WOMEN TO VOTE!

Says Judge Smith at Ogden Today.

HIS REVIEW OF THE LAW.

Equal Suffrage or Constitution and State Officers.

IS THE OPINION OF THE COURT.

Legal Gentlemen Who Place the Issues of Women on the State Registration List.

Special Correspondence to the NEWS.

OGDEN, Aug. 10.—When the court opened this afternoon the district court room was crowded with attorneys and prominent citizens eager to hear the decision of Judge Smith on the motion for the last case brought to the docket to test the right of women to vote for or against the proposed Constitution and for the election of State officers at the same time. The decision was the principal topic of discussion. The general guess seemed to be that the court would decide that women could vote for the first State officers, but not on the Constitution.

In beginning his decision Judge Smith stated the case succinctly, and that the facts alleged in the affidavit for the writ of mandamus were admitted. Hence the only question to be determined was the application, whether women were entitled at the coming election to vote for or against the Constitution and for State officers that is to elected, and whether under the law women are qualified voters entitled to use the elective privilege upon the question. It cannot be said that any person questions entered into this discussion of course, because he can have no knowledge of how the electors of the question will affect the result of the coming election. It is a question of construction only and the rules of construction of legislative enactments are to be closely followed so as to arrive at the intent and intended meaning of what legislators and congressmen or members have made upon the point. No woman in the Territory, if she should, wishes to vote unless she has the equal and explicit right to do so. The question is not the political of determining her rights. Hence what the greatest care ought to determine the question correctly in accordance with the this meaning intended by handling act, and the acts of the convention that framed the law which will be the law by which the people of the Territory will be governed, in the opinion of the court.

The whole matter hinges principally upon sections 24 and 10 of the Enabling Act and upon the second section of the ordinance of rights. The first and second sections of article 6 of the Constitution, and the 11th, 12th and 13th sections of the schedule embraced in the Constitution.

The court then quotes these sections and says that the connection of the parties is that it was the duty of the Constitutional Convention to designate who shall be the electors meeting all that they should prescribe that class of persons namely in the second section of the Enabling Act to vote upon the Constitution, and further that the Constitutional Convention performed that duty and created the electorate of the proposed State, and that he falls within the class of persons upon whom the franchise has been conferred. In brief, that she and all others upon whom the proposed Constitution confers the franchise as well all those persons upon whom it is conferred by the act of Congress, are entitled to vote upon its adoption or rejection.

The claim of the defendant is that Congress by the Enabling Act has created the electorate that is to pass upon the adoption or rejection of the Constitution, and that the Constitutional Convention has provided that that same electorate shall select the first state officers either in any individual or set of individuals, but the right of voting is purely conventional and is given or withheld at the will of the legislative power. It may be changed or restricted, extended or withheld, and no one may complain, if there is a uniform election. Congress has never attempted to say what person or persons shall constitute the electorate of any state but has expressly left it to be determined by that constitutional convention which assumes that the powers not delegated to us by the Constitution, not prohibited by it, are reserved to the states respectively, or to the people. There is no attempt in the Constitution to limit the power of any state only or extend the franchise to any class of persons that they may see fit to favor with it. It is right it is doubtful if Congress can be intended by the Enabling Act to provide an electorate for selecting the first State of the state, and I do not think it would be made within the power of Congress.

In the opinion of the court section 4 of the Enabling Act entitled by the Constitutional Convention and taken a part of the Constitution, provided a class of voters to vote on the Constitution and this class are the ones entitled to this vote. The voters of the proposed State are the people who are upon whom the political responsibilities and duties are devolved and under this new Constitution men and women have these responsibilities and unless the Constitution should be voted for or against by these persons upon whom that instrument places the duties and responsibilities of electors, it is not right as is the test by which we are to determine who are the qualified voters of the proposed State of Utah, then it seems clear to me that the plaintiff is entitled to vote both upon the adoption or rejection of the Constitution, and certainly for the election of State officers of the proposed State of Utah.

This conclusion necessitates the issuance of a peremptory writ of mandamus and the order will be that a peremptory writ issue requiring the defendant to register the plaintiff as an elector of the second election precinct of Ogden city.

Kindergarten Excursion.

The Utah Kindergarten association has planned another excursion to Bluff on Tuesday, Aug. 13, and the committee are now at work to make it a success. That they succeed and the Bluff will not see the last of the kindergarten the whole day through. A committee is to begin at 8 o'clock, has arranged something of several hours rolling numbers, and in the evening there will be a grand ball commencing at 8 o'clock. The following is the program:

Fancy bicycle riding by Charles Spencer, 8 years old; tambourine drill by thirteen little girls; fancy dance by W. C. Dunbar; fancy dance by Miss Ethel Mosbah children, accompanied by harpist; violin solo, Prof. W. C. Clive; ladies quartette.

The candy and lemonade booths will be in charge of the following young ladies:

Mrs. Lena Shum Savage and Misses Nettie McAllister, Winifred Conrad, Louise Savage, Aggie Sharp, Ruby Wells, Emily Cannon and Kate Lambert.

The following are the members of the committee on program:

Mrs. Clara W. Beeer, chairman; Misses Emily Cannon, Edna Lawvert, Mary Cannon and Katie McAllister.

The committee on arrangements is made up of the following ladies:

Mrs. Ella W. Hyde, chairman; Mrs. Orpha F. Young, Mrs. Nellie G. Taylor, Mrs. Louie S. Wilcox, Miss Kate Wells and Mrs. Clara Jones.

Inter-Mountain Milling Company.

The annual meeting of the Inter-Mountain Milling company was held at the office of the company in the McCornick block yesterday afternoon. The yearly report showed that the company's affairs were in a very satisfactory condition. The company owns six mills, four of which have been running steadily and have turned out in the past nine months from 157,000 to 6,000,000 pounds, saying nothing of the small amounts of grain through the process of making flour.

A board of directors for the ensuing year was elected comprising the following: Elias Morris, Byron Dunbar, H. E. Miller, W. S. McCornick, W. H. Weaver, William Caine Jr. and R. S. Townsend. The following officers were then elected by the board: Elias Morris, president; Byron Dunbar, vice president; H. E. Miller, secretary, and W. S. McCornick, treasurer. The directors will hold a meeting in a few days to either select a new manager for the company or to elect their present sole manager, Mr. Byron Dunbar.

Health Department.

The report of the health department for the past week is as follows: Births, 17; males 7, females 10; births 18; males 3, females 7. Two flags are outstanding for scarlet fever and one case of typhoid is reported to exist.

Police Court.

The police court this morning disposed of two cases of drunkenness and three cases of stealing rides.

Those charged with drunkenness were Chas. Kinder and Wm. Davies. Kinder is from Oasis, Millard county, and he states that this was his first offense he was discharged. Davies was fined $7.50.

E. A. Hayden and R. Brampton were fined $5 for stealing a ride. Thomas Smith plead not guilty and was discharged.

Ice Cream Festival.

There will be an ice cream and cake festival and an excellent program rendered in the Ninth ward assembly hall on Monday evening, August 12, at 8 o'clock. Refreshments will be served by Misses Ruth Partridge and Edith Porter; song, Miss Maud Conroy; instrument with cello, tambourine, etc. The proceeds will go towards paying the debt incurred in building the school.

Musical Note.

The musical department of the Upper Snake River Fair association announces that in accordance with the request of the people and in the musical contests at the fair it is to be held there October 8, 10 and 11.

Wayne Stake.

LOA, UTAH, Aug. 7, 1895.—The Wayne Stake conference will be held August 24 and 25th, 1895, instead of September 1st and 2d, as previously announced.

JOSEPH ECKERSLEY, Stake Clerk.

At two great expositions—Chicago and San Francisco—Dr. Price's Baking Powder secured highest honors.

Mingling With Friends.

James Dwyer, the veteran stationery man and Elder, who met with such an unfortunate accident seven or eight months ago, was on the streets today. While he is much improved he is not sufficiently strong to discard his crutches. His many friends, together with the NEWS, trust that from this time forth he may get better rapidly.

Eleventh Ward.

Elder H. H. Roberts will deliver an address in the Eleventh ward meeting house, Sunday evening, August 11th. Meeting commences at 6 o'clock.

Building Permits.

During the week building permits have been issued by Building Inspector Folsom to the following persons: Mrs. Margaret Butler, corner of Third and Tatnic, a four room brick, cost $350; Blackburn Bros., rear 30 East Second South, one room brick, cost $200; J. C. Tait, on Brigham, between Twelfth and Fourteenth East streets, eight room brick, cost $1,000; Auerbach Bros., 143 South East Temple, alterations, cost $600; Mrs. E. Hennessy, 225 South Second West, two room frame addition, cost $200; Wm. Jones, 753 Third avenue, frame barn, cost $100; Jane Bair, 100 Green street, two room brick, cost $400; Barry & Mayers, 30 East Second South, alterations, cost $125.

INSTITUTE BURNED.

Utah's Deaf Mute Building Badly Damaged by Fire This Afternoon.

LOSS WILL BE HARD TO BEAR.

There Was, However, a Total Insurance on the Building Amounting to $20,000—How It Started.

The facilities for extending the new institute deaf [illegible] were greatly [illegible] when the large [illegible] structure on the Ute [illegible] street in this city was practically destroyed by fire.

The fire broke out about half past 3 this afternoon in the third story of the building. Fire two hours the superintendent worked with all the power at his command. The lack of water [illegible] the flames was a great [illegible] on account of the [illegible] of the water in the [illegible]. However, the work was carried on to the last minute and been [illegible].

After the fire had been completely extinguished and the excitement [illegible] died away, a NEWS representative asked Professor Mercer what the origin of the fire was as he might, and replied that he was unable, with Mr. Norvell, the University janitor, a short distance away when he heard a noise resembling that of an explosion. On turning round he saw the [illegible] great clouds of flame and smoke burst forth. Mr. Murray, of the Rocky Mountain Bell Telephone company, while sitting his horse on the top floor of the Daily News, saw and heard the same thing from the Alta club rooms. Professor Mercer can only account for the conflagration on the theory that an explosion was the result of the accumulation of gases which could not escape from the attic for the reason that no vent pipe had been provided for that purpose. He says there was no kerosene, or other gas of anything of that character in the building. Twelve of the attic rooms is entirely destroyed and the walls, floors and ceilings badly damaged by water. There was little or no use to the furniture.

Just as the NEWS goes to press the entire wing is bringing Professor Cowdery was just from the scene of the conflagration. He said he was very sorry but by taking [illegible], but the extent of their injuries cannot be told at this time. Each, it is mentioned is much more severely hurt than Cowdery.

The progress of the conflagration was watched by many hundreds of people who shortly reported to see it consumed by the fiery flames. The great choice of smoke that rolled up into the air caused many persons at a distance to believe the entire building ignited with marvelous rapidity. But the University itself was being discharged by fire. Happily this statement was not true. Had it been the loss would have been irreparable. Even as it is it will come as a very heavy blow to the people of the Territory. Just what steps will be taken to provide for the wants of the destitute institution cannot be stated at this time and perhaps will not be known until the regents of the University shall have time to get together and consult over the matter.

The building was finished in 1890 from an appropriation of $75,000 made by the Territorial Legislature of that year.

Judge Harkness, chancellor of the University, was seen by a NEWS representative at 4 o'clock this afternoon, stated that the building cost $90,000, separate and apart from the furniture. Insurance was carried to the amount of $20,000. The loss, it is estimated, will nearly exhaust that sum.

An invaluable guide to success in cooking—Dr. Price's Cream Baking Powder.

Railway Movements.

E. A. Wallingin, Rio Grande Western passenger agent, left for Denver last evening.

The Union Pacific excursion to the north on August 27 promises to carry a large number of Salt Lakers to Cache, Bear Lake and Bannock River valleys.

The Union Pacific has extended the time for low rate tickets on the occasion of the Republican Territorial convention on August 28. From Ogden and intermediate points tickets will be sold on the 26th and 28th; Stalnaker and intermediate points and stations on the Salt Lake and Western and Utah and Nevada on the 26th, 27th and 28th; and stations south of Santaquin and north and east of Ogden, on the 26th and 27th. Tickets are good till August 30. The giving of earlier dates is owing to the Republican excursion to Salem on August 29.

The Utah county business men's excursion over the Rio Grande Western to Salem comes off on the 15th inst.

On the 20th inst. the I. O. O. F. to Gadfield. The succeeding are Fourth, Fifth, Sixth and Seventh ward sunday schools go to Saltair.

The Rio Grande Western gives special rates to the Knights Templar convention at Boise on August 19 and 20.

The Denver rates from this city over the railways, on the occasion of the Shriners' visit to Denver, are twelve on the 12th and 13th, tickets being good to August 31.

The Union Pacific low rate tickets to Boise and return are good going August 17 to 22 and returning to October 31.

The city Sunday school excursion to Saltair takes place on August 23. On the same day the Tabernacle choir will be at the same place again.

Wednesday, Not Monday.

There has been an idea that the meeting of Republicans in the Third precinct was to be held on Monday evening. This is a mistake, as Wednesday evening is the time set, at 8 o'clock. The place is the seventeenth ward meeting house. The official call is in our advertising columns.

Drowned.

A [illegible] of drowning occurred near Big Hollow on Sunday afternoon, near the Blaking [illegible] Heber Hammond, of Wallsburg, and his brother-in-law were fishing in the Provo river Sunday forenoon. They [illegible] the stream on horseback. [illegible] Hammond [illegible] in-law swam [illegible] rock, from which [illegible] and other on [illegible] the surface of his companion's [illegible] followed. His body [illegible] shoved to the water, floating south in the [illegible] Hammond was alone a heavy blow to the widow. He [illegible] home to the [illegible] and Fred was to the house, a distance of about [illegible] The surviving fisherman did all in his power to rescue his [illegible] relative, but to no avail. It was [illegible] before the body of Hammond could be found and [illegible] from the stream. The drowning took place [illegible] before them. Mr. Hammond leaves wife and five children.

Primary Judges and Challengers.

[illegible] committee [illegible] appointments of judges and challengers for the party primary elections on August 17th, which are published.

Fourth Ward—Judges, James C. Dee, S. H. Miller, R. F. Neff; Challengers, W. O. Carter, Alma Dwyer.

Twelfth Ward—Judges, Alex Dalton, A. S. Martin, Thomas Cannon; Challengers, Joseph Cutler, A. L. Rowe.

Eighteenth Ward—Judges, A. L. Smith, H. J. O'Meara, J. C. Cain; Challengers, H. M. Dobelle, W. H. Wardell.

Poll Taxes.

The amount of poll taxes collected in Salt Lake county for the short space since the past week is $[illegible].

PROVO.

Special to the NEWS. PROVO, Aug. 10, 1895.

Democratic County Convention.

The Democrats held their county convention this morning at 10 o'clock in the opera house. There was a good number of fairly decent delegates. The object of the convention was to elect a president, a treasurer and a treasurer for the county, to nominate a ticket and to select the county committee and to elect delegates to the territorial convention. Mr. Fred Moyle was temporary chairman. Mr. Fred Moyle congratulated the Democratic party on the fact that it was the only party which had formed an organization and submitted the Democratic ticket to the people, and expressed the firm conviction that it would be successful. Prince Evans, of Lehi, was elected temporary secretary, and Miss May Brown, of Provo, assistant temporary secretary.

After hearing of the call by the secretary, the usual committees were appointed. The convention was then addressed by prominent Democratic speakers, after which the delegates were appointed.

Notes and Personals.

Judge Henderson and Prosecuting Attorney Jack came down this morning. They attended the Democratic county convention.

Marion N. Johnson, of Springville, who was examined yesterday as to his sanity, was committed to the insane asylum.

Mary Ann Bowling, of American Fork, has commenced suit for divorce against Robert Bowling, charging desertion, cruelty to provoke and cruelty. The parties were married in Preston, England, in 1864.

Jens A. Brunemer died yesterday at the age of 70. He has been living in this place for 23 years. Funeral of the Free would, since the arrival in the country from Norway a few years ago. The funeral took place this afternoon.

The board of directors of the insane asylum held their regular monthly meeting yesterday, and transacted regular routine business. Contracts were let for the building of the asylum. Dr. Ellis reported that Will Lake, county road commissioner, who had recently been injured by the upsetting of a road scraper, was not entitled to the benefits of the institution, being a resident of Wyoming, and must be returned.

A fair complexion comes from pure blood. The best medicine to purify the blood is Dr. Price's Blood Purifier.

COMMERCIAL.

SALT LAKE STOCK EXCHANGE HOUSE.

Today's opening house exchanges amounted to $[illegible] more than the day last year, $[illegible].

Week's exchanges $[illegible]; same week last year, $[illegible].

SUNDRY QUOTATIONS.

New York sterling, 60[illegible] bid, 60[illegible] asked.

London—Silver, [illegible].

W. S. [illegible] received to-day [illegible] $4,000.

T. R. [illegible] received today [illegible] $3,000. Total, $6,000.

Wells, Fargo & Co. received today [illegible].

SUGAR AND MOLASSES.

[illegible]

[illegible]

THE PRIZE BABY OF [illegible] ECZEMA

POLITICAL.

[illegible]

Third Precinct Republicans.

A meeting of the Republicans of the Third precinct will be held at the office of the undersigned, on Friday, August 16, at 8 o'clock p. m., to elect a chairman, secretary and three judges of election, to serve at the primary election to be held on August 17, 1895, at which time and place all Republicans residing in said precinct are entitled to participate.

A. S. GROVER, Chairman.

A meeting of the Republican voters of the Seventeenth ward will be held [illegible] for the purpose of [illegible] a primary to nominate a [illegible] Republican State and county ticket to be voted upon at the primary to be held on August 17, at the usual place of holding ward school meetings.

HARRY N. PI[illegible]
[illegible]

J. H. Harris respectfully announces to the Democratic electors of the Third precinct of the Salt Lake City that he will be a candidate for the office of Justice of the Peace, subject to the decisions of the Democratic primary election of August 17.

Women Republicans of the Fourth precinct are requested to meet [illegible] August 13, at 8 p. m., at the Christopher school house, on the corner of South Second and Third streets, for the purpose of electing a President, Secretary and Three Judges of Election, to serve at the primary election, August 17.

L. CARTER FOWLER,
[illegible]

Women Republicans of the Fifth precinct are requested to meet [illegible] August 13, at 8 p. m., at the Christopher school house, on the corner of South Second and Third streets, for the purpose of electing a President, Secretary and Three Judges of Election, to serve at the primary election, August 17.

L. CARTER FOWLER,
[illegible]

SALTAIR TRAINS on Page 8

CATHOLIC KNIGHTS OF AMERICA

August 15th, at Saltair.

R. K. THOMAS,

26, 28, 30, 32, East First South Street, Salt Lake City.

AN OPPORTUNITY TO ADD TO YOUR LIBRARY VALUABLE VOLUMES.

Free to Everybody

When you make a cash purchase at our store, we will register the sum, and when your purchases amount to a given sum we will present you with your choice of the following beautiful and Valuable Books—FREE:

THE FAVORITE COOK BOOK.

A complete set of carefully selected recipes that have been thoroughly tested by the most competent housekeepers, from original sources, Parlor, Kitchen, Pantry, Sick Room, Nursery, Dining Room, Laundry, Stable, Poultry Yard, Dairy, Garden, Orchard, Farm, Bee Hive, Cellar, Preserving Closet, Medicine Chest, Toilet, Bath, Etc., Etc., Etc.

THE COMPLETE WORKS OF SHAKESPEARE.

Arranged in four divisions—Comedies, Histories, Tragedies and Poems—Illustrated with Photogravures of Famous Paintings.

This magnificent edition of Shakespeare is the most complete and perfect ever published, containing the entire text of the Cambridge edition, with Glossary, Life of Shakespeare, Chronology of the Plays, Table of Dates, Table of Metres, Table of Weights and Measures, Table of Coins, Table of Kindred Dramatists, Table of Dates of Publication of Shakespeare's Works, Table of Dates of Performances, Table of Dates of Entry in Stationers' Register, Table of Dates of Publication of Quarto Editions, Table of Dates of Publication of Folio Editions, Table of Dates of Publication of Pirated Editions, Table of Dates of Publication of Spurious Editions, Table of Dates of Publication of Doubtful Editions, Table of Dates of Publication of Lost Editions, Table of Dates of Publication of Unpublished Editions, Table of Dates of Publication of Revised Editions, Table of Dates of Publication of Illustrated Editions, Table of Dates of Publication of Popular Editions, Table of Dates of Publication of Cheap Editions, Table of Dates of Publication of Expensive Editions, Table of Dates of Publication of Medium Editions, Table of Dates of Publication of Large Editions, Table of Dates of Publication of Small Editions, Table of Dates of Publication of Pocket Editions, Table of Dates of Publication of Pocket Editions, Table of Dates of Publication of Pocket