

HAD A HARD TIME GETTING THROUGH.

Rio Grande People Found Them-
selves Up Against it for
A Time.

RESTRAINING ORDER ISSUED.

After Copies of it Had Been Served it
Was Modified by Judge Hall and
The Franchise Passed.

The members of the city council and the Rio Grande Western officials were given a very unpleasant surprise when they entered the council chamber last evening. As each one entered the building he was confronted by a deputy sheriff who served upon him a copy of a restraining order, issued by Judge Hall, of the district court, about 5:30 o'clock yesterday afternoon, restraining the city council from granting a franchise to the Rio Grande Western company for double tracks on the west side of Fourth West street, from Eighth South to Fifth North streets. There were three deputy sheriffs busy serving the restraining orders and every member of the council, except Arnold, E. H. Davis and Fernstrom, was served with a copy, as were also all of the Rio Grande officials present at the council meeting. The three councilmen from the Third precinct were not included in the restraining order because the simple reason that they had opposed the franchise from start to finish and voted against its passage last night.

RIO GRANDE'S CLEVER COUNCIL.

Notwithstanding the supposed knock-out blow delivered by the property owners to the councilmen and the railroad people, they recovered sufficiently to make a move which finally resulted in the franchise being passed before the close of the council session. After the restraining orders were served, Capt. J. H. Young and Atty. Van Cott at once hastened to the residence of Judge Hall and induced him to modify the restraining order and dissolve the temporary injunction in so far as it related to the city council, thus leaving the council free to pass the franchise should it so desire. This movement was somewhat of a surprise to the opponents of the franchise who knew nothing of the matter until Asst. City Atty. Shoup read the modified order of the court on the floor of the council. After a hard fight, in which Fernstrom, E. H. Davis and Arnold attempted to have the franchise referred back to the committee and later attempted to cut out the objectionable clause granting double tracks on Fourth West, the franchise was passed by a vote of 12 to 3, the three councilmen named above voting against it. In order to be sure that there would be enough votes to grant the franchise, the railroad people sent a carriage after A. H. Davis, who was ill at his home, and that he could vote for the franchise.

PLAINTIFFS IN SUIT.

The plaintiffs in the injunction suit which was filed by King, Burton & King, are Sarah A. Gibbs, John E. Gibbs, Euphonia G. Morris, Henry C. McDardell, Mary McDardell, Elizabeth A. W. Jeffs, Mary G. McKean, Elizabeth McKean, Willy Fowler, Edward H. Davis, Martin S. Lindley, Abel Preese, Ruth P. Mathews, Margaret P. Bullock, Alfred Solomon, Matthew No. 11 Joseph Kingdon, Jeannette Kingdon, William H. Kingdon, Ella Kingdon, John Kingdon, Joseph A. Kingdon, George Albert Kingdon and Lottie Kingdon, all owners of property on the west side of Fourth West street, between North Temple and Fifth North streets.

THE ALLEGATIONS.

The suit is directed against the mayor and city council, the Rio Grande Western and the Oregon Short Line Railroad companies. The complaint alleges that plaintiffs have held possession of the property on Fourth West street for 40 years and have built homes upon the same. They allege that 4,000 people on the west side have to cross the tracks of the defendant railroad companies and a large proportion of them have to use Fourth West street in passing to and from their homes and that should the proposed franchise be granted they will be deprived of the use of said street to which they are entitled as citizens of this city. Further than that they allege that should double tracks be placed on Fourth West street their homes will be destroyed for residence purposes and their property greatly depreciated in value.

They ask that the council be restrained from granting the franchise; that the Rio Grande Western be restrained from proceeding to lay its double tracks on the west side of Fourth West; that the Oregon Short Line be restrained to close the east half of Fourth West street between North Temple and Fifth North be declared null and void; and that the said companies be required to keep said street free and unobstructed by tracks. The restraining order will be heard by Judge Hall on Saturday, Oct. 17.

STREETCAR COMPANY PROTESTS.

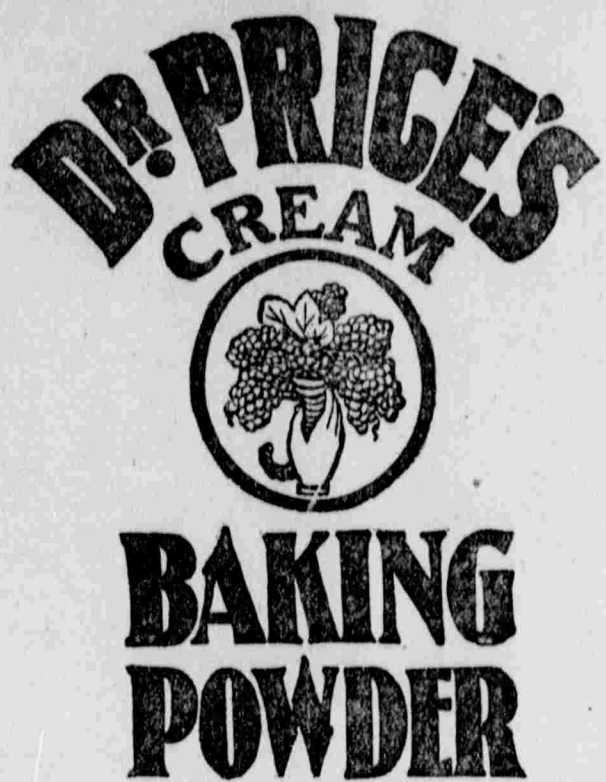
When the franchise was brought up for consideration by the council, the modified restraining order was read by Mr. Shoup, releasing the council from the injunction. A protest from the Consolidated Railway & Power company was then read. That company objected to the franchise for the reason that it has a franchise for operating its street cars along the center of that street and the Rio Grande franchise would prevent the use of the streetcar franchise. The streetcar company also objected to the Rio Grande being allowed to lay an unlimited number of tracks across Second and Fourth south streets for the reason that a network of tracks on those streets would interfere with the running of streetcars on the same. The Rio Grande officials

MILLIONAIRE'S POOR STOMACH.

The worn-out stomach of the over-forty millionaire is often paraded in the public attention as a horrible example of the evils of wealth. But millions are not the only ones who are afflicted with indigestion. The proportion is far greater among the rampart among these people. The sufferer from indigestion is not the millionaire who avails themselves of a standard medicine like Green's August Remedy, which has been a favorite household remedy for all stomach troubles for more than thirty-five years. August Remedy is a gentle and powerful purgative and restores the entire system and makes life worth living, no matter what size the individual. Trial bottles, sent regular at all druggists.

G. G. GREEN, Woodbury, N. J.

Fifty Years the Standard



Improves the flavor and adds to
the healthfulness of the food.

PRICE BAKING POWDER CO., CHICAGO.

consented to enter into a written agreement with the Consolidated company to allow its tracks to remain on Fifth West street and be operated as they are at present. They could reach no agreement, however, as to limiting the number of tracks on Second and Fourth South streets so that part of the franchise went through without alteration.

WANTED IT REFERRED BACK.

Fernstrom moved that it be referred back to the committee so that the differences between the two companies could be adjusted. He was backed up in his contention by E. H. Davis and Arnold. His motion was lost, however, by a vote of 11 to 3. Vigus moved that the franchise be passed. Fernstrom then offered several amendments which were agreeable and were adopted. His amendments provided that the proposed franchise would never stand the test of five years, and eliminated the paragraph in regard to placing gates and flagmen at the crossings. Black offered an amendment which was also adopted to the effect that the company also maintain the foot viaduct over its tracks as well as construct the same.

ANOTHER EFFORT.

Fernstrom then made a desperate attempt to strike out the section of the franchise which granted the company permission to lay double tracks on Fourth West street. He argued that if the franchise was granted as it is it would close up that street entirely and would rob the people of their homes just for the sake of helping a railroad corporation. He said that the franchise would never stand the test of five years, and that no courts would uphold it. In all his six years experience in the council he said he never saw anything so unjust, unreasonable and illegal as this franchise. After nearly all the members of the council had spoken in favor of the franchise, except the three from the Third precinct, a vote was taken which resulted in Fernstrom's amendment being defeated by a vote of 12 to 3.

FRANCHISE PASSED.

A roll call on the final passage of the ordinance resulted in its passage by a vote of 12 to 3. Councilmen Fernstrom, E. H. Davis and Arnold voting in the negative. When their names were called the three councilmen from the Third explained their reasons for voting against the franchise.

GATES WANTED.

A resolution was introduced by Robinson providing that the Oregon Short Line and Rio Grande Western railroad companies be instructed to construct and maintain gates for the protection of the public at their crossings on Third and Fourth West streets at the intersection of Fourth, Fifth, Sixth and Seventh South streets; that the Short Line also construct a gate at Third West and Third South streets and that the Rio Grande Western also construct a gate on Eighth South between Fifth and Sixth West streets; and that the companies be allowed 12 months within which to comply with the provisions of the resolution. The resolution was referred to the committees on municipal laws and streets.

FRANCHISE FOR SWITCH.

The Rio Grande Western Railway company was granted a franchise to construct a switch on Fourth West street to the Anheuser-Busch warehouse between Fifth and Sixth South streets. It was understood that the council should not pass the franchise until the injunction suit now pending in the district court against the laying of the proposed Oregon Short Line viaduct on North Temple street. Such a change is necessary because of the closing of First South street by railroad tracks under the recent Short Line franchise. The matter was referred to the committees on municipal laws and streets and the city attorney.

ANOTHER FRANCHISE.

The Consolidated Railway & Power company petitioned the council for a franchise to construct its tracks on Third West street from First South to North Temple street so that its First South street cars may pass over the proposed Oregon Short Line viaduct on North Temple street. Such a change is necessary because of the closing of First South street by railroad tracks under the recent Short Line franchise. The matter was referred to the committees on municipal laws and streets and the city attorney.

WANTS CHIEF'S SALARY.

Acting Chief of Police Burbridge sent in his bill to the council for the difference between his regular salary as captain of police and that of the salary of chief of police amounting to \$263.63. Capt. Burbridge stated in his communication that he has been performing the duties of chief of police ever since Feb. 20, 1903, and believes he is entitled to the salary of that office. The claim was referred to the committees on finance and police and prison.

REPORT OF CITY COUNCIL.

The report of J. O. Nystrom, ex-officio clerk of the city court, for the month of September was submitted, showing that 322 cases were disposed of in the criminal division of that court during the month for which \$1,746 was received in fines and forfeitures.

DUNNE CONFIRMED.

The board of public works sent in the appointment of Daniel Dunne as an inspector to fill a vacancy caused by the resignation of Mr. Timms. The appointment was confirmed by the council.

MORTENSEN'S DEATH WARRANT.

Signed Yesterday by Judge Morse
And Turned Over to the
Sheriff.

THIS MAY BE THE FINAL ACT.

Doomed Man's Attorneys Will Probably
Apply to the Court for a Certificate
Of Probable Cause.

ONE MORE ACT TOOK PLACE YESTERDAY.

In the case of Peter Mortensen and unless a certificate of probable cause is issued, which will enable the supreme court to again review the case, it will have been the final act, excepting only the execution. Judge Charles W. Morse signed Mortensen's death warrant yesterday afternoon and sent it to County Clerk James for his attestation, who, after having signed it and affixed the seal of the court, took it to the sheriff's office.

It is expected that Messrs. Stewart & Stewart, Mortensen's attorneys, will apply to the court some time this week for a certificate of probable cause and, then Judge Morse will set a day for arguing the proposition. Two motions for a new trial have already been denied and the case has already been before the supreme court, which sustained the court below.

In case the certificate does not issue Acting Warden Wright will take Mortensen from his present cell in the death row and confine him in an isolated one in some other part of the state prison and he will be watched night and day by a prison guard who will set in the corridor and as the time draws near for the execution an additional guard will be added.

THE DEATH WARRANT.

The following is the death warrant: The State of Utah sends greeting to the sheriff of Salt Lake County. Whereas, On the sixth day of February, A. D. 1902, the defendant Peter Mortensen was charged by the district attorney of the Third judicial district of the state of Utah, by information duly filed on that date, of the crime of murder in the first degree; and Whereas, The said defendant Peter Mortensen was tried by a jury of said court in the manner provided by law, at the April, A. D. 1902, term of said court, and a verdict of guilty of murder in the first degree was found and declared against said defendant by said jury on the 14th day of June, A. D. 1902; and Whereas, Said court having fixed and appointed the second day of September, A. D. 1902, as the time for pronouncing judgment on said verdict, the defendant's motion for a new trial, and the defendant's motion in arrest of judgment having been theretofore overruled upon motion of Dennis C. Eichner, district attorney, for judgment upon the verdict, the court asked the defendant, Peter Mortensen, to stand up, and the said defendant having stood up in open court, the court informed him of the nature of the charge against him, and asked the said defendant whether he had any legal cause to show why judgment should not be pronounced against him; to which the defendant replied that he was innocent of the crime with which he was charged, and that all legal reasons which he had to present had theretofore been presented to the court, and by the court passed upon, and that he had nothing further to say. Whereupon the court said to the defendant: "The penalty provided by the statute of this state for murder in the first degree is death, to be inflicted either by hanging you by the neck until

BREAK THE FAST

The Morning Meal should not be Missed. After a night's fast the stomach should have some food for breakfast to sustain mind and body during the morning. It should not be a heavy meal but wise selection will pay immensely. A young Los Angeles woman says: "For years until I used Grape-Nuts I have never been able to eat breakfast for eating in the morning was always followed by terrible sick headaches and my stomach has always been delicate. Some time ago a friend urged me to try Grape-Nuts food and I began eating it every morning. As a result of my steady use I have gained 11 pounds and the headaches have disappeared entirely and my weak stomach has become normal and strong. All my food digests and I now perform my daily duties with a renewed cheerfulness and energy. Evidently I had been eating the wrong food but Grape-Nuts soon put me right." Name given by Postum Co., Battle Creek, Mich.

Look in each package for a copy of the famous little book, "The Road to Wellville."

dead, or by shooting you, at your election; you may now make the election as to which mode of death shall be inflicted upon you. Whereupon the defendant said that he elected to be executed by shooting. Thereupon the court pronounced judgment upon the defendant as follows: "It is the judgment of this court that you Peter Mortensen, be taken here to some safe and secure place of confinement, and that you there be kept until Friday the 17th day of October, A. D. 1902, and between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of said Friday, the 17th day of October, A. D. 1902, within the exterior walls of the state prison of the State of Utah, you be shot until you are dead. And Whereas, An appeal was granted in said cause from said Third Judicial District court of the State of Utah to the Supreme court of said state, and the said appeal was affirmed by the Supreme court of the State of Utah, as duly appears in the remittitur of the Supreme court of said state on file in this court, which remittitur directs that the judgment and sentence of said district court be carried into effect in conformity with law; and Whereas, on the 3rd day of October, A. D. 1902, the defendant's motion for a new trial having been submitted to the court and by the court overruled, upon motion of Dennis C. Eichner, Esquire, district attorney for the Third judicial district of the State of Utah, for judgment pursuant to the mandate and remittitur of the Supreme court of the state, the court asked the defendant Peter Mortensen to stand up, and the defendant having stood up in open court, the court inquired of him whether he had anything to say why the judgment of the court should be reversed, and against him should not be carried into execution, pursuant to the mandate of the Supreme court, to which the defendant replied he was innocent of the crime with which he was charged. Whereupon the court said to the defendant: "At the time the judgment of the court was pronounced against you on the 2nd day of September, A. D. 1902, you were informed what the law of this state is in regard to the different modes of punishment; at that time you elected to be shot; do you now desire to make any change in that election?" To which the defendant responded, "No, sir."

Thereupon the court pronounced the following judgment, to wit: "Pursuant to the election you made at that time and the mandate of the Supreme court of this state, it is the judgment of this court that you be taken hence to a place of safe confinement, and that you be kept there in confinement until Friday, the 20th day of November, A. D. 1902, and that between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of said 20th day of November, A. D. 1902, within the exterior walls of the state prison of the State of Utah, you be shot until you are dead." Now, therefore, you, the said sheriff

of Salt Lake county, Utah, are hereby commanded and required to take into your custody the said defendant, Peter Mortensen, and that within five days from this date you convey him, the said Peter Mortensen, to the state prison of the State of Utah, and deliver him to the warden thereof, there to be held in confinement until Friday, the 20th day of November, A. D. 1902, and between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of said last-named day, within the exterior walls of the said state prison of the State of Utah, you do shoot him, the said Peter Mortensen, until he is dead, and make due return of your doings hereunder. Witness my hand this fifth day of October, A. D. 1902.

CHARLES W. MORSE,
Judge of the Third Judicial District,
State of Utah.
Attest: JOHN JAMES,
County Clerk.

WITH THE BEE MEN.

Utah Honey Producers Will Make Fine
Showing at the World's Fair.

A meeting of the Utah Beekeepers' association was held in the mayor's office at the city and county building at 4:30 o'clock yesterday afternoon at which the ways and means for securing a creditable exhibit of Utah honey for the St. Louis exposition were discussed. It was stated that the Utah commission had appropriated \$1,200 to aid the beekeepers in making their exhibit. The methods of carrying for bees and the treatment of honey were discussed at considerable length by the members of the association. The secretary reported that 64 members had paid their fee of \$1 for membership in the national association. At the conclusion of the meeting an adjournment was taken until conference week in April.

The members present were: E. S. Lovey, president of Salt Lake; R. G. Reese, Weber county; Joshua Curry, Draper; J. Hansen, Boxelder county; T. R. G. Welch, Morgan county; S. F. Stewart, Spanish Fork; Mrs. K. J. Emery, Provo; Milford Ballston, Salt Lake; S. F. Dart, Utah county; A. Frazer, Tooele county; W. M. Johns, Panguitch; J. A. Lowe, Austin; J. P. Fugall, Pleasant Grove; J. A. Smith, Heber; A. G. Johnson, Lyndon, and L. N. Elliott, Salt Lake.

Senator T. C. Platt to Marry.

New York, Oct. 6.—The Hon. Thomas C. Platt, senator United States senator for the state of New York, has made the formal announcement that he is to be married to Miss Mrs. Lillian T. Janeway of Washington. Senator Platt has been a widower since Feb. 13, 1891, when his first wife, who was his cousin, Miss Lucy B. Platt, died at the Fifth Avenue hotel. Mrs. Janeway's first husband, Dr. Theodore Janeway, died six years ago. She has one daughter and Senator Platt has three sons. They will go to Washington almost immediately after their marriage ceremony, and will reside at the Arlington. The senator was 70 years old in July.

STAKE CONFERENCES.

APPOINTMENTS FROM OCT. 1, 1903, TO APRIL 1, 1904.

Utah and Beaver	Oct. 10 and 11, (Saturday and Sunday) Jan. 9 and 10
Emery	Oct. 11 and 12, (Sunday and Monday) Jan. 10 and 11
Weber, San Luis, and Bannock	Oct. 13 and 14, (Sunday and Monday) Jan. 11 and 12
Johns, Alpine, Fremont and Cache	Oct. 15 and 16, (Sunday and Monday) Jan. 13 and 14
Wasatch, Cassia, San Juan, Santa Fe and	Oct. 21 and 22, (Saturday and Sunday) Jan. 19 and 20
pete, and Bingham	Oct. 21 and Nov. 1, (Saturday and Sunday) Jan. 20 and 21
Jordan and Woodruff	Nov. 7 and 8, (Saturday and Sunday) Feb. 6 and 7
Summit, Wayne and Oneida	Nov. 8 and 9, (Sunday and Monday) Feb. 7 and 8
Snowflake, Granite, Star Valley and	Nov. 14 and 15, (Saturday and Sunday) Feb. 13 and 14
St. John and Benson	Nov. 21 and 22, (Saturday and Sunday) Feb. 20 and 21
Box Elder, Uintah, Millard and Teton	Nov. 22 and 23, (Sunday and Monday) Feb. 21 and 22
Union, Bear Lake, Panguitch and	Nov. 28 and 29, (Saturday and Sunday) Feb. 27 and 28
Tooele	Nov. 29 and 30, (Sunday and Monday) Feb. 28 and 29
Alberta and Mariopols	Nov. 29 and 30, (Sunday and Monday) Feb. 28 and 29
Kanab, North Rangpete, Big Horn and	Dec. 5 and 6, (Saturday and Sunday) March 5 and 6
Pocatello and Taylor	Dec. 6 and 7, (Sunday and Monday) March 6 and 7
St. George, Sevier and Juarez	Dec. 12 and 13, (Sunday and Sunday) March 12 and 13
Salt Lake	Dec. 13, (Sunday) March 13
Morgan	Dec. 13 and 14, (Sunday and Monday) March 13 and 14
Malad, Davis, Parowan and Hyrum	Dec. 20 and 21, (Sunday and Monday) March 20 and 21

JOSEPH F. SMITH
ANTHONY H. LUND.

GARDNER DAILY STORE NEWS.

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We can sell you an overcoat for \$6.50, for \$50.00 or any price you desire between the two.

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