

TWO AFFIRMED, ONE REVERSED.

Estate of Moroni Williams Scores
Another Victory in the Case
Against Gilmer et al.

GARRITY BEATS BULLION-BECK.

M. W. Hicks Wins on Appeal in Damage
Suit Against the Southern Pacific.

Three opinions were handed down by the supreme court this morning, two of which were affirmations of the judgments of the lower court and one was a reversal. In the case of Kate Guthrie, administratrix of the estate of Moroni Williams, deceased, vs. J. T. Gilmer et al., defendants, and O. J. Salisbury, appellant, the judgment of the lower court is affirmed. This is the second appeal of this case to the supreme court. On the former appeal the judgment of non-suit granted by the lower court was affirmed, after which plaintiff filed a new suit.

The action was brought in this county to recover from defendants the sum of \$5,000 alleged to be the balance due on the purchase price of the Peabody claim, under an agreement entered into in 1882. It is alleged that defendants secured the title to the property and sold it for a nominal sum to the Stewart Mining company, of which they were in control. Afterwards they joined with said company in the sale of the claim with others for the sum of \$100,000. They agreed to pay the balance of the original purchase price out of the money received for the sale of the claim. By selling it for a nominal sum to the company they contended that they did not receive any sum of money for it and refused to pay the balance of the purchase price. On the second trial judgment was rendered in favor of plaintiff for the full amount.

Defendants also raised the points that the judgment of non-suit was res adjudicata of the action and that it was also barred by the statute of limitations. These points the supreme court holds are not well taken and the judgment of the lower court is affirmed. The opinion of the court was written by Chief Justice Baskin. Justice Bartch, however, dissents from the opinion of the majority of the court.

GARRITY VS BULLION-BECK.

The judgment of the lower court in the case of M. L. Garrity vs. the Bullion-Beck & Champion Mining company, appellant, was also affirmed by the supreme court in an opinion written by Justice McCarty and concurred in by Chief Justice Baskin and Justice Bartch. The action was brought to recover damages for personal injuries received by plaintiff while employed in defendant's mine on June 24, 1902. Judgment was rendered in the court below in favor of plaintiff for \$1,695 and costs of suit. Plaintiff while passing through the tunnel going to his work stepped upon a defective plank, which broke with him and he fell a distance of 14 feet and was badly injured. The judgment awarded him is affirmed by the supreme court.

HICKS WINS ON APPEAL.

In the case of M. W. Hicks, appellant, vs. the Southern Pacific company the judgment of non-suit granted by the lower court is reversed by the supreme court and the case is remanded with instructions to re-instate it and grant a new trial. The suit was brought in Weber county to recover \$1,999 damages for personal injuries received by plaintiff while in the employ of defendant company as a section hand on May 25, 1900. The accident happened near Ogden and occurred while plaintiff and other employees were attempting to unload some heavy rails from a hand-car in a hurry so as to clear the track to prevent a collision with a passenger train. In the hurry and excitement one of the men dropped his end of the rail and it fell on plaintiff, injuring him. A judgment of non-suit was rendered in favor of defendant by the court below, but this judgment is reversed by the supreme court in an opinion written by Chief Justice Baskin and concurred in by Justice McCarty. Justice Bartch also dissents from the opinion in this case.

SPEECHES AND SPORT.

Festivities at Fire Department Last
Night in Honor of a Veteran.

There was a pleasant time at the fire department headquarters last night, the occasion being a surprise party on Engineer "Rube" Simpson, who was 60 years old yesterday, and who has been among Salt Lake's fire fighters, volunteer and paid, for the past 35 years.

The party was attended by every member of the department. Those from other stations brought the apparatus along with them in the event of an alarm. Ex-Chief James Devine and ex-Chief Ottinger were present, as also were Messrs. Davis and Martin, members of the council committee on fire department. Members of the Unique, Bon Ton and Novelty theater companies were likewise present, and with songs, dances and recitations, did much to make the party a success. The "boys" had a good deal of fun at "Rube's" expense. The committee having the matter in charge, composed of Captains Williams and Young, and Firemen Drake, Williams, Gibson and Mackay, worked hard to get up the surprise. In addition to the party and "Dutch Supper," a handsome gold badge, made in the shape of a Maltese cross, with a fire engine in relief, with two beautiful diamonds, set in the bars, was given to "Rube." The badge was made by Leyson & Co., and is on exhibition in their window.

The "fun" referred to occurred when "Rube" went on watch. He discovered a lot of chairs scattered about the building and he demanded to know the meaning of it. He was informed there was to be a party of Chief Bywater. "Rube" was indignant. He wanted to know why it could not be given on a night when he (Rube) was not on watch.

After the guests were all on hand, Chief Bywater sent for "Rube." In a speech he informed him of the purpose of the gathering, and presented him with the handsome badge, a gift from the boys of the department. It is quite mildly to say that "Rube" was staggered. But he thanked the members of the department in a feeling speech.

Speeches were also made by Chiefs Devine and Ottinger, and Councilmen Martin and Davis. The party was a huge success and the best of feeling prevailed.

IN BANKRUPTCY.

Notice has been served by Judge Marshall of the federal court that unless the petitioners in the following bankruptcy cases pay all fees due and the unpaid expenses of the referee within 10 days, the cases will be dismissed: C. E. Huddleston, Frank M. Cook, L. M. Chaffin, W. H. Sherman, Wm. Connell, C. L. Perbasco.

Henry Klenke, Sam. B. Culley and J. A. Chatterton have been discharged in bankruptcy, and Stephen Markham and Guy Clark have been adjudicated as bankrupts.

SUPREME COURT OPINIONS.

Olmstead Judgment Affirmed and That
In Wells Case Reversed.

The supreme court handed down two opinions yesterday, affirming the judgment of the lower court in the case of George Olmstead vs. the Oregon Short Line Railroad company, appellant, and reversing the judgment of the lower court in the case of Harry Wells vs. the Utah Construction company, appellant.

In the first case, plaintiff was given judgment in the lower court for \$25 for damages to his property caused by sparks from an engine setting fire to his house. This judgment, the supreme court affirms. The other action was brought to recover damages for personal injuries received and judgment was rendered in plaintiff's favor. This judgment is reversed by the supreme court on the ground of error in the instructions to the jury. The case was remanded for a new trial.

SAVINGS BANKS.

Mr. Ritter Tells Bank Clerks of Their
History and Value.

The Salt Lake Chapter of the American Institute of Bank Clerks held an interesting session Wednesday evening, when President W. W. Ritter of the Deseret Savings bank gave one of the most instructive and interesting addresses ever delivered before the institute. Mr. Ritter spoke largely in an historical way, beginning with the earliest operations of institutions for savings, noting some of the crude methods obtaining at such times, and the gradual development of the principles on which savings banks were conducted up to the methods in vogue at the present day, when banks are now conducted on well established and sound principles of finance, scientific and thorough in their character. The value of savings banks to communities from an economic standpoint was ably shown; and their force as a factor in maintaining public confidence in financial affairs, as well as the theory and practice of investments as applied to savings banks, cautions and discriminations to be observed in the matter of loans, as well as the treatment of commercial paper, and specialties of bank management were dwelt upon.

The members of the institute were very much pleased with the lecture.

THE LAST LEGAL STEP.

Sheriff Emery Files Return on the
Execution of Frank Rose.

The last legal step in connection with the execution of Franklin P. Rose, the wife murderer, was taken today by Sheriff Emery when he filed in the office of the clerk of the district court his official return on the death warrant showing that Rose was executed pursuant to the order of the court, on the 22nd day of April, 1904, at the hour of 10:05 a. m., within the exterior walls of the state prison.

HONORS EVEN.

Exactly 21 Boys and Same Number of
Girls Come to Town This Week.

Report of the board of health for the week ending April 23 shows 42 births, 21 males and 21 females. The death report for the same period numbers 24, of which 10 were males and 14 females.

Two cases of scarlet fever were reported during the week, three discharged, leaving 3 cases in quarantine. No cases of diphtheria reported during the week, seven discharged, leaving one in quarantine. Seventeen cases of smallpox reported during the week. Nine discharged, leaving 43 in quarantine. Fourteen cases of whoopingcough reported.

TODAY'S STOP.

Reports Indicate That it is General
Throughout the State.

The storm which broke loose over this city today is extending well over

the state, as reports from the south would indicate. In the southern states there was a tremendous downpour, for the report from Galveston said that 9.24 inches of rain had fallen at that point. It has been snowing and raining in this city all day, but fair weather with freezing temperature is prophesied for tonight, with fair and clearing weather for tomorrow.

HERE FROM 'FRISCO.

California Bankers Regard Salt Lake
As a Good Business Center.

Three prominent San Francisco banking men are in town today. Manager P. Steiner of the Anglo-California bank, and President John Lloyd and Secy. George Tournay of the German Savings & Loan society. Mr. Steiner is also director in the German society, and one of the pioneers in banking on the Pacific slope. He founded one of the earliest banks in the state of Washington, a director of prominent financial institutions in that state and in Oregon, and visited this city first in the sixties, before the railroad reached here. Mr. Steiner remarked today that most remarkable changes had occurred in this part of the country since that time. These gentlemen are in Salt Lake after a business trip through the northwest, and spent part of the morning in consultation at the National Bank of the Republic, with President Frank Knox, and were afterwards his guests at the Alta club. The visitors spoke very encouragingly of Salt Lake as a business investment center, and mentioned in particular the Brigham Young Trust company as a very solid and substantial business concern, with whom it had been a pleasure to do business. They are looking over the local ground before returning tomorrow to the Pacific coast and are pleased to state that they will carry back with them most favorable impressions of the Utah capital. Mr. Steiner is a relative of the Seligmans, the noted New York financiers.

Y. M. C. A. CORNER STONE.

Secretary Cox Asks for Contribution of
Suitable Objects to Place Underneath.

The corner stone of the new Y. M. C. A. building, at the corner of First South and State streets, will be laid Sunday, May 1, at 4 p. m., when Hon. Frank Pierce will deliver the address. Immediately after the ceremony, an adjournment will be taken to the Salt Lake Theater, where Rev. E. I. Goshen will make an address, and General Secretary O. L. Cox of the association will make a statement of the association work in this city in particular, and the country in general. Mrs. C. G. Plummer and Miss Agatha Berkhol will sing during the Theater service; and it is expected that the first secretary, Rev. Wildman Murphy, will participate.

Mr. Cox wishes that anyone having historical data specially relevant to local Y. M. C. A. work would find it convenient to contribute the same for insertion in the program. The box will also contain copies of the last issues of the local papers, a list of the donors to the building fund, names of charter members, etc.

BELIEVES HE WILL STAY.

Senator Who Believes That Senator
Smoot Will Not Be Unseated.

Inspector T. J. Longley of the government immigration service, who has just returned from the east, said today that while on the train homeward bound, he met a congressman who was naturally interested in the fact that Mr. Longley was from Utah. The case of Senator Smoot was discussed with great interest and the congressman, whose name Mr. Longley did not give, for the reason that he promised to withhold it, said he had been informed by one of the senators from his state that in general sentiment in the senate appeared to be that Senator Smoot would retain his seat; that the charges against him had utterly failed and that there was only the remotest possibility of expulsion.

MRS. KOMPE SENT HOME.

Inspector Longley Returns, After Seeing
to Her Deportation.

Inspector T. J. Longley of the U. S. immigration service, who left Salt Lake for Boston some weeks ago in charge of Mrs. Kompe, a young German woman who was ordered deported by the government, has returned to the city, after an extended trip through the east and middle west. Resides Boston, Mr. Longley visited Chicago,

Buffalo, Niagara Falls, New York, Washington, Baltimore and St. Louis. Speaking of Mrs. Kompe's deportation, Mr. Longley says that in such cases the government bears the expense of himself and matron back and forth and the steamship company bringing the deported person to this country bears half the railroad fare and all other expenses to the point of embarkation. Concerning the bond furnished by friends of Mrs. Kompe in order to secure her admission to this country, the inspector states that while the bond stipulates a certain monetary consideration provided its terms are not complied with, as a matter of fact it is simply a bond of good faith and nothing will be exacted of those who signed it, because of its not being a congressional requirement.

MONDAY NIGHT'S MUSICALS.

Splendid Program to be Given Under
The Auspices of Commercial Club.

Following is the program of Monday night's musicals to be given at the Commercial club, under the direction of the committee on music, for members of the club and their guests:

"Lolita".....Chaminade
"Barcarolle" (G Minor).....Rubinstein
"Scherzo" (C Minor).....Mendelssohn
"The Wanderer".....Schubert
"Waltz".....Wieniawski
"Romanza and Finale" (a la Zingara).....Willard Weihe
"Aria from 'Queen of Sheba'".....Gounod
"Theme and Variations".....Paderewski
"Mit Myrthen und Rosen".....Shumann
"Reverie".....Walter Wallace
"Canonette".....Godard
"Cradle Song".....Sauter
"Love's Confidence" (Glen Arden).....Helen Gilmore
"Roses in June".....Ed Gorman
"Twas April".....Nevin
Mrs. Agatha Berkhol, Accompanist.
J. J. McClellan, Accompanist.
The regular program will be prefaced from 7:30 to 8:30 o'clock by music from Christensen's orchestra.

ATTEMPTED SUICIDE.

Mrs. Blanche Curran, Formerly of This
City, Takes Morphine.

Word has been received from Kansas City of the attempted suicide of Mrs. Blanche Curran, formerly of this city, and wife of Charles Curran, a drug clerk. The woman took about 40 grains of morphine and supplemented the dose with another poison which acted as an antidote and was perhaps the means of saving her life. Prior to the attempt Mrs. Curran wrote two letters, one to her aunt at Eaton, Colo., asking forgiveness, and the other to her husband in which she charged him for believing the stories of false friends. The woman received prompt medical attention and it is thought she will pull through all right. She was married in this city a year ago.

BUILDING PERMITS.

The following building permits were issued during the week:

J. Donnan Reavis, agt., 555 south West Temple, 4 room brick cottage, \$1,400.
J. Donnan Reavis, agt., 557 south West Temple, \$1,400.
J. Donnan Reavis, agt., Emerson avenue, near Eleventh East, 4 room brick cottage, \$1,000.
J. Donnan Reavis, agt., Seventh South and West Temple, 5 room brick cottage, \$3,000.
J. Donnan Reavis Eighth East, south of Twelfth South, 5 room brick cottage, \$2,200.
J. Donnan Reavis, agt., Fifth West, between Third and Fourth North, 5 room brick cottage, \$2,200.
J. Donnan Reavis, Seventh East, between Eighth and Ninth South, 4 room brick cottage, \$2,000.
J. Donnan Reavis, Pear street and Eleventh East, 4 room brick for Charles Cornell, \$1,200.
Harry Odell, Eleventh South, east of Eleventh East, 5 room brick cottage, \$1,800.
Charles W. Middley, Fifth and J streets, 5 brick cottages, \$2,000 each, \$10,000.
Charles Offer, Fifth between C and D, improvements, \$1,750.
Taylor, Romney & Armstrong, Second West and South Temple, additional mill, \$500.
Frederick Heath, Salt Palace, beer hall, \$1,000.
S. Bamberger, South Temple, near Third West, 4 stores, \$1,200.
E. E. Rich, Jr., Seventh South and Seventh West, 2 story brick house, \$1,500.
Kate Walters, 545 west First North, addition, \$1,000.

BUILD

Up the great industries that are
building up our great commonwealth.

Three Crown



Baking Powder is prepared in
Utah—but it is equal to any and
superior to most Baking Powders
on the market. Use it today.

Hewlett Bros. Co.

Hotel Herald, First South and West Temple, addition, \$300.
E. L. Saunders, 311 south Thirtieth East, 14 story brick, \$1,800.
D. N. Torpy, Eighth South and West Temple, double brick house, \$3,300.
D. N. Torpy, 637 south West Temple, brick cottage, \$1,000.
George Shiller, 435 south Fifth West, brick cottage, \$1,000.
David Answorth, Second North, between Seventh and Eighth West, brick cottage, \$800.

If, in the management of your business you are personally doing any work which a ten-dollar-a-week clerk could do, you are placing a low valuation upon your time. You can get the clerk quickly through a want ad.

CHURCH NOTICES.

Services of the Church of Jesus Christ of Latter-day Saints will be held tomorrow at 4 o'clock in the Tabernacle. Sunday schools in the various wards at 10 a. m., and meetings in the city ward assembly rooms and adjacent wards as follows:

First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	Tenth	Eleventh	Twelfth	Thirteenth	Fourteenth	Fifteenth	Sixteenth	Seventeenth	Eighteenth	Nineteenth
6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30	6:30

Religious services in the German language are held every Sunday morning, at 12 o'clock in the Assembly Hall.

The Scandinavian meeting tomorrow, Sunday, will be held in the Barratt hall, at 10 o'clock a. m. All interested are cordially invited.

Following are the Pioneer stake home missionary appointments for Sunday, April 24:

Fourth ward—Arnold G. Glaucue and Jos. J. Cannon.
Fifth ward—David McKenzie and Chas. H. Worthen.
Sixth ward—David W. Adamson and Alex. Buchanan, Jr.
Seventh ward—Ed. E. Jenkins and James Leatham.
Twenty-fifth ward—Geo. G. Smith and George E. Burbridge.
Twenty-sixth ward—A. B. Needham and James N. Lamb.
Thirtieth ward—H. B. Clawson, Jr., and Hugh Watson.
Thirty-second ward—Chas. H. Hyde and Wm. D. Callister.
Cannon ward—President Wm. McLachlan and Frank H. Woodbury.
Brighton—Fast day services.
Pleasant Green—Fast day services.
Pioneer stake quarterly conference, Sunday, May 1, at 10 a. m., in the Assembly hall, and at 2 p. m. in the Tabernacle.

High Priests' Meeting.

A meeting of the High Priests' quorum, of the Salt Lake stake of Zion, will be held in the Brigham Young Memorial hall, room 24, on Sunday next, April 24, at 10 o'clock a. m. All High Priests in the stake are respectfully invited to attend.

WILLIAM ASPER,
WILLIAM B. DOUGALL,
RODNEY C. BADGER,
Presidency.

Liberty Stake Conference.

The regular quarterly conference of Liberty stake will be held next Sunday, April 24, at 10 a. m., in the Assembly hall and at 2 p. m. in the Tabernacle. All the Saints residing in said stake are earnestly requested to attend conference.

The regular ward meetings will be held in the evening as usual.

ARNOLD H. SCHULTHEISS,
PHILIP S. MAYCOCK,
Of the Stake Presidency.
W. SCOTT WEILER,
Stake Clerk.

GRANITE STAKE.

Big Cottonwood, 2:30 Mill Creek, 2:30 East Mill Creek, 3:30 Murray, 3:30 Parkway, 4:30 South Cottonwood, 2:30 Forest Dale, 5:30 Sugar House, 2:30 Grand, 2:30 Taylorsville, 2:30 Grant, 2:30 Wilford, 2:30 Hunter, 2:30

The home missionaries of the Granite stake will meet in the stake tabernacle on Wednesday, April 27, 1904, at 7:30 p. m. A full attendance is desired.

W. McEWAN, Clerk.

High Priests Weber Stake.

The regular meeting of the High Priests of Weber stake will be held in the Third ward meetinghouse, April 30, at 11 a. m. Members please remember.

LOREN FARR, President.
J. H. ALLEN, Clerk.

GO TO AMERICAN FORK.

\$1.00 Round Trip.

SPECIAL TRAIN Tuesday, 7:30 p. m., April 26th, via SALT LAKE ROUTE. Dancings at Apollo Hall, Spring floor. Special returns immediately after the dance.

You can buy real estate with a PART OF YOUR SAVINGS—and when you own good real estate you are no longer poor.

There is probably a want ad. in this issue which will interest you more than the war news.

Overhaul

Your old upholstered furniture this spring. If it needs re-upholstering send it to us. We can make it just as good as new. We have a splendid stock of coverings. A little money judiciously spent in this way will make your home look bright and attractive.

H. Dinwoodey Furniture Co.



WALL PAPER!!

Bargain Sale Next Week

OUR STOCK IS THE
LARGEST AND PRICES
THE LOWEST. . . .

RIVERS BROS.

140 MAIN STREET.

OTHER CHURCHES.

Westminster Presbyterian church, Fourth West, between First and Second South streets. Rev. John Rich, pastor. 11 a. m., preaching services; 12:15 a. m., Sunday school; 1:30 p. m., Sunday school at Endeavor chapel, No. 620 West First North; 5 p. m., Junior Endeavor; 6:45 p. m., Christian Endeavor; 7:45 evening service. Prayer meeting Wednesday evening at 8 o'clock. Strangers are welcome to all services.

PROBATE AND GUARDIANSHIP NOTICES.

Consult County Clerk or the respective signers for further information.

IN THE DISTRICT COURT, PROBATE Division, in and for Salt Lake County, State of Utah, in the matter of the estate of John Siddoway, deceased. Notice—The petition of C. E. Marks, praying for the issuance to himself or to some other able person of letters of administration in the estate of John Siddoway, deceased, has been set for hearing on Friday, the 6th day of May, A. D. 1904, at ten o'clock a. m., at the County Court House, in the Court Room of said County, in Salt Lake City, Salt Lake County, Utah.

Witness the Clerk of said Court, with the seal thereof affixed, this 23rd day of April, A. D. 1904.

JOHN JAMES PERKINS,
McGurkin & Gustin, Attorneys for Petitioner.

A Saw Edged Collar

Will take an hour or two from a business day, and more or less skin off your neck. You eliminate all this by sending your linen to us.

TROY LAUNDRY,
165 Main St.

BORN.

GLADE—in this city, April 22, 1904, to the wife of G. L. Glade, a son. All well.

Annual statement for the year ending December 31, 1903, of the condition of the

PENN MUTUAL LIFE INSURANCE COMPANY.

The name and location of the Company, Penn Mutual Life Insurance Company, Philadelphia, Penna.

Name of President, Harry F. West. Name of Secretary, William H. Kingsley. The amount of its capital stock, \$1,000,000. The amount of its assets, \$1,000,000. The amount of its liabilities, \$1,000,000. (Including capital) is \$1,000,000. The amount of its income during the preceding calendar year, \$1,000,000.

The amount of its expenditures during year, \$1,000,000. The amount of losses and endorsements paid during the preceding calendar year, \$1,000,000. The amount of risks written during the year, \$1,000,000.

The amount of the year's force, \$1,000,000. The amount of the year's premium, \$1,000,000. The amount of the year's dividends, \$1,000,000.

James P. Hammond, Secretary of State of the State of Utah, do hereby certify that the above named insurance company has filed in my office a detailed statement of its condition, from which the foregoing statement has been prepared, and that the said company has been duly licensed to do business in the State of Utah, and has been duly admitted to the list of licensed companies.

In testimony whereof, I have caused the great seal of the State of Utah, this 13th day of February, A. D. 1904.

(Seal) J. P. HAMMOND,
Secretary of State.

Robin Hood

His aim was not surer than that of Hood's Sarsaparilla,
which always L. S. the disease.

Be sure to take

Hood's Sarsaparilla

This Spring—it will rid you of that humor that makes you break out, that takes away your appetite and strength and makes you feel sick. Take Hood's Pills, also, if you are bilious or constipated.

E. S. Bertsche, Hannibal, Ohio, says:

"I took Hood's Sarsaparilla in the spring and it purified my blood and gave me a good appetite, and made me feel much better."

Maggie Perkins, Yale, Ill., says: "We have used Hood's Sarsaparilla in our family for years and have always found it as represented, a good spring medicine."

Ralph Rust, Willis, Mich., says: "This spring pimples covered my face and troubled me very much about shaving. I took a bottle of Hood's Sarsaparilla and the pimples are all gone."

Mrs. William Howell, Quogue, N. Y., says: "I have been using Hood's Sarsaparilla in my family for years as a spring medicine. Have found none equal to it."

Accept no Substitutes for Hood's Sarsaparilla and Pills.
No Substitutes act like them.

