

EMINENT DOMAIN FOR THE SMELTERS
Bill in the Senate Stirs up Spirited and Lengthy Debate.
MUCH HOSTILITY EVIDENCED.

DR. PRICE'S
Cream Baking Powder
The finest in the world
When ordering ask for Dr. Price's by name, else the grocer may forget the kind you are accustomed to.

Outside Legislators Almost Unanimous in Opposition to View of Salt Lake County Members.
The senate forgot itself yesterday afternoon for half an hour and actually indulged in the luxury of a spirited debate. The two Smiths, Benner X. and John Y., were the principals, and as usual, John Y. was leading a fight against a measure the other Smith was supporting.
The bill under fire was the smelter measure, extending the right of eminent domain to the smelters of Utah. It is what is explained by its author, is to allow the smelters in seeking new sites, to condemn the property of such land holders as refuse to sell. Quietly it has been growing out of an attempt of certain real estate holders to ask fabulous prices for small tracts of land on nearly all the smelter sites.
The attack on the bill grew out of the fact that it passed, it will prolong the present fight in this valley and give the smelters a whip hand on the farmers already waging a long and exhaustive warfare to a truce with the smelter operators. Senators who represent the farmers in this valley have fought long, and hesitated to enact a law that would take away any of the advantages gained in the federal court fight with him.
Benner X. Smith lined up with him. The Salt Lake county senators, against him were arrayed. Practically the rest of the senate, and on the motion of President Love, who had vacated the chair to speak to it.
O. P. MILLER'S VIEWS.
That there is opposition among the Salt Lake valley farmers to the bill is apparent from an interview with O. P. Miller, who had much to do with the fight in the federal court. "We don't favor the bill," he said. "It will prolong the fight and give the smelters a chance to plead to the courts, that they now have a means to stay where they are. It is short sighted policy, for Salt Lake City needs a great deal in any direction, and for smelters to be able to buy up and condemn vast tracts of this fertile valley and render them a waste, then the loss to the city and state will be greater than the gain. We were fair with the legislature. We did not bother them in all the years this fight was in progress. We don't want them to be in the middle of it, after we have fought it to a finish in the courts. Two years from now, after the smelters are moved, it will be ample time to enact this law, and let them secure the property of people who would hold them up."

"They could buy them if they wanted to."
"What are you going to do when one man refuses to move or sell, and thus ties up the building of a big smelter? This is just the kind of thing that I think the measure a vicious one."
"Well, I guess that could be fixed all right," replied Miller, "and anyway I think the measure a vicious one."
Peter Clegg said the bill was not favored in Tooele, where the people did not want the smelters to locate near enough to a town to drive it off the map by this means of condemnation.
Hulaniski favored it as a just and meritorious measure, the passage of which would mean much to the state. John Y. Smith opposed it on the ground that it would do harm, rather than good, speaking at considerable length. He was joined by Miller in a speech that had a great deal of strength.
Miller pointed out the vital fact that it is the farmer and not the indispensable smelter that has paid its share of taxes. Flourishing a paper with the figures of notorious tax dodgers, he showed that the humble farmer in Salt Lake valley was worth much more to the state in tax income than the tremendous smelter which the bill would give the right to take possession of the land, and gradually reduce it in value by razing improvements till it would cease to be worth anything for taxes.
John Y. Smith again took the floor and pointed out that his was a disinterested interest. He referred to the chances for bad citizens to rob smelter companies seeking for land, and put in briefly an objection by declaring that he opposed the bill on the ground that he owned a splendid smelter site and was not just ready to move.
President Love finally left the chair in order to speak to the bill. He rather favored it in that he thought it was honestly drawn up in the interest of progress. He wanted more time to investigate, however, and moved that it go over until today. The motion prevailed.

THE SALARY BILL.
Another show of oratory was made in the consideration of the salary bill. On the strength of a letter sent in by the supreme court reporter, an effort was made to raise his salary from \$600 to \$800 per year, but the effort, fathered by John Y. Smith, failed, and the bill went to final passage with the reduction included as well as the reduction of the salary of the assistant adjutant general's salary was reduced to \$600 on an amendment by Callister.

NEW BILLS.
The following new bills were introduced:
S. B. 129, by Benner X. Smith—Providing for the collection of fees of county recorders. Referred to committee on judiciary.
S. B. 30, by Benner X. Smith—To amend section 655 of the Revised Statutes of Utah, 1898. Referred to committee on judiciary.
S. B. 131, by Benner X. Smith—To amend section 3168 of the Revised Statutes of Utah, 1898. Referred to committee on judiciary.
S. B. 132, by John Y. Smith—To authorize civil action for recovery of damages arising from publications maliciously and negligently made, defining the character of such damages and requiring every publication to print in a conspicuous place in each issue the names of the owners, proprietors or publishers, and the managing editors of the same, and making a violation of this act a misdemeanor, and fixing a penalty therefor. Referred to committee on private corporations and insurance.
S. B. 128, by committee on judiciary—Relating to privileged communication. Read second time and placed upon the calendar.
For the protection of persons furnishing labor and material for the construction or repair of public buildings and public works, and repealing chapter 87, Laws of Utah, 1905, was read and placed upon the calendar.

HOUSE PROCEEDINGS.
Three Bills Passed and One Killed at Yesterday's Session.
The house passed three bills yesterday and killed one. The measure sent to its doom was house bill 98, by Robinson, relating to the assessment of property in certain cases. The committee on judiciary, which had an unfavorable report, recommending that it be not passed, and the action of the committee was upheld by the house, endorsed and the report adopted.
The committee on agriculture and horticulture reported favorably senate bill 109, which is a substitute for Jackson's house bill 14, providing for procuring subterranean water for culinary purposes on dry farms, and the bill will come up for passage today.
Three new bills were introduced yesterday, one by the committee on mining and smelting, and two by Dean, under suspension of the rules. House bill 297, being a substitute for senate bill 26, by Miller, providing for the manner of locating and recording quartz and placer claims, was introduced from the committee and placed on the calendar.
H. B. 268, by Dean, relating to the manner of taking an appeal to the supreme court. Committee on judiciary.
H. B. 269, by Dean, providing that on appeal to the supreme court, it shall not be necessary to prepare, serve, or file therein a printed transcript, or an abstract of the record on appeal. Judiciary committee.
H. B. 41, by Giles, providing for the manner of creating new counties, was on motion placed at the foot of the calendar.
H. B. 30, by Barnett, amending the statutes relating to polygamy and fornication, was made the special order for Saturday at 3 o'clock.
H. B. 35, by Richards, abolishing the office of deputy superintendent of public instruction, was passed by a vote of 41 yeas, absent and not voting 4.
H. B. 63, by Richards, providing for settlement between any school district or part of school district and a city when annexed by extension of the city limits, was passed by a vote of 42 yeas, absent and not voting 3.
H. B. 64, by Robinson, giving county assessors authority to require state property tax payers to pay the same by a vote of 42 yeas, absent and not voting 3.
Clegg's H. B. 50, was a bone of contention for half an hour, the speaker taking the floor in opposition to the measure. The bill authorizes the mayor and city council of cities to levy a tax on the property of public funds. Clegg attempted to have the bill made a special order for next Monday, but was voted down. The speaker called Mr. Thompson to the floor and asked him to call the bill to order. Clegg's bill might come in contact with some of the provisions of the Galveston bill and the police and fire bills should it pass, and moved that H. B. 50 be referred to the special municipal affairs committee having under consideration the said bill.

Mr. Clegg opposed the reference, as did Kuchler of Weber. After considerable debate the bill was so referred.
Another long debate was precipitated by the consideration of S. B. 71 by Hollingsworth, changing the name of the school for the deaf and dumb to read "school for the deaf." Clegg, Dean, Fuller, Kuchler, Marks, Joseph and others took part, Joseph moving that the location of the school be changed to Richfield, Sevier county. The motion was finally laid on the table, carrying with it the bill.
A communication from the senate announced the president of that body had passed S. B. 55, for Kuchler, and had forwarded it to the governor.
Also a communication stating the senate had passed S. B. 74, by Park, fixing the annual salaries of certain state officers. The bill was referred to committee on salaries and fees.
The house then adjourned until 1 o'clock this afternoon.

Only a Little Cold in the Head may be the beginning of a cold, and the invader with Ely's Cream Balm applied straight to the inflamed stuff in the passages. Price 50c. If you prefer to use an atomizer, ask for Liquid Cream Balm. It has all the good qualities of the remedy in solid form and will rid you of catarrh or hay fever. No mercury to breed a dreadful habit. No mercury to dry out the secretion. Price 75c, with spraying tube. All drug-gists, or mailed by Ely Bros., 56 Warren Street, New York.

AMUSEMENTS.
Theater—Increasing business characterizes the presentation of "The Gaiety Messenger," which concludes its engagement at the Salt Lake theater with a matinee this afternoon and a final performance tonight.
Isabel Irving—Charming and beautiful Isabel Irving, the star of the new play entitled "Susan in Search of a Husband," will open at the theater tomorrow night and run for the remainder of the season with the customary Saturday matinee.
Orpheum—Standing room was sold at the Orpheum last night when Mr. Levy, the illustrator, made his first appearance. His act proved not only novel, but artistic. The rapidity with which he worked with never a slip on a small piece of glass, and the perfection of every one on a large screen, enabled him to follow him in detail. "Our Bitterest Foe," Yuma, the Flood brothers and the other good acts went to big applause.

Grand—Tonight closes a successful engagement of "The Texas Ranger" at the Grand. The play is stirring and interesting, and is performed by a reliable company. The matinee today is crowded, and the evening performance has already had a good sale. Tomorrow night will witness the first rendition of "A Jolly American Trip."

Lyric—"The Octoroon," a play of the south during ante-bellum days, is proving an interesting bill at the Lyric theater, as given by the Lyric stock company.

For any pain, from top to toe, from any cause, apply Dr. Thomas' Electric Oil. Pain can't stay where it is used.

HAIGHT COURT MARTIAL.
Unpleasant Charges Believed to be "a Put Up Job."
The Haight court martial trial is being concluded today. No official announcement of the charges has been made, but it is pretty well known, unofficially, that they are. Their recital would look very well in print. Capt. Haight's brother, officers and dentists expect his acquittal, and are prone to regard the accusation as "a put up job." The court martial of the Fort Duchesne lieutenant will follow the Haight trial.

TETON FLOURISHING.
Commodious Stake Tabernacle Dedicated—Non-Mormons Contribute.
A comfortable and commodious stake tabernacle and amusement house combined has recently been built by the people of Teton stake, Idaho, and on Sunday last it was dedicated. Present on the occasion were exactly two persons, some of whom were not members of the church, but who attended to show good-will toward their Mormon neighbors. The general authorities were present. Elder George Albert Smith of the council of the apostles, and Elder Charles H. Hart of the first council of seventy, dedicatory prayer was offered Sunday afternoon by Elder Smith.
The structure is a credit to its builders, and not only has the edifice and its furnishings, costing in all \$150, been fully paid for, but there is a neat sum still remaining in the fund raised for that purpose. Many anti-Mormonism and forward and labor and means for the completion of the house. A fact most gratefully remembered by all directly interested. Druggs is the site of the building, the entire population of the stake numbering about 1,500.
The people of Teton valley are in a very flourishing condition, financially and socially. There is plenty of good land, and an abundance of water for all purposes is available. Climate conditions are said to be very similar to those in Bear Lake valley and the products that can be raised are about the same. Many fine homes are being erected, and an air of prosperity is everywhere manifest. Regardless of religious affiliations, the people are friendly and charitable to each other and are seeking to promote the well-being of all.
Two days ago there was a blizzard in the Basin, though the snow was fast disappearing. Last years was the most favorable in the history of the community, and it is confidently expected that the coming season will be even better, as everything tends in that direction. Many families are moving in, and there is said to be plenty of room and splendid opportunities for more home seekers.

Hard to quit COFFEE? Not if you use well-made POSTUM FOOD COFFEE "There's a Reason"

CONSUMPTION IS NOT HEREDITARY.
A Common Error Refuted.
The fact that consumption is frequently seen to run in families gives rise to the general idea that it is hereditary, but this is erroneous. Weak lungs can be hereditary and where they exist consumption is likely to follow. Consumption is produced by a germ which all persons are equally liable to inhale, especially in cities where dust is flying at all times. It is in weak lungs that the germ finds a lodging place, soon multiplies and forces its way out of the lungs, creating an inflamed condition of these membranes of the pulmonary organs and affords the germ an opportunity to take root. The germ which the weak lung will quickly throw it off. A prominent physician from the Philadelphia Clinic, who conducted the successful experiments with pine for treating pulmonary troubles and who for several years maintained a camp in the heart of the big pine forests of Maine, says that for stimulating the growth and developing the respiratory organs and bronchial tubes, there is no equal to the oil obtained from the pines of the East. He was the first to prepare a truly soluble oil of the pine and he claims by its use one of the advantages of a pine forest camp can be had at home if the patient will adhere to the treatment and take plenty of outdoor exercise, meanwhile cultivating the habit of deep, full breathing. The form of pine that he uses is known to the medical profession as "Concentrated" oil of pine and is to be found at every good prescription druggist. Care should be taken to get the real article which comes put up for medical use only in one way and that is in half-ounce bottles enclosed in airtight containers, which are intended to protect the fluid from changes of atmosphere. The original formula used is as follows:
Two ounces of glycerine, half-ounce of concentrated oil of pine and half-pint of first-class whisky. It should be thoroughly shaken and used every four hours in tablespoon doses.
Be cautious against the oils sold in the drug stores. Some of the cheap ones put up in wooden boxes and using a somewhat similar name. They are harmful and have had results instead of being curative.
This mixture will check and often completely cure an acute cough or cold inside of 24 hours.

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PE-RU-NA RELIEVES STUBBORN COLDS.
Mr. Jacob W. Star, President Civil Service Retiring Association, also Sealer of Weights and Measures, Camden, N. J., writes from 1381 Wallach Place, Washington, D. C., as follows:
"I wish to give my unqualified endorsement of *Peruna* as the best possible remedy for *dizziness* and *constipation*, and without an equal as a tonic for the weakening effects of a long and stubborn cold. I have tried it thoroughly, and speak from a complete experience. It is excellent as a tonic."

PLANS ARE DRAWN.
Car Barn and Shops for Streetcar Company Being Considered.
Plans for the proposed car barn and new shops for the Utah Light and Rail-way have been drawn up and are again in the hands of the architect for alterations, etc. Within a month they will be finished and ground on the building sites will be broken April 1, or thereabouts. The car barns will face on Seventh East with an entrance from Fifth South street. There will be sixteen tracks, divided among four sheds, each compartment enclosed by a brick wall as a precaution against fire spreading. In the neighborhood of 150 cars will have space in this department. The machine, paint and carpenter shops will be to the southwest of the main shops. The offices of the operating department and men's quarters will be erected on Fifth South street. The men's quarters will include a gymnasium, lounge, room, shower and bath and a small restaurant. The second story will be used for offices.
TWO UTAHNS PRESENT.
Attend Publishers' Meeting in New York—Left for Washington.
(Special to the "News.")
New York, Feb. 20.—At the annual session of the American Newspaper Publishers' association, which commenced at the Waldorf-Astoria yesterday, the large attendance of the chief publishers of the United States. The only representatives from Utah were Mr. H. G. Whitney, business manager of the *Deseret News*, and William Glasman, proprietor of the *Ogden Standard*. Many interesting subjects were discussed and especially the attitude of labor throughout the country, and the methods of the paper trust receive consideration.
Mr. Whitney, a Utah native, who is either permanently or temporarily located here, went to Washington for the purpose of being present when the final vote in the Smoot case is taken this afternoon. Marked interest attaches to that event, and the belief is almost universal that Smoot will, without question, be permitted to retain his seat. It is a well known fact that many of the leading men of the nation, aside from President Roosevelt, Senators Knox and Dillingham and others, are opposed to the method of warfare that has been waged, and are in favor of Senator Smoot, but the people of Utah as well.

VOTE AT U. OF U.
Proposition to Increase Students' Registration Fee by Five Dollars.
The students of the university will, today, vote on the question of petitioning the board of regents for an additional registration fee of \$5 for the support of student activities. It is proposed that this additional fee be paid at the beginning of the school year, and shall be known as an incidental fee. Preparatory students must pay it as well as college students. By paying the fee the college student becomes entitled to a membership in the associated student body, and the preparatory student admission to the associated preparatory student body. Among the advantages to be gained by this plan are free admission to all athletic contests in which the university competes, to every debate under the auspices of the university, one ticket to all productions of the dramatic club and one year's subscription to the *University Chronicle*.

WARD ENTERTAINMENTS.
Seventeenth Ward—A prize character bit will be given in the Seventeenth ward amusement hall Washington's birthday evening. The hall will be appropriately decorated in national colors, and a good orchestra will furnish for the dancing. A season ticket to Saltair will be awarded the lady with the best sustained character, and a similar courtesy to the Lagoon resort to the best sustained gentlemen's character. There will be a second prize of a decorated chocolate set for ladies and a pair of "engineer" boots for the gentlemen for the best costumes. All are cordially invited.

Eighteenth Ward—Thursday evening, at the Eighteenth ward chapel, a farewell testimonial will be tendered Ira Orson Spencer, prior to his going on a mission to the Southern States. Following is the program that will be rendered:

Selection.....Tivoli Orchestra
Soprano solo.....Miss Eleanor Prout
Piano solo.....Miss Valois Pierce
Recitation.....Miss Vida Fox
Mandolin and guitar selection.....Pupils of Mr. C. D. Schettler
Contralto solo.....Miss Claudia Holt
Violin solo.....Mr. Fritz Hust
Remarks.....Bishop T. A. Clason
Response.....Elder Spencer

SOCIAL AND PERSONAL.
Tonight Miss Mildred Ott and Mr. Thomas E. Anderson will be married, the ceremony to be performed at the home of the bride's parents, Mr. and Mrs. E. K. Ott, with Rev. E. L. Goodrich officiating. Miss Fanny Anderson will be bridesmaid and Mr. James Santiana will be best man.
The Orpheum party given yesterday by Mrs. J. V. Sadler and Miss Daisy Raybould for Miss Edna Bailey was followed by a tea at Franklyn's, the table being decorated with daffodils and ferns and the place cards with the same flowers hand painted in water colors. Covers were laid for about a dozen.
Mrs. H. M. Wells will give a bridge tea tomorrow.
Mrs. Levis Evans will entertain her card club tomorrow.
Tonight Miss Ruth Holding and Leonard W. Taylor will be married at the home of the bride's parents, Mr. and Mrs. E. G. Holding, the ceremony to be performed in the parlors of the Hotel. Miss Alice Dunn of American Fork to act as bridesmaid while Mr. Frank Taylor will be best man.
Mr. and Mrs. Claude S. Williams have returned from a short stay in California.
This afternoon Bishop Hiram Clawson will conduct his "Reminiscences of Pioneer Days" at the meeting of the Daughters of Pioneers to be held at 8 o'clock at the Lion House.
Mrs. G. L. Nye, who has been visiting with relatives in the city for several weeks, left yesterday for her home in Denver.
Mr. and Mrs. J. R. Walker have returned from California.

POOLROOM FOR BOYS.
Prof. Eaton Has Scheme to Install One At High School.
Prof. Eaton of the high school is endeavoring to establish a billiard and pool room for the benefit of the students of the school. A few nights ago the professor and a number of prominent men appointed themselves a committee to inquire into the extent of pool playing as indulged in by students, and made the rounds of the saloons and billiard halls of the city. They were astonished at the number of students who were found engaged in this amusement, many of them in places of more or less unseemly character. The idea took form to establish a pool room for the students, where the soundings would be respectable. Yesterday the professor asked the students to write on paper and send up to him the number of hours spent per week in playing pool, and the results were very disappointing in realizing, but when the

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KEITH O'BRIEN
Tell the Truth Sale.
Our Misses' and Children's Shoes Have Made Us a Reputation!
1st—On account of their wearing qualities. We expect them to have hard usage and therefore buy shoes made of the best material only, which insures the best of wear.
2nd—Their cheapness of price. Our ability to buy in quantities. Then our buyer twice a year goes to the market and every advantage possible is given him in price by the manufacturer. We sell all children's shoes on a close margin of profit.
3rd—Their style and fitting qualities. Experienced sales people only are employed—they use every care and precaution to fit the children's feet properly.

Misses' Shoes—Sizes 11½ to 2.
\$2.20
\$1.85
\$1.45
Patents, gun metal, kids, welt and hand turn styles—made just like women's high grade shoes. Values \$2.50 to \$3.00.
All leathers. Lasts and styles—nothing better for real wear. Values \$2.25 to \$2.50.
Vici, box calf and dongola—in button—bluchers and lace, regular \$1.75 to \$1.85.

Children's Shoes—Sizes 8½ to 11.
\$1.95
\$1.45
\$1.20
Strictly the very best grades made in walt and turn soles. All leathers, styles and effects. \$3.50 values.
Shoes that wear, shoes that look dressy on the children's feet. Many, many, styles. Values were \$2.00.
Little school shoes in kid or calf—snappy, pretty styles. Worth \$1.50 and \$1.75.

Child's Shoes—Sizes 5 to 8.
\$1.65
\$1.45
95 cts
THE BEST MADE—Little mannish effects for the little boys—foot trainer lasts and pretty dress shoes for the little girls.
ALL LEATHERS AND STYLES—Orthopedic lasts for the youngsters—and those swell button boots with heavy extension edges.
A splendid assortment in heavy or light soles. Regular \$1.25 and \$1.35 shoes.
We include in this sale our entire stock of Gun Metals, Vici Kid, Dongola, Box Calf, Patent Calf, Patent Kid. Extensive assortment of styles and lasts in button, blucher and lace.
Our show window gives an idea of many styles carried by us and their prices.

Cure hoarseness and sore throat caused by cold or use of the voice. Absolutely harmless.