

DURAND AGAIN MADE DEFENDANT

Another Complaint Which Alleges
Conspiracy is
Filed.

WANT JUDGMENT SET ASIDE.

Case Involves Action of the Lake Col-
lection Agency and a Restraining
Order is Asked For by Plaintiff.

Another complaint showing up the methods of the Lake collection agency and its justice court at Murray, filed over by Charles F. Durand, was filed in the district court yesterday afternoon in which it is alleged that there was a conspiracy between the defendants to cheat and defraud plaintiffs out of money. August Valentine and wife are the plaintiffs and Olin Wathen, Francis G. Luke, J. P. McOmie, former justice of the peace at Murray, C. F. Durand, the present justice, and the Merchants' Protective Association are the defendants. Plaintiff asks that a certain judgment rendered against them by McOmie be declared null and void, and that the defendants be restrained from issuing an execution in the case or from taking any further action whatever in connection with the case.

It is alleged that Luke filed an action in McOmie's court in behalf of Olin Wathen to recover certain sheep alleged to have been leased to Valentine and wife. The latter demurred to the complaint and objected to the jurisdiction of the court on the ground that neither of the parties to the action were residents of Murray and the sheep in question were located in Boxelder county and had never been in this county. McOmie overruled the demurrer and objection to his jurisdiction and the case finally went to trial on Oct. 7, 1905.

At the conclusion of the evidence, Justice McOmie announced that in his judgment there was no cause of action against defendants but he was interrupted by Luke who suggested that he take the matter under advisement. McOmie accordingly took the case under advisement and on Oct. 13 notified the attorneys for the Valentines that he had rendered judgment against them for the recovery of 75 head of sheep or their value assessed at \$225.

On Nov. 6 the Valentines filed notice of appeal and on Nov. 11 the attorney for plaintiff received notice of objections to the sureties on the appeal bond. On the same date new and additional sureties were secured but it is alleged that McOmie refused to approve the bond on the ground that it had not been filed in time and in order to make it appear that the bond had not been filed within the statutory time it is alleged that McOmie antedated the judgment so that his records would show that it was rendered on Oct. 7 instead of Oct. 12.

An order was obtained from the district court directing McOmie to transmit the papers on appeal to the district court. The attorney for Luke and McOmie then moved that the appeal be dismissed but the motion was denied. In some manner Luke induced Durand, who is McOmie's successor, to enter up a judgment against the Valentines and the sureties on their appeal bond, and threatened to have an execution issued to collect about \$200 from the plaintiffs herein and their sureties.

Judgment is therefore asked that the said judgment be set aside and that the defendants be restrained from issuing an execution or taking any further action in the case. A temporary restraining order has been issued from the district court.

PERSONALS.

Dr. S. J. McLean left last evening, on a trip to the City of Mexico.

Harry Shearman leaves tonight for Helena and Chicago, on a two weeks' vacation trip.

John H. Bryan, one of the best known of Chicago traveling men, is at the Knutsford.

E. S. Sawyer of Milford is at the Cullen, and reports Milford as having completed an excellent system of waterworks. The flow rises to the surface with a flow force of 30 gallons per minute from a 100 foot well, and is said to be 75 per cent pure.

Frank Culbertson, manager of the stock division of the International Harvester company, and William Browning of the sales department of the same concern of Chicago, passed through the city yesterday and left for the east last night. They were shown about town by Manager Seal of the local office, Murray, and by the local office of the International Harvester company. They also enjoyed a pleasant ride with Manager Odell of the Consolidated Wagon & Machine company, who took them on a flying automobile ride of 70 miles through the farming district adjacent to the city.

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LATE LOCALS.

Bank Clearings.—Today's local bank clearings amounted to \$11,203.32 as against \$51,623.59 for the same day last year.

Case Continued.—The asphaltum locust case, Holton against Clark, has been continued in the land office until Monday.

Will Address Teachers.—A. C. Matheson, clerk in the office of the state superintendent of schools, will go to Logan tomorrow where he will deliver an address to the boards of education of Cache county tomorrow afternoon.

Governor Gets Invitation.—Gov. Cutler yesterday received an invitation to the dedication of the new state capitol building at Harrisburg, Pa., to be held on Oct. 4. The invitation is a very handsome one containing a fine colored cut of the new capitol building and grounds.

Changes Its Name.—A copy of the amended articles of incorporation of the Mutual Animal Protective association of Seattle by which the name of the company is changed to the Pioneer Live Stock Indemnity company, was filed with the secretary of state today. W. H. Ray of Provo is named as resident agent for this state.

Gone to Los Angeles.—Judge C. R. Diehl of the criminal division of the city court, left last night for Los Angeles to join Mrs. Diehl and the children. One of the latter is ill, a telegram to this effect being received by the judge yesterday afternoon. During his absence, Judge Whitaker is attending to the criminal business.

Snow in Mountains.—It was reported as snowing up in the Wasatch mountains this morning, which is driving out the last of the summer campers. Architect S. C. Dallas arrived this morning from up in the Cottonwood canyon with his men, and reports that there has been an intermittent rainfall during the day, and the air has been raw and cold. However, the weather office reports clearing and warmer weather for the morning.

Abundance of Lumber.—J. H. Aitken of the Oregon Commercial company at Huntington, Or., is in town on a business trip. He is prominent lumberman and reports that notwithstanding the notable development in concrete and metal building, the lumber trade is more than holding its own. There are enormous forests stretching over that section of the country, so that for the present, the supply is limitless.

Fall Reception.—The Y. M. C. A. will hold its annual fall reception on the evening of the 21st inst., from 8 to 10 o'clock. The entire building will be thrown open for the inspection of the friends of the institution, and there will be music and refreshments. The association has made great progress during the first year of its new existence, and the directors, general secretary and his assistants—in fact the entire official force—feel considerable pride in what has been accomplished. The function is anticipated with much interest.

DRUNKENNESS AND CRUELTY.

Charges Made in Suit for Divorce by Mary Erickson.

Cruelty, drunkenness and failure to support are the grounds upon which Mary M. Erickson asks for a divorce from Peter W. Erickson in her complaint filed in the district court today. The parties were married at Pleasant on Nov. 25, 1900, and have one child. It is alleged that defendant has been a drunkard for more than five years past and that during that time he has repeatedly used violence and profane language towards plaintiff and on a number of occasions has struck her with his hand or fist. In July of this year she alleges that he came home late at night and struck her with his fist and threw her out of the house and kept her locked out for over an hour. Plaintiff alleges that she was unable to live with defendant and accordingly left him on Aug. 30. She asks for the custody of their child, for \$25 per month alimony and \$150 as attorney's fees.

COURT NOTES.

The arraignment of Ed Thompson, charged with burglary and grand larceny, was today continued as Judge Armstrong until Sept. 15. Thompson is charged with burglarizing a room in the Kenyon hotel on July 22 and stealing jewelry valued at \$200.

Suit has been filed in the district court by Francis L. Crawley against the Utah Light and Railway company to recover damages in the sum of \$10,000 for personal injuries alleged to have been received by plaintiff by falling from a Waterloo car at the corner of Fifth South and Fifth East streets on July 13, 1906.

Alfred Bell was arraigned before Judge Armstrong in the criminal division of the district court today upon the charges of forgery and uttering a forged instrument, and pleaded not guilty to both. It is alleged in the information that Bell on Jan. 4, 1904, forged the name of Pamela M. Naylor to a promissory note for \$100, and passed the same upon Thomas E. Newman.

An injunction suit has been filed in the district court by George H. Horne et al against Rebecca M. Ostler and husband to restrain defendants from obstructing a right of way over part of lot 2, block 129, plat A, Salt Lake City survey. Damages in the sum of \$1,000 are also asked because of previous obstructions placed upon the right of way by defendants.

Upon motion of Dist. Atty. Lofsborrow, the case of the state against W. J. White was dismissed by Judge Armstrong yesterday afternoon, on the ground of the evidence being insufficient to warrant further action in

HONEST TEA VALUE.

HEWLETT'S 8 oz. Net
THREE CROWN
Pure Rich
Delicious
New Crop
Tea in
Every Red
and Gold
Carton.

TEA

Order From Your Grocer.

the case. White was charged with obtaining money by false pretenses on Dec. 1, 1905, by selling chattels which he had mortgaged.

Suit for divorce was filed in the district court today by Paucilla Corbett against Wiley B. Corbett on the grounds of cruelty and failure to support. They were married at Coalville on March 1, 1888, and have four children. It is alleged that defendant has refused to provide for plaintiff for 10 months past, and that he has frequently used vile and profane language towards her and accused her of being unfaithful to him. She asks for the custody of their children, for permanent alimony and for costs and attorney's fees.

Stena Rowley filed an action for divorce in the district court today against George A. Rowley on the ground of cruelty. The complaint alleges that the parties were married in this city on Oct. 10, 1880, and have two children. Mrs. Rowley claims that her husband frequently called her vile and abusive names and because she refused to consent to him selling their sewing machine he drew into a passion and broke the machine to pieces. He also cursed her because she would not sign a deed transferring their home to some other party. She asks for the custody of their children and for \$24 per month as alimony.

At the conclusion of the evidence, Justice McOmie announced that in his judgment there was no cause of action against defendants but he was interrupted by Luke who suggested that he take the matter under advisement.

McOmie accordingly took the case under advisement and on Oct. 13 notified the attorneys for the Valentines that he had rendered judgment against them for the recovery of 75 head of sheep or their value assessed at \$225.

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OFFICIAL HOME OF REPUBLICANS

State Chairman Hammond Se-
lects Campaign Rooms in
D. F. Walker Block.

PRIMARIES COME TONIGHT.

Political Figures and Gossip That Will
Interest the Politicians of All
The Camps.

Republican State Chairman James T. Hammond has decided that since Chairman Martineau has given up the game of holding back, and announced his headquarters at his own offices, there is no longer any need of his postponing his own announcement. It came out today. The D. F. Walker building is the place, and Monday next is the time he will formally open the offices and report for business. As there is still nothing but bare walls and open doors at the county headquarters in the Atlas block, this will probably be the last move in house-holding the Republican campaign leaders.

Tonight the Republican primaries will bring forth the personnel of those who are to vote for party candidates in the state convention scheduled for the Salt Lake county Sept. 20. District leaders were consequently busy men today. Parley P. Christensen came out early and spent considerable time looking up his interests from the headquarters at the law offices of Arthur Brown. There is no doubt a decided interest will be manifested tonight by the friends of the two principal congressional candidates to land their supporters on the delegations. Mr. Fishburn of Brigham City, a third party in the race, is reported as very busy in Ogden to capture the Weber county people, and W. D. Livingston, the fourth entry in the southern counties, and in the north, but has done very little to influence Salt Lake county primaries.

Chairman James T. Hammond was asked today what he would say about the probable Republican policy during the coming campaign. He will conduct it from his own offices.

"Well," he replied, "you can say that it will be a broad campaign, calculated to be just as broad as party principles, and one under which every party adherent can array himself. It will be a campaign for the people, and it is being brought into use recently, and it will certainly not be for any clique or faction."

One of the special prerogatives of all state and county chairmen is to figure out how his party is bound in, from the figures of the campaign. Chairman Hammond has his figures and his conclusions that both the county and state Republican tickets are bound to win. He based this conclusion in the case of the state at large, on the fact that Roosevelt polled in 1904, 62,446; Parker, 43,414; and the American Union, 5,116. The total state vote was 109,976. In splitting up on Powers and Howell for Congress, Howell received 3,771 votes less than the president, while Powers polled 37,445. This makes it necessary for the Democratic vote in the state to increase over 7,000 from the Roosevelt year to send a Democratic representative to Congress, and to put a Democratic judge on the supreme bench.

In this county the vote for Howell was 14,960; for Powers 10,600; and for Ferry, the American party candidate, who led his party vote, for Governor, 6,500. Chairman Hammond figured that there could be a gain of 4,000 votes to the American party without their winning if the Republicans should lose 3,000 of these. This would leave the Republicans 11,600; give the Americans 10,500 and leave the Democrats 9,000. According to Mr. Hammond, the American party ticket in that election had 800 Socialist votes which it cannot count on this year, so Chairman Hammond figured a winner by the vote of the Democrats. In this city the total vote was 22,769; there being only about 9,000 votes outside of the city. The American party is talking of a probable large mining camp vote, but only a small per cent of the foreign miners employed at the various camps in this county, have taken out naturalization papers. This vote will probably not grow up to alarming proportions.

Chairman Hammond had another bit of information to give out today. It was that the Rio Grande and Salt Lake routes will sell their American tickets to the Republican convention, good to return till the 21st, and purchasable on the 19th and 20th. The regular fare one way being a round trip price. He has not yet selected his state second, but his executive and finance committees.

Democratic Chairman L. R. Martineau was at his headquarters today. He returned from Logan this morning, where he went yesterday to attend a meeting of the Democratic forces up that way. He reports that the party is gaining strength in the north, and is sure to land State Senator Barber, its probable candidate for the senate, back in that body. The county convention meets Oct. 1, and the legislative ticket will be named then as well as the local ticket.

When asked on what grounds he figured out a Democratic victory, Chairman Martineau said he was absolutely confident his party would win in this county this fall, and in the state as well, for he felt this was the only way to bring peace within the community. He declared that the Republican party is split every kind of way, and instead of just party members, and insurgent members, there is a big faction which has quietly backed up into silence, if not clear out of the party. The times are ripe, he argues, from this alleged situation, for a Democratic victory.

John Clark, formerly mayor of Salt Lake, and for many years a prominent merchant of this city, is believed to be the Democrats to take the nomination as a member of the county commission. Chairman Martineau is supporting his candidacy, and declares in doing so that Mr. Clark is a type of the successful citizen who doesn't make politics his business, that the Democrats are trying to find for their officers this fall. L. E. Hall is also a candidate for a place on the county commission.

The American party is gradually getting its ticket together prior to placing it in the field at the convention slated for Saturday, Sept. 22. Thomas D. Pitt is carried for sheriff, as Ben Heywood will not enter the running. Walter W. Little and A. J. Weber want the attorneyship, and no doubt patriots will be crowded out for the other positions.

The Utah Federation of Labor will meet this evening to decide whether a strike should be placed in the field this fall. The sentiment among labor circles is reported to strongly favor such a proceeding.

ROOSEVELT UP PRESENTED.

Greater Bay, Sept. 21.—President Roosevelt presented the Roosevelt to the Eastern Yacht club today at a luncheon attended by distinguished statesmen and yachtmen in honor of the vessel, which lies in the entrance to Greater Bay harbor.

LAST OF TICKET BROKERS QUIT

"Ike" Kahn, Who Hung on After
Others Closed, Takes Down
His Signs.

OUT OF BUSINESS FOR GOOD.

Clear Field is Now Left for the Rail-
roads to Dispose of Their
Tickets.

At 5 o'clock last evening the last of the ticket broker's offices in Salt Lake took down its sign, closed the doors and went out of business. Henceforth the scalping of tickets as a means of livelihood is a thing of the past. Any man who has a return half of a ticket for sale and attempts to dispose of it will be liable to be haled before the court and punished for contempt.

The last of the ticket brokers, "Ike" Kahn, who had an office on West Second and South, died hard. When injunctions were brought against him restraining him from trafficking in railroad tickets he is alleged to have turned the business over to another man who came here for the purpose. He in turn was compelled to vacate and then Mr. Kahn's son took a hand.

Yesterday the law moved and Mr. Kahn bowed to the inevitable, took down his signs and gracefully retired from the ticket broking business, leaving a clear field for the railroads to sell their own tickets.

Naturally the disposed ticket brokers are a trifle sore over the victory of the railroads, but it is not anticipated that they will fight the cases to the bitter end and attempt to start up again. A couple of months ago there were five brokers doing business in Salt Lake. Today there are none.

ALL INTERESTED.

Investigation by Inter-State Commerce Commission Here Subject of Talk.

Deep and abiding interest is being taken in the scheduled investigation by the members of the interstate commerce commission of alleged railroad irregularities in the State of Utah, commencing Monday, Sept. 24.

Everybody is at sea regarding the line of inquiry that will be undertaken, even United States Marshal Spry and his assistants are in the dark. One of them this morning said: "I am at a loss to size up the case. Nothing has been said to us, simply the subpoenas were forwarded for us to serve. Accompanying them was a request that the members of the committee be given suitable quarters for conducting the investigation, and that the necessary railroad men be placed at the disposal of the commission. Whether or not the investigation will be open to the public is something we do not even know."

There are a number of shippers and railroad men on the anxious seat to throw light on some of the stories that have been public property for some time that certain shippers have been favored at the expense of others.

Some says have already placed applications to have cells allotted them in the prison on the hill next to the steam radiator.

SANTA FE SURVEY.

Running Lines for Road Into the Big
Lumber Regions.

San Francisco, Sept. 14.—The Santa Fe is running surveys in the country north of Eureka preparatory to the construction in the near future of a lumber line. An agreement with the Southern Pacific under which a holding company was formed to take over the California Northwestern and the San Francisco Northwestern, running from Eureka to Camp Five, the Santa Fe is given an outlet into San Francisco and is hurrying to buy right of way through the lumber region. The Southern Pacific is pursuing the same policy and its surveys sweep the country north and east of Eureka.

Railroad officials and business men of the city say that the joining of the Southern Pacific and Santa Fe in the Sacramento to San Francisco will relieve the contingency of the market in San Francisco. Thousands of acres of timber stand unused because of the lack of transportation facilities. The advent of the Southern Pacific and the Santa Fe gives these timber lands quick route to market.

INTO BEATTY SEPT. 25.

Las Vegas & Tonopah is Now Nearing
The Goal.

The arrival of the Las Vegas & Tonopah into Beatty has again been postponed 10 days. J. Ross Clark, vice president of the Lake Route, is negotiating as saying:

"By the end of the week we expect to be within six miles of Beatty, and to say that we will finish into the town by the 25th seems conservative. A boatload of ties has been overhauled by sailing vessel from Grays Harbor for three days and the 4,000 ties she carries will complete the work."

"No word has been received from the boat, but even if it failed us we have a steamer bringing ties, due Sept. 16, and another on Sept. 20."

VIRGIL M. BOGUE HERE.

Chief Engineer of the Western Pacific
Arrives From San Francisco.

Virgil M. Bogue, chief engineer of the Western Pacific, arrived in Salt Lake last night from San Francisco and today he has been in consultation with Resident Engineer Wyche, who has charge of affairs at this end of the line. He states that the death of labor continues and the Western Pacific has room for 8,000 able bodied men to help build the grade.

It is anticipated that during the visit here of Mr. Bogue the route across the desert will be definitely decided.

PEACH DAY AT BRIGHAM.

Short Line Anticipates Big Excursion
North on Sept. 19.

The passenger department of the Oregon Short Line is making great preparations to transport crowds to Brigham City on Sept. 19 on the occasion of the annual peach day. This institution has become a great feast that are given visitors to it is a factor in the safe of fruit, as practically everybody visiting the city on the day of the festivities carries away with him a case or two in addition to giving orders.

HONEST REFUGEES.

Santa Fe Receives Over \$10,000 from
Free Passengers.

Man's belief in the honesty of the average man receives stimulation from the announcement made by the Santa Fe passenger department in San Francisco. During the past month this office has received more than \$10,000 in cash

Boys and Girls are never too
old to like Dainty, crisp bits of

Sweet's

**Old-fashioned
Stick Candy**

Pure and toothsome. The
best to buy. The best to eat.

Six different flavors in 10c and
25c box. Be sure you get
SWEET'S.

from the refugees it carried east free of charge during the week following the great calamity of last April. Remittances and notes of thanks have been received from almost every part of the United States and Canada. When the refugees were sent east a number of them exchanged their personal notes and I. O. U.'s for first class tickets. Last month the passenger department wrote to the free passengers advising them that the Santa Fe would accept their passage money as soon as they felt able to pay. The response was more than gratifying.

SPIKE AND RAIL.

Jack Walton of the Burlington is
hauling out cigars today. It is a girl.

General Manager R. E. Wells of the
Salt Lake Route is here from Los An-
geles.

The Burlington has secured another
couple of trainloads of sheep. William
Darke is loading one out on the South-
ern Pacific and Traveling Freight
Agent Hahn is loading the other on
the Rio Grande.

The Boise Interurban company has
placed some large orders with the local
agency of the Westinghouse Electric
Manufacturing company for equipment.
It is the intention to have the line in
operation by Feb. 1.

WEATHER REPORT.

Record at the local office of the weather
bureau for the 24 hours ending at 6
a. m. today:

Temperature at 6 a. m., 46; maximum,
61; minimum, 40; mean, 54, which is 10
degrees below normal.

Precipitation for the 24 hours ending at
6 a. m., .02 inch.

Precipitation since the first of the
month, 1.17 inch, which is .75 inch above
the normal.

Accumulated excess in precipitation
since Jan. 1, 5.50 inches.

Relative humidity, 82.

FORECAST TILL 6 P. M. SATURDAY.

Local forecast for Salt Lake City and
vicinity:

Clearing this afternoon and tonight; fair
and warmer Saturday.

R. J. HYATT,
Section Director.

AFTERNOON ON EXCHANGE.

The afternoon sales on the floor of the
local exchange were as follows:

Carissa, 1,800 at 23; 500 at 23½; 1,000
at 22½.

Little Bell, 50 at 9.25.

Lower Mammoth, 100 at 32.

New York, 4,000 at 2.92½.

South Swansea, 1,000 at 4; 500 at 4½;
1,000 at 4½.

Utah, 100 at 150.

Beck Tunnel Con., 500 at 90; 100 at
89; 500 at 88.

Little Chief, 4,510 at 20; 6,500 at 20½;
2,000 at 21; 500 at 20½.

New York, 4,000 at 2.92½; 500 at 2.94;
Port Chief, 5,000 at 2.

Tetco, 500 at 20; 500 at 20½.

Victor Con., 2,000 at 4½; 2,000 at 4½;
3,000 at 4½; 418 at 4.

Wabash, 100 at 60.

NEVADA STOCKS.

James A. Pollack & Co. furnish the
following San Francisco stock quotations
received over their private wire:

Belmont, 4.95@5.00; Cash Boy, 15@17;
Golden Anchor, 65@68; Home, 16@18;
Jim Butler, 1.39@1.40; MacNamara, 1.70@1.75;

Midway, 2.55@2.60; Montana, 2.50@2.55;
North Star, 1.50@1.55; Ohio, 45@47;
Tonopah Extension, 34@36; Tonopah
Nevada, 18½@19½; West Bend, 2.40 bid;

Adams, 50@52; Atlanta, 27@29; Blue Bull,
17@18; Booth, 46@48; Columbia Mountain,
36@38; Conqueror, 12@13; Diamondfield,
38@40; Dixie, 5@5; Goldfield,
10½@11; Humboldt, 1.50@1.55; Junior, 45@47;
40@41; Kendall, 44@46; Laguna,
45@46; May Queen, 18@20; Mohawk, 3.55
@3.75; Red Top, 1.45@1.55; Sandstorm,
13@14; Silver Pick, 61@63; St. Ives, 61
@63; National Bank, 50@52; Denver,
1.75 bid; Gold Bar, 1.25@1.30; Original,
10½@11; 1890, 1.50@1.55; Junior, 45@47;
40@41; Kendall, 44@46; Laguna,
45@46; May Queen, 18@20; Mohawk, 3.55
@3.75; Red Top, 1.45@1.55; Sandstorm,
13@14; Silver Pick, 61@63; St. Ives, 61
@63; National Bank, 50@52; Denver,
1.75 bid; Gold Bar, 1.25@1.30; Original,
10½@11; 1890, 1.5