

TAKES WORK OUT OF MORAN'S HANDS

City Attorney Gives Opinion Concerning Awarding of Contract For Watermain.

THE MATTER MAY BE TESTED.

Attorney Holds that Work Should Not Be Ordered Until All Money Is Paid In.

In an opinion as to whether or not watermain extensions Nos. 74, 81, 83 and 87 should be done by P. J. Moran under his 1904 contract or by P. P. Ford, who was awarded the contract for such work during the year 1905, City Attorney Dey holds that the work should not be ordered by the council until all of the money for the improvement is paid in, and that it should be done by the contractor who has the contracts for such work at that time. This deprives Mr. Moran of the contracts in question for the reason that all the money has not been paid in in any of them.

The attorney says that the rule of the city council, authorizing the board of public works to order such work done whenever one-third of the cost of the improvement is paid into the city treasury, does not apply to the extensions in question for the reason that no assessment has ever been levied against the property for those improvements as a part of them were made at "the petitioners' expense" in all such cases the one-third rule can not apply. As Mr. Moran has already been ordered by the clerk of the board of public works to commence work on some of the extension mentioned, it is very probable that he will test the matter in court as to whether or not he is entitled to the work.

WHAT ATTORNEY SAYS.

The opinion of the city attorney is as follows:

On the 10th of the President and Members of the City Council, the Board of Public Works, on May 1, 1904, referred to the city attorney for an opinion as to whether the work of constructing watermain extensions Nos. 74, 81, 83 and 87 should be done under the contract for such work made in 1904 or the contract for 1905.

In re No. 74 it appears from the records that on Sept. 8, 1903, the Board of Public Works, on Oct. 23, 1904, referred to the city attorney for an opinion as to whether the work of constructing watermain extension, and that on Sept. 21, 1905, the council recommended that the petition be granted at a cost of \$2,400, "provided petitioner pays costs of same," etc.

In re No. 81 it appears that Mr. H. W. Lawrence petitioned for an extension on Jan. 18, 1904, that on Jan. 25, 1904, the council granted the petition, at an estimated cost of \$250, "provided petitioner pays the costs of extension," etc.

In re No. 83 it appears that on May 23, 1904, F. E. Harding and five others petitioned for watermain extension, and that on June 6, 1904, the council granted the petition at a cost of \$1,800, "admitting property owners to pay cost of the same," etc.

In re No. 87 it appears that William Naylor et al. on Sept. 7, 1904, filed a petition requesting extension of work on watermain extension, and that on Oct. 2, 1904, the council granted the petition, "work to be done at petitioner's expense," etc. Estimated cost, \$1,000.

From data furnished by the city treasurer, it appears that only \$1,762.95 has been paid in on extension No. 74. (This report further shows that \$3,545.34 is required, whereas the council fixed the estimated cost at \$2,400.) Also that in No. 81 only \$332.51 has been paid, whereas the amount required is \$250.07. Also No. 83, that only \$206.22 has been paid, whereas the amount required is \$1,800.00. Also No. 87, that only \$592.43 has been paid, whereas \$1,035.55 is required.

It thus appears that the city council granted a conditional authorization of the several proposed extensions, to become effective only when, and not until, the money required for each, respectively, is paid into the city treasury. No special assessment appears to have been made, and consequently the one-third payment rule before work commenced has no application here. Clearly it was not the intention to bind the city to pay for said water extensions except in arrear issued to those who had advanced the money. No petitioners' money was assessed and no personal responsibility rests upon any person to pay for the same.

It seems very clear to me that under the proceedings in this matter the total amount required must all be first voluntarily paid before the council's resolution as to performing the work or leasing arrear taken effect, and that the condition of payment is performed then the work will go to the contractor whose contract covers such work at that time.

As the required amount appears to have not been paid in for any of said extensions, the existing authorization for the work is, in my judgment, not effective at the present time. Respectfully submitted.

CHARLES C. DEY,

City Attorney.

SUMMER SCHOOL.

University Issues Catalogue of Faculty Courses to be Offered.

The University of Utah summer school this year will open June 12, and will be the 12th annual session. The catalogue announcing the courses and the corps of instructors has just been issued, and will be available to teachers upon application at the University. The plan of the summer school is as usual to accommodate teachers and others who want to work up some special line of investigation during the period of vacation. Most of the members of the University faculty are retained, and in addition a few lecturers of national reputation will appear. The faculty is as follows: William M. Stewart, principal of the normal school and professor of education; Byron Cummings, professor of English literature and literature; Dr. E. J. Merrill, director of mines, professor of physics and electrical engineering; William G. Roylance, professor of history; George Coray, professor of economics and sociology; William C. Ebaugh, professor of chemistry; Edwin Gibson, professor of art; James Lamber, professor of mathematics; Dr. V. Chamberlain, professor of biology; David R. Allen, associate professor of mathematics; Emily C. Jessup, music.

TEA

The Knowledge Book is a great book for a little one; answers many troublesome questions.

Your grocer saves you money if you don't like the Knowledge Book.

Fifty Years the Standard

PRICE'S
CREAM



BAKING POWDER

Made from pure cream of tartar derived from grapes.

PRICE BAKING POWDER CO., CHICAGO.

TWENTY YEARS AGO TODAY.

(DO YOU REMEMBER?)

Ferdinand Keller, noted German composer and pianist, died at Cologne. The trial of Cunningham and Burton, dynamiters, was begun in London. General U. S. Grant suffered much pain in his throat.

Additional Canadian troops were sent to the front against Louis Riel.

TEN YEARS '30 TODAY.

At Paris, France, a woman named Amelot, shot and killed Abbe De Broglie, her confessor, for alleged calumny.

Two brothers named Murray (colored) were hanged for murder at St. Louis.

Z. C. M. I. was incorporated for a period of fifteen years.

The entire village of Oakfield, N. Y., was wiped out by fire.

FIVE YEARS AGO TODAY.

A committee of citizens appeared before the city council of Salt Lake, and asked for the suspension of the chief of police, pending an investigation of certain charges against his department.

The United States government notified Germany that the Kaiser could not have the Danish West Indies.

Capt. Hassing, of the N. G. U. was reprimanded and suspended for 60 days for "conduct unbecoming and officer and a gentleman."

Howard Briggs, instructor in English; Jacob Tipton, supervisor in manual training; Anna Youngberg, normal training supervisor, and Madam Heira M. Root, of the domestic science department.

No examination is required for admission to the summer school. All courses are open to men and women who are deemed by the instructors in charge qualified to pursue them. The following courses will be offered at the summer school:

Algebra (two courses), American history, arithmetic, art, assaying (two courses), botany, chemistry (three courses), civil government, drawing, dressmaking (two courses), English grammar, English literature, entomology, ethics, music, handwriting in primary grades, grammar grade methods, Greek art, Greek literature, history and science of education, Latin (two courses), literature for the grades, logic, manual training, modern history, nature study, normal training, pedagogy, physical geography, physics (four courses), physiology, plane geometry, primary methods, reading, political economy, psychology, school management, social science, solid geometry, trigonometry, French, German.

Other courses will be offered if there is a sufficient demand for them.

Juggling With Dynamite

It is no more dangerous than to neglect health disorders. Fred K. Kitchin, corrects irregularities and has cured many severe cases after other treatment has failed. It builds the worn-out system and restores health and vigor. "I was troubled with kidney complaint for about two years," writes A. H. Davis of Mt. Sterling, Iowa, "but two bottles of Kitchin's Kidney Cure effected a permanent cure." Sold by J. H. Hill Drug Co.

COLLECTING EVIDENCE.

Farmers of Salt Lake Valley Hold Meetings in Smelter Smoke Cases.

The suit of the allied residents of Salt Lake valley, to secure the closing of the smelters in case they fail to control their fumes, which was filed in the federal court some weeks ago, is still awaiting a rule day. It is probable that it will be taken up on June 5, at the end of the present term of court, and at that time the smelters will make another.

The committee of citizens in the meanwhile is busily engaged collecting evidence to be used in the trial. Monday night a mass meeting was held in Grandin, last night another was held in Farmers' ward, and tonight another is scheduled to be held at Murray. At each of these meetings full reports are given for each of the smelters, the amount and extent of the damage, and the plans to be pursued in the case are discussed.

DEMOCRATS DETERMINED.

Sent on Breaking Up Republican Machine in Evanston.

Special Correspondence.

Evanston, Wyo., May 9.—A big row is on here over the city election which occurs next Thursday. The Republicans have nominated three county officers for city positions as follows: For mayor, Tom Palmer, chairman of the board of county commissioners, member of the city council, state sheep inspector, etc.; for the council, Frank Brown, deputy county treasurer and a present member of the council; Samuel Blackman, county district assessor. The Democrats are determined to break up the nest of office holders, and beta of two to one are being offered that the whole Republican ticket is defeated.

STATE DOCTORS DINE.

Enjoy a Fine Banquet at the University Club.

A fine banquet was given last night at the University club, by the Salt Lake County Medical association, in honor of the Utah State Medical association. The tables were arranged in horseshoe form and were handsomely equipped, and decorated with pink and white carnations.

UPBUILDING OF A GREAT NAVY.

President Dwells on Necessity of One in a Speech Before Chicago Merchants' Club

CAN'T GIVE UP MONROE DOCTRINE

Country is Pre-eminently a Business One and Cannot Help Playing a Great Part in the World.

Chicago, May 10.—"No business community can succeed unless it is based on high ideals. Permanent success comes only when the average man may be trusted in dealing with his fellow-men. So it is, in fact, with the success of the nation."

With these words, applied by many who heard them to the critical industrial situation in Chicago, President Roosevelt addressed the Merchants' club at the luncheon given him by the merchants' organization at the Auditorium this afternoon.

It was the only point in his speech which was construed at all as referring to the strike, and with these words the president led up to the theme of his talk, the upbuilding of a great navy for the benefit of the nation's commerce.

The critical industrial situation caused the president to be subjected to close scrutiny by those who were wondering whether he would discuss the trouble, and if he did what his attitude would be.

Before the luncheon was ended the president was noticed to be talking earnestly, but in low tones with President Wacker of the Merchants' club, and the nation's honor, strike leaders and the Merchants' club and the other commercial organizations of the city to propagate the idea of a big navy.

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of the need of Harvard "for western blood."

The Harvard yell was given with a will to the president.

Members of the reception committee of the Iroquois club were now introduced and took the president in hand. The whole party hurried to the waiting carriages and were rushed to the Auditorium annex, where the president was scheduled for an hour of rest, broken only by the reception of a labor delegation presenting to him a protest against the use of troops here in connection with the teamsters' strike situation.

RECHSTAG REASSEMBLES.

Berlin, May 11.—The reichstag reassembled yesterday after the Easter recess and passed the first and second readings of the bill approving the international sanitary agreement, signed in Paris, Dec. 8, 1903, for fighting the plague and cholera. The United States is also a signatory to this agreement.

AUSTRIA'S ACTION AGAINST FOREIGN LIFE INS. COS.

Vienna, May 11.—The government is taking action against foreign life insurance companies doing business in this country with the exception of German concerns. This renders business almost impossible and the matter is bringing out diplomatic exchanges from the representatives here of the United States, Great Britain, Belgium and Holland companies, all of which countries are concerned. The laws under which foreign life insurance companies may do business in Austria provide that they must invest in Austrian government securities a sum equal to their total liabilities. Details showing such investments must be filed with the authorities. Before filing these details the companies wrote to the tax assessment office and learned from it that the details could be filed without payment of stamp duties thereon. This has been done for the past nine years.

The administrative high court has now overruled this, and has informed a life insurance company of New York that it must only pay the stamp duty on these details, amounting to \$53 on each \$200,000 investment recorded in best figures, but that this duty is retroactive and will be collected for the past nine years. The English, Dutch and Belgian companies have made common cause with the New York concern and have taken the matter up with the diplomatic representatives of their respective countries.

As a result Bellamy Storer, the American ambassador and the charge affairs called at the foreign office and used their good offices in securing a memorial containing the facts of the case and requested that before a decision is rendered on the question of consideration be given by the finance ministry.

It was stated that the American government regarded the matter as grave, especially as regards the retroactive effects of the court's decision. It is well known that Ambassador Storer is acting under instructions from the state department at Washington to exert his best efforts. The foreign office has acceded to Mr. Storer's request.

German companies doing business here and likewise Austrian companies are exempt from the stamp duty and also enjoy many advantages over foreign companies.

JAPANESE LIEUT. ARRESTED.

Was Dismissed from Navy for Alleged Misconduct.

Tokio, May 11.—Ex-Lieut. Iwasaki, formerly connected with the engineering department of the Japanese navy, has been arrested in connection with the charges which resulted in the arrest of A. E. Bouguin and his stepson, F. Strange, as spies of the Russian government.

Iwasaki was dismissed from the navy and deprived of his rank in 1904, for alleged misconduct, and he has since been under police espionage.

The preliminary investigation of the charges against Bouguin and Strange is now proceeding, but the dates for their arraignment and trial have not yet been decided.

Bouguin has for a long time been held in high esteem by the Japanese, and he has been decorated by the emperor.

GARDNER DAILY STORE NEWS

"I do not now think it very necessary to make any argument for an efficient navy. We are so fortunate that in this country we are not yet with a very small army. With the navy the case is different. We have not the choice, gentlemen, as to whether this country will play a great part in the world; we cannot help it."

"We cannot abandon our position on the Monroe doctrine; we cannot abandon the duties that have come to us from debt, and the man who got along with a small army. With the navy the case is different. We have not the choice, gentlemen, as to whether this country will play a great part in the world; we cannot help it."

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"PE-RU-NA SAVED MY LIFE,"

Writes Mrs. W. McRoberts.



MRS. W. McROBERTS.

Mrs. W. McRoberts, Delano, Minn., writes as follows:

"I feel perfectly well of course. I did as you directed me to and took Peruna and Manalin. The third of March I gave birth to a 10-pound baby girl and we are both well and happy. I am very thankful to you and Peruna saved my life. I recommend it to everyone and cannot praise it enough."

"I send you my own and my baby's picture. She is so sweet and good. She is a Peruna baby. I have such good health now. I do all my household work and take care of my baby and feel so good. There are three or four of my neighbors using Peruna now, since I did me so much good."

When a mother is healthy, her children are healthy. A healthy mother is calm, serene, strong, cheerful. A mother afflicted with systematic catarrh is fretful and nervous. This makes the children sick and weakly.

Peruna protects the health and promotes the harmony in the home by making the mother strong and free from nervousness. Mothers all over the land are the best friends of Peruna.

Peruna protects the little ones, also, and shields them from the many little ailments to which they are subject.

All mothers who are in doubt as to the nature of their own ailments, or the many little derangements to which the children are subject, are invited to write to Dr. Hartman for free medical advice.

Address Dr. S. B. Hartman, President of The Hartman Sanitarium, Columbus, Ohio. All correspondence strictly confidential.

Keith-O'Brien

The Mannish Shirt Waist.

An exclusive novelty much in vogue. We have sold hundreds of them. The shirt waists are swell. Only 40 are in stock.

To close them out Friday and Saturday your choice can be had at—HALF PRICES.

\$1.95 for 98c.
\$2.45 for \$1.23.
\$3.45 for \$1.73.
Sizes: 34, 36 and 38.

Tea.

Our \$2.50 a pound tea is put up in 1/2 lb. packages. 20c Package, Friday and Saturday.

Soap.

Castle, Glycerine and Tar Toilet Soap—six for 25c, or one cake. 5c

Brooms, 15c; Dust Pans, 10c; Feather Dusters, 45c; Wool Dusters, 45c; Whisk Brooms, 8c; Clothes Racks, good ones, \$1.00; Extension Floor and Wall Brushes, special, 49c; Granite Sauce Pans, 20c; Granite Tea Kettles, 85c; Granite Dish Pans, 65c; 8-qt. Tin Milk Pans, 12c.

Sensational Bargains

Limited to the Next Two Days.

Towels.

50 dozen UNBLEACHED TURKISH TOWELS, size that sell always for 25c pair—two days (each) 12c

Toweling.

1,000 yards of good BLEACHED TOWELING that retails for \$1.30 yard—two days per yard 4c

Table Linen.

35c bleached Table Linen, 55 inches wide 20c
60c bleached Table Linen, 65 inches wide 23c
\$1.00 bleached Table Linen, 62 inches wide 50c
50c unbleached Table Linen, 65 inches wide 25c
60c unbleached Table Linen, 55 inches wide 35c
25c Turkey Red Table Linen 15c
35c Turkey Red Table Linen 19c

Outing Flannels.