

ARGUMENTS IN TAX LIST CASE

County Attorney Lyon and Law-
yers Stewart and Booth Be-
fore Judge Armstrong.

RIGHTS OF BOARD INVOLVED.

Action Is to Recover \$5,727.50 Said to
Have Been Illegally Paid to Inter-
mountain Republican.

Judge Armstrong Monday listened to
arguments of counsel in the action
brought by County Attorney Job P.
Lyon to recover from the county com-
missioners and their bondsmen \$5,727.50
alleged to have been illegally paid to
the Intermountain Republican for the
publication of the delinquent tax list of
Salt Lake county for the year 1908. The
argument was on the demurrer of the
county attorneys to the affirmative an-
swer of the commissioners. County
Attorney Lyon appearing in behalf of
the demurrer, and Bernard J. Stewart
and H. E. Booth appearing in behalf
of the commissioners.

The grounds upon which the court
was asked to sustain the demurrer
were that no bids for the printing of
the tax list were asked for by the com-
missioners as required by law; that no
contract was made for the publication
of the list; that the county treasur-
er was not directed to advertise for
bids for printing the list as required,
and that the claim for the printing was
not approved by the commissioners as
the statute provides.

Mr. Lyon contended that the contract
for printing the tax list had not been
awarded to the lowest bidder, and
was therefore invalid, the intent of
the law requiring such advertise-
ment being to protect the county
against imposition and extortion in the
matter of printing county notices by
selecting bids from different newspa-
pers having general circulation in the
county. Mr. Lyon maintained that a
ward of county commissioners must be
considered in the same light as a
municipal corporation, as the powers
they exercise are only those delegated
to them by the state legislature, and
that the act of awarding the bids for
printing the tax list was without the
authority of law unless it was done
according to the law requiring adver-
tising for bids. The commissioners
are only the agents of the county,
and contend, and those who con-
tract with them must do so with the
knowledge of the limitations of their
powers.

Counsel cited cases bearing on the
point at issue from Ohio, Indiana and
California courts, showing that where
the act of awarding the bids for pub-
lic work or for furnishing supplies to the
county the contracts were not legal
and could not be ratified by the com-
missioners as a county liability. Sec-
tion 68 of the Compiled Laws of
Utah, 1907, was quoted, which states
that all contracts not made under the
provisions of the statute requiring ad-
vertisement for public notices, etc.,
were absolutely void and without au-
thority of law.

FOR THE COMMISSIONERS.

Attorney Stewart for the commis-
sioners said the commissioners had
acted in good faith in securing a bid
from the Intermountain Republican
for printing the tax list, and the
county had received the benefits of
the advertisement, having thereby
been enabled to collect the whole
amount of the delinquent tax list so
advertised, and that the question of
the legality of the proceeding could
not now be raised. He contended the
commissioners had authority to make
such a contract, in fact the commis-
sioners are expressly charged with the
making of such contracts by statute,
and he claimed that the cases cited
by the county attorney were not ap-
plicable to the case in point from the
fact that they did not raise the point
of authority. The California case cited
by the opposing counsel, Mr. Stewart
stipulated, said that the county com-
missioners could at subsequent ses-
sions correct any irregularity that had
occurred at any previous session in re-
gard to such contracts, and he main-
tained that the commissioners in this
case had ratified the contract for

printing the tax list as contemplated
by law.

Mr. Stewart claimed that county
commissioners are quasi-judicial of-
ficers and must exercise their discre-
tion in regard to all matters pertain-
ing to the welfare and benefit of the
county, and as such they are exempt
from censure the same as a judge is
except as they are supposed to act in
good faith. He said the commis-
sioners in this instance had acted in
good faith, and the results of the ad-
vertisement showed that they did not
act in good faith and the county got the
benefit, and the motives of the com-
missioners therefore could not be
questioned.

"If this were not so," said Mr. Stew-
art, "no quasi-judicial officer would
ever be safe, and no man could be
found who would act as a county com-
missioner. If these men are to be per-
sonally liable, as opposing counsel de-
mands, for every little mistake in pro-
cedure which occurs in their official
capacity, such a position would break
even the most solvent business man,
and no one could be found who would
accept such an office."

Attorney H. E. Booth closed for the
commissioners with a brief address,
contending that the statement made
in the affirmative answer had not been
controverted, and that the commis-
sioners had asked for and had received
a bid from the Intermountain Republi-
can, that the work had been done,
and the county had received the bene-
fits of the advertisement.

County Attorney Lyon in closing for
the prosecution said if the contention
of the defense be true, then the county
commissioners could, for instance, in
the matter of constructing a bridge
across a stream in the county, go to
one contractor and ask him to submit
a bid and let the contract for the
bridge to him without further adver-
tising. He claimed that this was not
the intent of the law, which charges
the bids should be taken so that all
interested might make tenders for any
public work, and in this manner pro-
tect the county against extortion.

At the conclusion of the arguments
the case was submitted and a de-
cision will be announced by Judge
Armstrong later.

WILLIAMS HELD.

A. L. Williams alias A. L. Lewis,
was arraigned before United States
Commissioner Charles Baldwin, late
Monday afternoon, on the charge of
impersonating an internal revenue of-
ficer. He waived an examination be-
fore the commissioner and his bail
was fixed at \$1,000, failing to secure
which he was taken to the county jail
to await the action of the grand jury.
In the complaint, which was sworn
to by Clarence Cowan, an internal
revenue agent of this city, Williams
was charged with having collected \$29
from Mrs. L. C. Fender on Oct. 28,
and also with collecting \$49 from
Mrs. Maggie Richards on Oct. 30. In
each case it is stated that he repre-
sented himself as an internal revenue
officer.

NEW SHORT LINE TRAIN.

The Short Line will put on an addi-
tional train Nov. 4, to leave Idaho Falls
at 5:15 a. m. and arrive Marysville at
10:30 a. m. Returning, the train leaves
Marysville at 5:35 p. m., arriving Ida-
ho Falls at 7:50 p. m. This is announced
in a supplement to time card 48. Pas-
sengers leaving Salt Lake on 2, leav-
ing at 10:35 p. m., will thus be able to
reach Marysville the next morning be-
fore noon. The additional train will
double the passenger service over the
line, and prove a great convenience to
people through that section of the state.

WANTS \$20,000 DAMAGES.

Alleging that he had to have his right
arm amputated, and that his left leg
and the little finger of his left hand
were broken when a Union Pacific en-
gine struck him while he was working
in a steep cut between the Ontario
mine and the railway station in Park
City, John Solavonis has filed suit for
\$20,000 damages against the Union Pa-
cific Railroad company in the district
court.

COURT NOTES.

Judge Ritchie Monday rendered a
judgment in favor of L. A. Marks and
against Margaret M. and William O.
Howard, cancelling the contract en-
tered into Feb. 8, 1907, for the purchase
by Marks of 24,320 rods of ground in
lot 6, block 34, plat A, Salt Lake City
survey. It was shown that the How-
ards failed to execute a deed to the
premises within the specified time after
a payment of \$500 had been made by
Marks. The judgment carries the can-
cellation of the contract and the re-
turn to Marks of the \$500.

Berra Thompson and J. C. Lynch yester-
day brought suit against Joseph J.
Snell to compel him to tear down a
concrete wall which it is claimed has
damaged them in the sum of \$500 on
property jointly owned by them in
lot 7, block 57, plat A, Salt Lake City
survey. They ask that Snell be re-
strained from building another wall on
the premises.

Banks



Ostrich Plumes Half Price

Luxurious Willow Plumes.
Elegant Ostrich Plumes.
Beautiful Ostrich Tips.

Our entire \$15,000
stock included in this
sale—every fashionable
shade, variety and style
is among them. Specimens
of rich plumage
from the best importa-
tions of the season, ex-
clusive and superior in
strength and quality.

Willow Plumes worth
from \$10.00 to \$75.00,
One-Half Price.

Exclusive Ostrich
Plumes worth from
\$1.50 to \$22.50, One-
Half Price.

Beautiful Ostrich
Tips, worth from \$1.50
to \$7.50, One Half Price.

SOCIAL AND PERSONAL

The American Music society will
meet tomorrow evening with Mrs. C. G.
Plummer and the evening will be de-
voted to Dudley Buck in view of the
musicians recent death. A sketch of the
composer's life will be given by Mrs. S.
O. Nelden, and a program of his com-
positions will be given by Miss Kybella
Clayton. Mrs. Mont Perry, Miss Edna
Cohn, Miss Pearl Rothchild, Miss Lor-
aine Leary, Miss Minette Barr, Mr.
Hugh Douglass and Prof. George Skel-
ton.

The Free Kindergarten association are
planning a society convocation and cer-
emonies to be given some time within the
next two weeks, and about as prominent
social people of the city will take part.

Mrs. Fred Wey and Mrs. Vaughn Paul
are hostesses at a large bridge tea this
afternoon. 15 tables being played and
the hostesses led by Mrs. E. A. Wall and
Mrs. Dellouzek. The rooms
are decorated in pink and white
chrysanthemums.

The local daughters of the Revolution
are arranging a number of entertain-
ments for the benefit of the National society, who ar-
rives next week, including a trip to
Salt Lake on Thursday afternoon, to be fol-
lowed by a reception at the home of Mrs.
T. G. Weber in the evening, with other
events to fill up the remainder of the
week.

The Orphan's Home and Day Nursery
association will meet this afternoon with
Mrs. Edwin Kimball.

Miss Vera Stevenson entertained at a
Halloween party last night at Lee home
yellow chrysanthemums, black and yellow
streamers, and other details being
used in the decorations and all the
usual symbols being in evidence. A musical
program was a feature and about 24
were present.

Mrs. James Ingelbretsen entertained
the Monday afternoon card club yester-
day, the decorations being in yellow and
white, and Hallowe'en being the theme
and the prizes going to Mrs. W. H. Dee.

Mr. and Mrs. Edward Elmer Jenkins
have issued invitations for a reception
and musicale to be given at their home
next Friday evening. The post bridge
club meets this afternoon with Mrs. W.
A. Cavanaugh.

Miss Kathie Allen entertains at an in-
formal card party this afternoon in honor
of Mr. and Mrs. Fred Sands.

Mrs. W. E. Yancy entertains the mem-
bers of the Bookers' club this afternoon.

Mrs. C. H. Morehouse will be the
hostess at a bridge tea to be given
Wednesday afternoon at her home on
Thursday afternoon of next week. Mrs.
Morehouse will entertain with a Ken-
nedy signature party, to be given at
her home on First avenue.

NEW INDUSTRY PROMISED.

Water Rights Secured in Tooele to Op-
erate Terra Cotta Plant.

Thomas R. and Will L. Ellerbeak of
this city have secured water rights to
the extent of 1,250 horsepower, from
South and North Willow creeks in
Tooele county, and begun actual work
of construction. The power is to be
used to operate their extensive lime
and cement properties north of Grants-
ville, along the line of the Western
Pacific railway. Very valuable terra
cotta clays have been discovered by
the Messrs. Ellerbeak in the immediate
vicinity of their other properties, and
part of this power will be utilized to
develop these deposits. They have in
mind the organization of a big terra
cotta manufacturing plant, and recent
developments in the building industry
have given them much encouragement
and hope in this direction.

WEBSTER'S UNABRIDGED DICTIONARY

At cut rates to all paid-up subscrib-
ers of the Saturday or Semi-Weekly
News. Only \$2.50, at our office.
Postage 25 cents extra.

GOVERNOR SPRY SPEAKS FOR PEACE

Closing Rally of Campaign Given
By Scandinavians at
Odeon Hall.

MURDOCH ON GOVERNMENT

Candidate for Mayor Tells of Grafting
That Is Going on in "American"
Administration.

The Republicans held a Scandinavian
rally last night in Odeon hall which
was well attended and marked the
closing of the campaign. James D.
Murdoch, candidate for mayor, was
received enthusiastically by the crowd
and cheered every time his name was
mentioned. After the speeches, refresh-
ments were served and dancing was in-
dulged in for an hour or two before the
rally was adjourned.

Gov. William Spry spoke for peace
in Utah and refuted the statements of
the Citizens-Democratic leaders that
the Republican party refused to aid
the fusion movement this year. He
referred to the election of Judge Bas-
kie, a Democrat, John Clark, a Demo-
crat, and R. P. Morris, a Democrat,
showing that the Republicans had as-
sisted the party in electing its candi-
dates.

Gov. Spry then said:
"I am glad to be here tonight to say
a good word for my friend, James D.
Murdoch, and to meet so many good
citizens of the State of Utah. I have
always said that the Scandinavians are
the best people in the world, and
that they have done a great deal for
the state. But they have shown their
work, not alone in Utah, but in Nevada,
Colorado, California, Idaho and any
other place where they will be found
to be the leading citizens, doing their
share, or more than their share, in
the development of the outlands."

"And another feature about the Scan-
dinavians is that you will generally
find them in the Republican party. And
right there they show their good judg-
ment."

CONDITIONS IN CITY.

"We have a condition here of which
you are all aware, where one class, or
part of one class of people are always
fighting the other, and it has done
nothing to the state. It has kept
capital away. The unsettled condition
which confronts investors is most
harmful to the state. A majority of the
people are pretty near of the unani-
mous opinion that this is harmful, and
that we must all work for the interest
and advancement of this great state of
ours. We may not have accomplished
this object in the last few years, but
the time is coming when we will be
able to accomplish what we hope for.
We must have peace in Utah and
all work together for the good of
the state."

APPEAL FOR PEACE.

"Men may try to keep that day away
may throw up barriers which will make
this condition slower in coming, may
postpone the happy day by calumny
and abuse. But it is coming as sure
as we are here tonight. I want to see
it all ended, and I will put forth my
best efforts to see this accomplished."

"I had hoped that it would have been
accomplished before this time, but it is
my firm belief that this is one of the
last stands of our friends on the other
side, who are doing much to injure Salt
Lake. They see it coming on and are
certain that it will not be long before
their party must cease. The best of
them want to get it settled and have us
divide on good old party lines. I will
make this one of the great efforts of
my administration: To bring peace to
Utah."

"I don't care what the claims of the
'American' party are in regard to the
improvements made since they have
been in power. I tell you we have
been losing money. If the Republican
party had been in power we would have
had many more miles of sidewalk, more
miles of sewer, more miles of water
main, more paved streets. There is no
power on earth which can or shall stay
the progress of this city. But this fight
is hurting the city and the state. If we
could only lay aside the thoughts of

strife and all work together, people
would come from all other states and
help build up what she, of right, should
be."

"The claims of the fusion Democrats
during this campaign have been that
the Republican party had refused to
bring about a combination. I wish to
go on record as emphatically denying
this. And I believe there is no man
in Salt Lake better able than I to make
a denial of those charges. For I have
worked hard, much of the time with
Senator Sutherland and other leaders
of the Republican party. We endeav-
ored in every possible way to effect a
combination with which would be
identified the best people of the city,
who are seeking peace, regardless of
sect or creed."

"But, in the language of the street,
things got 'balled up' and it was not
accomplished. I wish to deny the
charges that the fusion movement was
the cause of the grafting that was go-
ing on in the 'American' party. The
New York tonight that the Republican party
refused to fuse."

"You have the Republican ticket, a
fusion ticket as well. And when we
are talking about fusion, just look back
a few years. It was by the aid of Re-
publican votes that Judge Baskie, a
Democrat, was elected mayor. It was
by Republican votes that Mr. Clark
was elected mayor, another Democrat.
And it was by Republican votes that
Richard P. Morris, a Democrat, was
elected mayor. So that, when they tell
you that the Republicans have refused
to join a fusion movement in the past,
history does not bear them out."

"There is no question but that Mr.
Murdoch will handle the affairs of Salt
Lake in an honest, fair, conscientious
manner. While he was in the council
there was never a vote which he regis-
tered which was not for honesty and
fairness. And there is no man in the
council who has shown the ability of
Mr. Murdoch to handle the affairs of
the city."

JAMES D. MURDOCH

James D. Murdoch was introduced
by Chairman C. V. Anderson. Mr.
Murdoch was applauded and cheered
when he came forward to speak. In
some very plain statements, Mr. Mur-
doch told of the grafting that was go-
ing on in the "American" adminis-
tration. Then he told of his idea of city
government.

"My idea of city government," con-
tinued Mr. Murdoch, "is that the city
has been that it should be conducted
as nearly as possible along the same
lines that a successful business man
would conduct his private business. I
have always held that a successful
business man would be a man who
could be trusted with the running of a
city government, and I still believe it.
But there are men in the city council
who are grafters of the first water,
and they are there now. They have
their own interests to serve—that is
all."

"If it turns out tomorrow night that
I have been elected mayor of Salt Lake,
I will give the business of this office
my very best attention, and my very
best efforts, and with a council elected
to assist me I will try to the best of
my ability to bring about the very
best results for the next two years. And
if any of this smart work is tried
while I am mayor I will call out quick."

SENATOR SUTHERLAND.

Senator George Sutherland talked
along the same line as Governor Spry.
He declared that there was no use vot-
ing the Democratic ticket, that the only
way to win against the "Americans"
was to vote the Republican ticket.

Axel Leary, talked in his native
tongue to the audience. Judge C. M.
Nelson spoke in Norwegian.

WOMEN HOLD RALLY.

Senator George Sutherland and James
D. Murdoch addressed the Women's
Republican club yesterday afternoon at
Republican headquarters. The speakers
outlined the duty of every woman and
showed where they ought to go to the
polls and vote for decency in civic af-
fairs and protest against the manner
in which the city was now being con-
ducted by the "American" party.

Mrs. Howard King acted as chairman
of the meeting. The Hawaiian Trouba-
dours rendered several selections and
refreshments were served.

MUSICIAN WEDS.

Mrs. Effie Dean Knappen Marries Ed
Sprout in New York.

The many friends of the well known
musician and teacher, Mrs. Effie Dean
Knappen, will be interested to learn
that she was married in New York last
night to Mr. Ed Sprout, formerly of this
city. Mrs. Knappen met Mrs. Sprout,
her husband's mother, some years ago
at the "Halls," where both were living.

and several weeks ago accepted an in-
vitation from Mrs. Sprout to visit her
at her New York home.

The attachment has been one of long
standing, though the marriage was not
looked for so early by Mrs. Knappen's
relatives in this city. Her husband is
at present engaged in the refrigerator
business in New York, and is said to
be a gentleman of high standing in
the social and business world.

COUNTERFEITERS CAUGHT.

Plant Unearthed at Goldfield and Op-
erators Are Run Down.

(Special to The News.)
Goldfield, Nev., Nov. 2.—The plan of
the gang of counterfeiters who have
been flooding this place with spurious
dollars, has been found through the ef-
forts of Deputy Alfred and the local po-
lice. Over \$900 and a complete plant

with dies and furnace have been found.
One of the men was captured here a
few days ago and the other one, whose
name is Grant, has been brought at Reno.

Model Laundry

Assures Perfect
Laundry Work

Phones 112 Cor. State and
Orpheum Ave

Our New Leather Furniture Is Now on Display



We are showing everything
in leather furniture, including
easy chairs, rockers, daven-
ports, couches, sofa beds, Turk
ish chairs and rockers in both
oak and mahogany.

Every piece breathes com-
fort and possesses a distinc-
tiveness in design that means
an additional ornament to the
home.

We are fortunate, too, in hav-
ing secured the exclusive
agency for the celebrated

Taylor's Comfortable Rockers

Every rocker is the acme of comfort. They come in
full leather seats and backs; others in leather seats,
plain backs.

These comfortable rockers range \$11.25
in price from

We do not carry "Split Leather" goods All Genuine.

Dinwoodey's

\$300 Gold!

We collected last Thursday \$300 for
Charles A. Quigley, general manager
Studebaker Bros. Company of Utah.
The claim was turned in at 10 a. m.
and collected the same day. "Red
Streaks of Honesty Exist in Every-
body." Turn in your claims and we
will collect some money for you. It's
a pleasure. Our debt refinery is
working overtime to make the year
of 1909 the banner year for the as-
sociation. Many people are paying
preparatory to starting the new year
right. Turn in your claims and help.



Merchants' Protective Association

SCIENTIFIC COLLECTORS OF HONEST DEBTS.
Rooms 77 to 100, Commercial National Bank Bldg., Salt Lake City, Utah.
Francis G. Luke, General Manager. 'Tis said, "Some People Don't Like Us."



To-day the art of
making good
chocolate is still a
secret. You may
never learn the
secret but you can
always get the
chocolate—ask for

Ghirardelli's GROUND CHOCOLATE

Always pure and
wholesome. Made
from the best
beans the earth
yields.

Cocoa
Fact
No. 8

The average yield of
a cocoa tree is about
one pound a year.
The cocoa pods grow
7 to 10 inches in
length and 3 to 4
inches in breadth,
and look much like
thick cucumbers,
only deeply furrowed
and contain 20 to 50
seeds (cocoa beans.)

Don't ask merely for
chocolate—ask for
Ghirardelli's.

What You Need Most in Clothes You Get in My Good Clothes

Style—of course.

Fit—of course.

But here's the unusual and important thing—you
get all wool fabrics at \$10 to \$40.

All wool means clothes that wear best and hold
their shape best.

Style isn't worth much if the clothes don't wear
well.

Fit doesn't count if the clothes soon lose their
shape.

MY GOOD CLOTHES are all wool and priced al-
ways reasonably.

Suits and Overcoats . . . \$10.00 to \$40.00.
Stacy Adams Shoes . . . \$5.00 to \$6.00.
Crawford Shoes . . . \$3.50 to \$4.00.



NICOL, 210 Main St.

It Pays Me to Sell Good Clothes