DESERET EVENING NEWS WEDNESDAY MAY 22 1907



Judge Ritchie Hands Down Decision Denying Motion of Attorneys for Jones.

GIVES LONG LIST OF REASONS.

Case Was Formerly Tried and Decision Given Adverse to Plaintiff After Long Controversy in Court.

Judge Ritchie has handed down a lecision denying plaintiff's motion for new trial in the libel suit of W. R. lones, Jr., against the Salt Lake Tribune. Jones sued to recover damiges in the total sum of \$125,000 for alleged libelous articles run by the Tribune in regard to Jones' management of the county infirmary during the time he was superintendent of that the time he was superintendent of that institution. After a trial lasting for several days the jury returned a verdict in favor of the Tribune. A motion for a new trial was filed by plaintiff and was argued some time ago and taken under advisement. In denying the mo-tion, Judge Ritchle delivered the fol-lowing decision:

wing decision: Two matters only were discussed up-

lowing decision: Two matters only were discussed up-on the oral argument on the motion for a new trial, the perjury charge, and the allegation of misconduct during the trial on the part of two of the defend-dants. The court regrets that coun-sel did not take advantage of the leave given to file briefs, as the oral argu-ment was very short and incomplets. I. It is alleged by the plaintiff that the charge of perjury is not sustained. There is a complete failure to prove that the plaintiff committed the offensa of 1898. The defendants abandoned this on the trial and expressly rested upon the other meaning of the word de-fined by the court in paragraph 7 of the harguage, simply as "false swearing." WESLEY QUOTED.

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Wesley, in a sermin at Oxford, once said, referring to the violation of cer-tain moral obligations: "What is perjury, if this is not? But if it be, oh, what a weight of sin, yea, sin of no common dye, lieth upon us!" --Little Journeys to Homes of Reform-ers January. '07, p. 24.

sim of he continues to Homes of Reform-ers, January, '07, p. 24. Not long ago a clergyman during a heresy trial was charged with per-jury in violating his ordination vows because of certain theological options expressed. Members of fraternal or-ders who are said to take certain "obligations" are accused of perjury if they violate them. There is no standard, save the aver-age moral sense, by which to deter-mine whother a given act may be called "moral perjury" or not, and it becomes often a question of fact whether, under the proof, the particu-lar moral obliquity charged may be called perjury in the sense now under discussion.

In this case the facts upon which the harge was based were quite explicitly tated in one or more of the articles ublished, enabling the reader to judge or himself of its character. The affipublished, enabling the reader to judge for himself of its character. The affi-davit upon which the charge was founded was presented to the board of county commissioners and the allow-ance of \$18.35, in lieu of salary during a vacation (which he did not take) was made to the plaintiff by the com-missioners with the knowledge of affi-the facts. There was proof tending to show that this particular method of allowing such claims had been pre-scribed by the board of commissioners as the one to be adopted. Two of these commissioners were witnesses against the plaintiff. the plaintiff. AS TO PERJURY.

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denied.

For Loss of Appetite

HORSFORD'S ACID PHOSPHATE It nourishes, strengthens and im-parts new life and vigor. An excellent general tonic.

PROF. EATON STILL BUSY.

Weeds Out Another Fraternal Organization From High School,

Prof. Eaton, principal of the Salt Lake High School, is still battling against fraternal organizations in the school. As fraternal organizations in the school. As will be remembered, the professor some time ago suspended a number of students for participating in antes attributed to the existence of Frat. organizations within the High School precincus, and in this manner succeeded in breaking up the budding societies. A few days ago an-other sophomore Frat. was nosed out by the professor, and he promptly announc-ed the suspension of 14 students of that class until they disclaim allegiance to the society. The new organization had recents in the Hooper building, but its existence was ferreted out and its days are num-lered. The students complain that one Frat. In the High School, under the name of "Bible Class," remains unmolested with broadementers at V. V. (1990).



tables, cabinets and settees. No two ar-ticles are alike. "The boys work out in their own minds the design they wish to follow in the fashioning of any article," said Mr. Parratt, instructor in manual tomatign in the city schools, "and this is an incentive to originally and composi-tion. His plans are sumbited to their teachers, and when marked O. K. the work is proceeded with. No other atticle of the same pattern is allowed to be made, and the result is a large number of unique and excellent articles of handl-wark." The needlework exhibited by the girls' classes comprises samples of waists, aprons, laundry bags, fancy sittching and numerour aitcles of feminine use and an-pared Much merit is shown in this branch rise, and the work shows promise of greater results in future. The larratt announce, beginning next tall, it continuation of the work new be-ing done in the grades. The schools represented in the exhibits at the stores mentioned above are the Oquirth, Longfellow, Lowell, Wasatch, Lafayette and Bryant. tables, cabinets and settles. No two

----For any pain, from top to toe, from any cause, apply Dr. Thomas' Eelectric Oll. Pain can't stay where it is used.

DYING IN A HALLWAY.

Young Englishman in Last Stages of Consumption Discovered by Police.

young Englishman named Ernes Middleton, was found dying from con-sumption last night, in a hallway, at 12 Main street. He was quickly removed to the police station, where he was barely to the police station, where he was barely able to give a brief and not very satis-factory account of himself, before pass-ing away. Middleton was in the stativary in search of a dector, when he became so weak as to be unable to proceed fur-ther, and he collapsed. At the station, the sufferer managed, between gasps, to give his name, also to state that his father's name was Philip Middleton or Leeds. Yorkshire, and he had a coustin named Henry Church now at a sheep camp in southern Utab. Dr Steele was called in, but could do nothing beyond stating the cause of death. The deceased was 30 years old, poorly dressed, and had neither socks or underclothing. The remains were removed to the under-taker's preparatory to burlal. able to give a brief and bot very satisfactory account of himself, before passing away. Middleton was in the stativary in search of a dector, when he because so weak as to be unable to proceed further, and he collapsed.
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GREEK ADDRESSES STUDENTS. Prof. J. T. Leotsakos Talks to Class at The University.
The Greek classes at the state university were addressed yesterday.

versity were addressed yesterday versity were addressed yesterday afternoon, by Prof. J. T. Leotsakos, The speaker said in part: "I wish to congratulate the students on their gists all sell it.

PILGRIMAGE OF THE UTAH PIONEERS SIXTY YEARS AGO TODAY.

SATURDAY, MAY 22, 1847. At 5:15 in the morning the thermome-ter stood at 45 degrees F. in the Pioneer



MR. WM. F. VAHLBERG. Mr. William F. Vahlberg, Oklahoma City, Okla., writes:

"One bottle of Peruna which I have taken did more toward relieving me of an aggravated case of catarrh of the stomach, than years of treatment with the best physicians.

"I had given up hopes of relief, and only tried Peruna as a last resort. "I shall continue using it, as I feel satisfied it will effect an entire and per-

manent cure. "I most cheerfully recommend Peruna to all who may read this."

Peruna is usually taken non-lost resort Doctors have been tried and failed. Other remedies have been used. Saultariums have been visited. Travel has been resorted to

At last Peruna is tried. Relief is found. This history is repeated over and over again, every day in the year. It is such results as this that gives Peruna its unassailable hold upon the people. We could say nothing that would add force o such testimonials as the above. That people who have had catarrh and have tried every other remedy available, find relief in Peruna, constitutes the best argument that could be made.

.....

into many curious forms, some of which resemble cones or pyramids, others ex-hibiting perpendicular and shelving sides, from 150 to 200 feet above the

TROUBLE AT GOLDFIELD. Work Resumed on Clark Road After Interference of Armed Men.

Last week a report came from Goldfield of the attempted intimidation of construction workers on the Clark road ear Goldfield, grading under the conracting firm of Deal & Mendenhall by rimed men claiming they were repre-contatives of the Goldfield Miners' unscatatives of the Goldheid Miners' un-ton, and demanding that the men drop work unless the union scale were paid them. Inquiry a, the local offices elicit-ed no information in regard to the in-eldent, but news from the construction camp is now at hand confirming the re-port. It is journed also that the wages of the men were advanced to \$4 per day, after the work had been shut off for several days on account of the la-bor differences. No strike was declared, but the men were apprehensive of vio-lence on the part of the armed men who said they represented the union at old they represented the union at

oraneia. According to advices just received, te men resumed work on May 18. C. Whittemore of Salt Lake, vice presi-th and general counsel for the Clark ad, went to Goldheid to handle the with to Goldheid to handle the r. He stated that the men had bed work all along the line, and they had been assured of police tion. He said also that the in-e of wages to \$4 a day had been and although there had been no

quit because they were olence," said Mr. Whitte-Men had Visiten in bodily hars calculed them with bodily hars they joined the Miners' unit field. The men did not want a union: and there was a seco-ande to the camps, on which our foreman at the camp n our foreman at the camp n tonewall summit was assault Stonewall summit was assaulted result was that our men were had-cmoralized for three or four days we were compelled to closes down dame in here to see where the re-sthilly lay, and saw Presiden-ch of the Miners union, and I ask-in the question as to the response question as to the res to the decision the delegates. He is that the delegates had been to the camps by the union, but her were not empowared to use that they had instructions to use that they had instructions to use her the means to get the men fo and that was as for as their nu-extended. He disavows the s.

mands of the union were that to prid \$4 a day, and become of the union. Our work is be-by contract, but 1 advised the attractors to raise the wages from § ad \$3.50 to \$4; but I did not attemp force the men to join the union tey can do as they please in that re-ect; but I have assured them that is would protect them, and to that end is ve been promised the proper pro-tion from the sheriffs of both Nye it Esmeralda.

tection from the sheriffs of both Nye and Esmeralda, "We expect to have the grading com-pleted in 60 days, having any number of camps between here and 25 miles out. Then, we will commence laying the tracks out of Rhyolite next week, and we expect to have them into Gold-field by September. We will continue the grading from here right on to Tono-pah and hope to have the road in there by the end of the year. We are going ahead just as fast as conditions, labor and others, will permit." There is a foile posted on the bulle-tin board of the Miners' union hall to the effect that there is a strike on the Clark road, and warning men to keep away from the grading camps.

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Doan's Regulets cure constipation without griping, nausea, nor any weak-ening effect. Ask you druggist for them. 25 cents per box.



Farmers Ward-There will be pleasing entertainment for all lovers of children in the Farmers ward meetinghouse, tomorrow and Friday evenings next, under the auspices of the ward primary association. The program includes a motion song by the kindergarten class, a doll song by girls of the first grade, a Brownie song by boys of the first grade, a tam-bourine drill by girls of the second grade, a solo by Margaret Peterson; the program concluding with an oper-cita entitled "A Merry Company." The cast includes Willie Hendricksen, Ruby Saunders, Francis Weller, Blanche Fox, Clara Larsen, Alma Bur-ton, Rodney Weller, Chauncey Dun-ford, Lester Rigby, and a chorus of 50 cadets and girls. ers of children in the Farmers ward

HEALTH IN EVERY BOTTTLE

Hundreds of Thousands of Men and Women in All Parts of the World Who Were Given up to Die of Kidney Disease Have Found Health and Strength and Are Living Witnesses to the Truly Marvelous Effects of

WARNER'S SAFE CURE A TRIAL BOTTLE OF THIS GREAT KIDNEY CURE WILL BE SENT ABSO

LUTELY FREE TO EVERY READER OF THE DESERET NEWS WHO SUFFERS FROM KIDNEY, LIVER, BLADDER OR BLOOD DISEASE.

WARNER'S BRIGHT'S DISEASE URINARY DISORDERS FEMALE COMPLAINTS GENERAL DEBILITY MALARIA ALL DISEASES CAUSED BY DIS ROERED RIDNEYS AND LIVER. RSED BY THE BEST PHYSICIAN SAFE ARNER'S SAFE CURE C

At every stroke of the clock a human life goes out. Nearly one-half of all deaths are the result of kidney dis-SIMPLE

Cures Kidney Disease

TRIAL EOTTLE FREE To convince every sufferer from diseases of the SAFE CURE will absolutely cure, a trial bottle will be sent FREE OF CHARGE, postpaid, to any one who will write WARNER'S SAFE CURE CO. Rochester, N. Y., and mention baving seen this liberal offer in the Descret Naws. The genuine-ness of this offer is fully guaranteed. If you will write us a full statement of your cuse, symptoms and treatment of all diseases of the Kidneys,



Read carefully and you'll agree that economies SUCH AS THESE ARE RARELY MET WITH

ON SALE THURSDAY In Our Linen Dept, 200 yards Table Linen.

An extra heavy quality, 60 inches wide, in Shamrock, polka dot, de Lis patterns. Regular pri ce 85c. Special for

On Sale Thursday

Wash Goods Dept.

100 Pieces Percales

If the plaintiff was guilty of "moral erjury" in making this affidavit, they uld as well be charged in that sense ith subornation of perjury. The defendants having disclaimed in-

The defendants having disclaimed in-bending to accuse the plaintiff of the bednical crime of perjury known to the law, and the word not necessarily im-parting that meaning, the court fails to see that the case ought to be sub-mitted to another jury to determine whether or not the charge is sustain-able in the vague sense which has no defined limits and concerning which there is no certain guide to a decision except that already stated. 2. It is charged that there was mis-conduct on the part of two of the de-fendants in making "certain unfair, partial, unjust, and sensational com-ments upon the case during the pro-gress of the trial, tending to prejudice the minds of the jury against the plaintiff."

Affidavits are offered in support of Affidavits are offered in support of this ground; attached thereto is an is-sue of the Sait Lake Tribune of Thursday, Dec. 7, 1905, during the time of the trial, which contains certain headlines and comments. To the readlines the attention of the court was called on the morning of Dec. 7, 1905, the day of publication, at the be-similing of the trial on that day, and the court then stated that the com-r ents therein contained were improp-r and misleading and directed the jury to disregard them, and further into disregard them, and further in-quicted the jury that it was their du-y to refrain from reading any news-paper accounts of the trial during its Ogress.

saper accounts of the trial during its mogress. The reports of the trial contained in the two exhibits attached, so far as hey undertake to detail the proceed-ngs, appear mainly to be literal trans-tripts of the proceedings they purport or give. Comments other than in the headlines in the issue of Dec. 7, were not called to the attention of the court hen nor at any other time during the trial, but on a perusal, as they appear attached to the affidavits, they are ex-iggerated and misleading in some ma-serial particulars. When the matter was before the court on the day in question, their contents seemed to be amiliar to counsel on both sides, hough they were not read in court, the differentiation of the court of the first-named defendants that wheth-it overdrawn or not, they were im-proper comments to be made during the trial, and after consultation with the defendant settit, the manager of the first-named defendant, counsel for the defendant settit, the manager of the first-named defendant, counsel for the defendant settit, the news-super office for the night by others who were not present at the trial, and there was no intention to publish mat-er which would interfere with the proper conduct of the case, and that bereafter the manager would endeavor to use that no occasion for criticism oc-uured.

urred. In this issue of Dec. 7, in a head-In this issue of Dec. 7, in a head-ine in large type, among other things, phears the following: "Remarkable showing Made Against Jones. Fed totten Mutton and Maggoty Beef." This is among the charges which occupied much time during the trial, ind testimony was offered to show that on a few occasions spoiled meat was found in the supplies being pre-pared for table use, and, some wit-perses say, was served up to the in-plates of the county infirmary. The uestion of the knowledge and respon-tibility of the plaintiff for this state of fairs was the subject of a sharp onflict in the evidence. It was not power nor pretended that spoiled ocat was habitually or on any great number of occasions served or fed to

The Salt Lake Theater has been se-cured for the lecture and Senater Tilman will hold forth there next Sunday even-ing. The box office will open for sale of tickets Thursday morning at 10 o'clock, after which hour tickets already secured at Carstensen & Anson's for the Or-pheum, may be exchanged for seats in the Salt Lake Theater. Patrons of the University course will be interested to know that only Tilman coupons from the course tickets are good for this number. The lecture will begin at 8:30 o'clock, and the subject will be. "The Race Problem From a Southern Viewpoint." This is the final number on this year's course of University lectures and recitations.



Creditable Exhibits From Manual Training Classes in City Schools.

Excellent specimens of the handiwork f the students in the manual training epartments of Salt Lake's schools is be g exhibited this week in the windows Walker Bros. and the Keith-O'Brien I whiter bloss and the Kellh-O blen tores on Main street. The exhibits con-ist of woodwork specimens by the boys and needlwork by the girls, the children olng the work ranging in age from s to i years. The wooden articles manufactured unge from a penholder to well finished

The Liver is seldom healthy

while coffee is the daily drink Doctors recommend

"There's a Reason"

At 3:15 in the morning the thermome-ter stood at 45 degrees F. in the Pioneer camp. There was a light breeze from the south, the sky being partially over-spread with thin clouds. This morning a large dog came near the camp, and followed it at a distance during the day; he appeared to be almost wild, but by placing meat in a position that he could afterwards find it, it seemed to entice him to follow: bread he would not eat: he seemed to care but little for the largest of the dogs of the Pioneers, and when they came near him, he snapped very spitefully at them, after the munner of the wolf. His head and of a wolf. "Five and a half miles from our morning encampment," writes Or-The students commains unable of the statistical distance during the students commains unable of the south. the sky being partially over the south, the sky being partially over the south the south, the sky being partially over the south the south. The sky being partially over the south the south, the sky being partially over the south the south. The sky being partially over the south stat an investigation of the south stat and state investigation of the south state investigation of the south state investigation of the south state in south state of the south state in south state of the south state in sout





CLEMENCY FOR LENNON. Washington, May 21,-The depart-ment of justice today prepared and transmitted to the White House, for the president's signature when he re-turns from his outing in Virginia, a warrant for the pardon of John L. Lennon, the marine corps private who is serving one year's imprisonment at Governor's Island. New York, for de-sertion. Lennon is a nephew of John L. Sullivan, the former pugilist, whose intercession with the president resulted in clemency.

ENSIGN BRISBIN DEAD.

Washington, May 11.—The navy de-partment today recived a dispatch from Commander Tappan of the cruiser Tacoma, caying that Ensign A. T. Bris-bin, a native of Idaho, who shot him-

self Sunday, died today. Cures Biliousness, Sick



"hursday at a yard

Cleanses the system thoroughly and clears sallow complexions of pimples and blotches. It is guaranteed

56c

On Sale Thursday

White Goods Section

10 Pieces Corded White Lingerie Lawns.

In checked and plain effects, for walsts and shirt walsts suits; value 30c; special for Thursday **17**¹/₂C

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> We are offering Bargains that are "plums." Men and Boys have been coming here from near and far to make investments. No wonder when you learn HOW MUCH YOU GET FOR SO LITTLE. Attend our sale and buy Clothing. Hats and Furnishings at a saving of dollars. Can you resist these prices ?

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