Today's Ogden News

ROADWAY IN **NGDEN CANYON**

County May Establish Three-Rod Highway, But Cannot Encroach On Vested Rights.

DECISION OF JUDGE HOWELL

Settles Long Controversy Between Weber County and Property Owners in Scenic Resort.

Ogden, Jan. 5 .- In the Second district court this morning Judge J. A. Howell rendered an important decision concerning the county road through Ogden canyon, over which there has been considerable controversy for a couple of years past, Weber county claiming a years past, Weber county claiming a four rod right of way through Ogden canyon, and alleged that a number of fences and buildings, among them being the old Winslow hotel, had been erected on the county's property. The commissioners notified all owners of such buildings, etc., to remove the same. The owners refused to comply with the request and filed suit in the district court, the title of which was Ogden Resort company against J. W. Graham and A. S. Allen, road supervisors, the county commissioners and Weber county, and secured a temporary restraining order from the court preventing defendants from tearing down the fences, etc. The case was duly heard by Judge Howell and taken under advisement until this morning, when he rendered the decision. The court, after reviewing the claims set forth by the parties to the suit and quoting a number of authorities which bear on similar cases, says:

But whatever may be the holding in these various cases, it is certainly true that after the owner of the land has acquired a patent to his land from the government, the county, or other public body having control of the public h'ghways cannot, without following the lines of any previous survey or plat, arbitrarily lay out on his land a county road four rods wide simply because the land lies in a canyon through which a county road four rods wide has been designated, but the limits of which have never up to that time been fixed.

Both because as a matter of fact, then, there was never any dedication of a county road four rods wide through the land in question here, and because, even if there had been, the rights acquired by the predecessor in interest of the plaintiff on account of his settlement on the land through which it rancould not be divested by such a dedication, the founty cannot now claim any road at all, indeed it is conceded, even by counsel for the plaintiff, that the county is entitled to such a road through its land at the place in question as it has acquired by use—in other words, a road of such width as is reas four rod right of way through Ogden canyon, and alleged that a number of

sonably necessary to keep the traveled part of the road in repair. It remains then for the court to de-

termine, in consonance with the principles above enunciated, the width of this road, taking into consideration all those circumstances which surround it, those which are of advantage to the county and those which inure to the benefit of the individual owner-keep-ing in mind that this is one of the purincipal highways in Weber county, connecting its two cities, as well as other communities, and remembering also the improvements, involving the expenditure of time and money, which have been made by the successive owners of the property through which it goes—mindful of all these facts it seems to the court that a road three rods in width, a rod and a half each way from the middle of the traveled road, is sufficient to accommodate the travel of the present, provide for the future, and

the present, provide for the future, and permit of its maintenance. It is therefore ordered that the defendants Graham and Allen, as road supervisors, and the defendants William G. Wilson, Joseph Stanford and Oscar B. Madson as county commissioners, and their successors in office, be restrained from interfering with the building or fences beyond the limits of the three rod road above described, but that they be permitted to remove any fences or obstructions within the three rods and that the plaintiff be restrained from interfering with said defendants in so doing.

in so doing.

Let findings of fact, conclusions of law and decree be prepared in accordance herewith, each party hereto to pay its witness fees and the court costs, ncluding the cost of the transcript or-lered by the court, to be divided equal-

TEACHERS VISIT STATE SCHOOL Wonderful Work Done at Institution

For Deaf and Blind. Ogden, Jan. 5.—A large number of the visiting school teachers had a very loteresting time yesterday in visiting the state school for the deaf and blind. To most of the visitors, that which they saw and heard was a marvel, as few can fully realize the great work they saw and heard was a marvel, as few can fully realize the great work being accomplished at that state institution unless they witness it with their own eyes. Supt. Driggs had the visitors go through the different departments and see the deaf and blind pupils at their studies. A treat was given the teachers in witnessing some most excellent drill work, and in listening to some very good instrumental music by the pupils. The exhibit of work in the manual training department astonished many because of its excellency, and the same might be said of the domestic art department.

VICTIM OF BAD ACCIDENT,

Wictim of Bad accident.

Mrs. William Batley, a well known resident of the Fifth ward, met with painful and serious injuries yesterday afternoon, which may result in her death or make her a permanent eripple, by felling and terribly fracturing her right hip. Mrs. Batley is about 70 years of age, but was very spry. Yesterday she was carrying some ashes into the back yard, and slipped on some los, falling with considerable force and breaking her hip. Drs. Rich and Ossood were summoned and dressed the fracture, which they say is one of the worst they have ever seen, and because of her advanced age, doubts of her recovery are entertained.

VETERAN GONE TO PLET

VETERAN GONE TO REST.

VETERAN GONE TO REST.

Levi A. Cox, another of Weber county's oldest and most highly respected residents, departed this life last evening at 5:40 o'clock at the home of Aright Fowers in Hooper at the ripe age of eighty-two years, the cause of death being pneumenia. He was born in England, but when a young man joined the Latter-day Saint Church, forty years he has made his home at Hooper He has been a faithful Church building of the western part of the Weber county. He is survived by a num-

Advertisements for the Daily, Saturday and Semi-Weekly Newa accepted on the same terms as at the Salt Lake Office.

Circulator, John J. McGregor. 2245 Wash, Ave. Office with Lambert Paper Co.

Payments for the Dally, Søturday and Semi-Weekly News should be made to the circulator. Delivery made by sarrer on the same terms as to Salt Lake. ns in Salt Lake.

ber of sons and daughters. Funeral services will be held Monday at 12 o'clock, noon, at the Hooper meeting-

CHARACTER BUILDING LECTURES Under the auspices of the Y. M. M. I. A. of the Weber stake, Elder John T. Miller, editor of the excellent publication, "Character Builder," and an able speaker, will deliver several lectures in this stake in the interest of encouraging young men to his better and nobler lives. He will speak at the followise. He will speak at the following

Saturday evening, Jan. 5, in the meetinghouse at Lynne, 7:30 p. m.

Sunday evening, Jan. 9, in the book ond ward meetinghouse, 7 p. m. Monday and Tuesday, Jan. 7 and 8, at Huntsville, 7:30 p. m. Wednesday evening, Jan. 9, at West E. A. Larkin.

Thursday evening, Jan. 10, at Hoop-The public is invited and there is no charge for admission.

BRIEFS AND PERSONALS.

The incoming board of county com-missioners, to whom the county gov-ernment management will be turned over Monday, met yesterday prepara-tory to organizing. It is understood O. K. Madson will be selected as chair-man.

E. B. Streeter was sentenced to forty days on the rock pile for stealing brass from the railroad,

Grandpa Grix is seriously ill at the come of his son, Lamoni Grix, on Jefferson avenue. James Peterson of Eden, who was arrested a few days ago of the charge of felony, has been released on \$1,000

The case of the Ogden Rapid Transit company against Wm. Glasmann et al. has been dismissed.

F. Auerbach & Bros.' cut price clear-ance sale starts Monday morning. Read page 32, magazine section.

OBITUARY



ELIZABETH COOMES

Another Hand-Cart Veteran gone to rest. Sister Elizabeth Coombs, daughter of Christopher and Elizabeth Walker, wife of Frederick Coombs, who was born at Emsby, Yorkshire, England, March 23, 1833, died in Farmington, Utah, December 31st, 1996, was baptized into the Church of Jesus Christ of Latter-day Saints by Elder Joseph Becroft in 1850, and emigrated to Utah in 1857, crossing the ocean in the ship George "Washington, sailing from Liverpool March 28 and landing at Boston, She crossed the plains with Israel Evans' hand cart company, pulling a hand cart from Iowa City to Sait Lake City, a distance of 1,300 miles, arriving in Salt Lake City Sept. 11, 1857. She was the mother of seven sons and one daughter, 44 grandchildren and four

GLENDALE.

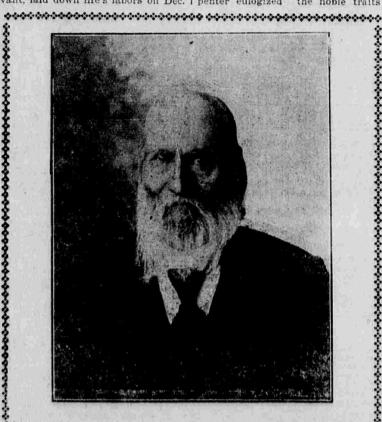
JOHN BRIMHALL PASSES AWAY. Pioneer and Patriot Closes Long and

Special Correspondence.

are now living, also 66 grandchildren and 33 great-grandchildren. Deceased was a member of the Mor-mon battalion; he also enlisted in the service to protect the people against the invasion of the Johnston's army. Funeral services were held in the meet-inghouse on the 20th inst., to do honor Eventful Career. Special Correspondence.

Glendale, Kane Co., Dec. 31.—John
Brimhall, another pioneer and faithful servant, laid down life's labors on Dec.

Glendale, Kane Co., Dec. 31.—John
John S. Carpenter, David A. Smith, James W. Watson and James D. Carpenter, penter eulogized the noble traits of



***************** THE LATE JOHN BRIMHALL.

18, 1906, at the ripe age of 82 years, 8 months and 2 days. He was born in Steuben Co., New York, April 16, 1824; was baptized Oct. 20, 1845. He married Anna Retta Harris, and 10 children blessed their union, two of whom preceded him to the great beyond; eight

PROVO DEPARTMENT

The "News" is delivery by carrier every night (Sunday excepted) at 76 cents per month. All payme its and complaints should be made to R. J. Dugdale, sgent for Daily, Saturday and Semi-weekly News, Orders taken for Caurch Works. Residence, 3.2 Fourth No.th Bt. 'Phone Ind. 26-M.

CAR BURGLAR CAUGHT.

Tobacco-News Notes.

Special Correspondence. Provo, Jan. 5.-Thursday night Ern- some tobacco on the outside of the car est Farrer, who is employed in the freight department of the Denver & Rio Grande, heard a noise in one of the freight cars in the yard, and when J. G. Rrundell, and claims to have come

he went to make an examination, he found a man there going through the Found Helping Himself to Whisky and contents of some of the boxes of merchandise. The intruder had already piled several bottles of whisky and

Catarrh

is a constitutional disease originating in impure blood and requiring constitutional treatment acting through and purifying the blood for its radical and permanent cure. Be sure to take

Hood's Sarsaparilla Nasal and other local forms of catarrh are quickly relieved by Catarrlets, which allay inflammation and deodorize

discharge.

Hood's Sarsaparilla, all druggists, \$1.
Catarriets, mail order only, 50 cts.
For testimonials of remarkable cures send for our Book on Catarrh, No. 4.
C. I. Hood Co., Lowell, Mass,

from Bloomfountain, South Africa, several years ago to Bismark, N. D., where he was a newspaper correspondent for the Semi-Weekly Settler, and Palladium. He is about 40 years of age. As an excuse for breaking into the car he states that he was "out of sorts.'

SCHOLTZ FINED \$30.

William Scholtz, charged with taking some articles from Mr. Gardner's store at Thistle, about 10 days ago, was tried on a petit larceny charge before Justice Noon today and convicted. He was fined \$30, which he will probably serve out in the county jail.

FUNERAL OF C. BONNETT. There was a good attendance at the There was a good attendance at the funeral services over the remains of Claudius Bonnett, held yesterday, in the Fifth ward meetinghouse. The feather of the fifth ward meetinghouse. The feather of the first support of the first support of the feather of the first support support of the first support support of the first su

AGENT "OVERLOOKED IT." David Barnett has written Sheriff David Barnett has written Sheriff Harmon in regard to the failure of young Lossee, whose case was mentioned in Wednesday's "News," to get his ticket, which had been telegraphed from Spanish Fork to Las Vegas. Mr. Barnett writes that the agent says he "overlooked" the matter. Nothing further has been heard from the un-"overlooked" the matter. Nothing further has been heard from the un-fortunate young man, Lossee. GARDEN CITY NOTES.

Mrs. James L. Brown has undergone an operation for a serious internal allment at the Provo general hospital. Her condition is considered serious, but strong hopes of her recovery are entertained.

The Utah Entiting company has

The Utah Knitting company has moved its manufacturing department from the Reed Smoot block to the second story of George Passey & Co.'s

David Stagg has undergone an operation for hernia at the Provo general hospital. His case is favorable to

F. Auerbach & Bros. cut price clear-ance sale starts Monday morning. Read page 32, magazine section.

YOUR OLD MACHINE taken as part payment on a new Columbia graphophone. Columbia Phonograph Co., 327 South Main.

RICHFIELD.

M'BRIDE CASE DISMISSED.

Registrars of Vital Statistics in County Towns-Wedding. Special Correspondence.

Richfield, Sevier Co., Jan. 4.—In the district court today the case against Albert McBride, was dismissed upon motion of the district attorney, who said that on receiving the evidence now obtainable he did not believe a conviction could be had.

McBride was charged, with bankers

McBride was charged with having accommitted a statutory offense with Clara Lewis in 1904. A conviction was had in January, 1905, from which judgment the defendant appealed. The judgment was reversed in the early part of this year by a divided court, and a new trial ordered.

rial ordered A motion to dismiss the case of Peter Jensen vs. Oluf Anderson, appealed from the justice's court, was argued before the court yesterday. The court, after hearing the arguments, overruled the motion and the case was set for Jan. 10, to be tried on its merits.

REGISTRARS OF VITAL STATIST-

The following named residents have been appointed by the county commis-sioners as registrars of vital statistics sloners as registrars of vital statistics for the coming two years in the towns named: J. W. Fairbanks, Annabella; Frederick Anderson, Inverury; Albert Olsen, Elsinore; R. Rickenback, Glenwood; Dr. J. E. Nelson, Monroe; A. C. Shipp, Joseph; C. M. Mickelsen, Redmond; Dr. G. H. Herbert, Richfield; Dr. M. A. Freece, Salina; Joseph Gledhill, Vermillion; J. C. Cowley, Venice; Martinus Anderson, Aurora; George A. Hatch, Koosharem; Henry Burr, Burryille.

WEDDING PERMITS.

The first marriage license of the new year was granted today to Charles Har-vey Bates of Monroe and Mary Ada Skinner of Sevier. The parties were married by the clerk.

During December there were more marriage permits issued than in any month of the last two years.

VERNAL. WARD CONFERENCES.

County Teachers' Institute-Heavy Fog and Snowfall. Special Correspondence.

Vernal, Uintah Co., Jan. 1 .- The con ferences of Glines and Maeser wards of Uintah stake were held Dec. 23 and In the Glines and Maeser wards of Unitah stake were held Dec. 23 and Dec. 30, respectively.

In the Glines ward William O'Nell, first counselor in the bishopric, was honorably released with a vote of thanks for his labors. His business takes him away from home. George W. Perry and John Hafeltz were chosen and sustained as first and second counselors respectively to Bishop Joseph A. McKee. David W. Dean was sustained as ward clerk, Josiah P. Rudy being honorably released because of taking a home on the "reservation."

After one of the heaviest fogs of years, lasting three or four days, this section is "reated to another heavy snowfall. The snow is about 15 inches on the level, it has snowed 16 feet at Griffin's mill on the Brush Creek mountain. Sheapmen are now feeding their

epmen are now feeding their

lambs Wednesday, Thursday and Friday, Jan. 2, 3 and 4, teachers will hold a county institute. Prof. J. H. Paul is expected here to conduct the work.

Dr. Graves' Tooth Powder

there are combined the elements of safety and pleasure in kissing your wife or sweetheart - delicious after taste. lust ask her about it.

In handy metal cans or bottles. 25c. r. Graves' Tooth Powder Co.

LOW RATES EXTENDED UNTIL FURTHER NOTICE.

Drs. Shores & Shores have just closed the most prosperous year in their fifteen years practice in Salt Lake City, and in return for the liberal patronage given them they will continue in force the low rates for the best treatment known to the medical world today.

\$1.00 a Treatment or \$15.00 for a Complete Cure for all Catarrhal Diseases of the Head, Nose, Throat, Lungs, etc.,

Including Deafness, Asthma, Hay Fever and Lung Trouble.

\$5 A MONTH MEDICINES FREE FOR ALL CHRONIC DISEASES OF THE STOMACH. KIDNEYS, LIVER, BOWELS, ETC., INCLUDING RHEUMATISM, FITS, SKIN DISEASES AND NERVOUS TROUBLES.

In all private troubles, terms will be arranged to suit each case and we guarantee to cure you for less money and on easier terms than any other doctor in the west—and if you so desire you may in all private troubles pay when cured.

DRS. SHORES EXPOSE OF THE "FAKIRS" BEARS FRUIT.

When Drs. Shores warned the Public against Quack Doctors hiding behind the title of "Fake Medical Institutions" and exposed the "graft," they were threatened and coaxed to stop the crusade, but they told the fakirs plainly that "The Fakir must go." In despair the "Fake Medical Companies" immediately dropped the Fake Scheme, and now come before the public with newer and more dangerous schemes. THEY ARE ON THE RUN-KEEP THEM GOING UNTIL UTAH IS FREE FROM FAK-IRS AND THEIR ILK .- NEW SCHEMES-NEW METHODS-BUT THE SAME OLD GRAFTERS-Be on your guard-don't patronize any Fakir who hides behind a "FAKE MEDICAL COMPANY,"

Although Drs. Shores fully intended to withdraw the cheap rate for their New Treatment Jan 1-and thereafter charge a moderate fee which would allow a fair profit to them, yet the Doctors were so overwhelmed with applications for treatment on the closing day, that there were only two courses open to them, either to arbitrarily refuse many applications and thus disappoint many sufferers, or generously grant an extension of the offer, and thus give very one a chance to be cured for \$1 a treatment or \$15 the Complete Cure of any Catarrhal disease, and Drs. Shores chose the

ONE TREATMENT CONVINCES THE MOST SKEPTICAL.

The greatest wonder and surprise is being manifested by those who have tried the NEW TREATMENT, and even the most skeptical are convinced in a single treatment of the wonderful effects of Drs. Shores' discovery. An immediate sense of relief is experienced, the nose becomes free, the breathing natural, headaches disappear, recent colds are cured often in one treatment, and everyone goes away pleased and talking about the New Treatment.

REMEMBER THIS SPECIAL OFFER IS LIMITED-YOU MUST APPLY AT ONCE.

Drs. Shores will not take more cases at this low rate than they can properly and thoroughly treat, and as the crowds are becoming larger every day, as the news of the many marvelous cures spreads among the people, you had better apply for treatment at once, and be SURE of securing treatment at these low rates; \$1 a treatment or \$15 for a cure for any Catarrhal disease to all who apply at once. Consultation and advice free and confiden-

\$15 FOR CURES AT HOME.

Drs. Shores have arranged to furnish all patients who are unable to visit the office with Special Instruments for using their new treatment at home. These instruments, together with all medicines, for a complete cure home. These instruments, together with all medicines, for a complete cure of any Catarrhal disease, will be furnished for \$15. If you cannot visit the office for treatment, write for symptom blanks and take advantage of this special offer and be cured at home for \$15 for any Catarrhal disease, all medicines and instruments FREE. Remember Drs. Shores also cure at home, all other curable Chronic, Nervous and Private diseases. Prices and terms low and uniform, within the easy reach of all. Write for symptom lists. Consultation and advice free and confidential for any disease.



EYE DEPARTMENT.

Drs. Shores' Eye Department is in charge of a Specialist of 27 years' training in the treatment of all diseases of the Eye, Astigmatism, Far and Short sight—Cross Eyes, Granulated Lids and all other diseases of ated Lids, and all other diseases of the eye skillfully treated and cured at very reasonable rates. GLASSES FITTED TO ANY EYES and Satisfaction guaranteed from 1.00 up. Corsultation and Examina-tion Free at Drs. Shores' Offices.

WE TREAT AND CURE. WE IKEAI AND CURE.

CATARRH — Deafness, Nose and
Throat Troubles, Eye and Ear Diseases, Bronchial and Lung Troubles,
Asthma, Stomach, Liver and Kidney
Diseases, Bladder Troubles, Female
Complaints, Chronic Diseases of Women and Children, Heart Disease, Nervous Diseases, Chorea (St. Vitus
Dance), Rickets, Spinal Trouble, Skin
Diseases, Sciatica and Rheumatism,
Diseases of the Bowels, Piles, Fistula
and Rectal Troubles, Goltre (or Big
Neck), Blood, Diseases, Tape Worm,
Hay Fever, Hysteria, Epilepsy, Insomnia, etc., and all curable Nervous,
Private and Chronic Diseases, Prices
and terms within the easy reach of
all, Call or write, Consultation free.

WEAK MEN PAY WHEN CURED. What "Weakness" Is and

Contracted Disorders. Be sure your cure is thorough. Not one of our patients has ever had a relapse after being discharged as cured, and we cure in less time than the ordinary forms of treatment require.

Specific Blood Poison No dangerous minerais to the interjor, but harmless,
blood - clean s i r g
remedies, that remove the last polson taint.

How We Cure It. So-called 'Weakness' in men

is merely a symptom of chronic inflammation in the prostate gland, brought on by early dissipation or by the improper treatment of some contracted disease. A complete and radical cure is, therefore, a question of restoring the prostate gland to the normal state, and this we accomplish promptly and completely without the use of internal remedies. Our creatment is a local one entirely. It is original and scientific, and has been proven absolutely effective by thousands of tests. We are convinced that by no other methods can full and permanent restoration of strength and vigor be accomplished. therefore, a question of

VARICOCELE.

Absolutely pain-less treatment that cures completely investigate our Methods. It is the only thoroughly scientific treatment for this disease being employed.

Spermatorrhoea, Stricture, Piles. Okin and Kidney Diseases, etc., are also among the diseases we cure to stay cured.

DRS. SHORES & SHORES,

Houston Block, 249 Main Street, - . Salt Lake City.

Office Hours-Week days, 9 a. m. to 5 p. m. Evenings, 7 to 8 p. m. Sundays and holidays, 10 a. m. to 12 noon.

CHARLESTON.

PIONEER SUMMONED.

George W. Brown Closes Eventful Career at 80.

Special Correspondence. Special Correspondence.

Charleston, Wasatch Co., Dec. 28.—
Pioneer George W. Brown answered the final summons at the home of his eldest son, Isaac N. Brown, Dec. 20.—Father Brown received a paralytic stroke on Nov. 20, and lay for 30 days unable to take any nourishment except a little stimulant, but was conscious nearly to the last. On account of the family between under quarantitie, funeral services.

stimulant, but was conscious hearly to the last. On account of the family being under quarantine, funeral services could not be held, but memorial services were held in the ward house on the following Sunday.

The worthy pioneer was born in Newbury, Cleveland, Ohio, Jan. 25, 1827, and was baptized in the Mississippi river at Nauvoc. He was well acquainted with Joseph Smith and was ever ready to testify to his divine mission.

Deceased always claimed the honor of having plowed the first furrow in Utah, on July 23, 1847, with two yoke of oxen. He was a large man, of great strength and vitality, a man of short sermons, and prayers, honest and upright in his dealings, and a bold, hardy ploneer in very deed. He leaves three sons, 23 grandchildren, numerous relatives and a host of friends to revere his memory.

HUNTSVILLE.

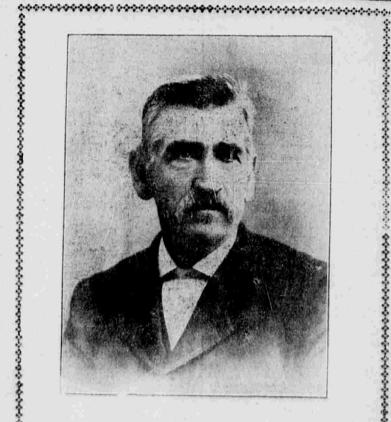
Year's Wedding -- Unusual Weather in Emery County. Special Correspondence.

Special Correspondence.

Huntington, Emery Co., Jan. 3.—The winter in Castle valley is unlike anything the oldest inhabitants remember. In November there was snow and very cold weather, then warm weather with lots of rain and mud. On the last day of the old year it commenced to snow again, and 10 inches now lies on the ground with very cold weather.

The holidays passed off very lively, with dances and theaters, but no drunkenness or other disturbances to mar he peace of any one. The old and only Huntington Dramatic association played the western drama, "Arizona," two nights, to very full houses, The Relief Society Hall, a very creditable house for this part of the country, was just finished far enough to give a dance for the children in the afternoon of Saturday before Christmas and a dance for the old folks in the evening, both

the old folks in the evening, both



4444444444444444444 THE LATE GEORGE W. BROWN.

On New Year's day there was a very pretty wedding reception at the home of Joseph B. Meeks, one of the prom-inent citizens of Huntington, His son of Joseph B. Meeks, one of the prominent citizons of Huntington, His son Joseph B. Meeks, Jr., was married to Miss Jennie Tucker of Cleveland, Judge Wm. Howard performing the ceremony. James K. Ingle, an old resident of Huntington, has for several years given way to the demon whisky, and when he got out of money he would break into the saloon and steal. He was arrested several times, but always got off on some technicality. But this time he was caught in the act, arrested and brought before Judge Howard for examination on a charge of burglary. By the consent of the county attorney he

waived examination, and is now in the county jail, pending trial in the district

