. E. P. Scoville have formed a partnership for the purpose of conducting a first class bakery and lunch room. They have fitted up the store at 328 South Main street with everything new and modern, and will be open for business on Tuesday, Dec. 1. They are both well known young men, having lived in this city for the past thirteen years. Mr. Strayer is a baker of many years' experience. Mr. Scoville has been connected with the Salt Lake postoffice, having served ten years in the position of letter carrier. We bespeak for them a liberal patronage from their many friends.

S. & S. Bakery, 328 South Main.

Ready to bake Tuesday, Dec. 1, at 128 Main street.

S. & S. Bakery and lunch room. Bread like mother used to make.

The young men of the Eleventh ward will give a dance Thursday evening, Dec. 3, to which all members of ward and friends are invited.

"7"

Humphreys' Seventy-Seven. Cures Grip, Coughs, Colic, Bronchitis, Catarrh, Influenza, Sore Throat.

HELPS TO "SEVENTY-SEVEN." No. 1 Cures Fever, " 2 " Baby, " 3 " Neuralgia, " 4 " Dyspepsia, " 5 " Eczema, " 6 " Rheumatism, " 7 " Malaria, " 8 " The Kidneys, " 9 " The Bladder.

In small vials that fit the vest pocket. At all druggists, 25 cents each.

Mexico Soapworks, Humphreys' Med. Co., Cor. William & John Streets, New York.

Sunday Concert GRAND THEATRE.

MRS. LEONA RICE RIDENOUR, MISS KATIE PORDYCE, Contralto, and HELD'S 40. A. S. ZIMMERMAN, Mgr.

Their Error. In a page advertisement in the Deseret News yesterday afternoon, under the caption of "Carpets—Considerably Underpriced," the third item erroneously reads: "10 cents a yard for extra super all-wool ingrain carpets, reduced from 90 cents." Our copy read: "70 cents, reduced from 90 cents." We take this medium of correcting the typographical error.

Keith-O'Brien Co. Fitted Suit Cases; Fitted Hand Bags; Leather Music Rolls, HAND CARVED AND PAINTED. Meredith's Trunk Factory, 155-157 Main St. If you are going to give him a House Coat for Christmas, Buy it now while our stock is at its best and we'll deliver it Christmas eve. The most attractive line we have ever shown is here now. Prices ranging from \$5 to \$18. Showing the very newest creations in plain colors and fancy patterns. An early selection means better choosing than you will have later. Then we have a big array of Lounging or Bath Robes from \$4 to \$12. And scores of other useful Gifts for Men and Boys.

Gardner Sunday Store News. ONE PRICE. J. P. Gardner 136-138 Main St. ORDERS BY MAIL PROMPTLY FILLED. An early selection means better choosing than you will have later. Then we have a big array of Lounging or Bath Robes from \$4 to \$12. And scores of other useful Gifts for Men and Boys.

SCHRAMM'S Where the Cars Stop. Christmas Picture Sale. It's time now to become interested in the beautiful new pictures we are offering in our Xmas picture sale. We Sell the Frames, Too, for just a little money as we sell negative and prints at a special price. If you want your picture to stand the strain of holiday shopping, visit our store and you will be satisfied with less elsewhere—We will give you so much.

Hamilton's CORRECT DRESS FOR WOMEN. Specials This Week. Handsome Tailor Made Suits, in elegant Cheviot and Broadcloth, \$15.00, \$20.00 and \$25.00. A Large Assortment of Fine Garments in Jackets, Long Coats and Light Wraps, \$10.00, \$15.00, \$20.00 and \$30.00. A New Shipment of Handsome Pattern and Street Hats at Half Regular Price.

The Hose Show, Ascot Ties, and a New Line of Christmas Novelties in Fancy Neckwear, Belts and Hosiery, can be seen in all the latest creations from Paris. Evening Gowns and Wraps, Dinner Dresses and Smart Cloth Costumes a Specialty. Furs in all the late style effects, and Handsome Sets. HAMILTON'S 216 MAIN STREET. PHONE 1738-K.

It's All Right. Take Care of Your Eyes. Eyeight is of such great value that one ought to take more than ordinary precaution to guard against trouble. If you have a suspicion that there is any trouble with your eyes you should have them examined at once. We will charge you one penny to tell you exactly the condition of your eyes. Johnson's Photos. Correct in POSE, LIGHTING and FINISH. Used by the best photographers in the world. You see Johnson all over the world. The Johnson Co., C. E. Johnson Sup. 325 W. Temple, Salt Lake City.

RUSHMER'S OPTICAL PARLORS. 73 W. 1st So. St.