

TRAFFIC BUREAU FINISHES BRIEF

Document Drawn by Judge Dey
And Manager Babcock
Distributed.

POINTS OUT DISCRIMINATIONS

Assert Rates Are Unjust and Water
Competition Serves Interest
Of Railroads.

Copies of the reply brief carefully prepared by the Salt Lake Commercial club traffic bureau, and now filed with the Interstate Commerce commission in the suit for relief from alleged excessive freight tolls, are being distributed to members of the club and local shippers.

Judge Charles C. Dey and Manager S. H. Babcock drew up the reply brief which is a valuable epitome and synopsis of the petition against the railroads. The title of the suit is "Commercial Club Traffic Bureau of Salt Lake, Utah, complainant, against Atchison, Topeka & Santa Fe Railway company, et al., defendants."

The brief begins: "All other questions apart, we first earnestly insist that the evidence properly to be considered in this case clearly establishes, and that the commission should so find, as ultimate facts:

"1. That the rates complained of are unjust and unreasonable under sec. 1, taking into consideration the public interests, as well as the interests of the carriers.

"2. That the preference in favor of San Francisco is undue, and the discrimination against Utah common points is unjust under said section 1, in relation to the schedule of rates principally complained of, viz.: between Chicago, Mississippi river and Missouri river rate territories, and Utah common points in both directions.

Various decisions of the supreme court are cited which involve the construction of the provisions of the act to regulate commerce.

It is replied that "separate and independent of any relative to San Francisco rates, the rates we complain of are both relatively and per se, clearly unjust and unreasonable for the extent and reasonable value of the service performed." The defense that water competition forces a lower rate to coast points is refuted, and in the showing of railroad earnings, it is said:

"The Southern Pacific company, for its entire system of 5,051 miles, including the Central Pacific, received an average amount of \$3.11 per ton, and the Union Pacific system an average amount of \$4.04 per ton, for each ton of revenue freight, respectively, transported by them during the fiscal year ending June 30, 1908. These excessive revenues per ton were neither equal nor approached upon any other important railroad in the country in that year, with the single exception of the Atchison, Topeka & Santa Fe, which was also largely engaged in transcontinental traffic. Net earnings of the entire Southern Pacific company's system for the fiscal year ending June 30, 1909, were much greater than for the previous year, while the operating ratio fell from 69.4 to 69.1 per cent.

WATER COMPETITION.
"The growth and commercial importance of San Francisco rests wholly upon its sea location. It is likely fully desired by the rail carriers purely as an advantageous commercial proposition that some degree of water competition should remain, but particularly in a largely controlled form as apparently at present in the country in that water competition has many years faithfully served the interests of the rail carriers in securing for the latter the long and profitable haul of the traffic. The promotion of the commercial prosperity and growth of the cities of the Pacific coast, and the continuance of the expressive and distinctive methods of rate making for the intermediate interior country with its added revenues; an arbitrary system applying in both directions virtually restricted to this intermediate region; since its application would not be tolerated by Omaha, St. Louis, Chicago, or any other of the vastly more powerful communities anywhere in the whole country or east of the Missouri river.

"Salt Lake City was perhaps the pioneer of all settlements, and certainly of all cities in the entire vast region of this country west of the Missouri river, including the Pacific coast. Its location was adopted by reason of its being the most central as well as the most promising of the whole interior. Some 39 years after its settlement and when it was a prosperous city, the original Pacific railroads were constructed through the district, also because of its being on the most central and best route between the Missouri river and California. As the city with its immediately adjacent territory was the primary basis point of the drawing of civilization and settlement in the region, with its continued and great growth fulfilling its early promises, so should it fittingly be also the foundation point of rates applicable upon modern forms of transportation therein, and under no rule of simple equity

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of justice be denied wholly or in part any consideration and respect whatever because of any claim or arguments relating to other communities or cities of more recent origin. The latter should be considered and treated wholly upon their own merits under their respective cases as they may regularly arise.

REAL SUPERSTERS.
In concluding the summary, it is held that: "The people of Utah are the real sufferers from unreasonable freight rates, since it is they who ultimately stand and pay the freight together with a percentage of profit thereon added by the merchants with whom they deal."

"The earnings of the roads named are very great, and for most of them excessive, as has been shown, with the possible exception of the San Pedro, Los Angeles & Salt Lake, whose earnings are good when the restrictive influences as to the expansion of its lines and its reaching out for additional traffic are taken into consideration.

"No rates are asked for which are not believed to be reasonable and just, nor which will not yield a proper margin of profit to all the carriers concerned."

"All indications point to a more rapid and greater growth in the development of all the material resources of Utah than ever heretofore. This improvement, together with the constantly increasing application of just and reasonable rates of transportation, will bring increased revenues to all the carriers, and it is confidently hoped and expected that such a fair decision may be reached in this case as will be both abundantly satisfactory and exceedingly profitable in results to all interests."

CUT-OFF IS SLIDING.
Is Responsible for Delays on Union Pacific Trains.

The Lane cut-off of the Union Pacific, the side of Omaha, has started to slide down hill, so that the more circuitous route is being taken until damages are repaired. This is making all trains about three hours late, and accounts for the non-arrival of the Crocker funeral train at Ogden, bound for San Francisco, until Saturday afternoon. The Southern Pacific will try to get the train back on time by Sunday noon. The car containing the body is the Crocker private car, with a second car, the "Rover," carrying accompanying friends and relatives.

ANOTHER BINGHAM FATALITY.
Foreman Walter Wood, 29 years of age, of the Rio Grande yards at Bingham, was instantly killed at 4:50 p. m., Saturday, while coupling a switch engine to a freight car. Wood had made the connection, but thought it had missed, and stepped in to readjust it, when he was crushed between the draw heads and the life was crushed out of him. The deceased was a native of Tennessee, and a member of the Bingham lodge of Odd Fellows. He carried \$2,000 insurance in the New York Life.

SPIKE AND RAIL.
Depot Master Thomas Hughes of the Rio Grande was taken to St. Mark's hospital Saturday suffering from fever.

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VALUATIONS ARE TO BE INCREASED

County Assessor Gabbott Working Ahead of His Books in Business District.

BIG SUBURBAN ADVANCES

Values Have Grown at Rapid Rate
And Necessity of Readjustment Is Seen by County Officers.

The assessed valuation of real estate will be increased about \$750,000 in Salt Lake county next year by County Assessor Amos S. Gabbott. Two-thirds of this will be borne by Salt Lake City, owing to the increasing values in real estate.

The business property will be greatly increased in Salt Lake and some sections of the residence districts where there has been a marked advance in price will be raised. The increase in the county, outside of the city will be slight. Mr. Gabbott promises a readjustment of the assessed valuation of property and he is commencing to work in advance of his books. He has several of his deputies in the business district and some residence districts, checking up on the sales that have been made, the value of improvements, and the advance in prices. This information is being obtained from real estate men, builders and contractors, besides the property owners. In regard to the matter Mr. Gabbott said Saturday:

"Of course, there will be a decided increase in the valuation of real estate in the business part of the city. I cannot say at this time just what increase will be made. That will have to be worked out later and arranged by the board. But there is a good deal of property along lower Main street which is being assessed now at only \$100. Along with this, there is a large amount of property which will be advanced materially."

SUBURBAN ADVANCES.
The property in Waterloo, Sugar House and farther east has advanced wonderfully in value, owing to the building of many new homes, and the values will have to be set ahead. We have not done this in the past, owing to the fact that these districts were not firmly established and a fair estimate could not be made of the values. But the property values have steadily increased and the assessment will have to be raised.

"There is often the danger of increasing valuations to keep pace with fluctuations in real estate, resulting in serious conditions when the bottom may be reached, and the market and the demand for the realty cease. But there is no doubt in my mind, as to the values of the present time, and some decided increases will be made."

The grading of valuations will be made according to the location of the property and the prices demanded by the owners. There will be no penalty on unimproved property in the shape of increased taxes. Mr. Gabbott said:

"It is true that the unimproved property is bettered through improvements near it, and for that reason it would seem that the value should be raised either to compel building on the property or to force a sale to interests which would build. But at the time the improvement is made, the unimproved property, they are doing even more for the property improved. It may be that sometime this system would go into effect, but at the present time we cannot well do it."

Several clerks have been added to the assessor's force in order to carry out the work of making a readjustment of the assessed valuations. The deputies are now at work and the reports will be made sometime about the latter part of January.

FUNERAL OF JAS. SAVAGE.
Service Held Yesterday Under Lodge Auspices.

The casket covered and surrounded by many beautiful floral offerings, the funeral chapel of E. W. Hall & Co., crowded with friends who were there to pay their respects to the departed, the funeral of James Savage, who died at St. Mark's Wednesday from Bright's disease was held Sunday afternoon. The services were under the auspices of the local camp No. 10,671 of the Modern Woodmen of America, of which the deceased man was a valued member. The services were according to the ritual of the order.

An impressive eulogy was delivered by Rev. Frank B. Steele, who spoke of the high character of the departed and the influence for good which he had upon all with whom he came in contact. The Unity quartet, composed of Miss Clara Mills, Mrs. Pearl Jones, Joseph Poll and A. G. Mahan sang, "Abide With Me," "It is Well With My Soul," and "Christmas Good Night." The pallbearers were: A. J. Sproule, W. A. Jones, C. E. W. Bowers, Benjamin Bonard, Edward Kriebel and Nels Nelson. Capt. Weber and members of the uniform rank acted as escort and the burial was in Mt. Olivet cemetery.

CENTRAL CONCERT COMPANY.
Strong Organization to Appear in Salt Lake Next Thursday Evening.

The organization known as the Central Grand Concert company will be heard at Barrett Hall next Thursday evening. The organization is headed by the famous violinist Maximilian Dick, who has a big career of successes behind him both in Europe and America. His German admirers paid him a high honor when he was appointed concert master of the Philharmonic orchestra at Leipzig.

Another strong feature of the company is Miss Edith Adams, known as one of the most brilliant women cellists of the age. Both her tone and her execution are said to be of the highest grade. The soprano of the company is Miss Auna Pearl Meyer, who has a high reputation. Adolph Knauer, the pianist, has been secured by the company to act as soloist and accompanist. His interpretation of the masters is said to be highly inspirational.

The engagement of the company is limited to one night only.

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FEDERAL COURT WILL SOON CLOSE SESSION

Settling of Case Shortens Stay of Judge Page Morris in Salt Lake by Six Days.

Judge Page Morris, of the federal bench, is wearing a gloomy look today from the fact that his labors will be completed and he will be compelled to go home before he expected. Judge Morris has declared himself infatuated with Salt Lake and fully intended to stay here until he was called home because of the advent of the Christmas festivities. The prospects are now that Judge Morris will be able to see his own roof tree fully a week before the fabled fur-crad individual is expected to go on his smooty journey down the chimney.

It all came about this morning when the case of M. K. Parsons against B. F. White, in which the purchase of cattle was the contentious issue, was settled out of court. This session, which promised to consume six days, cut down the time of Judge Morris just so much.

Butler against the Ohio Copper company and the Bingham Construction company came up and the jury was impaneled. The last case which is set for trial before the holiday adjournment. Butler was employed as a shift boss by the Ohio Copper company and he has a complaint, in which he asks \$20,000 damages, he alleges that he sustained injuries, due to the carelessness of his employers which he claims to have suffered while employed there. Butler was not seeking other employment than that in which physical ability takes a part.

All jurors who are not sitting on a slide which broke three ribs, his right ankle, left instep, and out of his left hand. He also says that he sustained injuries to his back which are permanent. Butler alleges that other shift bosses should have noted the alleged condition of the roof of the mine and prevented the accident.

Butler case will be dismissed with the exception of those who live in Salt Lake, and when the court session is resumed a new panel of the jury will be drawn. Charles C. Parsons, Jr. was admitted to practice before the federal court.

BOTH FOUND GUILTY.
W. K. Herscher, 30 years old, and "Doc" Eastwood, 50 years of age, were found guilty on a charge of violating the quarantine ordinance and fined \$5 each by Judge John M. Bowman in police court Saturday.

They were arrested Friday night by James E. Flynn, a clerk in the board of health, because they persisted in visiting Miss Dolie Wade, at the Fashion rooming house, 560 west Second South street, after they had been warned to keep away by Dr. Samuel G. Paul, the city health commissioner, because the woman had smallpox. Flynn made the prisoners take off all of their clothing, and then he sprayed them with disinfectants, before taking them to the city jail.

TALKS ON CLIFF DWELLERS.
Members of Exploring Party Talk at Meeting of Archeological Society.

That the cliff dwellers were not the first inhabitants of San Juan county, but that a basket-weaving people, who came far advanced in civilization preceded them, was the information given out by Niel Judd at a meeting of the Utah branch of the American Archeological society at the assembly hall at the University of Utah Saturday evening. Mr. Judd made the statement in summing up what had been accomplished by the expedition during the summer.

Stewart Young, who acted as the official photographer for the expedition, showed the work from a photographer's point of view. Donald Beauregard described the "Experiences of an artist."

During the meeting trophies were presented to the expedition.

cured in the region were exhibited. It was decided to hold the election of officers next month.

SECOND DANCING PARTY.

The L. D. S. University students will give their second dancing party in Odeon hall next Friday evening, with the following chaperons and patrons: Mr. and Mrs. Anthony H. Lund, Mr. and Mrs. A. M. Cannon, Mr. and Mrs. J. E. Taylor, Mr. and Mrs. F. M. Lyman, Mr. and Mrs. H. J. Grant, Mr. and Mrs. Arthur Winter. No formal invitations will be sent out, but all who have attended or are attending the school, with their friends, are invited to attend. Each of the six classes will decorate a separate section and conduct class booths.

PASSES UP LOOSE CHANGE.

Thief Overlooks Money Left in Man's Clothes.

A short time after S. W. Cooper had reported to the police that a burglar had entered his room, 213 west Second South street, and carried away a fine suit of clothes, \$50 in cash, a ruby ring and an opal ring, J. M. Gartold, an inspector for the D. & R. G., found the suit behind a billboard near the Fourteenth ward meetinghouse. He turned the suit over to the police. When the suit was opened, the police searched the pockets of the trousers and found that it was discovered that the thief had overlooked \$35, but had taken \$5 in silver, \$10 in gold and the two rings.

COMMISSION MET TODAY.

The adult blind commission held a meeting at 2:30 o'clock this afternoon in Gov. William Spry's office, when the first reports were submitted to the members on the number of blind men and women in the state, what they are doing and their general condition. Representatives of the state school for the blind, the Utah school for the deaf, and the Utah school for the blind, were present before the commission and submitted what information they had. The commission will probably take the establishment of a workshop for those who are unable to care for themselves.

WEATHER MAN SMILING.

Promises a Glimpse of the Sun in Oblivious Manner.

Weather Observer Thiessen wore a glad smile this morning as he pored over his hieroglyphic chart.

"You see that," and he pointed out a bunch of lines, arrows, and var-colored plots on a square of paper which looked as if it had come through the Russo-Japanese war. "Well, that means that the snow is going to break away and that we are going to have the sun with us for some time to come. The mercury is to remain just about where it is, and it is possible that old Sol will get in his work. Therefore, there will be something doing underfoot and the rubber industry will be at a premium."

The man behind the boards and the isotherms and a few other things to which an ordinary American is not given an understanding access further said that the cold wave in the east was the Mississippi valley. The snow has been general in the northwest with rain in the southern states.

West of the Rockies there is a centralization of energy and high pressures are apprehended in the extreme northwest which will affect the Pacific states. The condition in the great basin states, which means the intermountain west, will be affected by clearing weather, and Mr. Thiessen banks his little all that Salt Lake will have sunshine for several days to come. There is also to be a few degrees change in temperature, and the men in Mars get busy and in quiet just what the weather stunt is best desired on the terrestrial globe.

The snow of Sunday night, while it seemed to be a persiflage, was rather heavy, as one would expect, and went out without a proper protection. There was more than a "trace" but it did no damage and interfered not a whit with the street car service or that of the railroads. The telephone and telegraph lines reported no happenings of moment.

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Three Days Only.

Our entire stock of mirrors, including shaving mirrors, toilet mirrors, triplicate mirrors, magnifying mirrors, etc. Beautifully mounted with ebony, cocobola and ebony backs, French and German plate glass, a great Christmas special. Your choice 25 per cent off.

Christmas Candles are best chosen when selected in our candy department.

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CORK LEG BETRAYS ALLEGED DEFAULTER

John Thomas Arrested Here for Return to Batavia, New York, to Face Trial There.

Betrayed by a peculiar limp, owing to a cork leg which he is compelled to wear because he lost his left leg fighting for the Union in the Civil war, John Thomas, 62 years of age, was arrested Sunday afternoon about 1:30 o'clock, at the corner of Main and Third South streets, and lodged in the city prison on a charge of grand larceny. He will be returned to Batavia, N. Y., to face a specific charge of having embezzled \$2,551.74, Feb. 17, of this year, while county commissioner of Genesee county.

When he is taken back to Batavia, he will be placed in the county jail, which he worked for 15 years to build. Year after year he labored as county commissioner to increase a building fund for the construction of a fine, large county jail. When the fund got big enough to be tempting, Thomas stole it and ran away. It is said.

Since then, he has been a fugitive from justice, hounded by detectives from Batavia to Buffalo, thence to New York city, on west to Denver, north into Montreal, Canada, and finally back to the south and west again. He had only been here about a week when captured. He was living at one of the best hotels, and his sister, Mrs. M. M. Miller, and his niece, Miss Minnie Gay, were with him.

It is alleged by the authorities of Batavia that Thomas embezzled about \$20,000 in all, when he was entrusted with the Genesee county jail building fund, June 12, 1908.

NIGHT WATCHMAN MAY RECOVER FROM SHOT

His Victim Is Reported to be Dying This Morning at St. Mark's.

Michael Vaccarilli, who was shot twice in the back by Nightwatchman Emil Glaser, in front of the Olympia saloon, 553 west Second South street, at 2:35 o'clock last Tuesday morning, is dying, according to a report from St. Mark's hospital this morning.

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You'll find a veritable depot of presents in any of our four stores—presents which will not only please those who receive them, but will be found so priced that the Christmas-strained purse will not greatly suffer. BELOW WE OFFER A FEW SUGGESTIONS—

Mark Cross Gloves and Leather Goods

Since we first began to handle the products of this great English manufacturer, the discriminating Salt Lake public has each year, shown an increased appreciation of their merits. Their gloves, selling at \$1.50 the pair are worn by everybody who cares to save his half dollar. Their various leather productions, full of style and snap, are recognized the world over as the embodiment of all that is correct. These stores have exclusive agency for Utah.

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The three section magnifying kind. Can be adjusted to any position to suit the light and convenience of the shaver.

For a Man--A Safety Razor

Make your selection from the Gillette Keen Cutter, Auto-Strop, Arnold fountain pen style, or the Ever-Ready. They are the best known razors in the world, and prices vary from 10c to \$15.

Perfumes

Houbigant, Le Grande, Roger and Gallet, Piver, Coty, and all domestic makes.

Candy

Allergott's, Lowrey's, Huyler's, McDonald's, Guth, Sweets, Park and Tilford's.

Imported Glace fruits in baskets and boxes, one, two, three and five pounds.

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The Thermos Bottle has come to be recognized as much more a necessity than a luxury. The usefulness it has shown in the sick room, the nursery, in camp or in the motor has given it a firm place among modern life's conveniences.

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Parker's Lucky Curve, Waterman Ideal. A present easily selected and always appreciated, from \$1.50 to \$3.50 each.

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Made by Henkel the greatest manufacturer of this class of goods in the world.



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Enables you to have the benefit of electrical massage in your own home, \$15.00 complete. A most sensible and useful present.

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Put up in sets of cloth, hat and hair brushes, in a box. Done in ebony or satin wood. Military brushes of various prices and grades. Infants' toilet sets; combs, brushes and mirrors done in Parisian Ivory. Neat and not costly.

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