

Today's Ogden News

JUDGMENT IN CHAMBERS CASE.

Judge Howell Enters Decree Against Councilman Convicted by Jury.

IS DEPRIVED OF HIS OFFICE

And Must Pay Costs of Suit—Jury System Comes in for Court's Criticism.

Ogden, March 3.—After another day of arguments on the part of counsel in the matter of J. D. Sken against Councilman Fred W. Chambers, Judge J. A. Howell, late yesterday afternoon pronounced judgment on the defendant, who about one week ago was found guilty of charging and collecting illegal fees from the city while a member of the Ogden city council.

Before rendering judgment Judge Howell made a statement which applied to both the Chambers and Craig 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 certainly 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 verdict 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 evidence is not sufficient to sustain the verdict. Had I been one of the jurors, in this case, my judgment might not have been the same as theirs."

He then entered the following judgment: "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 effort was made by counsel representing the defendant to secure a stay of execution, after the court had made a motion for a new trial. They 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 said only will be compelled to vacate the office of president of the city council, but must stand the cost of the trial as well."

Practically the whole of the morning session was taken up with the arguments of counsel. The defendant playing for more time and the plaintiff strenuously opposing it. Finally the court granted the defense until 2 o'clock in the afternoon to present their motion for a new trial, with the affidavits attached. When the court reconvened in the afternoon, the motion and affidavits were forthcoming. Counsel for defense held that the jury was prejudiced against the defendant, and in support of this contention they followed the argument of the affidavits. Counsel for the plaintiff, however, held that the jury was not prejudiced against the defendant, and in support of this contention they followed the argument of the affidavits. The court, after hearing the arguments of both sides, held that the jury was not prejudiced against the defendant, and that the charge of the court was unfair to the defendant besides being of too great length.

In his argument regarding the prejudice of the jury, Judge W. L. Maginnis in pleading for the defendant referred to the affidavits of Mr. Dalton and Mr. Flinders, and then addressed his remarks to Attorney J. N. Kimball of the prosecution. The latter is known 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 like it. I wouldn't like to be tried on any criminal 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, concerning the defects in the judge's charge to the jury was not well taken, and as to the misconduct of the jurymen he stated that there was no merit to the contention and therefore denied the motion.

The incident during the session which broke the monotony of the long arguments was brought out by Attorney J. N. Kimball, after the court had rendered judgment on the defendant's chambers, when he was recognized by the court and said:

"As far as the plaintiff in the case just closed is concerned, as far as any of his counsel are concerned, we reiterate the whole criticism that appeared in the editorial columns of the Tribune this morning, which criticized the court for postponing the Chambers case from

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Office with Lambert Paper Co.

Payments for the Daily, Saturday and Semi-Weekly News should be made to the circulator. Delivery made by carrier on the same terms as in Salt Lake.

JUVENILE COURT CONSTITUTIONAL.

Judge J. A. Howell Hands Down Decision in Harry Benson Case.

HABEAS CORPUS WRIT DENIED

Beneficent Law for Neglected and Wayward Children Conforms With State's Fundamental Law.

Ogden, March 3.—Judge J. A. Howell sitting in the district court this morning handed down a decision in the matter of the application of Arthur E. Christiansen, in behalf of Harry Benson, a minor, for a writ of habeas corpus, which is considered to be far reaching and important. The court denied the writ.

Benson is 17 years of age and the petition sets out that he is unlawfully restrained of his liberty by the superintendent of the state industrial school. The cause of such restraint is alleged to be a pretended commitment based upon an order and judgment of the juvenile court of Salt Lake City and the commitment is alleged to be illegal for the following reasons:

"That the act of the legislature creating juvenile courts is unconstitutional and void and even if it is not that the procedure therein provided for the trial of juvenile delinquents is unconstitutional 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 being a child under 18 years of age, with having unlawfully become a delinquent child violating section 4175 of the Revised Statutes of the State of Utah, 1898, by stealing from the person of F. O. Raymond \$6.

After reviewing the merits of the case at great length, the court concluded: "Finally the court has reason to rejoice over the fact that after a careful consideration of the matter it has not been compelled to order the creation of juvenile courts, and providing for the trial of delinquent children therein, unconstitutional and void in its entirety, notwithstanding it may contain certain defects or even invalid sections, and it is to be hoped that it will never be decided that our fundamental law is so inflexible as to prevent such beneficent legislation for our neglected and wayward children."

"It is ordered that the said Harry Benson be remanded to the custody of H. H. Thomas, superintendent of the state industrial school."

"Writ denied."

MOYES CASE CONTINUED.

Critical Physical Condition of Defendant Given as Cause.

Ogden, March 3.—When the case of J. D. Sken 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 labored, during the trial of the Chambers case, when the verdict in that action was announced about a week ago. He had recovered so far as to be able to visit the court room one day during the trial of the Craig case, after which he suffered a relapse. Counsel for the plaintiff, in view of the facts, asked the court to continue the case indefinitely, which the court did.

CHARGED WITH BURGLARY.

District Attorney George Halverson filed in the district court here yesterday the information against John Howard, charging him with burglary in the second degree.

FUNERAL OF ELZA D. BROWN.

Ogden, March 2.—Impressive funeral

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. Bishop James Ward of North Ogden presided. 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 the Stake Sunday School board; Pres. N. C. Fyfe and Bishop James Ward, all of whom spoke feelingly of the high 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 morality and right living.

There was a profuse display of floral offerings. The meetinghouse was crowded, and the services were most 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 performed faithful labors in different capacities, both in the priesthood and in the auxiliary associations of the ward. At the time of his demise he held the position of assistant superintendent of the ward Sunday school. He was 27 years old at the time of his death, and leaves to mourn his death a young wife, daughter of John W. Rex of North Ogden, and three small children, a father, two brothers and one sister. Herbert D. Brown, the eldest brother of the deceased, is now laboring as a missionary in Great Britain.

The deceased was a faithful and consistent Latter-day Saint, humble, and always ready to perform any labor required of him.

Dr. Graves' Tooth Powder

you have a perfect dentifrice and antiseptic. It insures mouth purity and beauty—becomes a part of one's life in its twice-a-day use. Just ask your dentist about it.

In handy metal cans or bottles, 25c.

Dr. Graves' Tooth Powder Co.

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PROVO DEPARTMENT

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

STAKE PRIESTHOOD MEETING.

Bennett-Kendall Wedding—President John Hill—Brief News Notes.

Special Correspondence.

Provo, Utah Co., March 3.—Funeral services over the remains of Hugh M. Douglass will be held tomorrow, Sunday, at 1 o'clock in the Springville meetinghouse. Notices have been sent to the members of the Utah County Postmasters' association, of which Mr. Douglass 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 Clave of this city, have visited the family since the death of Mr. Douglass to offer condolence and render assistance.

BENNETT-KENDALL WEDDING.

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

PRIESTHOOD MEETING.

There was a good attendance at the Utah stake priesthood meeting held here yesterday. President Keeler addressed the meeting, speaking on the subject of maintaining order in places of public worship, etc.

The following brethren were sustained for ordination to the offices named: High Priest, George Freshwater, 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 confined to his home from a serious intestinal ailment. He is improving slightly, and his many friends hope to soon see him 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 luck, as he was just recovering from a fracture of the collar bone, sustained about six weeks ago.

"Resolved, That Agriculture Should Be Taught in the Public Schools," was

debated by members of the 1907 and the 1908 classes of the Brigham Young university Thursday evening. The 1907's had the affirmative and won.

The Utah County Post and Post Stock association will hold a meeting in the courthouse Friday evening, March 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 uncle, Peter Lott, a pioneer of the sugar city, which will be held Sunday.

Fish and Game Warden Jones returned from American Fork yesterday. He states that the American Fork people are in full sympathy with the organization of fish and game protective associations, which Mr. Jones is organizing throughout the county, and that a strong organization will be effected there and also in Alpine.

The Proctor Athletic association enjoyed a pleasant sojourn in Provo last evening, preparatory to opening the baseball season. A fine program of music, readings and games was rendered. Refreshments were served.

Miss Leah Pyne and Florence Snyder entertained their Sunday school class this afternoon at the home of Miss Pyne. The occasion was a very enjoyable 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 ball fund.

A son has been born to Mr. and Mrs. Oscar W. Fyfe, and a daughter to Mr. and Mrs. Royal B. Woolley, all well.

The Woman's Republican club will meet Monday evening at the club rooms, when a fine program will be rendered.

Gordon H. Place, manager of the Manufacturers and Merchants' association, met with the commercial club last evening on his return from the south, where he has been making arrangements for the "get acquainted" excursion on the 10th. He stated that a generous welcome of the pilgrims had been assured all along the line from Salt Lake to Neph. The excursion train will reach Provo on the return trip at 5:30, and the visitors will eat supper and overnight before the time.

Mr. and Mrs. Royal B. Woolley, all well.

The Woman's Republican club will meet Monday evening at the club rooms, when a fine program will be rendered.



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.

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

Women are especially liable to colds. These colds occur more frequently during the wet, sloppy weather of winter and spring than any other time of the year. Often they are not considered serious and so are allowed to run on, or they are treated in such a way as to only palliate the symptoms, while the cold becomes more deep-seated and the patient finally awakens to the fact that she has a well-developed case of catarrh.

By reason of their delicate structure the lungs are frequently the seat of a cold, especially if there is the slightest weakness of these organs. The treatment of catarrh of the lungs is also more difficult and discouraging than catarrh of any other organ of the body.

It scorchers out every crevice, every duct of the body. It quickens and equalizes the circulation of the blood, thus relieving the congested mucous membranes. It exercises a healing and soothing effect upon the mucous membranes, no matter whether they are the more exposed membranes of the head and throat, or whether they line the remotest cells of the lungs.

A word to the wise woman is sufficient. Take Peruna at the first appearance of catarrh of any other organ of the body.

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 insure correct insertion of their names, business, etc. No changes will be taken after the 15th.

W. P. COOPER, Sec. & Mgr. 617-620 Dooly Bldg.

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

and beaten, in labor riot, until covered with sores, a Chicago street car conductor applied Bucklen's Arnica Salve, and was soon sound and well. "I use it in my family," writes G. J. Welch, of Tekonsha, 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.

....LAST WEEK....

SIEGEL'S REMOVAL SALE

Greatest Bargains Ever Offered—Goods Must Go! Prices No Object—We Move Next Week.

Black and Blue Suits Reduced One-Fourth	Suits Worth up to \$30	75c Neckwear 25c
Children's Suits and Men's Pants Reduced One-Third	GO FOR	25c Hosiery 19c
	\$7.50	15c Collars 10c

Men's and Boys' Overcoat Prices Cut in Two-For Instance

\$30.00 Overcoats \$15.00	\$10.00 Overcoats \$5.00
\$20.00 Overcoats \$10.00	\$ 7.50 Overcoats \$3.75
\$15.00 Overcoats \$ 7.50	\$ 5.00 Overcoats \$2.50

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

New Store 228-230 Main Street

Removal Sale at 61-63-65 Main St.

High grade means high price.

Golden Gate Coffee

Worth more. Costs more.

Sold on merit.

No prizes—no crockery—no coupons.

Nothing but satisfaction.

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