

had no authority to give anything but a cash discount and hence exceeded his jurisdiction when he gave defendant a trade discount. The supreme court, however, holds that the agent was the general agent of the company in charge of its general salesroom at Grand Rap-ids. Mich., and that he had authority ids. Mich., and that he had authority to bind the company on a trade dis-count as well as a cash discount. Hence the judgment of the lower court is af-firmed. Justice Straup wrote the opin-ion of the court which is concurred in by Chief Justice Bartch and Justice McCarry McCarty.

DISSENTING OPINION.

Chief Justice Bartch Takes Exceptions To Ruling of the Court.

To Ruling of the Court. The dissenting opinion of Chief Jus-tice Bartch in the case of A. Booth & Co. vš G. M. Wiegand, appeliant, was filed yesterday afternoon. The major-ity opinion, recently rendered by Jus-tices Straup and McCarty reversed a decision in the case rendered by the former members of the supreme court, and held that a resident of this state could not take advantage of a foreign corporation, which had not complied with the laws of the state in regard to filing its articles hore and thus evade the performance of a contract entered into with the company.

into with the company. In his opinion the chief justice severely arraigns the majority opinion of the court and holds that under that opinion foreign corporations have advantages in the state which domestic corpora-tions do not possess, and that by permitting foreign corporations to operate here without complying with the laws of the state or paying the fees required. such foreign corporations can obtain benefits and advantages over domestic corporations by violating the law and hence can transact business on more favorable terms than corporations organized here, which have to comply with the laws of the state. In regard to that point the opinion of Chief Justice Bartch says: "This places persons who violate the law upon more favorable footing than they who obey its mandates. Such is the sequence from the strange and strained construction of the majority placed upon the perspicuous language employed by our lawmakers."

ty that puts Calve apart from all other operatic women singers." 'The sale of seats is still going forward at the Clayton Music company. At the Grand tonight, a change of bill will be given the well because of will be given, the well known Sun Minstreis opening an engagement. For next week's bill at the Orpheum For next week's bill at the Orpheum the headliner will be The Four Juggling Normans. The other turns will be Horsky, Falrchid and Bergere, enter-tainers; Count de Butz and brothers, comedy bicycle act; the Three Mitch-ells, comedians, singers and dancers; Jack Irwin, monologue; Perle and Dia-mont Shouleh shorers and dancers and

with assets of \$733.50, most of which is

AMUSEMENTS.

The famous Calve and her company

appear at the Tabernacle tomorrow

night. Calve sang last week in Boston, and the critic of the Herald says

claimed as exempt.

mant, Spanish singers and dancers, and the Kinodrome with a new set of motion pictures. . . . At the Lyric the Broadway Galety Girls will continue their bill till Friday night. The noted lecturer, Sam P. Jones will be heard at the Theater next Monday evening under the auspices of the Y. M. C. A. Calve's manager reached Salt Lake on a delayed train today. The famous on a delayed train today. The famous cantatrice, however, did not come into the city having her car, a veritable palace on wheels, dropped off at Bounti-ful, where it will remain under guard until tomorrow morning, when it will be brought into the capital.

her voice is as fresh as ever, and had the haunting indefinable quali-SOCIAL AND PERSONAL. Tonight the members of the Twenty

SNOW PREDICTED.

It is thawing today, and the day

opened promisingly, but by noon the

sky clouded over, and the barometer

started on a downward path. So the

club give a large dancing party at the Ladies' Literary club house, the chap-erones to be Capt. and Mrs. Sturgis. Mrs. Charlotte Newman will leave carly next week for a short stay in

Denver, . . .

Dr. Fred Pinkerton gave an elabor-ate dinner in honor of Mrs. Pinkerton's birthday anniversary, which took place on Tuesday, a number of infiniate friends being present.

Miss Edna Dwyer leaves shorily for New York, where she will resume her musical studies. On her way she will

weather office predicts snow for to-night, with a rising temperature. are printed on the glass panel of the NOTICE TO ADVERTISERS.

say there is really no actual suffering in town, only the inconvenience of be-ing obliged to live from hand to mouth, dent. He a as it were, in the matter of fuel. The Commercial club's special committe on "See America First" has open-ed an office in room 214 Commercial club building, and furnished it hand-somely. The names of the committee

IS IT GRAFT?

When an employee of the senate or When an employee of the senate or house dies his heirs are allowed six month's salary from the time of his death and \$250 for funeral expenses. If a senator or representative dies his heirs are allowed \$5,000, an amount equal to his salary for a year. When a number of resolutions for paying these amounts for dead employees were being passed by the house I heard a member say: "That seems to me like graft. Why should we pay these amounts?" Perhaps it is graft. Who can say otherwise? At all events, it is can say otherwise? At ail events, it is uncarned money paid to employees that receive very fair compensation for the work they perform.

WHAT ABOUT MITCHELL?

In view of the fact that the senate did not allow the announcement of the death of the late Senator John H. Mit-chell to be made and would not ad-

First Vice-president, Frank Pierce, Second Vice-president, V. T. McGillycuddy 1.69 Third Vice-president, R. D. Steele. Secretary, C. C. Wylie. Treasurer, W. S. McCornick. Several vacancies in the directory of

the company were filled and the com-plete list is as follows. All are repre-sentative and successful men in the communities in which they reside: Charles Webb Howard, San Francisco., Cal

A. L. Babcock, Billings, Mont.
A. L. Babcock, Billings, Mont.
T. R. Cutler, Salt Lake City, Utah.
John Dern, Sait Lake City.
John Gillie, Butte, Mont.
J. D. Wood, Sait Lake City.
B. J. Woters Los America Call R. J. Waters, Los Angeles, Cal. James Reid, Montreal, Canada. Ernest A. Denicke, San Francisco, Cal.
W. V. Rice, Salt Lake City,
Frank Pierce, Salt Lake City,
Frank Pierce, Salt Lake City,
C. Carpy, San Francisco, Cal.
F. R. Gooding, Boise, Ida.
R. D. Steele, Bozeman, Mont.
H. J. Woollacott, Los Angeles, Cal.
Yames P. Murray, Dillon, Mont.
Yeorge E. Ames, San Francisco, Cal.
L. Stone, Dillon, Mont.
Y. W. Wylie, Bozeman, Mont.
C. Wylie, Bozeman, Mont.
C. Wylie, Bozeman, Mont.
T. McGillycuiddy, San Francisco,
S. McCornick, Salt Lake City.
Tyree, Salt, Complexe, Salt, Complexe,

Statement Continental Life Insurance

hand and de-

LIABILITIES.

11,205.13

44.023.95

\$404.581.6

\$374,811.35

29,773.30

Cash (on h posited

Total Assets

Total

Lard 18 Dressed springs, lb. 20 Dressed hens, lb. 20 Brollers, each 500660 Turkeys 25030 DAIRY PRODUCTS.

MEATS AND POULTRY.

Dressed lamb, 1b.....10@20

Butter, 1b	
Cheese, Ib	20@25
Utah eggs	.40@50
Eastern cheese, 1b	25
FRUITS AND VEGETABLE	s.
Cranberries, per quart	
Grapes, per basket	.40@75
Fresh figs, 1b	.10@15

Jelly dates Carrois, per Utah celery

Constraint in a market store and and a second store and	James
per quart	Georg
basket	A. L.
1b10@15	W, W
r peck	C. C.
	V. T.
peck	W. S.
	H. Ty
two pounds	F. C.
e hov 9 50/24 00	Tho 1

furnips, pe

Wheat, per cwt

There will be legislation during the winter. Salaries are to be regulated, and it would not be surprising to see the commension reorganized. At present there is no limit upon the officers to be created save that a commission of

seven members is authorized. Beyond that every power is vested in the presican determine the number of officers and fix their salaries. The rather iberal salaries, greater than cabinet afficers, and double those of senators and representatives, was the cause of the disturbance when the emergency canal bill was passed. It is also quite probable that Congress will take some action regarding the relations of the Panama railroad to the canal work.

WANT GUARDIANS REMOVED.

Those of E. P. Ferry Charged With Certain Irregularities.

Judg Armstrong is today hearing the arguments on the demurrer to the pe-tition of certain relatives of E. P. Ferry, an incompetent person, asking that W. Mont Ferry and Edward S. Ferry be removed as guardians of the estate and person of E. P. Ferry. It is claimed by the petitioners that there have been certain irregularities in the actions of the guardians in handling the property belonging to their father. The demurrer is based upon the ground that the petition does not state facts sufficient to constitute a cause of acsumetent to arguments will probably con-sume the entire session today. The estate of Mr. Ferry is valued at several millions of dollars,

WIDOW GETS MONEY.

Court Finds in Favor of Mrs. Butzer In Insurance Case,

Judge Lewis has rendered judgment in favor of plaintin in the case ther Butzer against the Head Camp, Jurisdiction, Woodmen of th World, for the sum of \$2,000 without interest. The action was brought to recover the above sam on an insurant certificate held by Peter Butzer, wi wito was insame at the time of his death in Elgin, III., about two years ago. The defendant held the money until the court could decided who was entitled to it as the money in the source of the source it as the mother and other relatives of Butzer intervened in the case and albeged that the decreased was insane at the time he married, and hence they were his only legal heirs and as such were entitled to bis insurance. The court found in favor of the window and she will receive the entire amount.

SUIT TO CONDEMN.

Suit has been filed in the district court by the Western Pacific Railroad com-pany against Samuel Gasse et ux o condemn a right of way over part of lot 2, block 51, plat C, Sait Lake City sur-

GIVEN ANOTHER CHANCE.

Judge Armstrong yesterday afternoon heard the contempt proceedings against Oscar Soderlund of Murray, who was charged with failing to pay his fivorced wife allmony as ordered by the court. When the court found that Soderlund had earned over \$200 in three months and had only given his wife \$20 ib that time, a proceeded to give the man a lecture which he will not soon forget. He gave the fellow one more oppor-tunity to pay up and told him that if he failed to do so he would head he isn't failed to do so he would land in jail for several months.

FARMERS WANT DAMAGES.

The Utah Copper company is mad-efendant in two cases transferred defendant to the Federal court from the dis-trict court. The platntiffs are Mrs. Eisine Peterson and Kesiah A. Beckstead, who own farms near the com-pany's smelters, and who allege that tallings were allowed to be dumped in

THE SAVAGE OPERA COMPANY'S REPERTOIRE.

Lovers of music in both city and country will be specially charmed by the repertoire of the Savage Opera company, now finally decided on. The engagement opens with "Faust" Thursday, Feb. 1, "LaBoheme," Feb. 2, "Rigoletto," Saturday afternoon, "Tannhauser," Saturday night. Special excursions will be run from country points.

TO CURE A COLD IN ONE DAY. Take LAXATIVE BROMO Quinine Tak-lets. Druggists refund money if it falls 7-cure. E. W. GROVE'S signature is on each box. 25c.

HUMANE OFFICER'S WORK.

Makes Annual Report to Mayor Thompson of What He Has Done.

Former Humane Officer B. B. Mani today filed his annual report for the year 1905 with Mayor Thompson. In addition to figures showing the work done in his department, the officer recommends that, in order to secure convictions under the humane ordi-nances of the city, chapter 28 of the revised ordinances should be so amend-ed as to concur with sections 4453, 4455 and 4456 of the Revised Statutes of Utah. He also renews the recommendation made last year that an am-bulance be secured for the removal of the bodies of dead animals. The report contains the following interesting stat-istics on the work accomplished by the humane officer during the year:

These cases were disposed of as fol-

lows

Crippled horses humanely killed ... 43 Jail sentence Discharged by court with repri-.592 fotal expenditures, including sal



the stomach, and digestion, and give restful sleep. Especially bene-ficial in nervousness and anemia. Cho-colate-coated, pleasant to take. Two sizes: 50c. and \$1. Druggists or mail. C. I. HOOD CO., Lowell, Mass.

with sister, Mrs. Louis "ritchlow, in Indiana.

The Froebel society will meet on Satirday at 3 o'clock with Miss Lulu Key-ing, 226 west Second North street. All ting, 226 west Second North street. All interested in Kindergarten work are urgently requested to be present.

Announcement has been made of the secret marriage of Miss Ethel Baer and Mr. John Chapman, which took and place last summer at the courty clerk's office, with David Smith offici-ating, in the presence of Joseph M. Cohen and Joseph U. Eldredge, Jr. The license was taken out in Miss Baer's feal name of Clark instand of her real name of Clark instead of her mothers' present one of Baer, by which mothers' present one of Baer, by which this young lady is generally known, so that the affair escaped notice. The bride was taken to Chicago immediately by her mother, and has remained there ever since, so that the groom now threatens divorce proceedings for de-sertion. Mr. Chapman is the well-known bloycle rides. known bleycle rider.

Mr. and Mrs. Hubbard Reed have returned from California.

Mr. and Mrs. Louis Cates are back from their eastern trip. Miss Jennie Parsons left yesterday for California, to be absent for some

COL. MAXSON HERE.

Weather is Such He Will Have to Go To California.

Col. H. B. Maxson of Reno, and wife, are at the Kenyon today, having arrived this morning from Los Angeles, But owing to the wintry weather prevalling, they will have to return to southern California without delay. Colonel Maxson, it will be remembered. was terribly injured last fall, at Rene, by a runaway team dashing into t back of his buggy, and trampling h under foot. He suffered seven brok ribs, broken arms, a gashed head, a other injuries. He jay for weeks a plaster cast, and finally was moved to southern California, wh he has been recuperating. Col. M. son is still secretary of the Irrigat congress, and reports extended prep-arations for the meeting next Septem-ber at Bolse. His slogan is now "Boost for Bolse." The colonel's many nel's many The colo friends here will be glad to know that

he is convalescent. ----

BUSINESS NOTES.

Today's local bank clearings amounted to \$1,180,580.72 as against \$573,084.39 for the same day last year,

The Utah Smelting company of Ogden today filed a copy of its articles of incorporation with the secretary of state. The company is capitalized at \$500,000, divided into shares of the par value of \$100 each. David Eccles is president; Belta Kadash, vice presi-dent; C. W. Nibley, secretary; John Pingree, treasurer.

The residents of this state may now the readents of this state may now insure their property against damage caused by hall and cyclones as the Mankato Muturi Hall and Cyclone In-surance company of Minnesota today filed a copy of its articles of incorpora-tion with the secretary of state and is prepared to do husings here. The of tion with the secretary of state and is prepared to do business here. The of-ficers of the company sre F. W. Hunt, president; George Pond, vice president; W. L. Comstock secretary; F. W. Force, treasurer: E. A. Hopkins, gen-eral manager. Secy of State Tingey is designated as the legal representative of the company in this state.

the Editions, and in proper elassification, unless received in this office before noon on Saturdays.

in all editions.

WING to pressure on

our columns, News ad-

vertisers are requested

to hand in their advertisements for the Saturday News as early

as possible to secure insertion

Classified advertisements can-

not be assured publication in all



Record at the local office of the weath-r bureau for the 24 hours ending at e m., today;

a. m., today;
Barometer reading at 6 a. m., 25.719
inches; temperature at 6 a. m., 28 degrees; maximum, 33; minimum, 22; mban,
28, which is 2 degrees above normal.
Total precipitation for the 24 hours ending at 6 a. m., 93 inch.
Total precipitation since the first of the month, 98 inch.
Relative humidity, 64 per cent.

FORECAST TILL 6 P. M. FRIDAY. Local forecast for Salt Lake City and Local snow and warmer tonight; Friday

For Utah-Local forecast taken at Den-

Local snow and warmer tonight; Friday West Wyoming:

Snow tonight and Friday; warmer south tonight. WEATHER CONDITIONS.

WEATHER CONDITIONS. A barometric depression over the north Pacific has developed during the past 24 hours, causing general cloudiness over the palteau region and Pacific states with pre-cipitation in Utah. luah, oregon and British Columbia. Secondary low pres-sure areas were reported over eastern Colorado, Minnesota and Louisiana. The Guli "low" caused rain or snow over the southern states and Missouri. The high air pressure over western Colorado has developed considerably since yesterday morning and the "high" over the eastern states is passing off the Atlantic coart. Zero temperature was reported in Ver-mont. The eastward movement of the Pacific disturbance will cause snow in this vicinity tonight and Friday, with warmer tonight. B, L HYATT

tonight R. J. HYATT, Local Forecaster.

TODAY'S TEMPERATURE.

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6 a.m	. C. S	÷,		÷	5	as.	÷	i.	ŝ	a,				.,	**		• •
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Highest ... Lowest .

YESTERDAY'S MAXIMUM TEM-PERATURES. Abilene, Tex. 48 Los Angeles

City

44 Modena Atlanta .30 Montgomery .82 Moorhead Bismarck 25 New Orleans ... 26 New Orleans ... 24 New York City 42 Norfolk, Va ... 25 Northfield, Vt . 43 North Platte 42 Oklahoma ... 42 Oklahoma ... uffalo airo Caigary Caigary Thicago. Omaha Phoenix Pittsburg Incinnati 10 Denver Detroit ocatel rtland, Or. odge pid City 2 St. Louis Galveston Grand Junction

St. Paul SALT LAKE San Francisco Santa Fe Swift Current Victoria acksonville Kamicons Kanas City Washington *noxville* Winnipeg ... Little Rock Yuma

AFTERNOON ON EXCHANGE.

This afternoon's sales on the Mining Exchange were: May Day, 1,200 at 13%. Beck Tunnel, 100 at 46; 509 at 47%.

journ as a mark of respect to his mem-ory, will it pay his heirs \$5,000, as it does in case of other men who die while members of the senate? No while members of other men who die while members of the senate? No doubt the deficiency bill will contain a provision for the heirs of Orville H. Platt of Connecticut, but how about Mitchell of Oregon? He was on the rolls of the senate when he died, and his rights as his rights as a senator were never questioned. But he was denied the usual courtesies given a senator when he dies. It will be interesting to note whether the denial will extend to the ustomary financial recognition.

WHAT BRANDEGEE HEARD.

Senator Brandegee of Connecticut was recently in one of the most pop-ular clubs in Washington and heard one man telling another this tale: "Do you know that of the \$40,000,000

which was appropriated to pay the French canal concessionaries for their rights in Panama only \$11,000,000 reached the men for whom it was in-tended? The remaining \$29,000,000 distributed among United States senators right here in Washington.

"You don't tell" said the listener. "Yes, and the Democratic national comittee had the facts during the last campaign," went on this modern Mun-chausen, "and the only reason why it was not made public was because some Democratic senators were involved. Just think of any man telling a story like that and trying to make some one Was

believe it! Senator Brandegee of the opinion that a story of kind would fall of its own weight. MAY KICK HIMSELF TO THE TOP.

Representative Tawney has been re-

celving many communications relative to his promotion to be chairman of the committee on appropriations. Some of the comments refer to the fact that Tawney has often been the chief insurgent leader against the powers in the house. One man remarked that it only goes to show that if a man will kick long enough and hard enough he will land at the top. When Tawney has led the insurgents he has had the When sympathy of a majority of his party, but for reasons of policy they have been compelled to follow the lines laid down by the leaders.

SENATE PATRONAGE.

A new employe appeared in the senate before the recess, and Senator Kean of New Jersey asked where he came from and was informed that a western senator had secured the appointment. "I don't know how it is," remarked Senator Kean. "I never have secured one of these places since I have been

in the senate." "A number of senators," replied an old employe. "divide among themselves the patronage which you and other senators like you do not seem to want.

PERSONALS.

SCHINDLER. - At 578 north Dexter Ave., this city. Jan. 10, 1905, of pheumonia, Theresia Schindler, wife of Joseph Behindler: aged 59 years. Funeral services Friday, at 11 a. m., from the funeral chapel of Joseph Wm. Taylor, 21 south West Temple street, Friends are invited to attend. C. J. Collins has gone to Arizona on a six weeks' trip. A party of Raymond & Whitcomb excursionists is at the Knutsford today.

E. R. Dewey of Nampa, son of the late Col. Dewey, is a guest at the Ken-

L. F. Ayson, a New Zealand governnent official, is a guest at the Knutsford.

President G. H. Rhoads of the Un-derwriters' association of Denver, is in the city on a business trip. Floral Designs a Specialty. Phones 961.

Mr. and Mrs. J. Frank Pickering have

returned from Payson, where they went to attend the funeral of William H. Pickering, Jr., a nephew. UNION DENTAL CO.,

W. J. Horne and wife returned from Los Angeles yesterday. They visited the principal cities of the coast and enjoyed a pleasant visit.

There will be a party in the 20th Ward Amusement Hall tomorrow even-Painless Extraction of Teeth or No Pay. All Work Positively Guaranteed. Phones: Bell, 1126-X; Ind., 1126.

Honey Honey Stuffed dates, 1-pound packages.... -25 Walnuts, per pound Almonds, per pound Mixed, per pound

FISH.

Halibut, per pound15 Smoked halibut, per pound20 Soles, two pounds25

Corn, cracked, per cwt

Flour, family, per cwt Flour, straight grade, per cwt

DAIRY PRODUCTS.

Creamery butter, per lb.....25

MEAT AND POULTRY.

Dressed mutton, pound 7@81

DIED.

OBERG.-At 1007 south Third West street, this city, Jan. II, 1995, Conte Oberg, wife of the late Charles P. Oberg; aged 59

R. E. Evans, Florist. 36 S. Main St.

218 South Main.

HONEST WORK

HONEST FRICES

years. Notice of funeral later.

WHOLESALE. During Year Gross Income 1322.010.35 DISBURSEMENTS DURING 1905. Claims Paid (Death, Sickness and Acci-dent) 322.650 72 FARM PRODUCTS. Alfalfa, per ton, baled \$12.00

1.90

1.30 Total Paid Polley-

\$ 32,870.73

BOSTON CLOSE.

The closing quotations on mining stocks in Boston today, as reported by James A. Pollock & Co., were as fol-

lows: Adventure, 5.50@6; Allonez, 44.1214 44.50; Arcadian, 5.50@5.75; Bingham Con., 34.75@35.00; Calumet & Hecla, 7.00@7.05; Con. Mercur, 61@63; Copper Range, 82.55@83.00; Daly West, 16.50@ 17.00; Green Con., 29.3714@29.6214; Mass. 11.50@11.75; Michigan, 16.75@17.00; North Butte, 87.00@88.00; Tamarack, 1.50@11.75; Ten-North Butte, 87.00@88.00; Tamaracs, 1.07@1.12; Tecumseh, 13.50@13.75; Ten-nessee Copper, 50.00@52.00; United Cop-per, 63.50@64.00; Utah Con., 65.3749 65.50; Victoria, 7.75@8.00; Wolverina, 133.00@134.25; Nevada Con., 14.750 12.25; Amalgamated, 111.25@111.375; Boston Con., 31.6245@31.8754; U. S. Lard 15 Dressed springs, pound 18 Live hens, pound 11 Dressed hens, pound 17 Turkeys, pound 25 Mining, 48.50@48.75.

THE MONEY MARKET.

New York, Jan. 11 .- Prime mer-2 cantile paper, 5@5% per cent. Sterling exchange easier with actual business in bankers' bills at 486.45@486.50 for demand and at 483.20@483.25 for 60 day bills. Posted rates, 483%@484 and 486% @487; commercial bills, 483. Bar sllver, 65%. Mexican dollars, 501/2. Government bonds firm; ralload bonds steady. Money on call firm. 5@6 per cent; ruling rate, 514; closing bid, 4, offered at 5. Time loans steady: 50 and 90 days, 516 me per cent: six months, 5% %5% per cent.