DESERET EVENING NEWS: THURSDAY, AUGUST 30, 1906.



that the answer having set out that defendant city has acquired jurisdic tion to do the work in this sidewal district under the statute, such fact is a complete bar to the recovery by the plaintiffs in this action, for the reason that when an applicant seeks from this court a writ of mandate, he must be cultied to it not only at the time the curities to it not only at the time the proceeding was commenced, but also at the time it may issue. This applica-tion was filed in this court on the 7th day of August, 1906, and the defendant city acquired jurisdiction under the notice of intention to make the improvement contemplated therein in the PROVO DEPARTMENT The "News" is delivered by carrier every night (Sunday excepted) at 75 cenis per month. All payments and complaints should be made to R. J. Dug-dale, agent for Daily, Saturday and Semi-Weekly News. Orders taken for Church Works, Residence, 372 Fourth North St., Phone Ind. 96 M.

pray, the

Death of a Provo Pioneer, Joseph C Jones-Foresters' Convention. Special Correspondence.

Provo, Aug. 39 .- There are about 1,000 Black Hawk war veterans encamped at the Provo Lake resort, hicluding the families and relatives who have come with the Indian fighters and several parties came in today. Yesterday the officer of the day was Robert Colby of Pleasant Grove, and the master of ceramonies, Capt. Geo. McKenzie of Springville. Interesting services were held forenoon and after. noon including an address of weicome

by Mayor Frisby and response by Judge J. E. Booth, speeches by W. W. Cluff of Sali Lake, J. M. Westwood of Springville, and others, songs, recitations, etc.

A sham battle between whites and 'Indians" was given in the afternoon, and the day closed with a dance in the evening.

Large numbers of people go down from the city to enjoy a visit with the veterans.

Martial music is furnished by som of the members who were with th Indian fighting companies and a col lection is being made to buy instru-ments for a band to be organized by the association. The Springville band attended today

B. Y. U. OPENS SEPT. 10. The Brigham Young university

in the history of the institution. DEATH OF A PROVO PIONEER.

Joseph C. Jones of this city died esterday at Mammoth, where been residing for some time. Yesterday morning, while attending to some duties near the house, he fell and dislo

then, as to the revocation of permits upon the first publication of the notice of intention to create a sidewalk disway of concrete sidewalks on the 6th of August, 1906, so that even assum ing that the construction to be give to the ordinance relating to permits 1 being reasonable, is valid,' and es contended for by the plaintiffs and applicants, namely, that up until th time when the city acquired jurisdi-tion to do the work under the statut in this particular case after the first publication of the notice of intention, which was on July 12, 1906, the plaintiffs were not entitled to have the permit is-sued to them, and therefore the city the permit should be granted, the very time the plaintiffs made this application they were not cutilied to engineer was justified in refusing to so issue it, when applied for on July 31, 1906, and all these facts having been have the permit granted and of course they are still less entitled to have h set out in the petition and application of the plainuffs and they not constigranted at this time

"The ordinance having provided, ever under the construction given (a it by counsel for the plaining and applicants that permits should not be granted aftuting facts sufficient to entitle the plaintiffs to the relief for which they demurrer to said petitio and application upon that ground should be sustained. or the time when the city has ac uired jurisdiction to build sidewalk After this ruling, the court went fur In this district under the statute, an having provided further for the rether into the case for the benefit of the counsel, as follows: oration of permits already issued, for his court now to order the city en "It does seem to the court, however gincer to issue such permit would equivalent, as counsel for plaintiffs an pplicants must concede, to orderly itu to violate an ordinance of the cli which he is sworn to obey, and this the court will not do. If at the time the city engineer refused to issue the per-wit he acted wrongfully, plaintiffs and applicants are put to their remedy. If

damages. "It seems to the court, therefore, under any view that may be taken this matter the plautiffs and applican tre not entitled to the writ of mar fate for which they ask, and their pet tion, therefore, may be denied.



ulcer resist one treatment after another," sometimes scabbing over and apparently getting well, then returning with renewed energy and becoming worse than before. Sores and ulcers are not due to outside causes; if they were, salves, plasters, lotions, etc., would cure them. They are kept up by a diseased and polluted condition of the blood brought on by the absorption of refuse and waste matters of the body into this vital fluid. These acccumulations find their way into the blood, usually because of an inactive and sluggish condition of the system. Nature intends that they shall be carried off through the usual channels of waste, but the different members failing to perform their duties properly leave the matter to sour and ferment. The blood then, in its effort to keep the system healthy, absorbs these poisons and at the first bruise, cut or wound the sore is formed, and the constant drainage of foul matter through it keeps the place open and irritated so it cannot heal. Another cause for old sores and ulcers is the pol-

luting or weakening of the blood from the remains of some constitutional trouble or the effects of a long spell of sickness. S. S. S. begins at the fountain-head and drives out all poisonous matter and germs, and makes a last-PURELY VEGETABLE. ing cure. As soon as the system gets under the influence of S. S. S. the inflammation

gradually leaves, the flesh takes on a healthy color, and soon the place is permanently healed. Book on sores and ulcers and any medical advice with-THE SWIFT SPECIFIC CO., ATLANTA, GA. out charge.

We are Closing Out our Entire Stock of Slippers and Oxfords. Price nor Profit enter our calculations. We offer this week Three Beautiful Low Shoes for LADIES at a great sacrifice. \$4.00 values are now selling for ... \$2.65 Fisher's Banion Protectors for Ladies and Men ROMNEY'S DEPENDABLE SHOES 258 SOUTH MAIN STREET.



Brown from Walter Brown on a charge of desertion and non-support. The court had the case under advisement for several days. This case was once thrown fut to admonish counsel for the plaintiff ing liable to the taxes, assessments and fit to admonish counsel for the plaintiff not to triffe with the court in matters of this nature. Later a complaint was filed containing additional charges which resulted as above George Dawson, through his attorney . R. Hollongsworth filed an application divorce against Maria Dawson; in which desertion is alleged. The couple were married in Yorkshire, England, March 15, 1871. An annulment of the marriage ties and general relief is prayed for

triet court this morning Judge J. A. Howell handed down a decision susaming the demurrer of the defendant in the case of Joseph L. Carlson and Fred F. Sanborn vs Ogden City and F. Parker, city engineer and deny ing the application for a writ of mandate. The decision is of vast importoveras the action was brought to determine the rights of the property

Briefly stated the history of the case On Aug. 7, 1906, the plaintiffs gave

writ of mandate to issue against the defendants. The petition for the writ alleged that Joseph L. Carlson, one of the plaintiffs, was the owner of cer-tain real estate on the east side of Wall avenue between Twenty-fifth and Twenty-sixth streets: that the de-

huild therein concrete sidewalks withwhich district was included the

of first publication of the notice of Intention was July 1, 1906, and the

t shall be deemed that jurisdiction is acquired by the cty to do the work rom the date of the first publishing of the notice of intention and until hearing of the protest shall finally de-termine the jurisdiction and upon the date of the first publication of an

This ordinance was are t by the mayor July 11 1966. Calrson desired to have Sanborn do this work for him, for the reason that

BLACK HAWK ENCAMPMENT. | ber is reached. Residents and those who have been using the range ar given preference in the allotment of grazing privileges and the range is d vided as fairly as possible among the cattle, sheep and horse interests, the adaptability of various sections for the several classes of stock being ke in view. And as one object of th Forest service is to protect the wate sheds, sheep, which are admitted to b more destructive of the range an water sheds than horses or cattle, an unfined to sections where they will de the least damage, and are not permit ted on watersheds near cities or town The department is making investiga tions and experiments in reseeding ranges, and bulletins announcing the result will be issued as soon as the

required data is secured. Arrangements have been made for the Telluride power company to pur-chase 400,000 feet of lumber from govmment land in Idaho for the company's power plant at Grace, near So-da Springs, Idaho, and Supervisor Squires of Logan, has been given charge of the section in which the tim-ber is located. Expert Lumberman L. . White has gone north to take immeliate charge of the negotiations

MERCANTILE COMPANY INCOR-PORATES.

Articles of incorporation of the Ruby Hill Mercantile company have been filed with the county clerk. The object incorporation is to conduct a general merchandise business, with the orincipal place of business in Payson, The capital stock is \$30,000 in shares of the par value of \$100 each. The offiers and directors, who are also all of the incorporators, are: George D. Snell, Jr., president; Cyrus E. Snell, opens Sept. 10. The prospects point to an increased attendance, the largest tary and treasurer; George D. Snell and

SMART-LOBB WEDDING.

GARDEN CITY NOTES.

maintained in violation of the spirit of the Constitution of the United States, therefore be it unanimously "Resolved. That this body volce its disapproval of lawlessness and anarchy seen in the movement of Farley's strike breakers.'

convention that Farley's strike break-ers, 600 or 800 strong are en route from New York to San Francisco and, "Whereas, Farley's strike breakers

are an armed force called together and

THE PLATFORM.

The platform adopted was as fol-

lows: "The Socialist party of Weber county animated by the spirit of the inter-national movement, declares that modern society is composed of two principal economic classes, the captalist and the working classes.

"The ruling or capitalist class is rumerically insignificant; its power to hold the working class in subjection, and to humiliate the 'general public' is derived from the possession of the socially created machinery of production and distribution.

"The working class as a class is pro-pertyless, except for its labor power. which, under the present system, is a commodity whose perishable nature will brook no delay in its disposal, and whose price, called wages, is governed by the necessities of the laborer, and the fluctuation of the labor market. "Economic disturbances, called

strikes, are but manifestations in the economic field of the class struggle be-tween the working class and the capitalist class, a struggle which must continue unfil classes are abolished by the social or collective ownership and conrol of the means of production. "The Socialist party also recognizes

the fact that not until economic neces-sity compels closer attention to the aftairs of government will votes become valuable

"The working class is at present divided on both the political and eco-romical fields, by race, creed and craft distinctions; the capitalist class known none of these distinctions, when I comes to an economic strife.

The mission of the Socialist movement, as exemplified by the Ogden local, is to promote the political and eco-nomic solidarity of the working class. "The I. W. W., of which the Western Federation of Miners is a part, exemdifies the true principles of working

plines the true principles of working plass solidarity on the economic field. "No better proof of the above could be had than the persecution of Moyer, Heywood and Pettibone, officials of the W. F. of M., by the capitalists and heir political agents. These men were kidnapped from one state to another without a shadow of a hearing and in without a shadow of a hearing and in rielation of all rights guaranteed by the Tonstitution. Moyer, Heywood and Pet-tibone are guilty of fidelity to the working class, consciously advocating unity along class and craft lines. For his crime against the capitalist, Moyer, Heywood and Pettibone are yet in dan-

ber of being legally murdered. "The Socialist party calls upon the workers and all other intelligent citi-tens to respond to the slogan. An inury to one is an injury to all, and rally to the rescue of Moyer, Heywood and Pettibone, whose enemies already tremble and who seek a graceful exit from what has become an awkward situa-

"The administration in our county and city offices has disgraced the fair names of Weber county and Ogden city. and has even gone so far as to attack our courts, whenever an attempt has been made to unearth corruption. The present authorities appear to consider. has commenced an action against present authorities appear to consider. Lundy of the Ogden sanitarium. " the conviction of every political grafter Lundy of the Ogden sanitarium." charge is selling liquor without a

But corruption in these affairs is not. a new occurrence and we call attention to the fact that it is to the corruptive ower capitalism and uncertainty of the auture and the business instinct of those who make politics a business that we we the scandalous corruption of muni-tipal county and state administration.

RUN DOWN BY A HORSE.

Ogden, Aug. 30.-While Joseph Mac Lachlan, secretary of the Ogden Social-ist party, was on his way to the convention last evening, he was run down by a horse attached to a light surrey at the corner of Twenty-fifth and Washington avenue. MacLachian was knocked to the ground and the wheels of the vehicle passed over his body. He was assisted to the county court house and insisted upon attending the convention before securing medical attention. He was not seriously injured.

BRIEFS AND PERSONALS.

A. Howard, 25, and Miss Mollie Williams, 24, were yesterday granted a license to wed.

Several warranty deeds involving rights of way for the Salt Lake & Ogden Railway between Washington av enue and the mouth of Ogden can were filed in the county recorder's office yesterday. Five boys were arrested yesterday

by deputy sheriff R. R. Shaw, for having destroyed a patch of melons he-longing to W. E. Bingham, who lives north of this city. The boys range in age from 12 to 17 years. The loss is a serious one, as the crop was ruined. Congressman Joseph Howell was in Ogden for a short time last evening.

After taking dinner with relatives he started with his son Reese to drive to

The Ogden Waterworks company yesterday applied for a change of venue in the case of J. J. Brummitt vs the Ogden Waterworks company. The reuest is made because the case in volves parties in other states and that the company is organized and operat-ing under the laws of Oregon. It is asked that transfer be made to the United States district court.

Yesterday was Neighbors' day at the Hermitage in Ogden canyon. There attendance from Eden, and the other towns of the atey. A number of Ogden Huntss!" Ogden vasley. business men also participated in the festivities,

Court West, aged 15, and Heber Datley, aged 13, who ran away from their homes in Oakley, Ida., were located in Ogden yesterday and returned north this morning.

Word was received here yesterday of the death of John Calvert, who was for many years a prominent resident of Ogden. His death occurred at Pocatello yesterday morning from an attack of paralysis.

A special train was run over the Oregon Short Line yesterday, carrying Su-perintendent H. V. Hilliker, Assistant Superintendent H. J. Roth of the Short Line and H. H. Rolapp of the Amalgamated Sugar company, who are mak-ing a tour of inspection of the sugar beet fields of the north with a view of estimating the number of cars that will be necessary to handle the year's crop. To establish the boundary line be tween the city and the county on the east, License Collector G. B. Wardian has commenced an action against R. C. Th cense. As the boundary line is dis-puted neither the county nor the city care to take the responsibility of ac-

cepting the license fee. Judge John A. Marshall is expected to hold a session of the United States district court in Ogden Sept. 10, at which time the cases will be set and the jury selected.

The plaintiffs then alleged that they had no plain, speedy and adequate rem-edy in the ordinary course of law, and therefore prayed for the issuance of a of mandate directed to the delendants, commanding them to issue a permit to build the sidewalk along the premises of Carlson, and to furnish them with lines, stakes, grade and in-

structions necessary for the construcof the same. On July 31, 1996, Carlson applied to A. F. Parker, city engineer, requesting that a permit be issued to Fred F. Sanborn, a licensed contractor, to build a sidewalk in front of his property as was provided for in the notice of intention, and on the same day Sanborn ap plied to the city engineer for a permit to build the sidewalk, in conformity with the notice of intention and under

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direction of the city engineer, but city engineer, refused to grant such permit. It was finally argued in behalf of the plaintlifts that the complaint did not

facts sufficient to constitute a of action, or to entitle the plainstate tiffs to the relief for which they asked. it was upon this ground that the clis really relied to prevent the issu-ance of the writ. It was conceded by counsel for both parties that the city had the right to enact an ordinance providing for the granting of permits to owners of property and their licensed tractors for the building of sidewalks and also that such permits may be revoked, but it was argued by counsel for the plaintiffs that inasmuch as the ordinance provided that such mits as are issued shall expire 60 days from the date of issuance, or at such as the city gained jurisdiction that the permits cannot be revoked until the city has acquired jurisdiction rder the making of sidewalks. The question, in this case was, can the clty, for the purpose of revoking per-mits, attach a different meaning to the words "gaining or acquiring jurisdiction to make the improvements or to do the work of building sidewalks" than hat of the statute providing for pub-ching of notices of intention creating districts for public improvements and providing for the levying of special tax-es therein. It seemed to the court that undoubtedly the city can do so, for there is no conflict between the statute and the ordinance, the objects of both eing entirely dissimilar. It was also argued in behalf of the

plaintiffs that the requirement that per-mits should be revoked 20 days prior to the time when the city can commence work under the notice of inten tion was an unreasonable limitation upon the granting of permits and was therefore unwarranted. Upon this point Judge Howell ruled that the regulation was a matter that is largely within the discretion of the legislative body having power to provide for the granting of the permit, and that such a discretion would not ordinarily be in-terfored with by the courts guics: there

was a clear abuse of it. The decision of the court was then as follows:

To make it positive and certain that there shall be no obstructions in the districts in which sidewalks are to be obstructed, and to obviate the difficulties necessarily arising therefrom, it is perfectly proper for the city to pro-vide not only that no private contractors shall be engaged in the work of huilding sidewalks when the city's conractor commences his work, but that private contractors shall be engaged such work for a reasonable time rior thereto, and certainly 20 days annot be said to be an unreasonable

Moreover, it cannot be said that the interests of the owners of abutting property are unduly infringed upon by such a requirement, because for the whole period of time that a person may own property within the city, he has a right to have a sidewalk in front of his premises constructed by any licensed contractor whom he desires to employ. and it is only when the city finally makes up its mind to proceed with the work itself, when it takes the initial step to create a sidewalk district, that he is deprived of such right.

"This provision of the ordinance,

He was placed unde Futieral services over the the influence of chloroform, while the Dr. Widtsoe's little son, held yesterday dislocation was being reduced, and were attended by a large number of relatives and friends. The speakers were: Elder J. E. Booth, Bishop E. D. having a weak heart, he succumbed to the effects of the chloroform. The The deceased was the son of the late Moses Partridge, Elders James A. Oliver and Jones of this city; he was born i A. L. Booth.

Anna Six

Smart, of Provo.

Quincy, Ill., 62 years ago, and came to Governor Cutler and State Auditor Utah with his parents in 1851. His home since then has been in Provo Edwards came down from Salt Lake Tuesday evening, and yesterday were with the exception of four years spent the guests of Dr. Calder on a trip to in Southern California, about 35 years Provo canyon. He leaves two daughters and

Thomas Bandel, a patient at the two sons, and numerous other relatives state mental hospital, committed from Salt Lake two years ago, died Monand many friends to mourn his departure. The funeral services will be held in the First ward meetinghouse The funeral services will be day from paralysis, at the age of 39 years. The burial took place here arrow (Friday) beginning at 10 vesterday

Prof. L. M. Gilliland, of the Salt Fiol. L. M. Gilliadol, of the Sail Lake Collegiate institute, has one of the most attractive fruit farms, in point of location, at Mapleton, where he spends the vacation. Prof. Gilliland FORESTERS' CONVENTION. A. F. Potter of Washington, D. C. chief of the grazing division of the Forest reserve service, has arrived as in Provo today, and informed th and is conferring with the supervisors "News" representative that he has states, 1,300 trees in sweet cherries. He reports that a fruit grower took \$33 in convention here, on matters per-taining to grazing on the reserves. Mr. Potter states that it is the intenworth of sweet cherries from one tree tion to regulate grazing so that the inlast season, which gives an idea of whether or not fruit growing pays, Robert Birkin, of this city, a native terests of the live stock industry may be protected and the ranges at the same time, preserved and improved. And for this reason it is the rule, when of England, has been admitted to citi-

reserve is established, to admit the The Proctor academy opens Tuesday. Sept. 4. The attendance prom be much larger than last year. first year all the stock that has for-The attendance promises been grazed on the ranges of the reserve. If this number is found academic department there will be 6 to be too large for the capacity of the students enrolled when school opens range the number admitted will grad-ually be decreased till the right num-tendance in that department last year



The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of , and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children-Experience against Experiment.

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Castoria is a harmless substitute for Castor Oil, Free. goric, Drops and Soothing Syrups. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhœa and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea-The Mother's Friend,



the summer lines still offer temptations to those who study economy. Come in and see if you can't pick up something you want at a bargam.

35. 37, 39, 41 W. First South Street.

GARDNER DAILY STORE NEWS.



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some little article needed to complete the season. For the reason that all Summer goods reduced for our recent Sale still retain the reduced price.

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one good, free movement of the bowels each day. Ask him if he knows any laxative better than Ayer's Pills. We have no secrets We publish J.C. Ayer Co... the formulas of all our medicines' Lowell Mass.

