

## IMPORTANT POINT IS TO BE ARGUED

Question is on Federal or State  
Jurisdiction in Criminal Case  
Involving Indians.

HAS NEVER BEEN DECIDED.

Analogous Cases in Civil Procedure  
Have Been Before Courts But  
Not in Strict Parallel.

An interesting point of law, which has never been decided by any court in this state, will be argued before Judge Marshall in the United States district court, probably on Monday, July 12. It has arisen in connection with the case of Allison A. George, alias Frank George, who was indicted by the federal grand jury on the charge of stealing cattle from the Indians on the Uintah reservation. George was given permission in the United States district court this morning to withdraw his plea of not guilty, and through his attorney filed a demurrer to the indictment on the ground that the matter is a state offense and the United States has no jurisdiction. The point is a fine one, and one which the United States district attorney has desired to see settled for some time. Although there have been analogous cases before the supreme court of the United States, in which it was held that the property, and the increase of the property given to the Indians by the government was not taxable by the state, yet the point has never been settled, assistant United States District Attorney McCrea says, in connection with a criminal case. The point will probably be argued July 12, and the attorney is anxious to learn how Judge Marshall views the matter. It is also a matter of importance to the Indians, as their property and their rights, it was said this morning by United States Marshal L. H. Smyth, are liable to be better cared for under the protection of a government than if such cases are left to the state to prosecute.

### IN U. S. COURT.

The case of the United States Smelting company vs. W. S. McCormick and M. H. Walker was considered all the morning before Judge Marshall in the United States district court. H. A. Prosser the smelter man was on the stand nearly all the morning, giving testimony as to the cost of the treatment of ores. Colonel E. A. Wall was also up for a short time. Judge W. H. Dickson did the questioning, and a lot of information with regard to ore treatment, and the methods of smelters was brought out. The case was resumed this afternoon.

### JUDGMENT IS AFFIRMED.

In the case of Mrs. Mary E. Morris, who secured a verdict of \$5,445.54 as damages to her property on Third West street against the Oregon Short Line Railroad company, the supreme court today affirmed the judgment of the lower court. The appeal filed by the railroad company, contending that the complaint was defective and that the court erred in allowing a witness to refer to a memorandum while testifying. These objections as errors cited were overruled. The action was brought by Mrs. Morris because the railroad company claimed that they already had two tracks. The four tracks interfered with the egress and ingress to the property.

### DISTRICT COURT NOTES.

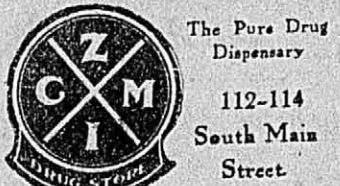
William Nelson brought suit against the Sioux Consolidated Mining company today to recover \$15,000 for personal injuries. It is alleged in the complaint that Nelson was struck by a car in the company's mine on Sept. 16, 1907. The jury in the case of Thomas Williams, charged with a statutory offense, was unable to agree on a verdict after being out 10 hours. When the jurors returned to court this morning they were discharged.

Ladies' and Children's Free Day.  
To the Boys of Salt Lake county, Wamandere offers free baths, Thursday.

## Bathing Caps

A stylish cap protects your hair and keeps you looking presentable. It is also attractive and becoming. Splendid variety to select from in cotton or silk, rubber lined.

Caps 25c Up  
Bags 75c Up



### THE INCIDENT CLOSED.

Board of Works Dismounts from Its  
High Horse Becomes Peaceable.

Chairman H. G. McMillan, C. D. Rookledge and C. P. Brooks, members of the board of public works, abandoned their position this morning in the attempt to force P. J. Moran, the official contractor, backed by Mayor Bransford and City Engineer Kelsey, to put expansion joints between the sidewalk and the curbing on Main street where repairs are being made. Their resignations have not been handed to Mayor Bransford and it is rumored that they will not resign.

The board members have avowed to even matters up when Moran's estimate for the repairing of sidewalks is presented. They declare that the amount will be cut and that Moran will have to fight the board to an end. The order which the board sent out Moran took no notice of and is laying the sidewalk according to the instructions of the mayor and the city engineer. Mayor Bransford said that the matter was a closed incident now and that he did not expect any further trouble.

### LAND HAS MANY TAKERS.

Thirteen entries for land in Boxelder county under the enlarged homestead, or Smoot, act, were received in the local land office this morning. As each homesteader receives 320 acres of dry farm land under this act, the total land taken up by today's entries was 4,160 acres. This makes 52 applications filed yesterday and this morning, some of yesterday entries being in Tooele county.

The 24 applications for coal lands in Carbon county, which were filed yesterday morning in the land office by Michigan and Wisconsin people, will cost \$188,000, the amount being given out this morning at the land office.

### NO CHANGE IN STRIKE.

Master Plumbers Hope to Win by  
Waiting Game.

There is no change in the plumbers' strike today. The master plumbers are all helping each other in the effort to keep down the most pressing demands, and they are hopeful that they will be able to pull through without being forced to pay \$5 per day to the men who have struck. The men have made no move toward the masters' knowledge for a conference, but they are still hopeful of winning by playing a waiting game.

### WANT TO BE IN RESERVE.

Tooele county people living east of the range of hills running north and south through the center of the county have petitioned that these hills in miles long, be included in the Grantsville and Vernon forest reserves. Whether this will be done depends a good deal on the report to be made by Inspector Reynolds, who has just been out to look the ground over. If the petition is granted passes for sheep will be left through the range.

## POLICE VICTIM DIES IN JAIL

Held as "Insane" and Denied  
Medical Attention, Succumbs  
To Delirium Tremens.

SO FAR IS NOT IDENTIFIED.

When His Condition Became Alarm-  
ing, He Was Shunted to County  
Jail for Care.

An unidentified man, who was arrested by the police and held two days on the charge of insanity, died about 8 o'clock last night at the county jail of delirium tremens. So far the sheriff has been unable to find the man's right name or ascertain if he has any relatives in the state. An autopsy will be held today at the undertaking establishment of D. Evans, where the body was taken last night, among his effects was a watch and \$2 in cash.

The man, who for a better name was booked at the police station as John Doe Riley, was arrested on Monday by the police because he was acting strangely. He was placed in a cell in the city jail and declared to be insane. He was held until yesterday afternoon without medical attention when he became violent and was rushed to the county jail where he was placed in the padded cell. Sheriff Sharp immediately called County Physician Odell. When Dr. Odell made an examination he was unable to prove that he was not insane but suffering from delirium tremens.

The man was a Finlander and it is not likely that his name is Riley. He is about 40 years old and evidently a laborer. As a result of the dilatory methods of the police in handling such cases, Sheriff Sharp has refused to take any more insane "patients" such as this man unless a complaint has been sworn out against the prisoner, and filed in court.

### TURNED WATER OFF.

Waterworks Department Severely  
Criticized for Hasty Action.

While Mrs. C. W. Glover, 88 years old, of 507 Seventh avenue, was attending the Old Folks' day celebration yesterday, the water department went to her house and shut the water off. Now she is compelled to carry her water from the neighbors.

When the matter was taken up with the water department this morning, Thomas Hobday declared that the aged woman had not appeared before the board of equalization to have the tax abated. It was admitted, however, that she was placed on the parity list several years ago.

Mrs. Glover has lived on the bench for 30 years. For years she has had no trouble with getting her water, but she has been complaining since that time she had only been allowed to use enough water out of a faucet for culinary purposes. The neighbors were indignant because of the action of the waterworks. Sup. Hobday agreed, however, to turn the water on again this afternoon. In all probability the water will be turned off and charged up to the city in this instance.

### ARGUE UNIVERSITY CASE.

The case of the regents of the University of Utah against the state land board to compel the payment of \$12,500 from the board toward the erection of an administration building at the University was argued before the supreme court this morning. C. S. Varian represented the regents of the University and Atty. Gen. Albert R. Barnes argued for the land board. The court took the case under advisement.

### VIOLATED QUARANTINE LAW.

Charged on information recently filed in the office of the United States district attorney, with violating the sheep quarantine regulations, T. K. Obay was arrested this morning in the vicinity of Logan by Deputy United States Marshal Julian Riley. Obay is said to have been trailing sheep from Utah to Idaho without first having them examined by the state health department. He was free from scab. He will be brought to Ogden where he will appear before United States Commissioner A. B. Fatten.

### TRACK LAYING RECORD BY RAILWAY COMPANY

The engineering and construction departments of the Utah Light & Traction company made a record last night and today, in the relaying of the network of tracks around the Pioneer monument. The old tracks could not be removed until after the last cars had stopped running. Then the gangs of men, Engineer Dagon and Roadmaster Bong were expedited to see if they could lay there were two new curves in place at the southeast corner of the street, so that the Third avenue and South Temple street cars were not compelled to route via State and First streets. But continued over the regular routes at the monument. However, the street railway officials have planned so carefully that not a moment is lost. When anything is changed, it is made as nearly as possible at hand. The rapidity with which the work is being done is attracting considerable attention. The regular gangs of the Light & Traction company are working in three-eight-hour shifts, with Pat Moran's men to lay the concrete bedding for the ties.

### TRUCE HAS BEEN SIGNED.

Union Pacific and Burlington Roads  
Suspend Operation Temporarily.

(Special to the "News.")  
Representatives of the two roads admit that a truce has been signed between the Union Pacific railroad and the Hill interests, pending negotiations for a right-of-way for the Burlington and Colorado & Southern through Cheyenne, either by the Union Pacific selling the latter a strip of ground on which to build, or through a traffic agreement, and presumably the latter. For several months the Burlington has been after a franchise to build through the business section of the city to connect up the Colorado & Southern branch and the Cheyenne-Holdrege line, and the press and mine out of every 10 citizens being in favor of permitting the Burlington to build through the city, and fearing that this connecting link would shut off its city frontage, the Union Pacific has been compelled to yield, and will undoubtedly agree to let the Hill interests use two of its tracks through Cheyenne. Should the agreement provide that the Burlington shall not build into Cheyenne from the south, and from Orin Junction north, there will be great dis-

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\$1 and \$2

Special Sale of stylish,  
fashionable millinery—all the  
latest modes represented.

A collection of the pretti-  
est millinery of the year  
values \$5.00 to \$7.50 at  
\$1 and \$2.



satisfaction, and an effort will be made to have the Burlington build an independent east-west link here in the city and not use the Union Pacific tracks.

### STREET CARS COLLIDE.

Miss Mary Wells Injured Slightly by  
Force of Meeting.

A collision occurred this morning about 11 o'clock at Main and Second South streets, between Center street car 43 and Sixth avenue car 355. The Center street car had just stopped on the south side of the crossing, when the Sixth street car, driven by Motorman E. C. Payne, Conductor Bert Stotten, crashed into it. The only person injured was Miss Mary Wells, daughter of ex-Gov. Heber M. Wells, who was thrown against the front end of the car and more or less shaken up. She was taken care of by Mrs. Sloan, with whom she was traveling, and Dr. Benedict, who appeared on the scene. She complained of a headache, but after receiving a drink from the drug store she left the car in a hurry to keep an appointment. The motorman claimed that a passenger was asking him questions about the center street car about 11 o'clock when he applied the brakes it did not act in time to prevent the collision. Beyond breaking the headlights on both cars and bending the fenders, no damage was done to the cars.

### THREE OPERATIVES RETAINED.

Of the 23 young men sent out to the Wasatch planting station of the forest reserve in this county, only three have been retained as permanent operatives, as the work is in such a stage that a large force is no longer necessary. The men to be retained are Jessup Maughan and Thomas, Inspector Featherston and Ranger Howard are also at the station.

### BUSINESS AND REALTY.

Today's local bank clearings amounted to \$756,338.47, as compared with \$744,848 for the corresponding day of last year. The clearings for the month just closed, amount to \$20,230,068.13, as compared with \$22,904,329.59 for June of 1907, an excess of \$2,674,261.46. This is certainly an indication of the return of good times, which will be generally appreciated by the students of the times.

For the month of June, the building permits exceeded the amount of year ago last June by nearly half a million dollars. There were 38 permits issued this month, which called for a total value of \$767,500. In June of last year the permits called for \$194,900. Building Inspector Hirth closed his books for the month today after issuing permits for \$19,200.

Napoleon Genereaux, formerly of Rutte, has purchased more property near Seventh South and Main street. The deal closed yesterday afternoon when he bought 167 feet on Main just south of Seventh South, the consideration being \$1,850. Two other purchases in this same vicinity were made by Mr. Genereaux a short time ago, one of them being the corner on Seventh South and Main.

Samuel R. Wilder of Chicago, proprietor of the Wilder Electric company, bought five lots at Idlewild this week. He was on his way to Seattle when he was met by A. N. Humphries, who told him of the Idlewild addition. It is said that he is also considering the purchase of some property on South State.

F. M. Timby has purchased the home of Walter J. Burton near the County Jail at 8th East and Twelfth South for \$12,000. He has also sold his home at 32 Seventh East street to Mr. Burton for \$9,000. The deal, which was made by Joseph R. Smith, amounts to a trade of homes, F. M. Timby paying Walter J. Burton \$3,000 to boot.

### PERSONAL.

Mrs. Grace G. Mottler and Miss Nellie Harris have gone to Washington state to attend the annual convention of the Epworth league at Tacoma.

Rev. D. M. Helmick and family have gone to Springfield, Ida, for a month's vacation.

### AGED WOMAN PREVENTS AWFUL COLLISION

Kansas City, June 30.—But for the presence of mind of Mrs. Jenny Ledwellyn, an aged woman living nearby in a tent who saw the tracks of the westbound Excelsior Springs train on the Wabash railroad, near Missouri City, Mo., the head-on collision of freight and passenger train at that point last night probably would have resulted in many fatalities. As it was, one man was killed, one woman badly injured and 10 slightly injured.

The passenger engineer was enabled to lessen the speed of his train and to prevent a more serious collision. Both engines were demolished and the baggage car was crushed.

### THE STARTUP BOYS

Shipped the first UTAH CANDY to Denver, St. Louis, Chicago, and the coast country eight years ago. Quality alone has made it possible for the Startup Candy Co. to market their products in all the centers of commerce of America and Mexico.

Sweetly thine,

STARTUP CANDY CO.

Provo "The Candy City."

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DRY GOODS STORE  
222-224 MAIN ST.

# Semi-annual Clearance Sale

Values are now bigger and  
better than ever.

The people have been quick to appreciate the  
real bargains offered by this store and every aisle  
has been thronged ever since the sale started. To-  
morrow should witness yet larger crowds as greater  
bargains are yet provided.

This sale is creating more talk and greater buying enthu-  
siasm than any sale held in this city for months. It is a sale with  
a reason and a purpose and carefully planned and prepared for  
underselling event—far greater and better than possible elsewhere.

Our entire retail and reserve stocks are assembled for quick  
clearance—prices dropped downward to close out summer goods.  
Note these offerings—these are the goods you now need—prices  
far below any figures you'll pay elsewhere for equal qualities.

gage car and a coach on the passen-  
ger train were telescoped.  
The dead men is David Parrish, an  
engineer, who was riding in the bag-  
gage car.

### AGENT OF POLITICAL POLICE KILLED BY BOMB

Tiffin, June 30.—Marie Bakhtadze, who  
had been prominent as an agent of the  
political police at Tiffin, was killed here  
yesterday by a bomb that had been  
sent to her by an unknown person in a  
basket. Mme. Bakhtadze was the widow  
of a man who formerly was prominent  
among the revolutionists.

### MEN INJURED IN EXPLOSION WILL RECOVER

Vallejo, Cal., June 30.—Surgeons in  
attendance upon the five men scalded  
by the explosion of a boiler tube on the  
torpedo boat destroyer "Hull" yester-  
day believe that all the victims of the  
accident will recover. R. F. King, the  
fireman whose injuries were at first  
believed fatal, is resting comfortably  
and the others are improving.

### CHURCH NOTICES

The Granite stake priesthood meeting  
will be held in the Granite stake  
tabernacle Saturday morning, July 3,  
at 10 a. m.

The home missionaries of Granite  
stake will meet Wednesday, June 30,  
1909, at 7:45 p. m. in the stake  
tabernacle. A full attendance is de-  
sired.

The regular monthly priesthood  
meeting of Granite stake will be held,  
Saturday July 3, 1909, at 10 a. m.  
in the stake tabernacle. A full atten-  
dance of the priesthood and officers  
of the auxiliary associations is earnest-  
ly requested.

The regular monthly meeting of the  
high priest quorum of the Pioneer  
stake of Zion will be held Sunday,  
July 4, 1909, at 10 a. m. in the  
Pioneer stake hall. All members of the  
quorum are invited to attend.

The monthly priesthood meeting of  
the Pioneer stake will be held on  
Tuesday evening, July 6, instead of  
on Monday, July 5, owing to the  
celebration of the Fourth.

### TEMPLE NOTICES.

The Salt Lake temple will close Fri-  
day evening, June 25, and reopen on  
Monday, Aug. 2.

JOSEPH F. SMITH.  
The St. George temple will close on  
Friday July 2, 1909, and re-open on  
Tuesday August 3, 1909.

DAVID H. CANNON.  
The Mantu temple will close July  
25, 1909, and reopen Sept. 1, 1909.

LEWIS ANDERSON, President.  
Logan temple will close on Friday  
July 30, and reopen on Tuesday  
September 1, 1909.

WM. BUDGE, President.

### JULY OUTING NORTH, Via Oregon Short Line.

On July 3rd. Usual special low ex-  
cursion rates to northern Utah, and  
Idaho points with limit limits. City  
Ticket Office, 201 Main St.

### \$30 ROUND TRIP COAST.

Now is the ideal time to visit  
California and its glorious Pacific  
Ocean Resorts. Call 169 S. Main St.  
Ex. 16 Bell 1966.

The Salt Lake Route.

### DIED.

HOOPER.—In this city, June 29, 1908.  
Gaylord Hooper, aged 1 year, 5 months  
and 4 days, little son of Mr. and Mrs.  
Frank Hooper, 375 west Fourth South  
street.

KEMPER.—In this city, June 19, 1909.  
Pauline Josephine Kemper, aged 57  
years, 9 months and 2 days.  
Remains at the parlors of Eber W.  
Hall, 164 South West Temple street. In-  
terment to take place at Cincinnati, O.

LEVITT.—In this city, June 29, 1908. Mrs.  
Eva Levitt, aged 55 years; beloved wife  
of I. Levitt, who, with nine children,  
dwelt at 164 South West Temple street.  
Remains at the parlors of Eber W. Hall,  
164 South West Temple street. In-  
terment to take place at Cincinnati, O.

Schaffner, Joseph Levitt, Aaron Levitt,

Dave L. Levitt, Louis Levitt and Na-  
than Levitt.

Funeral services will be held from the  
residence, 354 D street, at 1:30 a. m.  
Thursday, July 1, 1909. Please omit flowers. Interment in B'nai Israel cemetery.

LLOYD.—In this city, June 30, Esther L.,  
the 2-month-old daughter of Walter  
T. and Birdie Price Lloyd.  
Private services will be held Thurs-  
day at 2 p. m. at the residence, 680 Sev-  
enth East street.

R. E. Evans, Florist, 36 S. Main St.  
Floral designs a specialty. Phone #1.

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212 MAIN STREET.

Honest Work,  
Honest Prices

Painless Extraction of Teeth  
or No Pay. All Work Guar-  
anteed.

Cooler office in the City. Elec-  
tric fan at each chair.

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This is the way people  
are taking advantage of  
our closing out sale of all  
our tin and granite ware.  
Scores of necessary kit-  
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prices that in many cases,  
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A Big Day Thursday Come Get  
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