

ARGUMENTS IN TAX LIST CASE

Judge Armstrong Overrules Motion to Strike Out Portions of Commissioners' Answer.

CONTENTION OF ATTY. LYON.

Declares That the Benefits Received by County from Expensive Publication of Lists Not at Issue.

Judge George G. Armstrong overruled this morning the motion of County Atty. Job P. Lyon to strike out the facts and circumstances as a defense set forth in the answer of the county commissioners to the suit brought in behalf of Salt Lake county to compel the commissioners to pay back to the county treasurer \$5,727.50, alleged to have been illegally paid to the Inter-Mountain Republic for publishing the delinquent tax list, under a secret contract. This decision, however, does not affect the case in any way and Mr. Lyon was granted five days to demur to the answer, which he will do.

Mr. Lyon's contention was that the facts set forth in the answer which attempted to justify the commissioners for their actions were immaterial and irrelevant to the allegations in the complaint. He stated further that the benefits received by the county from the publication of the tax lists was not an issue of the case.

H. E. Booth, president of the Inter-Mountain Republic and United States district attorney, assisted by Atty. Bernard Stewart, held that the county commissioners had a right to set forth all the facts and circumstances, and that the benefits derived from their action as a defense to the allegations of the complaint.

The arguments consumed the entire forenoon in Judge Armstrong's court. After Mr. Lyon made the motion to strike out the alleged facts and circumstances because they were immaterial, Mr. Booth presented his argument.

AUDITOR WAS NEGLECTFUL.
He declared that the commissioners did not act in this matter without the authority of law. He said that the statutes were compelled to advertise the delinquent tax lists before these taxes could be collected. He said that he intended that the county auditor was the officer authorized to advertise for bids and not the commissioners.

Both declared that the county auditor neglected to advertise as he was required by law and this was a defense for their action of giving the contract to the Inter-Mountain Republic.

Mr. Booth argued that the county commissioners were not personally liable for their bondsmen for the money appropriated for things authorized by law. He cited a number of cases where he admitted he should have argued when the demurrer was filed to the complaint. In these cases he attempted to show what the law was on the personal liability of the board of county commissioners.

Where the commissioners appropriate money for object authorized by law they are not liable personally, he said. The publication of the delinquent tax lists is required by law and the county receives a benefit for the publication. For this reason I think the facts set forth in the answer are a proper defense to set forth in this answer.

STEWART'S ARGUMENT.
Mr. Stewart took up the facts and circumstances set forth in the answer. He argued that they were material because they set up an estoppel since there were no allegations of fraud, bad faith or corruption in the complaint. He cited several authorities to support his position. He also took up the duties of judicial officers such as county commissioners are under the statutes of Utah. In his arguments on this point he said that the commissioners had come within the requirements of law by advertising and collecting the taxes although he admitted that bids were not advertised.

NOT APPROPRIATE NOW.
In closing the arguments, Mr. Lyon said that these arguments would have been appropriate a week ago when the demurrer was argued but not now. He declared that in his complaint he had set forth that no bids had been received or contract made, but that the county treasurer never authorized the publishing of the list and that the county auditor had never advertised for bids. These allegations, he said, were denied or affirmed in the answer but that alleged facts and circumstances were set up to justify the actions of the commissioners. He held that the pleadings ought not to be burdened with these things and asked that they be stricken out.

Without any comment Judge Armstrong overruled the motion. The court asked Mr. Lyon how much time he wanted in which to demur to the answer. He asked for five days and it was granted.

The suit was brought against the commissioners on April 19, 1909, in the complaint the defendants mentioned are: James E. Clinton and his bondsmen, Lewis S. Hills and W. L. Ellersbeck, John C. Mackay and his bondsmen, E. H. Callister and Daniel Mackay; W. J. Brinton and his bondsmen, John R. Smith and Heber S. Cutler.

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RIVERS AND HARBORS EXPERT VISITS CITY

John A. Fox Dwells on Importance of Extending Water Transportation Throughout United States.

John A. Fox of Washington, D. C., special director of the National Rivers and Harbors congress, stopped over in Salt Lake for a few hours yesterday, registering at the Knutsford. Mr. Fox has been touring the Pacific coast in behalf of the rivers and harbors movement, and as a result of his lectures, which have been delivered before the commercial organizations of the cities through which he passed, the towns and cities of the coast and inland territory have affiliated themselves with the eastern organizations, formed to advance the work of developing the rivers and harbors of the country. Mr. Fox said that all cities, whether inland or coast, had a particular interest in the deepening of waterways, as the ports of a country are only the gateways of commerce, and the inland towns benefit as much proportionately in the introductions of shipping tariffs as do the port cities themselves. He cited the instance of Boston. "Prior to the improvement of Boston harbor in 1853," said Mr. Fox, "it cost 11½ cents per bushel to send our grain to Europe, and that grain came largely from states like Kansas, Nebraska, the Dakotas and Minnesota. We have expended five millions in Boston harbor, so that instead of a 2,000-ton vessel could be collected in the harbor, we now have 23 feet of water, we now have 12,000-ton ships carrying that grain to Liverpool on 31 feet of water, at 2-3-10 cents per bushel. The saving of this 3-7-10 cents per bushel is not to the man in Boston, where the harbor was deepened, but directly helps the shipper in the interior growing states, who raises the grain."

Mr. Fox regretted very much that his arrangements would not permit him to stop over in Salt Lake long enough to make a public address in regard to rivers and harbors, to show the people what interest they really have in the development of these courses of commercial traffic. After stopping in Denver a few days, he will go to Missouri river points, where he is due to deliver lectures.

TO CHARGE INSANITY.
Frank Simmons, who has been an inmate of the Keogh-Hammond hospital for six weeks, will be charged with insanity in an affidavit to be filed this afternoon by a nurse from the hospital. Simmons was injured just before being taken to the hospital and one of his legs was amputated in consequence. At that time he was thought to be insane and since the nurses have been unable to cope with him in his violent spells.

AMUSEMENTS.

Grand-Manager Eldredge has been surprised and gratified at the liberal response of the public to his offering this week. The house is quite cool in the evenings and the audiences manifest their enjoyment at the work of the Mack and Douglas players, in unmistakable fashion.

Next week "Pennesse's Partner" will form the bill.

FLOODS DELAY OFFICER.

Frank E. Stark, who was arrested in this city a couple of weeks ago as he was wanted at Neosho, Mo., for an assault upon a girl with intent to take her life, and who confessed his guilt, will have to remain here until the floods in Missouri abate before he can be taken back to the scene of his attempted murder. A wire was received today from E. J. Pearson, town marshal, stating that he is not able to get to Salt Lake to take Stark on account of the high water.

FALLS UNDER TRAIN.

E. S. Connelly, stenographer for Supt. Jones, O. S. L., May Lose Leg.
E. S. Connelly, stenographer for Supt. Jones of the Idaho division of the Short Line, was severely injured this morning at Owinza station. He was attempting to board a freight train when he slipped and partly fell beneath the wheels of the caboose. Connelly's right leg was so severely injured that amputation may be necessary. He was placed on No. 8 and sent to this city, where he will arrive this evening.

PULLMAN OFFICIALS DUE.

General Supt. L. S. Hungerford of the Pullman company, and wife, J. T. Patterson and James Martin, Pullman officials, with their wives, are due to arrive in this city tomorrow morning on San Pedro No. 2, in the private car Courier. They will spend the day here, before continuing east. Supt. Twining will take care of the visitors.

WEATHER FORECAST.

Generally Fair.

TODAY'S TEMPERATURES.
6 a.m. 73
7 a.m. 75
8 a.m. 78
9 a.m. 80
10 a.m. 82
11 a.m. 84
12 m. 86
1 p.m. 88

YESTERDAY'S RECORD.
Highest 88
Lowest 62

PILL ROLLERS IN CONVENTION

Happy Lot of Druggists Begin Their Session This Morning.

DISCUSS HEAVY SUBJECTS.

All Sorts of Ominous Phrases Juggled About With Abandon That Startles the Layman.

Delving deep into the mysteries of *Unctuae vithurni opuli composita*, conducting learned discussions as to the relative merits of liquor antiseptics alkaline, as compared with pilulas quadrupolis, not to mention anadine hydratis or nuxvomica and pepsin, the ninth annual state convention of the Utah Pharmaceutical association met in solemn convocation today in the assembly hall of the Commercial club. Outfitted with the air of mysticism engendered by long association with incomprehensible Latin signatures, coupled with the preparation of various decoctions and wonderful formulas under cabalistic designations, the members of the association, who assembled at the first meeting this morning seemed very much like other mortals, and appeared to be all jolly good fellows.

Some of the members are lifelong residents of Salt Lake City; others have worried through their entire careers in Ogden, and other cities of the state; all of them are interested in Utah, in Salt Lake and in their home towns, and to hear them talk this morning, the "pill-rollers" of Utah are among the best boosters in the commonwealth, with the chief object in view of promoting the health, wealth, and general welfare of the people thereof.

WELCOME TO THE CITY.

On account of delayed trains the attendance at the opening session was not as large as had been anticipated. However, more members kept coming in as the session went on, and by afternoon nearly the whole membership had shown up at the meeting.

The session this morning was called to order by Joy H. Johnson, manager of the P. J. Hill Drug company, president of the association. Prayer was offered by special chaplain, Rev. S. H. Goodwin of Provo. Rollcall followed, disclosing the presence of about 25 delegates. They came from all parts of the state and it was like a reunion of old friends. On motion the reading of the minutes was dispensed with for the time, and the gathering proceeded with the regular order of business.

The address of welcome was made by Dr. W. A. Wade of Salt Lake City. Dr. Wade expressed his pleasure at greeting the pharmacists of Brigham City, and John L. Boyden, of Coalville, each of whom made addresses suitable to the occasion.

GET DOWN TO BUSINESS.

Beside the three addresses of the morning session, the meeting was devoted to routine business, preparatory to listening to professional papers and discussions to follow in the afternoon

session and those to follow tomorrow. Shortly before 12 o'clock a recess was taken until 2 p. m., when the address of the president, Joy H. Johnson, was delivered. Reports of committees, and reading and discussion of papers also occupied the convention until 5 p. m., when the members are scheduled to take the train to Salt Lake, there to join the ladies, who took the 2 o'clock train for the beach resort.

Those answering roll call at this morning's meeting were the following: Joy H. Johnson, president of the association, Salt Lake City; C. J. Schmidt of the Schmidt Drug Co., Sandy, Utah; J. Wallen of the Willes-Horne Drug Co., Salt Lake City; Clem Schramm of the P. C. Schramm Drug Co., Salt Lake; Richard Bridge of the Bridge Drug Co., Salt Lake; George Driver of the William Driver Drug Co., of Ogden, and treasurer of the Pharmaceutical association; George W. Reed of the Z. C. M. I. Drug Co.; Charles Van Dyke of the Van Dyke Drug Co.; William H. Dayton of the Dayton Drug Co.; F. A. Druehl of Druehl & Frank, Harry Knowles of the Smith-Balley Drug Co., Thomas W. Halliday of the Halliday Drug Co.; D. B. Hoover of the Hoover Drug Co.; and Richard Bridge, Jr., of Co. A. A. Robinson of the Robinson Drug Co.; Dr. W. A. Wade of Salt Lake; Fred W. Start of Chicago, A. H. Maiben of the Maiben Drug Co., of Provo; R. A. B. Hatch of the Beaver Drug Co., Beaver; W. N. Drew of the Davis Drug Co., of Detroit, and others.

PHARMACEUTICAL NOTES.

Fred W. Start of Chicago was among "those present" at the pharmacists' convention. Mr. Start was for some years in the drug business in Salt Lake City, at one time connected with the Scott-Crismon Drug Co., and in business for himself. In 1903 he moved to Chicago.

Perhaps the two oldest druggists in line of service in the city were at the opening session of the convention this morning. They are Will J. Willes, one of the proprietors of the Willes-Horne Drug Co., and Richard Bridge, proprietor of the Bridge Drug Co. of this city. Mr. Willes entered the employ of the Goode-Pitts Drug Co. in the spring of 1880, while Mr. Bridge began with the Z. C. M. I. Drug Co. directly across the street, early in the same year.

President Joy H. Johnson looked his name up this morning. He was beaming with smiles of welcome for all, including newspaper representatives.

Pharmacists Archibald Bevan of Provo, and Alex. Hedquist of Provo, who were to have delivered the responses to the address of welcome, were unable to be present, and the responses were delivered by Messrs. Eddy of Brigham City and Boyden of Coalville.

The ladies of the party, wives, sisters and sweethearts of the delegates, took trains for the beach a few hours ahead of their escorts. This afternoon, some said for the purpose of practicing up in archery and bowling in order to win the target and bowling matches scheduled for this afternoon. This evening the members and their ladies will attend a banquet at the ship cafe, and the evening will close with a ball in the pavilion.

One of the interesting features of tomorrow morning's session will be an address by the opening of the Pure Food and Drugs Act of June 30, 1906, by Hon. George P. McCabe, solicitor of the department of agriculture at Washington, D. C. Mr. McCabe is a Utah product, having been born and reared in Ogden.

RIVER ABOVE DANGER MARK.

St. Louis, July 14.—The Mississippi river here was 4.5 feet above the danger mark today. The government weather bureau predicts a crest of 35.5 feet within 24 hours. The farmers of Missouri have lost thousands of dollars in destroyed crops and washed away lands. The railroads will have to build many miles of track which are now under water.

OTTWEILL GUILTY, SAYS THE COURT

He Refused to Aid Patrolman Tylor, Who Was Dragging a Woman By Her Hair.

Of the sextet, George Ottweill, J. C. Miller, J. I. Waters, Harry Austin, W. S. Terry and H. B. Silver, who were arrested on the charge of interfering with Patrolman Tylor after they had objected to his brutality towards Mary Jones, whom he had placed under arrest, only one was found guilty after an all day's trial yesterday. Ottweill's resentment to seeing a husky police officer drag even a drunken woman by the hair brought him a declaration of ability of having interfered with an officer, but the other defendants were discharged because of the insufficiency of the complaining witness' assuring testimony. In the case of one of them the only substantiating evidence the officer could offer in his charge of resistance was that he had asked the man to assist him and the defendant had replied that he "wouldn't help any man that beat a woman." This time for sentence in Ottweill's case was set for tomorrow morning.

E. C. Lewis and A. Cowell, the two wayfarers arrested last night within the limits of the old stockade, and who refused to take the special watchman's word for it that the stockade is a thing of the past, were called for trial before Judge Bowman this morning on the charge of trespassing. Cowell forfeited \$10 bail, and Lewis had an excuse based on "oblivion," that earned him a decrease of \$5.

When the case of A. B. Altire, charged with a violation of the city ordinance by conducting a saloon out of the city, was called for trial, the prosecutor informed the court that the charges made could not be substantiated, and the court granted the motion.

On motion of the county attorney this morning Judge Bowman dismissed the case against Henry Smith, charged with perjury, alleged to have been committed in justice of the Peace Stanley A. Hanks' court. The defendant through counsel demurred to the complaint, and Asst. County Atty. Aaron Myers admitted to the court this morning that the points of the demurrer were well taken, and asked that the case be dismissed.

A. M. Redding, accused of having embezzled \$3.50 from the California Export Cleaning company, was arraigned before Judge Bowman this morning and took the statutory time in which to plead.

Robert C. Johnson, charged with the theft of a suit of clothes from William S. Berger, was arraigned this morning and asked further time in which to plead. He will enter his plea tomorrow.

NOT SUFFICIENTLY PROVOKED.

Judge Bowman So Holds in Two Cases This Morning.

The word "provocation" was worked overtime in the police court this morning. It figured in two cases, one against W. H. Gerke charged with having disturbed the peace of Ben E. Ball by calling him names in front of the Kenyon hotel in the midst of a crowd, and the other against Henry Frey, charged with having a stone with such accuracy of aim that it landed on the back of the head of C. F. Ward. Gerke, however, wasn't permitted to show the provocation for his act, and was fined \$25, while in the case of Frey the court held that he hadn't been given sufficient provocation to excuse the stone throwing. In the latter case however, the sentence was continued 30 days on the showing that

he had spent 8 days in jail awaiting trial, and that he is the head of a family dependent upon his wage-earnings, and that a fine at this time would be a hardship on the family.

NEW INCORPORATIONS.

The Union Lumber company of Bountiful and Woods Cross, with a capitalization of \$25,000, divided into shares of the par value of \$5 each. A. U. Eldridge is president; Jonathan Holbrook, vice president; John Stokker, David Moss and Dan Muir, secretary; J. H. Burningham, treasurer. The additional directors are J. E. Ellis, J. S. Ledingham, John Stokker, David Moss and Dan Muir.

The Union Assurance Society of London, England, qualified for business in this state by filing a copy of its articles with the secretary of state. The copy of the articles bears English postal revenue stamps and American consular stamps of the value of \$22.50.

BARBERS PASS EXAMINATIONS.

Twenty-seven out of 24 barbers successfully passed the examinations of the state board yesterday. The seven rejected resolved to try again, not knowing at the time they presented themselves for examination that the state requires its barbers to be not only proficient in handling the tools of the craft, but also to have a little about proper sanitary regulations and other safeguards for the protection of patrons. The successful candidates were William A. Miles, Charles Burnside, A. Fawson, F. C. Presse, H. A. Swain, Irving Burgess, Joseph Thomas, Al Smith, John Tracy, H. A. Walker, Robert Nelson, Earl Ferguson, Joe L. Younger, A. A. Phillips, E. L. Thurman, Charles S. Kiles, James C. King, C. P. Younger, Charles Vitry, the Zumburner, Andie Bessell, Fred Dusterberg, Fred Carter, James H. Cairns, Frank St. John, John A. Bowen and Buel E. Gerrard.

BUSINESS AND REALTY

Today's local bank clearings amounted to \$1,228,773.63, as compared with \$12,823.18 for the corresponding day of last year.

The Campbell Building company is sending by express to the supervising architect's office at Washington, samples of all the various kinds and classes of building material to be used in the construction of the Federal building at Baker City, for which the company holds the contract. The government is very particular and long lists of red tape are considered necessary in every step of construction in a government contract. If the supervising architect had been as careful in ascertaining the real needs of the government building interests in this city, when the present Federal structure was designed, much money would have been saved by making the building large enough to accommodate all of the government offices and arranged with a view to economic administration.

The Western Loan association directors have declared a 6 per cent semi-annual dividend of \$30,000, of which 5 per cent will be payable to stockholders, and 1 per cent will go to the surplus account.

State Bank Examiner Glazier has gone to southern Utah on an official visit, beginning with Fillmore.

The State Bank of Utah directors held their annual meeting at 4 p. m. yesterday, 1700 of the 3,000 shares of stock being represented. It was decided to amend the articles of incorporation so that the annual meeting may be held the second Tuesday in January hereafter, instead of on the second Tuesday in July.

PERSONALS.

V. H. Church of the weather bureau left yesterday on a vacation trip to Spokane and Seattle, returning Aug.

1. Mr. Church will attend the preliminary trial and that he is the head of a family dependent upon his wage-earnings, and that a fine at this time would be a hardship on the family.

J. Will Gray has gone east on a business trip.

Dr. and Mrs. E. J. Curtis left today on a trip to the Seattle fair.

M. H. Desky has gone east on a month's purchasing trip.

John Hickey recently returned from a five weeks' trip to eastern cities and ports general interest in the coming G. A. R. encampment.

ROOSEVELT PARTY HAD TO MAKE DRY CAMP

Nayavsha, British East Africa, July 14.—The members of the Roosevelt party are active in their search for Monday and Tuesday of this week, the party was on the march from dawn until after nightfall. At the end of the objective was found to have been up and the party had to spend the night in a waterless camp.

NATIONAL COUNCIL OF WOMEN

Seattle, Washington, July 14.—The sixth triennial convention of the National council of women met this morning in the Fine Arts building at the Alaska-Yukon-Pacific exposition, Mrs. Mary Wood Swift of Los Angeles, National president.

In the afternoon the council met in the world's fair auditorium, where addresses of welcome and responses were made.

The 80 foreign women who, after participating in the deliberations of the international council of women at Toronto are visiting the world's fair and attending the sessions of the National council of women, are receiving many attentions.

DIED.

MITCHELL.—Sarah H. at Thistle, Utah, July 12, aged 75. Mother of Joseph H. Mitchell, former superintendent of Sunday schools of the Fourth ward of this city.

Funeral Friday from Fourth ward chapel at time yet to be announced.

R. E. Evans, Florist, 36 S. Main St. Floral designs a specialty. Phone 861, turned.

DETECTIVE AGENCY.

DIVORCE, PERSONAL, INJURY, Criminal cases and all legal matters given special attention. Information furnished confidentially. Agents: Merchants' Detective Agency, 3620 Brooks Arcade, Bell phone 178.

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25c to 80c the box everywhere.

Sweetly thine.

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Cooler office in the City. Electric fan at each chair.

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Auerbach's Price-Wrecking Sale

CONTINUES

NO ABATEMENT OF BARGAINS!

This great sale has indeed been a genuine triumph—The Crowds, which have been unprecedented, are Attracted by the Unrivaled and Marvelous Bargains, and Genuine Price-Cuts of this Sale. THOUSANDS OF DOLLARS WORTH OF SUMMER GOODS GO TO-MORROW AT A FRACTION OF THEIR ACTUAL WHOLESALE COST. Read the Prices—Then Come and See.

<h4>LADIES DRAWERS</h4> <p>Best 40c values, reduced in this sale to 25c</p> <hr/> <h4>Ladies Shoes</h4> <p>Patent Up. Grover Turn Sole. worth \$4.00 at per pair \$1.75</p> <hr/> <h4>\$2.25 Swiss & Nottingham</h4> <hr/> <h4>CURTAINS</h4> <p>Go in this sale per pair \$1.24</p>	<h4>\$3.75 BED SPREADS</h4> <p>Reduced in this sale to each \$2.60</p> <hr/> <h4>Pure Silk Gloves</h4> <p>Kayser's best quality all sizes in this sale per pair \$1.00</p> <hr/> <h4>Ladies Lisle Thread GLOVES</h4> <p>Excellent 40c quality in this sale per pair 25c</p>	<h4>12 1-2c</h4> <p>White India Linons, White Persian Linons, White Linons, all go per yard 7c</p> <hr/> <h4>\$10 Dress Skirts</h4> <p>Reduced in this sale to \$3.95</p> <hr/> <h4>\$25.00 Long Pongee Coats</h4> <p>Reduced in this sale to \$11.95</p>	<h4>20c Persian Lawn, and White India Linons</h4> <p>Reduced in this sale to per yard 11c</p> <hr/> <h4>\$1.50 Hemstitched BED SHEETS</h4> <p>Reduced in this sale to per yard 77c</p> <hr/> <h4>Silk</h4> <p>Plain Messaline and Fancy silks values up to 55c in this sale per yard 35c</p>	<h4>Ladies Fast Black or Tan Seamless COTTON HOSE</h4> <p>All Sizes values 15c at pair 10c</p> <hr/> <h4>\$10 Boys Suits</h4> <p>Knickerbocker and regular styles sizes 8 to 16 all to go at only \$4.95</p> <hr/> <h4>Men's Negligee Shirts</h4> <p>The comfortable kind, with soft collar and cuffs attached, values up to \$3.00. On sale \$1.45</p>
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