ty which this nomination was rejected."

SMOOT YIELDS TO MAJORITY.

Senator Smoot said:

"Owing to the fact that my objection alone stands in the way of the confirmation of his appointment, I shall not longer insist upon my objection, but am willing to recede from my position in deference to the expressed wishes of all the other members."

A communication from the Governor announced the signing of Senate bill No. 36, providing for revenue for the State for the ensuing two years.

TANNER SURPRISED.

Senator Tanner said he was surprised at being deserted by Mr. Smoot, and he regretted the position taken by the latter. He had information from members of the board of regents that was to his mind conclusive evidence that Mr. Kiter's nomination should not be confirmed, and he should therefore vote as before against confirmation.

Smoot remarked that he was not deserting, that his position was the same as before, only that he would yield to the combined wisdom of the other members. "It is contrary to my judgment that Mr. Kiter should be confirmed," he said, "but my opposition ceases when it has come to this point that I am practically alone."

The motion to reconsider was carried, and the nomination of Mr. Kiter again being put, carried, three still voting no.

The committee appointed to wait on the Governor returned with the message from his excellency that he had no further communication to send to the Senate.

The following resolution was passed: That the sum of $100 be paid to employes of the Senate for extra help, as follows: Chief committee clerk, $15; each other clerk and employe, $20; T. W. Bowen, $22; E. D. Ferguson, $25; incidentals, $3. Also that $150 or so much thereof as may be necessary, be set apart for the revision and correction of the Senate and House journals, and that $30 be divided among the three elevator operatives of the city and county building for extra help during the session of the Third State Legislature.

Hobson presented a resolution, which was adopted without division, expressing the appreciation and thanks of the members of the Senate to the Governor for his uniform courtesy and consideration in all his dealings with them.

Evans moved that the Senate adjourn without day. The motion carried, and the Legislative session was at an end.

Adjournment occurred at 1:30 p. m.

A scene of general handshaking, with expressions of good will among members and officers and others followed, and in thirty minutes more the Senate chamber was deserted.

FINALE.

The reporter looked up from his writing. Save for the busy rustling of Chief Clerk Johnson and Secretary Morris, in finally counting up the bills and documents left in their care, he was alone in the chamber, which so recently and for so long had been the scene of the most interesting activity.

A sigh escaped the reporter at this scene of vacancy, and there came into his mind the pleasant thought that in all his dealings with the members of the Senate, the representative of the "News" had received from each one of them much kindly consideration and many favors. While some of the public may imagine that law-makers are secretive schemers, the reporter of the "News" has been given every facility for obtaining accurate information in relation to every measure of importance considered by the Legislature. That quiet, dignified and able body of men who compose the Senate have never at any meeting of the present session, betrayed any indication of conduct that would not be becoming to such a body. In the judgment of the "News" reporter the members have all possessed the attainments of true gentlemen, and have uniformly used the arguments of scholars and statesmen in presenting their ideas on the many measures they have considered.

A CORRECTION.

An error in an interview of Senator Alder by a "News" reporter some time ago made the gentleman appear to say that the cutting of timber was the main cause of the spring and summer floods in Sanpete county. Mr. Alder holds that the grazing of sheep on the hills and the mountains is the principal cause of these floods.

AMUSEMENTS.

At the Grand last evening the opera of Falka, which has not been done here since the Pyke Opera company rendered it several years ago, was put on by the Grau company. The house was crowded below and fairly well filled above. The opera is a very tuneful one and there were several individual hits made by the principal people, but it is questionable whether it would not be found rather slow if it were not brought up-to-date by the interpolations which the Grau people put into it. The most striking thing of the night was "La La," by Mr. Fitch. Mr. Broderick rendered the well known bass solo, "Drinking," and did it fairly well. Miss Carrington introduced a charming ballad which won a hearty encore. Mr. Davies appeared to less advantage than in anything he has yet done, the fault of the role, by the way, and not of Mr. Davies. The particular hits of the night must be credited to Miss Carrington as Falka, and Mr. Fitch, the comedian. Falka will be repeated tonight, and tomorrow Offenbach's Brigands will be the bill.

* * *

The advance sale for the Sign of the Cross begins at the Theater tomorrow morning. An error in the advertisement yesterday, which set the date for this morning, drew a good many people to the box-office, but all were informed that no seats would be booked before tomorrow.

COLONIZATION OF UTAH.

Apostle John Henry Smith will lecture on the above subject under the auspices of the Latter-day Saints' College, in the Thirteenth ward hall tomorrow evening at 7:30. All are invited.

LICENSED TO MARRY.

Marriage licenses were issued today to the following named parties: Charles H. Bacon, 24, and Nellie E. Griffith, 20, both of Salt Lake City; Archie Murphy, 25, and Leanda Packard, 18, both of Mammoth.

My mother suffered with chronic diarrhoea for several months. She was attended by two physicians who at last pronounced her case hopeless. She procured one 25-cent bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy, and five doses gave her permanent relief. I take pleasure in recommending it, as the best on the market.—MRS. F. E. WATSON, Aiken, Ala.

A. R. De Fluent, editor of the Journal, Doylestown, Ohio, suffered for a number of years from rheumatism in his right shoulder and side. He says: "My right arm at times was entirely useless. I tried Chamberlain's Pain Balm, and was surprised to receive relief almost immediately. The Pain Balm has been a constant companion of mine ever since and it never fails."

CLOSING SCENES IN THE HOUSE.

They Were Orderly and Characterized by Utmost Good Feeling.

MEMBERS GLAD TO GET OFF

Session Has Been Long and Unpleasant in Many Respects—Much Work Done.

The House of Representatives of the Utah Legislature adjourned sine die at precisely fifteen minutes past 12 o'clock noon today. The closing scenes were perfectly good-natured, dignified and respectful. Every member was glad when Speaker Roylance spoke the words which brought the session of the lower branch to a termination. Considering the fact that there has been so much that was harsh and strained in the work of the past two months it was a pleasant thought to the members that the end should come as it did.

For three hours this forenoon the members sauntered and joked and indulged in "third house" pastimes pending the consideration of the general appropriation bill by the Governor. When that measure finally reached the House and received the signature of Speaker Roylance there was no delay in bringing about an adjournment. During the whole of the forenoon there were those who wished that enough members could be induced to go into joint session and elect Mr. McCune to the United States Senate, but there were those also who held opposite views and who worked strongly against the bringing about of such a contingency. Open lobbying had to be stopped by the Speaker who instructed the sergeant-at-arms to see that there was no more of it during the session.

Early in the morning Hywater introduced a resolution which was adopted unanimously, thanking the various railroad companies for courtesies shown during the Legislature. This was followed by a resolution by Mansfield extending thanks to the janitor, elevator boys and others for kindness shown.

On motion of Shepard, the Speaker appointed a committee to wait upon the Governor and inform him that the House had cleared its table of business and asking if he had anything further to communicate. The committee consisted of Representatives Shepard, Horne and Robinson. In a few minutes the committee returned and Shepard handed the following communication to the clerk, who read:

Executive Office,
March 9th, 1899.

To the House of Representatives:

Gentlemen—I have the honor to inform you that I have no further communication to make to your honorable body at this session.

Thanking you for many courtesies and wishing you a God-speed to your homes,

I have the honor to be,
Very respectfully,
HEBER M. WELLS,
Governor.

Immediately after this a House committee, appointed a few minutes before, to wait upon the Senate, consisting of Representatives Mansfield, Smith and Holmgreen, reported that that body had concluded its labors, had no further communication to make to the House, and that it was about to adjourn.

Mrs. Horne then moved that the House adjourn sine die. The motion carried without a dissenting voice and instantly there was a merry hubbub among the members who ran from seat to seat shaking hands with their colleagues and bidding them good bye.

FEDERAL COURT.

W. P. Conaway, the receiver of the Moscow National Bank, entered suit in the Federal court last evening at 5 o'clock against Edward Byrne for $15,000.

It is set forth in the complaint that the Moscow National Bank became insolvent and was closed by the comptroller of the currency. At that time defendant was a stockholder of the bank to the amount of 150 shares, and in order to settle the affairs of the bank the comptroller made an assessment of $100 per share, making the total amount of the indebtedness $15,000. No part of which has been paid. Suit is brought for the total amount with interest from June 14, 1897.

CHURCH NEWS.

Elders Edgar Thurl of Wellington, Carbon county, William T. Rex, of Randolph, Rich county, and Thos. Hampton, of Bountiful, Davis county, leave on Saturday for San Francisco, whence they will set sail for the Antipodes on the steamship Alameda. All three are en route to the mission field, Elder Hampton being assigned to labor in New Zealand, and the others in Australia.

RUNS THE WHOLE YEAR.

No creek, good or bad, but a lake formed by one large spring furnishes the ice sold by the Mt. Ice Co. Tel. 48. F. A. Strauss, Manager.

CLEARING HOUSE REPORT.

Salt Lake City, March 16, 1899.

Today's clearings	$369,156
Same day last year	267,125

ORE AND BULLION REPORTS.

Following are today's ore and bullion receipts, as reported by the institutions below indicated:

T. R. JONES & CO.

Ores	$11,750
Bullion	7,200
Total	$18,9[illegible]

WELLS, FARGO & CO.

Bullion	$3,444

McCORNICK & CO.

Hanauer Bullion	$4,900
Silver and lead ores	2,200
Total	$7,100

Vitriol Throwing Mystery.

St. Louis, March 16.—An element of mystery still surrounds the case of the West End widow, Mrs. McVean, whose face and body were badly burned Tuesday night by acids thrown by some unknown person. The police are unable to find any trace of the assailant. From what can be learned from Miss Mograin, sister of Mrs. McVean, it is thought a man attired as a woman, committed the deed.

Another anonymous letter addressed to Mrs. McVean has been received and is now in the hands of her attorney, ex-Judge Thomas B. Harvey.

ACTIVE TRADING IN FOUR ACES.

The Stock the Leading Feature on on the Utah Exchange.

NEW STRIKE RESPONSIBLE.

The Other Sellers Were Ajax, Antler, Bowers Extension, Northern Light and Sunshine.

Reports of a new strike in the Four Aces, had a good effect on that security on the Utah Exchange this afternoon, and this stock was easily the leading feature of the call. The sales, all told, reached a total of 17,500 shares which sold for $5,399.71, and of these, Four Aces subscribed 3,800 shares at figures ranging from 28 to 40½ cents a share. Ajax was dealt in at $1.33, while Antler sold at 2 and 1½, and Joe Bowers handed out 500 shares at 15½. The other sellers were Bowers Extension, Northern Light and Sunshine, the latter going at 59 cents.

Figures were posted as follows:

DIVIDEND PAYERS.

Stocks.	Bid.	Asked.
Ajax	1.25¼	1.39
Alliance	20	1.00
Bullion-Beck	4.00	6.00
Centennial Eureka	44.00	50.00
Chloride Point	1.00	1.10
Dalton & Lark	8	10¾
Daly	1.15	1.40
Galena	42½	50
Geyser-Marion	41	54
Grand Central	7.35	6.40
Mammoth	1.77½	2.00
Ontario	6.50	
Sacramento	42½	44½
Swansea	2.70	4.00
South Swansea	1.15	1.20
Utah	75	1.00

PRODUCING MINES.

Stocks.	Bid.	Asked.
Anchor	75	
Buckeye	4	5¾
Daisy	42½	44
Dalton	1¼	1¾
Dexter	2.47	2.50
Daly West	9.75	11.00
Eagle and Blue Bell	1.00	1.60
Four Aces	39¾	39¾
Fraco	7	10
Golden Eagle	6¾	7
Joe Bowers	15¾	15¾
Lower Mammoth	74¾	77½
Northern Light	62½	62¾
Showers Con.	20	25
Star Consolidated	1.12	1.16½
Sunbeam	22	40
Sunshine	58	62

LISTED PROSPECTS.

Stocks	Bids.	Asked.
Antler	1½	2
Boston De La Mar	1½	1¾
Bullion-Beck Tunnel	4	6½
Beaver Lake Copper	2¾	4
West Daisy	5¾	6¾
Cedar Valley		2
Eagle	2¾	8
Emerald	11	12½
Gold Hill	2¾	2¾
International	3	4
Joe Bowers Extension	7¾	8
La Reine	99¾	1.00
Little Pittsburg	9¾	11
Martha Washington	13¼	25
Midnight Bowers		1
Monarch	1	1½
Omaha	40	45
Oaks	4¾	4½
Richmond Anaconda	8½	11
Silver City Con.	1	1½
Success	2	4
Solomon's Treasure	2¾	4
Triumph	10	11
Utah Saltpeter	¾	¾
Valeo	1.22½	1.25
Wandering Jew	1¾	2
West Morning Glory	1¾	2

STOCK TRANSACTIONS.

Ajax, 200 at $1.33.

Antler, 1,000 at 2c; 1,000 at 1½.

Four Aces, 1,000 at 39½c; 100 at 39¾; 400 at 39; 900 at 39¾; 1,200 at 39¼; 3,700 at 39¼.

Joe Bowers, 500 at 15½c.

Joe Bowers Extension, 1,000 at 7¾c.

Northern Light, 1,100 at 64c; 200 at 62¾; 100 at 62½.

Sunshine, 200 at 59c.

Total shares sold, 17,500.

Selling value of stocks, $5,399.71.

The Salt Lake Exchange.

The afternoon call on the old board brought out fair trading in listed stocks, the same being headed by Daly which sold at $1.22½. Four Aces was freely dealt in up to 39¾, while Geyser-Marion was taken at 62, buyer 30 days, and Grand Central made transfers at $6.62½ and $6.55. Northern Light was active between 62 and 57, this stock being foremost as a seller and suffering a severe bear movement during the call.

Figures were listed as follows:

LISTED MINES.

Stocks.	Bid	Asked.
Ajax	1 30	1 40
Albion	22½	30
Alice	1 25	1 25
Alliance	20	1 00
Anchor	50	1 30
Bullion Beck	5 00	6 00
Centennial Eureka	44 00	47 00
Chloride Point	1 00	1 50
Congor	24	
Daisy	41	42½
Daly	1 21½	1 25
Daly West	10 25	10 75
Dalton & Lark	9½	10
Dexter	2 45½	2 49
Eagle	5¾	7
Four Aces	38	39½
Galena	44	45
Galena King	43	45
Geyser-Marion	60	63½
Grand Central	6 62½	6 12½
Horn Silver	1.40	
Malvern	10	
Mammoth	2.33	2.35
Mercur	4.32½	
Lower Mammoth	71	73½
Northern Light	58¾	59
Ontario	6 50	7.50
Omaha	40	41

SALES OF LISTED STOCKS.

Daly, 300 at $1.22½.

Four Aces, 2,200 at 38c; 1,100 at 39¼.

Geyser Marion, 2,000 at 62c, buyer, 30 days.

Grand Central, 300 at $6.62½; 100 at $6.55.

Northern Light, 200 at 62c; 100 at 61; 400 at 60½; 100 at 60¼; 300 at 60; 100 at 57; 100 at 58½; 100 at 58; 200 at 57½; 200 at 57.

Miscellaneous Mining Notes.

In an article on copper and its production in the United States, the Engineering and Mining Journal says the Utah Consolidated will have its smelter ready to operate by May.

Clarence K. McCornick of this city is in New York, at the Waldorf-Astoria.

Denman Blanchard, who was here a short time ago examining mines, is again in Boston.

Samuel Newhouse of the Highland Boy is about to return from New York.

The Golden Eagle of Humboldt county, Nev., is in with a car of high-grade gold ore.

GOVERNOR WELLS IS WRITTEN TO.

Supervising Architect Inquiries About Public Building Site.

WANTS TO KNOW HOW IT IS.

Will Await Information From the Governor Before Issuing Advertisements for Land.

[SPECIAL TO THE "NEWS."]

Washington, D. C., March 16.—The supervising architect of the treasury wrote to Governor Wells today asking whether the Utah Legislature had empowered him to extend exclusive jurisdiction over such ground as may be hereafter selected and purchased by the Federal government for a post-office. Pending the Governor's reply no action will be taken in Salt Lake.

THE OGDEN SUGAR COMPANY

Annual Meeting of Stockholders Held in Ogden Today.

Special per Deseret Telegraph.

Ogden, March 16.—The regular annual meeting of the shareholders of the Ogden Sugar Co., for the election of directors to serve for the ensuing year and the transaction of other proper and necessary business, was opened at the company's office, in the First National Bank building, at 11 o'clock today. After calling to order, the meeting adjourned to the Second district court room. At the meeting 2,261 shares, or $226,100 were represented. All of the old "directors" were re-elected except Geo. Q. Cannon, Adam Patterson being chosen in his stead. After the adjournment of the stockholders' meeting the directors met and organized by the election of the old officers for the ensuing year.

A summary of the annual report of President David Eccles, which was read and adopted, is as follows:

It recites that at a meeting of the subscribers to the capital stock of the company held December 6, 1897, any organization was effected, articles of incorporation adopted and directors elected for the first year as follows: David Eccles, Thomas D. Dee, H. H. Spencer, Jos. Clark, John Scowcroft, Fred J. Kiesel, Geo. Q. Cannon, J. H. Winder and E. P. Ellison. The officers elected were: David Eccles, president; Thos. D. Dee, vice president; Henry H. Rolapp, secretary; Jas. Pingree, treasurer. The company went to work at once to secure contracts for beets and also took steps to let contracts for the erection and equipment of the factory. Contracts for machinery and buildings were let in 1898, the site for the factory was chosen in February, 1898, and the works so far completed as to permit of making a run in the fall of 1898. The report says that "when the plant is entirely completed we shall have the most modern and complete factory of its size in the world." The work yet to be done will bring the cost of the plant up to four hundred thousand dollars. As large a crop of beets as was desired was not secured for the reason that before the company was ready to make contracts, the farmers had already planted or determined upon their crop for that year. All the farmers who planted were pleased with the results. Nearly sixteen thousand tons of beets were sliced and worked, producing over thirty thousand sacks of sugar, which it is estimated will bring about $150,000, after deducting freight expenses for marketing, etc. This year the arrangements for receiving and storing beets will be perfect. New beet sheds will be built and old ones remodeled, and everything will be done to facilitate weighing, unloading, etc. Reports received from the agricultural superintendent, Job Pingree, show that the beet growers of last year, who raised beets for the factory, have doubled and trebled their acreage this year.

This year the output of sugar will be greatly increased and the cost of production materially lessened.

The cost of production last year was somewhat increased by having to employ inexperienced men to a great extent, and because of having to import lime from a quarry south of Utah lake, the lime in this vicinity not being of sufficient purity.

The entire capital stock was expended and an indebtedness of fifty thousand dollars was created, which will be increased considerably by the contemplated necessary improvements, but the indebtedness can be wholly obliterated by the sale of the sugar on hand. The president believes that after the present indebtedness has been liquidated by the sale of sugar on hand, the results will be sufficiently satisfactory to justify the declaration of a dividend to the stockholders. The report concludes: "I am fully convinced that the industry of producing sugar is as proportionably profitable one as any other legitimate industry within Weber county, and with the satisfactory assurance that we are not only directly benefiting the farming community, but also indirectly every other enterprise in this vicinity. I am every reason for feeling satisfied with our investments even if our profits for the first year or two should not be as large as we might wish.

THE MURRAY JAIL.

The county commissioners visited the new jail at Murray yesterday afternoon and made a thorough inspection of the building. The place was found to fill the bill and will be turned over to the county on Monday.

R. G. W. EARNINGS.

The earnings of the Rio Grande Western railway for the second week in March were $59,700, being an increase over the corresponding week last year of $8,100.

Makes People Hungry

Hostetter's Stomach Bitters is an appetite-maker, and helps the stomach to do its work right. It is the great blood cleanser, flesh-builder and nerve tonic. Best medicine in the world for the run-down, weak and debilitated.

Try a bottle and see for yourself how much good it will do.

Hostetter's Stomach Bitters.

TRIED TO DO UP THE OFFICER.

Colored Soldier Has a Hard Fight With a Policeman.

SIEGFUS FINALLY WINS.

Get a Club First—Record Rough-and-Tumble Event of the East-Bench.

This morning Officer Seigfus, for the space of twenty minutes, had one of the liveliest scraps on his hands that it has been his lot to encounter since he joined the police force.

Between eight and nine o'clock today the housewives in the vicinity of Twelfth East and Fourth South were considerably perturbed by the appearance of a burly 200 pound negro soldier of company H, Twenty-fourth U. S. infantry, who, in thick guttural tones, demanded a cup of coffee to moisten his parched epiglottis after having a night of it down town. Louis Taylor, for that was the soldier's name, tried house after house only to find that in each case the door was slammed and locked in his face.

Finally Taylor struck the domicile of Officer Seigfus, who is known among some classes as "McGinty." Seigfus was fixing the family stove, consequently his disposition was far from seraphic, and he told the man who wore Uncle Sam's uniform to get out. Taylor said, "Oh, you cops tink ye're smart, but yer can't put me out—see!" Seigfus arose in the majesty of his wrath and proceeded to eject the son of Ham who had invaded beyond his family doorstep.

Spectators say it was the wildest exhibition of a free-for-all catch-as-can contest on the records of the East Bench. Taylor, after the first break away, hurled a big chunk of rock at the policeman's head, missing the same by only about half an inch. Then the two men clinched and indulged in a general rough-and-tumble all over the rubbish beds in the lot. From all accounts the policeman was getting the worst of it, the hero of Santiago biting him severely through his clothes, on the arm and chest, and otherwise abusing his cuticle. At last the struggling duo rolled within range of a stick of wood. Seigfus got it first, and the coon got it second—on the head.

By this time the patrol arrived on the scene, in hot haste, the news having reached headquarters that Seigfus was being assassinated in cold blood on his own hearthstone. The unruly soldier was loaded up the worse for wear, and subsequently placed behind the bars at the city hall.

PERSONAL.

Arthur Bryan of Tooele is at the White House.

John Mayan of Bingham is at the White House.

John E. Lambert of Kamas, Utah, is in the city today.

Frank Prideaux of De La Mar is at the White House.

Henry Stephens is in from De La Mar, Nev.

Thos. Drew is in from Eureka.

V. Rapp of Richfield is at the White House.

Geo. A. Clift of Heber City is in the city on business.

P. B. Bryan came in from Tooele last night.

Sim. Lund is in from San Francisco.

J. F. White of Shoshone is at the Walker.

F. J. M. Rowe of Butte is at the Walker.

Lee Jacobs of Billings, Mont., is in the city on business.

U. B. Dona is up from Provo.

Jesse Earl is in from Logan.

Wm. Mack of Denver is at the Cullen this morning.

J. P. Jensen of Mt. Pleasant is a Cullen guest.

Miss Ethel Box of Eureka is in the city today.

Joseph Watson of Eureka is in the city today.

W. W. Bennett of Henefer is at the Cullen.

Postmaster Ross of Lehi is in the city on business.

J. W. Clyde of Helper is a Cullen guest.

J. H. MacMillan is down from Ogden.

J. J. Pope of Eureka came in last night and registered at the Cullen.

Arthur Wolff of New York is at the Knutsford.

Mrs. John A. Milburn and Miss Maud Milburn of Washington, D. C., came in this morning and put up at the Knutsford.

P. J. Burns of Leadville, Colo., is in the city on business.

W. C. Fowler of London, Eng., is a Knutsford guest.

F. J. Penny of Eureka is in the city on business.

G. L. Becker of Ogden is in the city.

A. E. Broberry of El Caney, Cuba, is at the Kenyon.

John C. Davis, Miss A. Davis, and R. L. Hodgers and wife, of Lima, Ohio, are a tourist party at the Kenyon.

E. E. Parmelee of New York is in the city on business.

C. S. Jones of Philadelphia is at the Knutsford.

F. S. Shurtman, M. Green and J. K. MacKenzie are a party of Chicago men at the Knutsford.

F. L. Maytag and wife of Newton, Iowa, are Knutsford guests.

W. H. Thomas of New York is in the city on business.

C. H. Valentine of Omaha is at the Kenyon.

Mr. and Mrs. A. J. Flitcroft of Chicago are at the Kenyon.

Jos. Wilkie and Geo. C. Duggan are registered at the Kenyon this morning. They are from Detroit, Mich.

TO CURE A COLD IN ONE DAY.

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25c. The genuine has L. B. Q. on each tablet.

P.V.Ice.White Wagons.tel.48. Mt. I. Co.

Advertisers who desire to reach the country population of the Western States and Territories should patronize the "Semi-Weekly News," its circulation books are open to all advertisers.

EZRA D. HASKINS WINS HIS SUIT.

John Dern Must Pay $1 Per Share for Certain Mining Stock.

SUPREME COURT SO DECIDES

Judgment Rendered by Judge Cherry Is Sustained—Written Agreement was Binding.

An opinion, affirming the judgment of the lower court, was handed down by the Supreme court today in the case of Ezra D. Haskins vs John Dern, appellant.

This case was an appeal from a verdict rendered by a jury in Judge Cherry's court in favor of the plaintiff.

In December, 1895, Haskins, who was the owner of 2,510 shares of the capital stock of the Silver Mining and Milling company, caused a certificate for the shares to be made out in the name of the defendant, whereupon the latter delivered to plaintiff the following written agreement:

"Salt Lake City, Utah,
December 28, 1895.

"Received of Ezra D. Haskins one certificate of stock in the Silver Lode Mining and Milling company for 2,510 shares, No. 46, issued in the name of John Dern. I agree to return this stock to said Ezra D. Haskins on August 1, 1896, or pay to said Ezra D. Haskins the sum of $1 per share therefor. Said John Dern agrees to pay all legal assessments levied upon said stock during the time he holds the same. It is agreed that if Hudson Smith takes up the option which he has on 50,000 shares on the capital stock of said company, that Mr. Dern will return said stock to said Haskins upon the taking up of said option.

"JOHN DERN."

Defendant did not return the stock on August 1st, 1896, and on the 20th of August in the year following, plaintiff brought suit against defendant, alleging the ownership of the stock in December, 1895, the delivery of the stock to the defendant, the contract, the failure to return the stock within the specified time and the refusal of defendant to pay for the stock at the price and figure agreed upon.

In his answer, defendant admitted the transfer and agreement, but, as an affirmative defense, alleged that the stock was delivered to him under the following conditions, and for the following purposes, to-wit: "That the stock of the company consisted of 100,000 shares; that defendant and his associates were the owners of 45,000 shares; that the 2,510 shares, when added to the 45,000 shares, constituted a majority of the stock; that plaintiff was desirous that defendant and his business associates should control the company, and to accomplish that result a certificate was made out in the name of the defendant for 2,510 shares owned by the plaintiff, and delivered to the defendant with the intent that defendant should have power to vote the same at a meeting of the company, between December 20th, 1895, and August 1st, 1896; that defendant received the 2,510 shares for no other purpose, and under no other agreement, and for no other consideration, and that he faithfully carried out the conditions upon which he received the stock, and at all times, from December 20th, 1895, to and including August 1st, 1896, he had the stock in his possession and was ready and willing to deliver it to the plaintiff upon demand; that the stock was at all times, from December 20, 1895, worth not to exceed ten cents per share; that since August 1, 1896, the defendant has frequently offered to return the stock to plaintiff, who refused to receive the same; that plaintiff never demanded the return of the stock, or notified the defendant where nor to whom he should deliver it."

When the case came on for trial it was admitted that defendant did not return the stock on August 1, 1896. Defendant then offered to call witnesses to prove the affirmative allegations of his answer. The plaintiff objected to the offering of the testimony, and the court sustained the objection. The defendant thereupon refused to go any further, when Judge Cherry instructed the jury to bring in a verdict for the plaintiff. From that judgment defendant appealed.

One of the questions arising was whether or not parole testimony was admissible to alter or vary the terms of the written agreement. The court holds that in the absence of fraud, mistake or ambiguity, parole evidence is not admissible.

It was also contended by counsel for defendant that the agreement referred to was a contract for bailment and not a contract of sale or conditional sale. The court holds this point was not well taken for the reason that defendant had the right to return the stock at a specified time, or pay $1 therefor and retain, whether the plaintiff so desired or not. The fact that he had the option to return or pay for it made him liable for the contract price.

It was also contended by counsel for defendant that the contract requiring the defendant to pay $1 per share if he did not return it, was a penalty and not an agreed price. The court holds that a penalty is a punishment imposed by law or by contract for doing or failing to do something that it was the duty of a party to do. In this case the court finds that there was duty imposed upon the defendant for the simple reason he could have either returned it or have kept it. The court concludes by holding that under the agreement the title to the stock passed to the defendant, subject to the option to return it on the 1st of August, 1896, or to pay $1 per share for it, and that, having retained the stock for nearly one year after the time limited in the contract, he became liable for the amount agreed upon.

Other questions were raised but the court did not deem a discussion of them necessary. Finding no reversible error in the record the court orders an affirmation of the trial court's judgment.

The opinion is by Justice Miner, Chief Justice Bartch and Justice Baskin concurring.

Setting of Jury Cases.

Judge Cherry made a setting of thirty-four jury cases today, for trial commencing Monday next to Thursday, April 6th, inclusive.

WAS OUT OF SIGHT.

Attorney for W. A. Manson Will Move for a New Trial.

Attorney A. H. Lewis, who represented W. A. Manson, convicted Tuesday of criminal assault upon his five-year-old step-daughter, was on the warpath today, because the court allowed Manson to be moved to another part of the court room while the child was giving her testimony. Mr. Lewis says that the law clearly and specifically states that a defendant shall be confronted with the witnesses who are to testify against him, and that the court erred in permitting the evidence to go to the jury when Manson was out of sight and hearing. Manson's sentence is set for tomorrow, when Lewis will ask for a stay of judgment pending the argument of a motion for a new trial.

North Point Damage Suit.

Judge Hiles is still engaged taking testimony in the $20,000 damage suit of the North Point Consolidated Irrigation company against the Utah and Salt Lake Canal company et al. Developments thus far have resulted in the non-suiting of two of the defendants, viz., Salt Lake City and county. For the past two days the defense has been putting in its testimony and a conclusion may be reached before court adjourns this evening.

NEW ENGLISH WORDS.

As a result of the "literary competition," of the London academy, a list of new words which have been added to the English language is given to the world. It will surprise most persons that such words have been coined:

Roofer: A letter written after staying with a friend, to express your gratitude for the time spent under his hospitable roof.

Crotion: An occurrence which enables you to "crow" over another person. It is the noun corresponding to Mr. Kipling's interjections, "Gloats, and fills!"

Bludomer: One who declines to go to church because, he says, he worships God more easily "under the blue dome" of heaven.

Dopuient: One's adipose aunt's method of sitting or reeling.

Glug: A greasy mud peculiar to the streets of large cities.

Whiffleonist: Object of small importance.

Quiendinglies: Irrelevance and trivialities.

Sinequanonymous: Most essential.

Twink: A testy person full of kinks and cranks.

Confumption: Muddle, catastrophe.

Tiger: Decoction of tea which has stood too long, whether warm or cold.

Screel: To feel the sensation produced by hearing a knife edge squeal on a plate.

Smarmy: Saying treacly things which do not sound genuine.

Scrungle: The feeling of hearing a slate pencil squeaked on a slate.

Gluty: An adjective denoting the quality that is not quite oily or creamy or glutinous, but something of each.—Waverly Magazine.

KEEPS NICE.

Your refrigerator filled with P. V. spring water ice. Tel. 48. Mountain Ice Co. White wagons.

DIED.

GRIFFITH.—On March 5th, in this city, Rebecca Savage Griffiths, aged 68 years. Deceased was born in Chesterfield, England.

The funeral services will be held at the residence of her sister, Mrs. L. Loff, 409 Third street, on Friday, March 17th, at 2 p. m. Friends respectfully invited to attend.

NAPLE.—In Salem, Mich., Feb. 13, 1899, Lawrence Naple, born March 27, 1832. Deceased was a brother of the late Louden Naple, one of Utah's Pioneers, who died January 26, 1891, in Salt Lake City.

HILLSTEAD.—In Salt Lake City, Utah, at 3 o'clock March 14, 1899, Mabel Hillstead, daughter of John A. and Maria Hillstead, aged 16 years, 4 months, 2 days.

A CONVINCING ARGUMENT.

There was a time when people expected a question of price to be the convincing argument which assured you of the first-classness of a baking powder. They thought all you had to do was to pay 50 cents a pound and you was sure to get a good quality. Since U. S. Baking Powder has been on the market, it is entirely different, they have found that it is not necessary to pay a high price for a first-class baking powder. This is true because U. S. Baking Powder is sold for a low price and is a high quality product. If you have never tried it, you will soon be convinced of its high grade by buying a single can.

YOUR GROCER SELLS

U. S. Baking Powder

at following prices:

1 OUNCE CAN ... 10c
8 OUNCE CAN ... 15c
16 OUNCE CAN ... 25c

Remember, every can guaranteed to give perfect satisfaction or money refunded. You take no risk. Why not give it a trial?

SEVEN SUTHERLAND SISTERS'

Hair Grower and Scalp Cleaner.

Are the only preparations that will restore the hair to its original healthy condition. At all druggists.

CARTER'S LITTLE LIVER PILLS.

CURE

Sick Headache and relieve all the troubles incident to a bilious state of the system, such as Dizziness, Nausea, Drowsiness, Distress after eating, Pain in the Side, &c. While their most remarkable success has been shown in curing

SICK

Headache, yet Carter's Little Liver Pills are equally valuable in Constipation, curing and preventing this annoying complaint, while they also correct all disorders of the stomach, stimulate the liver and regulate the bowels. Even if they only cured

HEAD

Ache they would be almost priceless to those who suffer from this distressing complaint; but fortunately their goodness does not end here, and those who once try them will find these little pills valuable in so many ways that they will not be willing to do without them. But after all sick head

ACHE

Is the bane of so many lives that here is where we make our great boast. Our pills cure it while others do not.

Carter's Little Liver Pills are very small and very easy to take. One or two pills makes a dose. They are strictly vegetable and do not gripe or purge, but by their gentle action please all who use them. In vials at 25 cents; five for $1. Sold by druggists everywhere, or sent by mail.

CARTER MEDICINE CO., New York.

Small Pill. Small Dose. Small Price.