DESERET EVENING NEWS: SATURDAY, MARCH 3, 1906.



cases, in which he held that the present jury system which had been devised by our forefathers, was perhaps not the best system, and it was certainfrom the files the accusation for the following reasons; (1) That said accusation does not state facts sufficient to remove the said defendant from office, nor can same be amended as to state facts sufficient to remove said defendant from office. (2) That this court has not jurisdiction of the person of the defendant nor of the subject fo this action. (3) That said accusation is false malicious and scanly not perfect. He then added:

"But it is the system under which the court is working. The jury is just as much a part of the court as the judge, therefore I always go with the jury, and so far I have not set aside a verand so far I have not set aside a ver-dict of the jury since I have been on the bench. And yet I realize that it is the court's duty to do so when the ev-idence is notoriously against the ver-dict. Had I been one of the jurors, in this case, my judgment might not have been the same as theirs." then entered the following judg-

Further the notice says that the de-fendant will appear specially therein for the purpose of the motion only and that the motion will be based on the records and files in the case and the minutes and records of the court and of the clerk of the court. It is very probable that the action filed against Dist. Atty. George Hal-verson of Ogden, who has been charged with failing to prosecute cer-tain alleged criminals in his district. ment: "The judgment of the court is that the defendant, Fred W. Chambers, be deprived of his office, and for such costs as allowed in civil cases." Every effective way made by counsel representing "... weighdant to secure a stay of execusion, after the court had denied a motion for a new trial. They that they were not able to argue

stated that they were not able to argue the motion for a new trial on account of preparing affidavits to be filed with the motion. Each argument brought forth was met by the counsel for the plaintiff, with the result that Chambers not only will be compelled to vacate the affice of president of the city council, but must stand the cost of the trial as

Practically the whole of the morning ession was taken up with the argu-nents of counsel. The defendant play-ng for more time and the plaintiff strenuously opposing it. Finally the sourt granted the defense until 2 o'clock In the afternoon to present their mo-tion for a new trial, with the affida-rits attached. When the court reconvened in the afternoon, the motion and affdavits were forthcoming. Counsel for defense held that the jury was preju-diced against the defendant and in sup-port of this contention they followed the argument up with the affidavits of Isaac Flinders and Fred Dalton, in which certain irregularities on the part of jurors Crosble and Hancock were alleged. From these affidavits the in-sinuation was passed that the jury had been "worked with." It was also contended that the evidence in the case did not support the verdict, and that the charge of the court was unfair to the defendant besides being of too great length. n the afternoon, the motion a great length. great length. In his argument regarding the preju-dice of the jury, Judge W. L. Magin-nis in pleading for the defendant refer-red to the athidavits of Mr. Dalton and Mr. Filinders, and then addressed his remarks to Attorney J. N. Kimball of the prosecution. The latter is known for his day humor and aver-ready wit for his dry humor, and ever-ready wit, so when Mr. Maginnis said: "How would you like it, Mr. Kimball, to be placed on trial on a criminal charge before a jury in that state of mind?" He replied: "I wouldn't li'e it. I wouldn't like to

charged with failing to prosecute cer-tain alleged criminals in his district, will be heard before Judge W. W. Maughan of Logan, Judge Howell of Ogden has asked Gov. Cutler to relieve him from hearing the case and the governor endeavored to secure one of the Salt Lake judges to try it but they are all engaged on the date the Halverson case is set for trial which is March 9. The governor has com-municated with Judge Maughan and the latter stated that he would probbeen compelled to hold the act creating juvenile courts, and providing for the trial of delinquent children therein, unconstitutional and void in its en-tirety, notwithstanding it may contain certain defective or even invalid sec-tions, and it is to be hoped that it will never be decided that our fundamental law is a inflexible as to prevent such the latter stated that he would prob-ably be able to handle the case. law is so inflexible as to prevent such beneficent legislation for our neglected and wayward children. -"It is ordered that the said Harry DEATH OF MRS. BEN TERNES. Ogden, March 2 .-- Mrs. Margaret ampe Ternes, wife of Sergeant of Po-Benson be remanded to the custody of H. H. Thomas, superintendent of the state Industrial school. lice Ben Ternes, died at the family res-idence, 2642 Grant avenue, about 6:15 o'clock last evening, from an attack of yellow jaundice, with which she has been suffering for the past seven months. The deceased was 50 years of age at the time of her demise, and cam age at the time of her demise, and came to Utah many years ago from High-land, Wis, She was reported to be im-proving up to Saturday last, when she took a turn for the worse and continued to sink until the end came. Mrs. Ternes was well known in Og-den and was loved by all who knew her. She is survived by her husband, two sons, A. J. and Fred Ternes, and one daughter, Frances Ternes.

occusation is false, malicious and scan-

Further the notice says that the de-



the Stake Sunday School board; Prest, N. C. Flygare and Bishop James Ward, all of whom spoke feelingly of the high regard in which the deceased was held regard in which the deceased was held in the community in which he lived, of his faithful services in the Sunday school, and of his strict regard for mor-ality and right living. There was a orofuse display of floral offerings. The meetinghouse was crowded, and the services were most impressive

impressive.

Impressive. Interment was in the city cemetery. The deceased was the son of Richard D. Brown and Lucy Fields. He was born at Harrisville, in this country where he has resided until a short time ago, and where he has perform-ed faithful labors in different capaci-ties, both in the Friesthood and in the anytikary associations of the ward. Jr. Graves' Tooth Powder Co. services over the remains of Elza D. Brown who died on Monday night at the Ogden general hospital as a result of an operation for appendicitis, were held yesterday afternoon at the Fourth ward meetinghouse in this city. Bish-op James Ward of North Ogden pre-sided. Beautiful musical selections were rendered by the ward choir with solos by Oscar Griffin and Joseph Adams. The speakers were Elders Nathan J. Harris, Parley P. Taylor, Bishop Levi J. Taylor, D. O. McKay representing

PROVO DEPARTMENT

The "News" is Delivered by Carrier in Provo at Seventy-Five Cents Per Month. R. J. Dugdale, Agent.

STAKE PRIESTHOOD MEETING. 1 Bennett-Kendall Wedding-President John Ill-Brief News Notes.

Special Correspondence, Provo, Utah Co., March 3 .--- Funeral

Provo, Utah Co., March 2.—Funeral services over the remains of Hugh M. Dougall will be held tomorrow, Sun-day, at 1 o'clock in the Springville meetinghouse. Notices have been sent to the members of the Utah County Postmasters' association, of which Mr. Dougall was vice president, asking them to attend, it being desired to have the association present in a body. Postmaster Thomas of Salt Lake, and Postmaster Clove of this city, have visited the family since the death of Mr. Dougall to offer condolence and render assistance.

render assistance BENNETT-KENDALL WEDDING.

A marriage license has been issued to Eli Kendall, 64, and Rhoda Ben-nett, 47, both of Lehi.

PRIESTHOOD MEETING.

There was a good attendance at the Utah stake Priesthood meeting held here yesterday. President Keeler ad-dressed the meeting, speaking on the subject of maintaining order in places

subject of maintaining order in places of public worship, etc. The following brethren were sus-tained for ordination to the offices named: High Priest, George Fresh-water, Provo; Elders, Robert E. Jones. George Evans, David Fowler, Provo; John Averett, Soren P. C. Larson, Springville; William W. Taylor, Alfred H. Johnson, Lake View.

GARDEN CITY NOTES.

President David John is contined to his home from a serious intestinal all-ment. He is improving slightly, and his many friends hope to soon see him fully restored to health.

fully restored to health. Thomas, the seven-year-old son of Mr. and Mrs. H. S. Payne, fell while at play in the house Thursday and struck his shoulder on the floor with such force that the collar bone was broken. Master Thomas is having hard book as he way first recovering from luck, as he was just recovering from a fracture of the collar bons, sustained about six weeks ago. "Resolved, That Agriculture Should Be Taught in the Public Schools," was

debated by members of the 1907 and the 1906 classes of the Brigham Young university Thursday evening. The 1907's had the affirmative and won. The Utah County Poultry and Pet Stock association will hold a meeting in the courthouse Friday evening. March 9, at 7 o'clock, for the election of officers for the answing year

9, at 7 o'clock, for the election of officers for the ensuing year. Judge Hatch of Heber passed through Provo last evening on his way to Lehi to attend the funeral of his uncla. Peter Lott, a pioneer of the sugar city, which will be held Sunday. Fish and Game Warden Jones re-turned from American Fork yesterday. He states that the American Fork peo-ple are in full sympathy with the or-ganization of fish and game protective associations, which Mr. Jones is or-ganizing throughout the county, and that a strong organization will be ci-fected there and also in Alpine. The Proctor Athletic association en-

The Proctor Athletic association en-joyed a pleasant sociable in Procter hall, last evening, preparatory to open-ing the baseball season. A fine pro-gram of music, readings and games was rendered. Refreshments were

erved Miss Leah Pyne and Florence Sny-der entertained their Sunday school class this afternoon at the home of Miss

class this afternoon at the home of Miss Pyne. The occasion was a very enjoy-able one for the young people. "All a mistake" will be presented at the ward house Tuesday, by the Fourth ward Sunday school. The proceeds will go to the ward social hall fund. A son has been born to Mr. and Mrs. Oscar W. Flygare, and a daughter to Mr. and Mrs. Royal B. Woolley; all well.

neet Monday evening at the club rooms, when a fine program will be ren-dered.

Gordon H. Place, manager of the Gordon H. Place, manager of the Manufacturers and Merchants' associ-ation, met with the Commercial club last evening on his return from the south, where he has been making ar-rangements for the "get acquainted" excursion on the 7th. He stated that a generous welcome of the pligrims had been assured all along the line from Salt Lake to Neph. The excursion train will reach Prove on the return train will reach Provo on the return trip at 5:30, and the visitors will eat supper and otherwise improve the time till 7:30, when a meeting will be held



Mrs. Mary Mag, 423 College Ave., E. Pittsburg, Pa., writes:

"Last spring I had a very severe cold which settled on my lungs. I went to the doctor for some time, but his medicine did me no good.

"Having read in the paper some testimonials of the value of Peruna, I decided to try it, and at the same time wrote to Dr. Hartman for advice. I took five bottles of Peruna and am now entirely cured.

"Before taking Peruna I was so run down that I could do no work and could not stand on my feet. My head ached and I could not sleep--I would wake up and cough. In the morning, on rising, I would cough for at least ten minutes. I was alarmed.

"But, thanks to Peruna, I am now enjoying good health. I would not be without Peruna. I keep it in the house and give it to my little boy when he has a cold." -- MRS. MARY MAG. has a cold.'

A NEGLECTED cold is generally It would be wise, therefore, to guard against it by every precaution possible.

Peruna has been found the most re-Women are especially liable to colds. These colds occur more frequently dur- liable of all remedies for coughs, colds ing the wet, sloppy weather of winter and catarrh, by reason of the fact that and spring than any other time of the it goes at once to the very seat of the year. Often they trouble.

WOMEN SHOULD are not considered It searches out every crevice, every serious and so are duct of the body. It quickens and equal-

allowed to run on, izes the circulaor they are treated tion of the blood, in such a way as to only palliate the thus relieving the symptoms, while the cold becomes more congested mucous deep-seated and the patient finally awakens to the fact that she has a wellercises a healing developed case of catarrh.

PE-RU-NA Y THE REMEDY FOR CATARRH membranes. It ex. OF THE LUNGS. and soothing effect upon the mucous

3

membranes, no matter whether they By reason of their delicate structure the lungs are frequently the seat of a are the more exposed membranes of the cold, especially if there is the slightest head and throat, or whether they line weakness of these organs. The treat- the remotest cells of the lungs.

A word to the wise woman is sufficient. ment of catarrh of the lungs is also more difficult and discouraging than Take Peruna at the first appearance of catarrh of any other organ of the body. a cold.

for about two hours in some conveniently located hall to be secured by the Provo Commercial club, probably the old tabernacle. After the speechmaking

the party will return to Salt Lake. ATTACKED BY A MOB

BEWARE OF

CATCHING COLD.

and beaten, in labor riot, until covered with sores, a Chicago street car conduc-tor applied Bucklen's Arnica Salve, and was soon sound and well. "I use it in my family," writes G. J. Welch, of Te-konsha, Mich., "and find it perfect." Simply great for cuts and burns. Only 25c at Z. C. M. I. Drug Store, 112-114 South Main street,

TO THE PUBLIC.

The 1906 edition of R. L. Polk & Co.'s Salt Lake City Directory is now in press. All persons who have recently made any change in their business or residence locations, and all new comers, are requested to write us or call at our offices in order to in-sure correct insertion of their names, business, etc. No changes will be taken over the 'phone. W. P. COOPER, Sec. & Mgr. 617-620 Dooly Bldg.

be tried on any oriminal charge. I might be convicted, especially if you were my counsel."

In denying the motion for a new trial and a stay of execution the court held that the contention, concernig the de-fects in the judge's charge to the jury was not well taken, and as to the mis-ronduct of the jurymen he stated that there was no merit to the contention and therefore denied the motion. Another incident durig the session which broke the monotony of the long arguments was brought out by Attor-ney J. N. Kimball, after the court had passed judgment on the Defendant Chambers, when he was recognized by the court and sald:

court and sald:

"As far as the plaintiff in the case just closed is concerned, as far as any of his counsel are concerned, we repu-date the whole criticism that appeared in the e ditorial columns of the Tribune is morning, which criticised the courpostponing the Chambers case from



CITY BOARD OF EDUCATION.

CITY BOARD OF EDUCATION. Ogden, March 3.—The city board of education held a short session last eve-ning and disposed of a number of routine matters. Attorney Valentine Gideon appeared before the board in behalf of Prof. J. E. Retherford, for-merly a principal in one of the local schools, who jumped his contract to accept a position elsewhere. On ac-count of the breach of contract the board has withheld the two weeks' sal-ary due him, which Mr. Gideon asked that they pay. The matter was not discussed by the board, and was refer-red to the teachers' committee. The finance committee reported cash on hand in the sum of \$25,541.63, and the sanitary committee reported three new

anitary committee reported three new cases of smallpox having developed in the past two weeks. The treasurer's report for the month of February was read and bills aggregating the amount of \$1,250 were allowed.

DEATH ON THE TRAIN.

DEATH ON THE TRAIN. Ogden, March 2.—It has been learn-ed that the remains taken from South-ern Pacific train No. 6. here yesterday morning, were those of B. Heller, and that the man died on the train, near the Utah-Nevada line, as the result of hemorrhage of the lungs. Heller has resided in San Francisco with a broth-er, who is a fruit dealer and was en route to visit his father in New York, when death overcame him. The re-mains were taken to the undertaking parlors of A. F. Richey where they will be held awaiting word from the dead man's relatives. Heller was about 22 years of age and well dress-ed.

STOLE ROOMMATE'S BEDDING.

Ogden, March 3.—In order to se-cure money to buy liquor yesterday, John Chip stole a quantity of bed cloth-ing from Joseph Mortensen, his room-mate and pawned them. When Mor-tensen learned of the theft he accused Ch 5, who admitted his guilt. Mor-tensen notified the police who will give Chip a chance to make good for the amount and failing to do so he will be arrested. Ogden. March 3 .- In order to se-

OGDEN BRIEFS.

In a saloon row on lower Twenty-fifth street last evening Nick Crouch struck Pete Sols over the head with a beer glass. After that the men clinched and it was not until the police arrived that they were separated. Both men, who are Austrians, were placed under arrest and locked up at the po-lice station on a charge of disturbing the pace. the peace.

the peace. A special feature at the Utahna theater during the past week has been the vocal work of Miss Violet McCoy a Lyric soprano of New York who has each evening rendered three solos re-ceiving tremendous applause and en-cores. This artist presents an entirely original idea of high class vocalism, that of lending character and meaning to the soulful operatic numbers she sings. Her volce attains extreme

to the soulful operatic numbers she sings. Her volce attains extreme height, shows perfect cultivation and she combines with this gift a talent for acting worthy of "Calve." Hooligan in New York will be played at the Grand Opera House tomorrow, (Sunday) night and Monday night Paul Gilmore will appear in Captain Debonnaire, which is considered one of the best four-act comedy's billed in Ogden this month. Ogden this month.

Critical Physical Condition of Defendant Given as Cause. Ogden, March 3 .- When the case of

Ogden, March 3.-When the case of J. D. Skeen vs Councilman A. H. Moyes was called in the district court here yesterday, attorney for the defendant reported to the court that Mr. Moyes was still in a critical condition and that he was unable to appear for trial. Mr. Moyes suffered a collapse due to the mental strain, under which he had la-bored, during the trial of the Cham-hers case, when the verdict in that ac-tion was announced about a week ago.

MOYES CASE CONTINUED.

school. The cause of such restraint is

alleged to be a pretended committment

based upon an order and judgment of

the Juvenile court of Salt Lake City

and the commitment is alleged to be

"That the act of the legislature cre-

ating juvenile courts is unconstitution-

al and void and even if it is not that the procedure therein provided for the trial of juvenile delinquents is uncon-stitutional and void."

stitutional and void." Attached to the petition was the complaint under oath of the probation officer of the Juvenile court in Salt Lake charging that Harry Benson be-ing a child under 18 years of age, with having unlawfully become a delinquent child by violating section 4175 of the Revised Statutes of the State of Utah, 1898, by stealing from the person of F. O. Havmend 36.

After reviewing the merits of the case at great length, the court con-cludes:

"Finally the court has reason to re-

joice over the fact that after a careful consideration of the matter it has not been compelled to hold the act creating

O. Haymond \$6.

"Writ denied."

illegal for the following reasons:

bers case, when the verdict in that ac-tion was announced about a week ago. He had recovered so far as to be able to visit the ceurt room one day during the trial of the Craig case, after which he suffered a relapse. Counsel for the plaintiff, in view of these facts asked the court to continue the case indefin-itely, which the court did.

CHARGED WITH BURGLARY. District Attorney George Halverson filed in the District court here yester-day the information against John How-

ard, charging him with burglary in the second degree FUNERAL OF ELZA D. BROWN.

Ogden, March 2 .- Impressive funeral

PILES

Can be Cured and We Can Prove It

Sample Package Free-Prove it Youoself When we say that we can cure Piles, we mean just exactly what we say— nothing more, nothing less. We say it because we know it and stand ready to prove it to you or to any other per-son. Just as we have said it and proved it to thousands already. It is because of these thousands that we have cured that we are able to say this.

we have cured that we are able to say this. We have done our part in calling your attention to this fact and it is up to you to disprove it. And we offer you the means of doing so, knowing that you can't and that when you try our wonderful Pyramid Pile Cure you will be so well pleased with it that you will go straight to your druggist and get a box of it. And more than that, if at any time in the future any person tells you as you

And more than that, if at any time in the future any person tells you as you have told so many yourself, that they are suffering the agonies of the damned from piles, you will not rest until he or she has bought and is us-ing a box and getting the same relief and cure that you got. We have seen it done

Here, for instance, is a sample of what a sample did and shows very onclusively that we are dealing in

conclusively that we are dealing in coid, hard facts and not sempty as-sertions. A person who gets a sam-ple never fails to buy. Mr. John Byrne of 2306 2nd Ave., New York City, writing under date of Jan. 17th, 1906, says: "I received the sample and used it right away. I got so much relief from it after 20 years suffering, that 1 bought a 50 cent box. The almost unbearable pain is almost gone and my fistula has al-most disappeared. I had given up all nost gone and my notice has ar-most disappeared. I had given up all hope of ever being cured. I assure you, gentlemen, I will use every effor-to make any of my friends try them. as I can guarantee they are a sure cure." Ppramid Pile Cure is for sale at ev-

Ppramid Pile Cure is for sale at ev-ery druggist's for 50 cents a box and it is cheap at ten times the price to any one who needs it. To get a Free Sample send your name and address today to the Pyra-mid Drug Co., 1839 Pyramid Building, Marshall, Mich,



\$30.00	Overcoats		,		\$1	5.00	
\$20.00	Overcoats				\$1	0.00	
\$15.00	Overcoats	•		,	\$	7.50	

\$10.00 Overcoats \$5.00 \$ 7.50 Overcoats \$3.75 \$ 5.00 Overcoats \$2.50

Big Reductions on Underwear, Night Shirts, Handkerchiefs, Hosiery, Etc.

