

LABOR UNION WINS THE CASE.

Judge Hall Renders Decree in Favor of Robert Harper vs Charles Sumbeck et al

IN FAVOR OF THE PLUMBERS.

An Unincorporated Union Cannot Be Held Liable for the Actions of Its Members.

Judge Hall today rendered a decree in favor of defendants in the labor union case entitled Robert B. Harper, against Charles Sumbeck and other officers of Local Union No. 19 of the United Association of Journeymen Plumbers. The action was brought by Harper to enjoin the local union from interfering with him securing employment as a plumber in this city and to recover \$115 which he paid into the union on an alleged fine imposed upon him by the Butte, Mont. union and also to recover \$50 as damages for being deprived of work here by reason of the boycott established against him by the Salt Lake union.

It was alleged by plaintiff that he is a married man and has a family dependent upon him for support, but that he was prevented from securing employment because of the boycott established against him for failure to pay a fine of \$500 imposed upon him by the Butte union. He was finally compelled to pay part of the fine in order to secure employment at his trade to support his family and did pay \$115 of the amount under protest. When he ceased payments on the fine he alleges that he was again thrown out of employment by reason of the action of the union, and he therefore asked that his money be returned to him, that he have damages in the sum of \$500 and that the union be enjoined from further interference in the matter.

Defendants in their answer alleged that the local union is an unincorporated association composed of about 50 members, and that it cannot therefore be held liable for the acts of its individual members, nor can the individual members be held liable for the acts of the union. They further alleged that all of the members of the union should have been made parties defendant in the action. In connection with the case against Harper, the defendants alleged that they had nothing whatever to do with it except that they attempted to have a fine levied against him or reduced in amount for plaintiff's benefit. They claim that they received none of the money paid by Harper but that it was turned over to the Butte union to apply on his fine. The decision of the court finds all of the issues in favor of defendants. Hence it would seem that an unincorporated union or association cannot be held liable for the actions of its members and a boycott can be established against a member or a non-union man without fear of an action of law ever preventing by injunction such action on its part or without fear of damages ever being awarded against it by reason of such acts.

Right of Way Suit.

Lulu Smyth, L. E. Cole and E. A. Wolfe are plaintiffs in an action, filed in the district court today against Ella Andrew and William B. Andrew, brought to restrain defendants from interfering with and obstructing plaintiff's right of way over a part of lot 4, block 13, plat 6. It is alleged that defendants have constructed a fence across said right of way and are using the same for a cow lot and thereby interfere with plaintiff's use of the same. It is also asked that the right of way be restored to its natural condition.

Mrs. Quinn, a Deserter.

George Quinn has filed suit for divorce in the district court against Elizabeth Quinn on the ground of desertion. They were married in this city on Aug. 17, 1902, and it is alleged that defendant deserted plaintiff in July, 1902.

INJUNCTION GRANTED.

New State Gun Club Goes to Law Over an Old Shanty.

Judge Lewis has granted a temporary injunction in the case of the New State Gun club against John Winger and William Laker and has fixed the amount of the bond to be furnished by plaintiff for the issuance of the injunction at \$500. It is said that Winger claimed a shanty which stands on the reserve of the Landers Gun club, north of the city, and attempted to remove it. By so doing he was compelled to tear down a fence around the New State Gun club property and

An Ancient Foe

To health and happiness is Scrofula—as ugly as ever since time immemorial.

It causes bunches in the neck, disfigures the skin, inflames the mucous membrane, wastes the muscles, weakens the bones, reduces the power of resistance to disease and the capacity for recovery, and develops into Consumption.

"A bunch appeared on the left side of my neck. It caused great pain, was lanced, and became a running sore. I went into a general decline. I was persuaded to try Hood's Sarsaparilla, and when I had taken six bottles my neck was healed and I have never had any trouble of the kind since." Mrs. K. T. SWEDE, Troy, Ohio.

"I was troubled with scrofula and came near losing my eyesight. For four months I could not see to do anything. After taking two bottles of Hood's Sarsaparilla I could see to walk around the house and when I had taken eight bottles I could see as well as I ever could." SUE A. HANSTON, Withers, N. C.

Hood's Sarsaparilla and Pills

Will rid you of Scrofula, radically and permanently, as they have rid thousands.

Accept no substitute.

One little group of supplies, Schilling's Best makes no trouble to you or your grocer. Moneyback.

cross the same to get to the shanty. He was prevented from moving the structure by two patrolmen and then to make things worse the gun club filed suit for an injunction to prevent him from tearing down its fence and crossing its reserve.

HILTON CASE.

Trial Continued Upon Motion of Atty. B. J. Stewart.

The further trial of the case of Annie F. A. Hilton against W. S. McConick was continued this morning by Judge Hall until Thursday, Nov. 19. The continuance was granted upon motion of Atty. B. J. Stewart for the defense, and over the objection of Atty. N. V. Jones for plaintiff. Mr. Stewart stated that he had a matter on hand at the present time which involved the life of a client and that he could not do justice to both that matter and the case at bar. Mr. Jones objected for continuance for the reason that the witnesses were all present and the plaintiff was ready to proceed with the case. The court granted a continuance however, as stated above.

WILL OF J. D. LEWIS.

Leaves an Estate Valued at \$25,000 to Almira F. Collins the Petitioner.

The will of Joseph D. Lewis, deceased, who died in this city on Oct. 29, 1903, was filed for probate today in the district court. Accompanying the will was the petition of Almira F. Collins, executrix, who is a sister of decedent, and without bonds as provided in the will. The estate consists of mining stock and properties valued at about \$25,000, all of which was bequeathed to petitioner, who is a sister of decedent, and his only heir. The petition was heard by Judge Hall on Friday, Nov. 13.

A GUARANTEED CURE FOR PILES.

Heching, Blind, Bleeding or Protruding Piles. Druggists will refund money if "AZO OINTMENT" fails to cure in 5 to 14 days.

MRS. BRADLEY'S SENTENCE.

The date of passing sentence upon Mrs. Annie M. Bradley was this morning continued, upon motion of District Attorney Eichnor, until Dec. 21. Mrs. Bradley some time ago entered pleas of guilty to two informations charging her with criminal relations with former Senator Arthur Hamilton.

LOGAN IRRIGATION COMPANY.

A copy of the articles of incorporation of the Logan Northwest Field Irrigation company, of Logan, were filed by the secretary of state's office today. Its capital stock is \$12,500, divided into shares of the par value of \$5 each. John Quayle is president, William Evans, secretary and treasurer. The company owns the Logan-Benson canal.

ELEVATOR RECOMMENDED.

A communication has been submitted to the city council by Mayor Thompson in which he recommends that an elevator be installed on the city hall building. The mayor states that one elevator in the building is inadequate to the demands of the public and suggests that another one be installed without delay. Some time ago a movement was started to have another elevator in the building, but the council committee on the building and finance reported unfavorably to the proposition, principally because the finances of the city at that time would not permit of such additional expense.

AN INVITATION AFFAIR.

Execution of Tom Horn to be Attended by State and County Officials.

(Special to the "News.")

Cheyenne, Wyo., Nov. 16.—Sheriff Smalley yesterday issued invitations to the execution of Tom Horn, sheriff of the state and county and state officials to attend the execution of Tom Horn. About eight newspaper men will be present and Horn will have with him friends. Not more than 20 persons, including the sheriff and his men, will witness the hanging.

LOCAL MARKET.

There are no changes in retail market prices today of any moment. Pears are selling a nickel per pound, and \$1.25 per bushel. The fish markets are retelling on the reserve of the Landers Gun club, north of the city, and attempted to remove it. By so doing he was compelled to tear down a fence around the New State Gun club property and

THANKSGIVING SERVICES.

Ministerial Association Divides Them Into Three Groups.

The Ministerial association listened this morning to a carefully prepared paper in review of Collins' work on the "Soul." The book regarded with general interest among theological readers, and affirms that the soul is transmitted from parent to child, and that the body is wholly subordinate to and dependent upon the soul. The paper was by Rev. Samuel Allison of the Murray Methodist church.

It was announced that the evangelical church services in this city on Thanksgiving day will be arranged in three groups. The East Side Baptist, First Methodist and Phillips Congregationalists will meet at the Phillips church, where the sermon will be preached by Rev. D. M. Helmick of the IUT church. The First Methodist, First Congregationalist, First Presbyterian and Christian church will meet at the Phillips church. The Westminster Presbyterian, First Baptist and Health Methodist will meet in the Westminster church, with Rev. D. A. Brown of the Baptist church to preach the sermon.

COAL GOES UP ANOTHER QUARTER.

(Continued from page one.)

been settled. That is the reason why the only way possible for us to keep our mines going is to fight."

PRESIDENT KRAMER TALKS.

President Kramer of the Utah Fuel company is in the city from Denver, and his views are entirely in accord with the views of his local associates. Mr. Kramer referred to the status of the coal mines at Lafayette, Colo., where in spite of advice and warning, the management recognized the union. The result is that the union has made one demand on another, and now the mines positively refuse to go to work. Recognition of the miners' union, he remarked, gives the men a hold on the management at once that places the mines at the mercy of the union, and there is no help for it if the union shuts the mine up, and shuts the men out from working. However, neither Mr. Kramer or the Utah management apprehend any trouble in this state, and believe that in a few days every body will be back at work in the mines.

GRAFTING ON THE SALT LAKE ROUTE.

Scandal Breaks Loose in Los Angeles in the Right of Way Department.

RESIGNATIONS NOW IN ORDER.

Cashier of Riverside Bank Worked a Very Cute Scheme but He Was Found Out.

San Francisco, Nov. 16.—A special dispatch from Los Angeles to the Call says: As a result of the discovery of the fact that the San Pedro, Los Angeles & Salt Lake Railroad company has been held up for large sums in the purchase of rights of way through a portion of Riverside county, quite a number of changes, it is said are expected in the personnel of the management. The discovery came through statements made by a wealthy resident of Riverside. He informed the railroad officials that he had been paid a certain price for property which he sold the company and reference to the company's books showed that the company's agent had reported that the price was \$1,200 more than he had received.

Another case was found in which the agent had reported that a certain piece of property had cost \$10,000, and that amount was paid for result. The seller of this property was seen and he agreed to make affidavit that all he had received was \$7,500.

From word received from Los Angeles from another source it is stated that the resignations of J. W. F. Dias, general right of way agent for the Salt Lake Route, and fire commissioner in Los Angeles, member of the governor of California's staff, etc., and H. T. Hays, cashier of the Orange Growers' National Bank at Riverside, are now in order.

It appears that T. E. Gibbon and J. Ross Clark of the Salt Lake Route became aware some time ago of some irregularities and discrepancies in the right of way department and they made it a point to investigate. The result was that when Mr. Gibbon came west last week from St. Louis he wired Dias to meet him here. The right of way agent happened to be in Salt Lake at the time and the two officials were closeted together for several hours.

Both gentlemen are now in Los Angeles and the sensation was sprung a couple of days following their return. It is said that Hays made a nice sum by representing to the company that he paid much more for the several tracts than the sellers actually received.

After fortifying themselves with proofs that Hays had buncoed the company out of at least \$5,000, J. Ross Clark and Mr. Gibbon went to Riverside and confronted Hays with the evidence. He admitted his guilt and said, and to square himself valued to the company orange lands deeded to him, \$12,000. Clark and Gibbon are both of the opinion that Hays made at least \$10,000 off the company in the manner described.

Hays denies that Right of Way Agent Dias had anything to do with the matter. As yet, however, no resignation has been accepted within the next few days.

FIRST TRAIN OVER.

Ogden-Luain Cut-off Now Practically Complete—Last Spike Friday.

Ogden, Utah, Nov. 16.—The first train, a work train, crossed the entire length of the trestle work from the east to the west side of Ogden yesterday. The Ogden-Luain cut-off of this morning. The connecting rails of the two ends were laid temporarily about the middle of the west arm of the lake, but they will not be permanently laid and the spike will not be driven until Friday when President Harriman and party will visit the cut off and then a member of that party will perform the ceremony. On that day the first passenger train, carrying Harriman and party, will cross the lake to Luain. The cut-off will not be open to regular traffic until the first of the year.

S. P. MEETING.

Annual Gathering of Stockholders is Postponed Until April Next.

San Francisco, Nov. 16.—President E. H. Harriman of the Southern Pacific railroad has given notice that the annual meeting of the company, which was postponed last April on account of the Keene injunction, is not to be held until April, 1904. Under the by-laws of the directors the officers of the company hold until their successors are appointed. There being no pressing necessity for assembling of stockholders, Harriman sees no reason for calling them together until April. The Keene suit was dismissed by consent of the parties, leaving Harriman free to vote the big block of shares of Southern Pacific owned by the Union Pacific. The earnings of the Southern Pacific continue to show up strong.

H. D. Scott Takes Reins.

H. D. Scott, the newly appointed superintendent of the Salt Lake division of the Southern Pacific, and who was formerly assistant superintendent of the Sacramento division of the same road, has arrived in Ogden and was this morning inducted into office by Supt. John S. Noble, who resigned about 10 days ago and whose resignation went into effect yesterday. Mr. Noble has been superintendent of this division for the past five years and has always been popular among the company's employees. Advancing years and a press of other business was the cause of his resignation.

SPIKE AND RAIL.

Engine #27 of the Salt Lake Route is handling the track laying outfit below Calientes.

T. W. Collins, the traveling passenger agent of the Union Pacific, came in the city from the north this morning.

The Chicago, Rock Island reports that the eastbound passenger business of the road is increasing. Most of the tickets sold are for one way only.

The San Pedro has made arrangements with Senator Lewis at Milford for the use of his arroyo water. This gives the road at that point the use of about 100,000 gallons daily.

Traveling Passenger Agent Keyes of the Chicago, Milwaukee and St. Paul came in last night from a trip through Idaho. He leaves the latter portion of this week for a vacation which he will take in his old home in the east.

Assistant General Freight Agent

Seymour C. Chicago, and General Agent Wood of Denver, left last night in company with General Agent Walker of the Chicago, Northwestern, for the north. The party will take a trip over the territory of the Salt Lake office.

SAM GRICE IN COURT.

Sam Grice, the notorious individual who has a penchant for appropriating unto himself harness belonging to other people, is again in trouble. This time he has evidently turned his attention to hides, as the complaint specifies that he broke into the warehouse of the Utah Junk company and stole 19 beef hides, of the value of \$11. Grice is having a preliminary hearing before Judge C. B. Diehl today on the charge of burglary.

CHILDREN'S NURSERY.

Home for Tots on I Street is Now Ready for the Little Ones.

The home for children under two years of age, is now about ready for its winter's work. As already announced Mr. and Mrs. A. H. Tarbet have given for this purpose the use of the property on the corner of I and First streets. Less than two weeks have elapsed since the tender of this home, yet it has been put in thorough repair by Mrs. C. B. McMahon, lady in charge, and Capt. Woods and his valuable and valued aids of the Salvation Army. Glass, paper, paint and kalsomine with soap and water applied by the ladies of the army have worked wonders, in the shop part, where little boys had broken the window panes, and otherwise damaged the building. After this repair work was done, the ladies chopped in and hung shades to the windows, draped muslin over them, laid dainty blue and white linoleum on the floors, set up infant's cribs of pure white with dainty warm bedding, installed a neat little kitchen, and best of all, arranged a large cheerful office or "shop." Royalty of the children here every work-woman does her best work, and joys in the working for these helpless babes. Here will meet kind neighbors who will sew for the children, here will be transacted the business of those having the management of this ward, here young girls will come to read or make delicacies for the sick ones. All patrons of the home are cordially invited to make this room an extension of their own homes, and drop in when ever they wish, bringing their own happy children to see the less fortunate ones, thereby giving them a lesson in the blessedness of giving.

Helping the children of the poor has appealed to every heart, those who cannot give money give work, or give of their furnishings, so that as fast as needed all wants are supplied, and a comfortable well managed home is provided for infants, for mothers to put their children in by the day or week as the case may be, while they work. Applications for admittance must be made to Mrs. C. B. McMahon, 43 I street, who has this ward in charge.

The donations up to date towards this worthy enterprise are:

Mrs. Frank Knox, a white iron crib and furnishings, to be known as the Frances Knox crib.

Mrs. Mary Jude, a white iron crib and furnishings, to be known as the Mary Woodward crib.

Mrs. H. V. Platt, a child's crib and furnishings, to be known as the Helen Virginia Platt crib.

Mrs. V. H. King, a child's iron bed and furnishings, to be known as the Josephine King bed.

Mrs. C. H. McMahon, a child's iron bed and furnishings, to be known as the Helen Monroe bed.

Mrs. J. F. Cowan, child's cradle and mattress, base burner, one set springs and mattress.

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Amusements

At the theater tonight the far famed opera of "King Dodo" will have its second presentation in this city.

At the Grand this evening the rustic play of "The Minister's Son" will open an engagement of three nights and a Wednesday matinee.

The Grand held the usual heavy attendance last night, when Field's Band presented a popular program. The band program elicited much applause, as also did the duet of Messrs. Kenyon and Donelson. One of the hits of the evening was made by Miss Emily Larson, who rendered the "Lella" song and was heartily cheered when she responded with a second number.

"Pickwick" set to music, dawned on us for two performances Saturday, one before empty chairs in the afternoon, the other before a crowded house at night. Having seen it, we are no longer at a loss to know why Mr. Hopper did not carry longer. Hopper is all himself, which is saying a good deal from the triple standpoint of avoirdupois, personal humor and vocal accomplishment. But he is not at all Pickwick, not for a moment, either in bodily proportion, gentility, blandness, philosophy, sterness, kindness, or any other one of the many traits that entered into Pickwick's make up.

Perhaps it was too much, to expect to see Dickens' immortal hero put into flesh and blood and set before us, and perhaps we had not made sufficient allowance for comic opera license, but much as we enjoyed Hopper and his Hopperisms, charming as his company was, and undeniably worthy were the pictures of a vanished "Merrie England" which they presented, still one was conscious of a sense of disappointment through it all—disappointment that the real Pickwick should have been so conspicuously absent, that so poor a use had been made of Mrs. Bartlett, that so slim a story had been provided from the wealth of material the novel presents, and especially disappointment at the way the action flits out and falls to pieces in the final act.

All this is not saying that there was not a great deal of genuine enjoyment through the evening. It would be impossible not to laugh at Hopper, and as he, of course, made a certain speech, and equally of course rendered his inimitable "Casey at the Bat,"—by "request"—he gave us the full worth of our money. Dicky Bell, too, an artist to his finger tips, rendered Sam Weller with the true Dickensian spirit, though the opera librettist again fell short of what he ought have done with Weller's opportunities, and Miss Clarke, a dainty bit of humanity, danced and sang her way into all hearts. The music, costumes, scenery and general work were excellent, and it was a positive pleasure to pick out the figures of Jingle, Wardle, the fat boy, old Weller, Tupman, Winkle, Snodgrass, etc., slightly provided even though they were, with any chance to live up to the fame of the originals.

LATE LOCALS.

Today's local bank clearings amounted \$969,147.35 as against \$906,371.93 for the corresponding day of last year.

The state board of examiners is holding its regular monthly session today passing upon the claims against the state.

State Superintendent of Schools Nelson will leave for Kanab, Kane county tomorrow to be gone a week on school business.

MILLER-JOHNS TRIAL.

Second One for Bribery Extortion Begins at Cincinnati.

Cincinnati, Nov. 16.—The second trial of Daniel V. Miller of Terra Haute, formerly assistant attorney in the postoffice department at Washington, and Joseph M. Johns, an attorney at Rockville, Ind., began today in the federal district court Judge Albert C. Thompson. They are charged with conspiracy to extort \$10,000 from John A. Ryan, chief commissioner with offices at Cincinnati and St. Louis, for such decisions as would allow Ryan to leave the mails in receiving money for "betting on races." At their first trial here last month, the jury disagreed. Witnesses arrayed against them were D. C. for government and many from Indiana for the defense. The same witnesses appear on both sides in the first trial, and in addition Henry Spain of Indianapolis appeared for Miller.

To Aid Russian Jews.

New York, Nov. 16.—A movement to have all the wealthy Jews in the country put aside two per cent of their incomes to aid the Russian Jews to come to this country is to be started, according to Dr. Indiana Singer, president of the Zion Educational league. The doctor, who announced his intention at a meeting of the league last night, also said that an attempt will be made to have the \$100,000 left by Baron De Hirsch to the Jewish colonization association administered in this country in aid of the work. Dr. Singer declared that there is no probability of emigration for the Jews in Russia under present conditions and that the only remaining possibility lies in emigrating to the United States.

Suicided on Highest Peak.

Albuquerque, N. M., Nov. 16.—The party descended body of J. M. Seader, until recently a soldier in the United States army in the Philippines, has been found at the summit of the highest peak of the lofty Sandia range. A six-shooter with one chamber empty lay near the body. To his left lay between several holders as if he had attempted to provide a tomb before killing himself. Seader was last seen in Albuquerque on Oct. 18, when he said that he was going to his home in Kansas City. He came to this city from Los Angeles.

MAY BEGIN BUSINESS.

(Special to the "News.")

Washington, D. C., Nov. 16.—The Farmers and Merchants' National bank of New, has been authorized to begin business with capital of \$200,000.

AFTERNOON ON 'CHANGE.

The Market Still Slumpy but Signs of Bedrock Are Seen.

At the afternoon call, Daily-Judge and Daily-Post were still upon the to-bogged slide. The former fell to \$9.90, the lowest price it has reached in 10 months. The same thing may be said of Daily-West, which sold at \$32.50. Daily-Post was also a seller, going at \$3.80, which is a drop of 10 cts. from the morning call. Some slight advance was noted in a few of the cheaper stocks, which goes to show that bedrock is being reached at last. The sales are as follows:

Alx, 1,000 at 4 1/2.
Daily-Judge, 25 at 9.25; 100 at 9.00; 25 at 9.25.
Grand Central, 100 at 2.85; 100 at 3.25; 100 at 3.80.
May Day, 7,500 at 6 1/2; 1,000 at 6 1/2.
Union Pacific, 500 at 13.
New York, 500 at 13.
Yankee, 100 at 40; 100 at 41.

Always Remember the Full Name
Exactive Bromo Quinine
Cure a Cold in One Day, Grip in 2 Days
E. W. Brown on every box 25c

Rich and Brilliant.

Lot of Couch Covers just received. We invite you to inspect them.

Prices Away Down.

This is a good time to look up your old furniture and have it re-covered. We will give you estimates on any kind of upholstery work.

H. DINWOODEY FURNITURE CO.



Are Testing the Value
of newspaper advertising, and
for
FOUR DAYS ONLY
we are going to offer some exceptional values in Men's Suits. This season's goods are nice, snappy patterns. The coats are cut up to date, with snug-fitting collars and broad shoulders. They are considered excellent values at
\$15.00, \$16.50 and \$18.00
SALE PRICE \$2.85
SEE WINDOW DISPLAY.

Now For Winter!

Jack Frost is peeping around the corner, and maybe you haven't your Winter Overcoat yet. Better come in and allow us to show you the greatest assortment ever brought to this market. Alfred Benjamin & Co. are the makers, which is sufficient guarantee that style and quality is right. The fabrics are the finest woven, the workmanship the marvel of other clothsmakers. Prices range from

\$15 up to \$45
Benjamin Suits are here to please you. Priced
\$15, \$20, \$25 up to \$35

HATS, SHIRTS and UNDERWEAR, all at right prices and in up-to-date styles. Pleased to show you any articles you may wish to see.

Gray Bros. & Co.

"KEEP MONEY AT HOME"

By Insuring with the

HOME FIRE
HEBER J. GRANT & CO.,
General Agents.

DON'T CARRY YOUR OWN RISK!

"INSURE TODAY, TOMORROW MAY BE TOO LATE."

BOSTON STOCK MARKET.

Closing quotations today as reported by Hudson & Sons Co., brokers, were:

Amalgamated	Bid.	Asked.
Can.		