

utes provide that the following day shall be observed as a legal holiday. Hence the Monday on which the trial was commenced was a legal holiday. The case was concluded on Tuesday, Feb. 24, and defendant was ordered to

trial

The statutes of this state also provide that certain legal business may be transacted on a legal holiday, but the supreme court in its opinion today holds that contempt proceedings do not come under that provision. Hence it is ordered that the judgment in this case be reversed and a new trial granted de. fendant. The opinion of the court was written by Justice Bartch and concurred in by Chief Justice Baskin and Justice McCarty.

LOWER COURT AFFIRMED.

The award of the arbitrators, chosen by the parties to the action, to settle all differences between plaintiff and defendants in the case of Joseph M. defendants in the case of Joseph and Jensen against the Deep Creek Farm and Live Stock company, A. V. Taylor, Joseph E. Taylor and Don C. Tufts, appellants, is upheld in every particu-lar in an opinion of the supreme court rendered today in which the judgment of the lower court is affirmed and the

costs taxed against appellants. An action was first brought by the defendants herein in the Third district court for this county to recover dam-ages in the sum of \$18,700 for a breach of lease in connection with a sheep transaction. It was set out that the lessor, plaintiff in this action, had delivered to lessees, defendants herein, under the terms of the lease, sheep which were old and diseased, and that the deceltfully put into the herd a large number of wethers and lamba instead of ewes as agreed. The above amount of damages was asked by the company for such alleged breach of lease. The whole matter was finally submitted up-on agreement, to John C. Sharp and C. R. McBride as arbitrators and it was agreed that their decision would be binding. After hearing all of the evidence the arbitrators found the issues in favor of lessor Jensen and assessed his damages at \$17,504.62.

his damages at \$17,594.62. The company failed to comply with the award and this suit was commene. ed by Jensen to recover the amount from the company and its bondsmen. The lower court found that the decision of the arbitrators cov-cred all the material matters in dispute and the award was encoded cred all the material matters in dispute and the award was sustained and judgment rendered in favor of plaintiff herein. From that judgment this appeal was taken. The spinion of the supreme court handed down today, affirming the judgment, was written by Justice Bartch and concurred in by Chief Justice Barkin and Instiga Mr. Chief Justice Baskin and Justice Mc-Carty

WALKER ESTATE CASE.

Judge Hall of the Third district court has handed down a decision in the Walker estate case in which he holds that the clause in the will of Joseph R. Walker, deceased, providing that his estate shall be kept intact and not dis. estate shall be kept intact and not dis-tributed among the heirs for 20 years after his death, is against public policy and hence is void and of no effect. The decree of the court directs the execu-tors to make a final report prepara-tory to a distribution of the estate among the heirs. If such distribution is desired at this time. The suit, which was brought to settle the question relative to the 29-year clause in the will was a friendly one, and some of the heirs and executors are named as both plaintiffs and defend-ants, while others of the heirs arrayed themselves on one side or the other of

themselves on one side or the other of the action.

The plaintiffs in the case are Charles A. Walker, George R. Walker, Winifred S. Walker, Winifred S. Walker as ad-ministratrix of the estate of Albert E. Walker, deceased: Alberta Winifred Walker, by Winifred S. Walker, the guardian of her property; Charles A.

day afternoon, Bishop George Romney presiding. The house was filled with sympathizing relatives and friends and the services were most impressive throughout. The choir sang. "I Need Thee Every Hour," and prayer was offer-ed by Elder William Burton, after which the choir rendered the selection, "Not Half Has Ever Been Told." The speak-ers were Elders James Sharp, Robert Patrick, C. R. Savage, D. L. Murdock, J. Y. Smith, Asa Kienke, George F. Gibbs, Bishop Romney and I. O. Wall of Walls-burg, Utah, the former home of the de-ceased. All referred to the beautiful life and character of Mrs, Airmet, and ex-pressed the conviction that she had gone to receive the reward of the faithfoil, Dur-ing the remarks, the choir rendered the inspiring selection, "Come, Ye Disconso-late;" end as a closing hymp. "Shall We Meet Beyond the River." The benediction was promunced by Elder David Lyon The meetinghouse was most beautifully decorated for the occasion, and the hand-some collection of flowers and floral em-blems was simply grant. A large cortege followed the remains to the grave, where the dedication was pronounced by Elder J. Y. Smith, thus endlog another sad chapter of life's history.

NAVAL RECRUITS WANTED.

Another naval recruiting detachment is fue in this city next Monday and will oc upy the grand jury rooms in the Dooly under the command of Lieut, Geo, Pettengill. With him will be Assistant rettengall, with him will be Assistant-Surgeon J. C. DeVries, Chief Machiniat Walter Scott, Yeoman W. A. Riddle, Elec-tricians J. B. McIntyre and F. N. Bar-towa, Coxswain E. Petroski, and F. W. Frederickson, hospital apprentice. The detachment will remain here one week, taking recruits for all branches of the ser-vice.



Tonight in the Eleventh ward assem-by hall there will be a grand ball given under the auspices of the Sunday school. An excellent orchestra has been engaged, and every other neces-sary atrangement made to make the af-fair a pleasant and successful one. The proceeds are for the benefit of the Elev-onth ward Sunday scheel. All felends anth ward Sunday school. All friends of that cause are invited.

The vote for mucen of the Fourth The vote for queen of the Fourth-ward caraival and fair, which contest is open to all the wards of the city, is as follows: Hilda Burton, 63; May Lewis, 41; Mrs. Melora Williams, 52; Nellie Worthen, 50; Emily Foster, 46; Maul Wheeler, 53; Mülle Bond, 62; Mrs. Libble Jenkins, 60; May Price 48; Ed-un Harker, 53; Mainle Silver, 49; Louie Mords, 31; Minnie Shepherd, 62; Pearl Tomlinson, 55; Virginia Elmer, 62; Zet. Us Taylor, 20; Annie Sorensen, 65. the Taylor, 20; Annie Sorensen, 65,



of C. I. Hoop & Co., Lowell, Mass.

The Weber club members will leave

Ogden next Monday evening, by spe-ial train, arriving in this city about 7 p. m., in ample time to prepare for the Commercial club banquet. The music will be furnished for the banquet by Christensen's full orchestra, and the decorations will be by the Salt Lake-Huddart Floral company.

P. J. Christopherson of Lehi, while driving across the South Temple street tracks at Second West street, at 4:30 p. m. yesterday, was run into by car 50, and his horse's leg broken, so that the animal had to be shot. Christoph-erson claims that the motorman did not ring his gong, and that he could not see the car coming because the wagon was covered. The motorman says he did ring the gong, and that he also yelled at the man.

The George R. Maxwell post of the G. A. R. elected these officers last evening: Alfred Kent, re-elected command-er; William Crome, S. V. C.; Phillip Neder, J. V. C.; Edward B. Shepard, Neder, J. V. C.; Edward B. Snepard, chaplain; John S. Stevens, O. D.; Si-mon Peters, O. G.; Henry P. Burns, Q. M.; Joseph Milliron, surgeon: trustees, Edward B. Shepard and Phillip Neder; W. P. Rowe adjutant; delegates to department encampment, Phillip Neder John H. Kidd, Edward B. Shepard; alternates, William Crome, M. P. Miller, Joseph Milliron.

The following officers of Utah chapter of Royal Arch Masons were installed liast night by retiring High Priest Wil-liam M. Rash: -xcellent high priest. Dr. Ned W. Hewett; king, Judge Charles W. Morse: scribe, Joseph G. Bywater; treasurer, John S. Scott; scoretary, M. C. Phillips; captain of the host, Dr. Newton D. Estes; principal sojourner, Charles A. Lovidge; royal arch captain, Robert C. Shnous; master of the Unird vall, William H. Arnold; master of the second vall, Alexander G. Sutherland: master of the first vall, Elber O. Leatherwood; sentinel, J. Fred Corker.

"Fred Corker. Mis. Martha Royle King has resigned, by request, the directorship of the First Congregational choir. The rea-sons for this are her conducting a dress rehearal of the "Cinderella" play on Sunday, which included dancing, the abbreviated skirts worn, and Mrs, King's absence from church during the four Sundays during the preparation for the show. Mrs. King does not seem to care much, and says her absence from church was due to sickness of her father, her boy and herself, and that father, her boy and herself, and that she furnished a satisfactory substitute at such times. The rehearsal was held on Sunday have been substituted

on Sunday because that was the only time the orchestra and the troupe could be brought together. The choir appears to stand by Mrs. King.



The board of directors of the Home Fire Insurance company met yester-day, and in addition to declaring the regular dividend of 2 per cent payable on Jan. 2, declared an extra didend of 2 per cent, payable immediate.y. Thia will make the Home company's divi-dends for the year 1015 per cent.

Henrietta H. Calder Brattain et al have transferred to Isabella M. Calder Riter et al. for a consideration of \$11,-000, a one-half interest in 30x115 feet of lot 5, block 69, plat A, located in the southeast corner of First South and Wast Transle stream West Temple streets.

bled in securing a jury and testimony will be presented tomorrow. The ac-tion grows out of trouble between Higgins and L. B. Dore in August, 1901, when the former shot the latter through the lungs, from which Dore has since recovered. The case is somewhat interesting from the fact that it involves certain legal technicalities, an that three informations have already been filed. The funeral of Mrs. Crawshaw will

The functal of Mrs. Crawshaw will be held from the Fourth ward meet-inghouse tomorrow, at 2 p. m. The re-mains may be viewed at the residence of her son Luke, 2549 Quincy avenus,

from 11 a. m. till 1 p. m. Mary E. Dee, daughter of Judge Thomas D. Dee, and Ambrose Shaw, son of the late William Shaw, were married yesterday. They will reside n the Third ward.

CHILDREN'S SINGING CLASS.

Prof. Stephens requests all members of children's class to remember that they are to be at the Tabernacle next Saturday at 3 p. m. sharp, to rehearse for the coming grand school concert, Each should bring a ticket and be armed with a small flag. ----



That charming and idyllic performance "The Bonnie Brier Bush," had a big matinee and a good turnout last night. Mr. Stoddart, Mr. Easton and Mr. Fax came in for the usual heavy demonstrations of favor. The last chances to witness this admirable comwill be tonight and tomorrow pany night.

At the Grand this evening the melo-dramatic sensation "Over Niagara Falls," opens its engagement.

Don't fall to see the elegant PRES. ENTS given away at THE UNIQUE THEATRE, 167 Main St.

HARRIS' LEAP FOR LIFE. Life Like Painting Creates Panic in Club, According to Fisher.

Beginning the Lith of 16th of this month, there will be on exhibition at the Commercial club 15 fme paintings valued at \$50,000 loaned to the club by Walter H. Drant, one of the best known art critics and collectors in the east. See: Harris relates. In speaking of the remarkable natural appendance of these paintings, that when he took a casual glance at one of them, representing a cow, he was so astonished at the life-like appearance that he involuntarily leaped through the near-est window to escape that cow's horns. Fortunately a company of firemen were on the sidewalk practising with their safety net, and Mr. Harris fell into that and escaped injury. nonth, there will be on exhibition at the and escaped injury.

W. R. Vice in Honduras,

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San Francisco, Dec. 10.—President Harriman of the Southern Pacific rail-road has been informed by Detectives in charge of the case that William R. Rice, defaulting passenger agent in this city, of the Union Pacific road, has been located in Honduras. As there is no located in Honduras. located in Honduras. As there is no extradition treaty with that country he

is free from arrest.

Removed. Washington, Dec. 9.—A petition for the removal of E. T. McArthur, superintend-ent of the Nez Perces Indians in Idaho, was filed at the Indian bureau today by Senator Heyburn of Idaho. It is signed by 150 allottees among the Nez Perces, and is accompanied by letters from G. W. Thompson of Lewistown, Idaho, and A. J. Showaiter, of Lapwal, Idaho. The petitioners charge that after announcing ast summer that no rents would be re-ceived or disbursed until Nov. 1, and after mountains, Supt. McArthur commenced receiving rents and withdrew his deposits from a fational bank and placed them in a newly organized bank at Cui de Sac, of which J. S. Martin, the chief clerk of the agency, is president A. J. Montgomery, assistant clerk, and the petitioners be-leve, Mr.Arthur himself a heavy stock-holder. The petition also charges Me-Arthur with not attempting to suppress the introduction of liquor on the reserva-tion; that he makes provises in the In-dia leases that work hardship; that he is il-tempered and threatens to withhold pents from Indians unless they send their children to the government school. children to the government school

Strikers Hold Up Would-be Miners

Stockton, Cal., Dec. 10.—Armed with clubs, a mob of about 50 strikers from the Royal mine at Hodson heid up about 40 would-be miners, who were under arm-ed escort early this morning near Mitton, marched them down the track about a mile and ordered them out of the vi-cinity. The order, backed by the brand-ishing of clubs and forcible language, was obeyed in haste. The men had been em-ployed in haste. The men had been em-ployed in haste. There are 150 strikers in Milton and the town is greatly excited. Another crowd of imported laborers is expected there and more trouble is ex-pected.

PROBATE AND GUARDIANSHIP NOTICES.

Consult County Clerk or the respective signers for further information.

signers for further information. IN THE DISTRICT COURT. PRO-bate Division, in and for Sait Lake Coun-ty, State of Utah. In the matter of the estate of Miffin L. Paimer, Deceased. Notice.—The petition of Alphonzo M. Pai-mer praying for the issuance to himself of Letters of Administration in the estate of Miffin L. Paimer, deceased, has been set for hearing on Friday, the 15th day of January, A. D. 199, at ten octoock A. M., at the County Court House, in the Court Room of said Court, in*Sait Lake City, Sait Lake County, Utah. Witness the Clerk of said Court with the seal theref athree this 10th day of December, A. D. 193. (Seal.). JOHN JAMES, Clerk. Ry J. V. Eldredge, Jr., Deputy Clerk. Richards & Varian, Attorneys for Peti-tioner.

Tomorrow and Saturday Special Sweater .Sale!

Barton & Co. offer special for tomorrow and Saturday Extraordinary values in men's and boys' sweaters at the following bargain prices:

SWEATER, regular price, 75c, Tomorrow and Saturday. 50c SWEATER, regular price \$1.00, Tomorrow and Saturday ... 75c SWEATER, regular price \$1.25, Tomorrow and Saturday..95c SWEATER, regular price \$1.50, Tomorrow and Saturday.1.15 SWEATER, regular price \$1.75, Tomorrow and Saturday.\$1.30 SWEATER, regular price \$2.00, Tomorrow and Saturday.\$1.50 SWEATER, regular price \$2.50, Tomorrow and Saturday.\$1.90 SWEATER, regular price \$2.75, Tomorrow and Saturday.\$2.00 SWEATER, regular price \$3.00, Tomorrow and Saturday.\$2.25 SWEATER, regular price \$3.50, Tomorrow and Saturday.\$2.65 SWEATER, regular price \$4.00, Tomorrow and Saturday.\$3.10



Outfitters to Men and Boys, 45 and 47 Main Street.



It is ideal weather for Christmas shopping. We are having and anticipate a continued heavy business. A Christmas air pervades the store. There is an eager pleasure in gift-buying. Our Christmassy offerings are irresistible. Ours are popular prices for all people, while the merchandise appeals to diversified tastes. We submit for attention the rare and the exceptional-and all along the line you will find tempting things to the inexpensive toy. Truly it is a modern store with moderate prices for everybody. ALL UNTRIMMED BEAVER BODY HATS, repre-senting values to \$5.00, are to be closed out

KEITH-O'BRIEN COMPANY.

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