UTAH GRAIN MEN GET CONCESSIONS

Local Railroads Grant Shippers Time to Inspect Consignments in Transit.

NEW RULE IN FROCE NOV. 15

DEMURRAGE RULING CHANGED FOR ORE SHIPPERS ALSO.

As a result of conferences held in Salt Lake between local grain dealers and freight representatives of local railroads, the former have obtained concessions and in one or two instances have granted the privileges sought by the grain men. Chief among these is the right to inspect a car of grain at an intermediate point while the consignment is in transit.

The grain men of prominence throughout Salt Lake and neighboring territory met with freight representatives of the Oregon Short Line, Rio Grande, Salt Lake Route and other roads operating in Utah, several weeks ago, and presented their requests verbally. Numerous conferences were held and the meetings ended with the railroads' promise to consider the matter and announce their decision later.

The grain men have won the desired privilege and consignments may be examined and sampled while in transit. This is an advantage to dealers who buy grain in one locality and sell it in another. The chief protest of grain men engaged in this business was that without the right to examine the consignments moving under their direction and responsibility they had no way of seeing whether they were being treated squarely or not. Without permission to open and examine a car at some intermediate point, they might pay for more grain than was really moving. This would mean a loss at both ends of the transaction, as they would also have to supply the shortage noticed by the consignee. They explained that in being responsible for a consignment they would be forced to pay costs of returning a consignment refused by the consignee for causes which they could eliminate, were they permitted to examine the car before it reached its destination.

May Now Inspect Cars.

This and similar arguments advanced by the grain men have been studied for several weeks by the railroad companies and that they have been deemed reasonable and just is proved by the circular just issued, called Supplement No. 1 to revised rules and regulations of Aug. 28, 1906. It becomes effective Nov. 15, 1906. The circular has been issued by the Utah Car Service association over the signature of C. H. Griffin, commissioner. Section 5 of rule 2 A (superseding rule 2), under the head of free time, is the new ruling which holds the greatest interest for Utah grain men. This follows:

"Sec. 5.—When stop in transit is permitted by legally published tariffs, all cars loaded with freight (other than ore and concentrates, as specifically provided in Section of this rule), will be allowed one period of twenty-four (24) hours free time when held for inspecting, sampling and reconsigning in transit, it being understood that the freight is not to be removed from the car or contents changed, and that the sampling or inspecting is to be performed upon the hold tracks of the railroad company, and does not contemplate switching of the car by request of consignor or consignee. Where the car is unloaded or a change of load is made, or it becomes necessary to switch the car by request of consignor or consignee, one period of twenty-four (24) hours free time will be allowed for unloading and one period of twenty-four (24) hours free time will be allowed for reloading."

The grain men are satisfied with the terms of this ruling and feel that their request has been met completely. Section 6 announces that in calculating free time Sundays and legal holidays are excepted. Forty-eight hours free time will be allowed after Nov. 15 for the loading or unloading of all cars subject to car service regulations except in special provisions, such as are made for grain consignments. With the exceptions of grain consingments and ores and concentrates en route to destination no car will be allowed more than one period of free time for loading and one period of free time for unloading under one transportation charge.

Ore Shippers Gain Also.

Sections 3 and 4 apply to ores and concentrates. These, as they will read in the revised rules, follow:

"Sec. 3.—One period of forty-eight (48) hours free time will be allowed for the sampling of ore and concentrates en route to destination. This applies only on such cars of ore and concentrates as are actually unloaded during the process of sampling prior to delivery to consignee at final destination.

"Sec. 4.—One period of ninety-six (96) hours free time will be allowed at final destination for the unloading of cars containing ore and concentrates; it being distinctly understood that the said free period of ninety-six (96) hours allowed for unloading ore and concentrates at final destination includes the time required for sampling at such destination."

Some Exceptions Made.

Live stock cars are excepted from car service regulations under the reading of Section 2 of the supplement, which is:

"Sec. 2.—Exceptions: Cars containing freight billed at less than carload rates taking warehouse delivery (see Storage Rules), empty cars set for loading live stock and cars loaded with live stock, through freight in transit not handled en route, and cars loaded with company material, are not subject to car service rules and should not be reported to the commissioner."

BURNED TO DEATH.

Lima, O., Oct. 17.—Mrs. Clinton Bryan and her two young sons were burned to death in a fire that destroyed their home.

FOND OF PIES

But Had to Give Them Up.

Anyone who has eaten New England pies know how good they are.

But some things that taste good, don't always agree. A Mass. lady had to leave off pie, but found something far better for her stomach. She writes:

"Six or eight years ago chronic liver trouble was greatly exaggerated by eating too much fat meat, pastry and particularly pies, of which I was very fond.

"Severe headaches, dizziness, nausea followed, and food, even fruit, lay like lead in my stomach accompanied by a dull heavy pain almost unbearable. I had peculiar 'spells'—flashes of light before my sight. I could read half a word and the rest would be invisible.

"A feeling of lassitude and confusion of ideas made me even more miserable. I finally decided to change food altogether and began on Grape-Nuts food which brought me prompt relief—removed the dizziness, headache, confused feeling, and put me on the road to health and happiness. It clears my head, strengthens both brain and nerves.

"Whenever I enter our grocer's store, he usually calls out 'six packages of Grape-Nuts!'—and he's nearly always right." Name given by Postum Co., Battle Creek, Mich. "There's a reason." Read the famous booklet, "The Road to Wellville," in pkgs.

HEARING IS BEGUN IN SHEETS FELONY CASE

Continued from Page 1.

it at the office of the Cullen hotel addressed to Morris, in which we expressed our regrets at our inability to keep our appointment with him.

"In order to escape him we took a trip to Fort Douglas and returned to the city shortly after 2 o'clock. We went to the Royal cafe for lunch, and while were were standing outside Morris again came up to us and urged us to go to the colonel's office and we finally consented. He took us to the Antler rooming house and up the stairs into a front on the second floor.

"He knocked at the door and there was no response, then he knocked again and the door was opened by a fellow who afterward proved to be John O'Brien. He asked if the colonel was in, and O'Brien said that he was out just at present, but would be back in a few minutes. We went in and Morris introduced himself to the two men who were in the room waiting for the colonel. O'Brien introduced himself as a mining expert and the other man as a doctor, but I forgot the names they used. The mining expert showed us some ore which he had on the table, and asked us to draw cur chairs up so that we could examine it. He then pointed out the gold and silver and told us the value of the ore.

Card Game Started.

"The expert and the doctor then started to play cards and Morris asked if he could not get in the game, but they refused. Finally they consented to let him in the game and he asked for $10 worth of chips, which they gave him, but he did not pay cash for them. They played until Morris won $40 and then he paid back the chips which they gave him in the start.

"Morris then invited my brother and I to play, but we told him that he did not know anything about the game. He said that I could have $20 worth of his chips and if I lost it would not make any difference, as he had already won $40. I still refused, but he said I will give you all the chips and let you take my hand, and I will tell you how to play, so I took his cards. The other fellows kept raising the bid until it reached $50, and Morris wanted to put down the money for me, but the others objected and said that if I was going to play I should put down the money. Morris said for me to put down the money as I could not possibly lose on the hand I held, so finally I put the money down.

Kept on Raising.

"They kept raising the bid until it reached $500, and as I did not have any smaller amount I drew out a $1,000 bill and placed it on the table. They kept raising the bid until I had two $1,000 bills on the table, when the "doctor" reached across the table and snatched the money, saying that he had won it. I rose to my feet and protested, and said that it was a game of robbery and told my brother to go and call the police, but Morris said that he would get the police, so he went out.

"When he came back he brought two men with him who said they were officers. I said how am I to know that you are officers, and with that one of them said that his name was Hemingway and the other man's name was Bell, and they pulled back their coats and showed their police badges. Hemingway told the 'doctor' to give him the money, and informed us that the laws in this state were very strict against gambling, and that we had been gambling, and that all of us were under arrest.

"Disgrace" for Rice.

"Hemingway then suggested that it would be quite disgraceful for Colonel Rice if the public knew what had been going on in his room, and that to avoid too much publicity he would not send for the patrol wagon, but would take us to the station in batches. Then it would not attract attention and there would be no crowd following us. The two officers then searched my brother and myself and took the money out of my pocket and laid it on the table where he counted out eight $1,000 bills, three $100 bills and $73 in small bills and silver.

Gets a Receipt.

"I told him that if he was going to take my money I wanted a receipt for it. He asked the men if there was any paper in the room, but they could not find any, so my brother took a piece of paper out of his pocket and Hemingway made out that receipt and signed it. I have since identified Hemingway as a man whose true name is Davis. He then took the money and said that he would go first and take Morris and the "doctor." Morris objected, but the officer told him to come along and not sulk or he would shoot him. Hemingway then started out with Morris and the 'doctor,' and I started to go out with them, but Hemingway shoved me back in the room and told me to do as he instructed.

"I stayed with my brother and the expert and the bogus officer, Bell. Before the other fellows went out Hemingway took a revolver from the expert. After they left, Bell searched the expert and the latter said that he took $2,200 from him. After a few moments Bell said that it was time we were going. The expert said that the officer should not take him, as he already had $2,200 of his money, which would be bail, and he would come to the station within an hour, but that he wanted to wait for Colonel Rice and explain the matter to him. He was then left in the room and we went out.

Returns to Room.

"After we got down on the street, Bell said that he must go back and get the chips and cards to uses as evidence, and with that he started up the stairs, but I followed him, and when we arrived at the room the cards and chips were gone, and Bell remarked that that was too bad, as we needed the things as evidence that there had been gambling. It was only about five minutes from the time we first left the room until we returned and found the things gone. We then went down and started towards Main street. When we reached the Cullen hotel, Bell said that he wanted a drink, and took us in the Chesapeake bar, where Bell ordered whisky and invited me to take a drink, but I refused.

"I asked two men in the bar whether or not Bell was an officer. Both of them said they did not know him.

"My brother then went to the hotel and secured our grips. We walked to Third South and Main and there took a car going east. The car had just gone about fifty yards when Bell went to the back of the car and jumped off. I suspected him and followed him, getting off the car just behind him. My brother stayed on the car and looked after the grips.

Asks for Davis.

"Bell took me over to the Sanitarium and there asked for a man named Davis. Then the man who had told me his name was Hemmingway appeared. I asked him what he was doing there and he said that he had taken his men to the station and was now off shift. I asked him for my money and he said it was at the station waiting for me.

"The three of us then went to the Sun drug store at 347 South West Temple, where Bell called up a number that sounded very much like 75. The more I think about it the more convinced I am that 75 was the number he called, though I do not know whose number that is.

"While in the drug store I asked the clerk whether or not Bell was an officer. He replied that he did not know him.

"Later we went to the postoffice, where the two men went to one side and talked in an undertone. Two mail carriers came along and I asked them if the two men with me were officers. They did not reply to my question, but after they had gone into the building Davis told me he would smash my head if I asked anyone else that question. I demanded my money and he said:

"'Your money is locked up in a bank, and you will have to blow the lid to get it."

Bills Are Transferred.

"Bell then slipped Davis a roll of bills, the ones I presume he had secured from the 'mining expert,' and received from Davis a $20 gold piece. Davis then bolted and ran away.

"Bell led me straight up to the police station, and entered it by a back way. A group of officers were talking in the hall, and among them was a tall one, whom I now know to be Chief Sheets. Bell motioned to Sheets, and the chief came over to us. He said he wanted to see Sheets in his private office, and we went in. Bell said, 'This young man has been gambling and has lost $10,000. He asked me to bring him here, and see if you could do anything."

Interview With Sheets.

"'That is untrue,' I declared, for I was astonished at the declaration, and I added, 'Is this man not an officer?' 'I should say not,' was the reply of Chief Sheets.

"'Has any man deposited $10,000 to my name here this afternoon?' I next asked, and Chief Sheets said, 'No.' I then turned on Bell and said to Chief Sheets: 'This man here is one of a gang that has robbed me of $10,000. He pretended to be an auxiliary officer.'

"Chief Sheets interrupted me. He said, 'Yes, I know all about it. Your brother has been here and told me, and I sent him out with an officer to try and identify the robbers.' I asked if he could not find the robbers by tracing the one thousand dollar bills. He replied that he could not, because thousand dollar bills were common around town.

Refuses to Send Officer.

"I then asked Chief Sheets to give me an officer and let me go out, as I thought I could locate some of the men. He said I had better stay there till my brother came back, as all the officers were out. Bell then joined the conversation, and Sheets asked how Bell was part of the gang. 'Did he handle your money?' asked Sheets. 'Was he the one that robbed you?'

"'What had I to do with it?' put in Bell. 'I didn't take your money, did I? Now what have I to do with it?'

"'You're one of the gang,' I declared 'and you walked me around two or three hours on the way to this station, while you let the rest get away, and got rid of my money.'

"I was broke down by now, and I started to cry, saying I was left penniless in a strange city.

"Bell said, 'If it's as bad as that, here's $20 of my own money,' and he handed me the $20 in a gold coin I had seen passed to him at the postoffice. Sheets turned around to Bell, and said to him: 'Can't you get some of the man's money back?'

"Bell answered: 'Give me an hour or two, and I think I can. I'll telephone you every hour I am gone until I return.'

Proposition From Sheets.

"Sheets asked me if this was agreeable. I said it was, if he would send an officer or a detective along. The two went out together and Sheets returned in a minute, saying the man had a proposition to make. Bell followed him in and made it, offering to loan me $1,000 of his own money, out of his account at the Commercial bank, if I would repay it when I got my money, and sign a note for it. I agreed to this, and he left. Then Sheets told me I needn't worry about paying back the $1,000. He told me these men had buncoed me and when I got the $1,000 to stick to it. I asked Chief Sheets if he had sent an officer with Bell and he said he had sent an officer.

"While Bell was gone, I went out to look for my brother, but was unable to find him. When I returned to the chief's office I was told that the chief had gone out to dinner, but I met Captain Burbidge and started to tell him about it, but the captain said that the chief knew of the robbery.

Hempel Enjoins Secrecy.

"At this juncture Sergeant Hempel came from behind the counter at police headquarters and told me that the chief was at work on the case, and would take care of the matter, but on no account to open my mouth to any of the other officers about the robbery.

"When my brother returned Sergeant Hempel took us into another office, and we talked to him and Detective Raleigh for about half an hour until the chief returned. My brother said to the chief:

"'I saw one of the gang drive away from a livery stable near the Cullen with another man and learned from the proprietor that they were going to drive to the New England addition.'

"I asked the chief if this was Bell, and the officer said he would send with him. He replied that it was.

Story Is Suppressed.

"We went out to eat and returned, waiting in the chief's office for Bell's return. While we were waiting there, Phillips, the Tribune police reporter, came in and asked the chief about the robbery. From the notes he had, his story of the theft was fairly accurate. The chief told him he could tell him nothing about it, and Phillips left saying that he had a scoop on the story and he did not want the chief to mention it to the other papers.

"Bell returned about 11 o'clock and told me that $750 was all the money that he could raise. I told him I must have $1,000, and he said he would make another attempt to raise the extra $250.

"As he left the room I told the chief that we ought to take the $750 which he had before allowing him to go again. The chief went out in the hall and soon returned with the $750 in gold which he placed on his desk, telling me to hurry and put it away before the reporters came in and wanted to know about it.

"Chief Sheets asked us to keep very quiet about the recovery of the money and not to mention it to the reporters, as the publicity of the transaction would hurt him.

"I asked him what chance there was to recover the rest of our money, and the chief replied not one in ten. We told him we were alone in Salt Lake, while we had friends in San Francisco, and if there was so little chance of recovering the money we would rather go to our friends at San Francisco than lose our time and our transportation, which expired that night by remaining in Salt Lake City. The chief asked me to give him our address in order that he might communicate with us in case of developments. I wrote my address on some police stationery on the chief's desk.

Other Money Brought In.

"Bell returned with the other $250 within a few minutes after he left and asked me to sign a note in which I promised to return the amount to him on the recovery of the money that was stolen. I can't recall the name he used in the note, but I do not think it was Bell.

"After we got the money both Bell and the chief said that we would have to hurry to catch the midnight train for the coast and we left the station. Bell shook hands with the chief and Detective Raleigh who was in the chief's office at the time and the chief and I also shook hands with them.

"Bell then accompanied us to the train and we left the city that night. A week later we returned to Salt Lake and went to the Sanitarium, where we were looking over the register when we encountered Davis and Bell. I went to the chief's office and told him of the incident and he asked me why we had not telephoned at once to police headquarters so that the men could have been arrested. I replied that I had lost all faith in the police department from my experience with it. I asked him if there were any new developments in the case and he said there were none."

"McWhirter was shown the photograph of "Jim" Donaldson and replied positively that it was that of the "doctor" who snatched the two $1,000 bills at the poker game. The witness also identified the photographs of the O'Briens as those of the man who posed as "Morris" and did the steering and the "mining expert" who was in the poker game.

Thinks Gambling a Sin.

Judge Varian subjected McWhirter then to a gruelling cross-examination, but the witness did not change his story to any appreciable extent. He was asked whether or not he had ever played cards before and McWhirter replied that he did not believe that it was right. He said that he had never played cards at all, that he was a member of the Presbyterian church and considered that gambling was a sin. He said he did not think it was wrong, however, when he played at the Antler rooming house, because the other man had done the betting and told him what to play.

Every detail of the story was gone over by the attorney for the defense and McWhirter was asked to explain every doubtful point. He was asked to account for every day of his trip, every cent of money he spent in America and every minute of the time he was in Salt Lake.

Judge Varian asked how it was that he carried ten $1,000 bills about with him, and he said that he had cashed a draft for $10,873 from Cook & Sons bank at Glasgow to their branch at New York, and that he wanted it put into a draft payable at San Francisco, but that the bankers wanted $140 commission for the transfer and this McWhirter refused to pay and took the cash. This money he said was all he had in the world.

He repeated the story of the robbery and was asked to describe minutely the participants in the swindle, which he did. He said that he had never before heard of confidence men, but that he suspected the young fellow who had asked him to go to see the "colonel" and that as they were going up the stairs at the Antler rooming house he would have turned back but for his brother, who said that it seemed all right.

Deceived in Room.

"The appearance of the people we found in the room deceived me completely," said McWhirter. They were well dressed and very affable. The explanation the 'mining expert' gave us of the ore was very interesting and before he was through I had regained confidence in the men completely."

He was asked why he had inquired of policemen he met whether or not the men who were accompanying him about town were authorized officers and McWhirter replied:

"I did not see a policeman all evening and I told Mr. Sheets that it was very strange there were no policemen about."

This reply was followed by general laughter in the court room and the court had to rap for order.

Judge Varian questioned the witness closely as to the number which Bell called at the Sun drug store.

"I am almost positive the number was 75. I did not mention it in any of my talks about the robbery because I did not think it was of any consequence. No one suggested to me that this might be the number or told me what number it was. I do not know yet whose telephone number it is."

He was asked how it happened that his memory was so clear on all the points of the story and he said:

"Every episode of the day is engraven on my mind."

Occasionally during the cross examination a lively argument would result between the witness and Judge Varian as to the proper answer to questions. Finally the attorney for the defense appealed to the court, protesting that witness was trying to argue the case instead of answering he questions put to him.

The court asked that all the disputes be eliminated, but said to the counsel for the defense:

"I will say this, Judge Varian, I think you have opened the door for the argument."

McWhirter was asked if he did not have 1,800 pounds in a bank in Scotland and he replied:

"No; I wish I had."

Hurried by the Chief.

After the entire affair had been gone over to the time the $1,000 was paid to McWhirter Judge Varian asked the witness:

"Then you hurried off to the train?"

"Were hurried would be better, for both the chief and Bell told up that unless we hurried we would miss our train."

He was asked about the chief's statement that the publicity of the recovery of the money might hurt him and Judge Varian inquired if he had not said that would hurt the case. McWhirter was steadfast, however, and stayed by the statement he made on direct examination, saying that the chief had said if the fact that the money were recovered by the chief were published it would hurt him. He said that he and his brother, William, Bell and Detective Raleigh were present when the chief had made the statement.

At this point Judge Armstrong ordered an adjournment until this morning.

SILVER MINERS WILL RECEIVE MORE MONEY

Aspen, Colo., Oct. 17.—Announcement was made today that the wages of miners in the Aspen silver district will be increased from $2.50 to $2.75 a day. Several theusand men are benefited by the advance, which is made possible by the recent steady gain in the price of silver.

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Get a new, pure, sweet breath, freshen your stomach for your next meal, and keep the intestines in good working order. These two things are the secret of good health and long life. You can get all the charcoal necessary to do these wonderful but simple things by getting Stuart's Charcoal Lozenges. We want you to test these little wonder workers yourself before you buy them. So send us your full name and address for a free sample of Stuart's Charcoal Lozenges. Then after you have tried the sample, and been convinced, go to your druggist and get a 25c box of them. You'll feel better all over, more comfortable, and "cleaner" inside.

Send us your name and address today and we will at once send you by mail a sample package, free. Address F. A. Stuart Co., 60 Stuart Bldg., Marshall, Mich.

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