

## LOWER COURT AGAIN SUSTAINED

Outcome in Case of Salt Lake Et  
Al vs Water & Power Co.

### OPINION OF SUPREME COURT

Written by Justice Barich, Concurred  
in by Justice McCarthy and Dis-  
sented From by Justice Haskin.

The judgment of the lower court in the case of Salt Lake City, appellant, and the Utah and Salt Lake Canal company, respondent, vs the Salt Lake City Water and Electrical Power company, et al, respondents, was yesterday affirmed by the supreme court for the second time. This opinion, which is written by Justice Barich, concurred in by Justice McCarthy, and dissented from by Justice Haskin, is upon a rehearing of the case granted in the supreme court, and is merely a re-affirmation of the opinion rendered at the first hearing.

The action was brought in the Third district court to adjust the rights of the various appropriators to the use of the waters of the Jordan river and to determine the right of the Salt Lake City Water and Electrical Power company to use water from the city's canal for power purposes and then return the same to the canal. Judge Morse heard the case in the lower court and fixed the rights of all the claimants and appointed a court commissioner to divide the waters accordingly. But on the matter of using the city's water and then returning it, the lower court found in favor of the power company and against the city, upon appeal, the judgment was affirmed by the supreme court. A petition for a rehearing was granted, and the case again affirmed.

In part, the opinion is as follows: "In preparing the opinion on the former occasion, the writer was not unmindful of the great importance of the rulings herein, as affecting the material interests and progress of the people, not only of Salt Lake county, but of the entire state. With these things in view, a very thorough examination of the record and of the law applicable thereto was made, resulting in an irresistible conclusion that the learned trial judge had made a decision, not only just and wise, but sound in law, and which ought to be upheld, as an application of the principles growing out of and adopted to the peculiar conditions and necessities of our arid country. Having now again given the case and the opinion of the court very close scrutiny, the same conclusion is still in our judgment, irresistible, being the more firmly convinced that it is right and that the judgment is just. We must, therefore, adhere to the former opinion of the majority of this court."

**Plaintiff Wins Again.**  
The supreme court has handed down an opinion affirming the judgment of the lower court in the case of John G. Turnbow vs Martin A. Beckstead and the Utah Commercial and Savings bank, appellants. The action was brought in the Third district court to recover possession of 1,480 head of sheep. The case was tried before Judge Stewart and judgment rendered in favor of plaintiff for the recovery of the sheep. An appeal was taken to the supreme court and that court in its decisions today affirmed the judgment. The opinion of the court was written by District Judge Hart and concurred in by Chief Justice Baskin and Justice Barich.

**Judge Sutherland's Will.**  
A transcript of the will of Jabez G. Sutherland, deceased, who died at Berkeley, Cal., on Nov. 29, 1902, together with the petition of Emma R. Sutherland for letters testamentary, was filed in the probate division of the district court yesterday. The estate in this county consists of personal property, stocks and bonds valued at \$37,475. The petition will be heard by Judge Hall on Friday, April 17.

**Lower Court Affirmed.**  
The supreme court has affirmed the judgment of the lower court in the case of Walter C. Corbett vs the Oregon Short Line Railroad company, appellant. The action was brought in the Fifth district court at Nephi to recover damages for the negligent killing of plaintiff's infant daughter at Mammoth on March 21, 1901. Judgment was rendered in favor of plaintiff for \$15,100, which amount was later reduced by the court to \$6,100. An ap-

## PAINFUL PERIODS

are overcome by Lydia E. Pinkham's Vegetable Compound.



Miss Menard cured after doctors failed to help her.  
"Lydia E. Pinkham's Vegetable Compound cured me after doctors had failed, and I want other girls to know about it. During menstruation I suffered most intense pain low in the abdomen and in my limbs. At other times I had a heavy, depressed feeling which made my work seem twice as hard, and I grew pale and thin. The medicine the doctor gave me did not do me one bit of good, and I was thoroughly discouraged. The doctor wanted me to stop work, but, of course, I could not do that. I finally began to take Lydia E. Pinkham's Vegetable Compound and felt better after taking the first bottle, and after taking six bottles I was entirely cured, and am now in perfect health, and I am so grateful for it."—Miss GEORGE MENARD, 537 E. 152nd St., New York City.—\$5000 forfeit if original of above letter proving genuineness cannot be produced.

Lydia E. Pinkham's Vegetable Compound cures female ills when all other means have failed.

peal was taken with the result as given above. The opinion of the court was written by District Judge Hart and concurred in by Chief Justice Baskin and Justice Barich.

### PERRAULT BOOMS IDAHO.

Former Surveyor General Boosting His Growing State in the East.

(Special to the "News.")  
Washington, April 2.—Former Surveyor-General Joseph Perrault of Idaho is in the city. Mr. Perrault testified today before the court of claims in cases of Mr. Wickshaw and others, who are now prosecuting their claim for salary from the time they were dismissed by the surveyor-general to the time of their reinstatement in the Boise office. Mr. Perrault said: "Idaho is one of the coming rich and prosperous states. Its resources are beginning to attract wide attention, and the work of developing them is going on satisfactorily. There is much activity in the mining districts, a great deal of railway construction is in progress, cattle interests are in excellent condition, and the area of farming lands is constantly enlarging by reason of building of irrigation ditches. Herefore the northern and southern sections have had no way of communication, and to get from north to south by railroad or vice versa one has to go through the states of Washington and Oregon, but this trouble will soon be obviated by the building of the Idaho northern road, which will be connected with the Northern Pacific. With the improved railway facilities and government construction of storage reservoirs to hold the melted snows, insuring big yields to our farmers and constantly enriching soil Idaho is certain of ranking high in the list of prosperous states."

Nelson J. Finwall of Fort Washakie, Wyo., has been appointed a tailor at the Pipe Stone Indian school, Minnesota.

### NEWS TO WALLACE.

Reported Telephone Merger Looks Like a Rank Fake.

A special to a morning paper states that a new telephone trust is to be organized in New York to take in all the companies, and that the scheme is backed by Morgan, President George Y. Wallace of the R. M. Bell Telephone company said yesterday that this was all news to him, and he doubted the reliability of the report. He said the American Bell Telephone company owns 51 per cent of the stock

of all the Bell Telephone companies in the United States, and as far as consolidation is concerned, they are consolidated already. Mr. Wallace was inclined to believe that the report originated from some independent telephone company anxious to buy its stock, by getting the public to believe that J. P. Morgan was about to take the telephone interests of the country under his protecting wing.

### IN TOUCH WITH SALT LAKE.

Telephone People Who Are Making It Easy to Talk With Us.

(Special to the "News.")  
Billings, Mont., April 2.—Foreman Hicks from Salt Lake of the Rocky Mountain Bell Telephone company has arrived at Bridger to begin work on the new line into Wyoming to connect with the various towns which will form a conjunction with the Cheyenne and Salt Lake branch of the Bell system. The material is all on the ground at Bridger and Foreman Hicks expects to secure his force and be in position to begin work next Monday.

### MOUNT PLEASANT VOTES BONDS.

(Special to the "News.")  
Mt. Pleasant, April 1.—The election here yesterday on the waterworks proposition resulted in bonds being voted, there being 219 ballots for and 75 against, a total of 294.

### THE STATE'S FINANCES.

Report Shows a Balance on Hand of Nearly Half a Million.

State Treasurer Dixon has filed his report for the month of March with State Auditor Tingey. It shows a balance on hand March 1, of \$446,386.87, the receipts for the month were \$75,831.05, making a total of \$522,217.92. The disbursements for the month amounted to \$117,885.54 leaving a balance in the treasury April 1, of \$404,332.08. This balance is distributed among the various funds as follows:

|                            |              |
|----------------------------|--------------|
| General fund.....          | \$404,332.08 |
| State district school..... | \$2,243.22   |
| Trust fund.....            | 443.16       |
| State school fund.....     | 58,771.51    |
| University fund.....       | 13,441.61    |
| Agricultural College.....  | 8,887.28     |
| Public buildings.....      | 37,533.63    |
| Insane asylum.....         | 5,768.75     |
| School of mines.....       | 7,294.15     |
| Deaf and dumb asylum.....  | 2,204.50     |
| Reform school.....         | 5,688.70     |
| Normal school.....         | 5,479.92     |
| Institution for blind..... | 1,762.29     |
| Miners' hospital.....      | 3,747.71     |
| Suspense account.....      | 8.91         |
| Total.....                 | \$404,432.08 |

### IMMENSE SNOWSLIDE.

One Occurs in Provo Canyon, but No Damage is Done.

(Special to the "News.")  
Heber, April 1.—An immense snowslide came down Provo canyon yesterday, at a point about 8 miles from the head. While it did no damage it has interfered materially with traffic on the Rio Grande and has necessitated the transfer of passengers, a very annoying thing to say the least. The company has about 125 men at work removing the snow, and the prospects are that the line will be cleared within the next day or so. The slide had been coming down gradually for several days, and people were therefore warned of the impending danger and were thus enabled to keep out of the way.

The weather is peculiarly disagreeable for this time of the year, wind, hail and rain alternating at frequent intervals. The backbone of winter is broken but spring is very slow making itself felt in this locality.

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Come in when you are passing our store—never mind whether you think you want to buy anything or not.

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**DIAMONDS.**

## NEW EASTER COSTUMES.

The Season Brings Out Some Pretty Things In Neckwear.

Lace Caps Made of Yak or Mohair Lace—Why Fagoting Is Still Popular.

### Special Correspondence.

New York, March 23.—As Easter approaches, new fashions are shown every waking minute, and I imagine they are seen over again in dreams, for they are too beautiful to forget even in slumber. Not only are the principal things reviewed in slumber, but the many accessories to the toilet as well—gloves, shoes, hosiery, lingerie and all the lovely things in neckwear.

A very important part of the accessories for this season is found in the new neckwear. There are lace caps, called pelerines, made of yak or mohair lace. This is rather harsh, but very effective and showy. The meshes are open, and the motif is well defined. The color of the dress shows through it. These caps collars, or collar caps, reach quite to the waist line, but they are finished off at the throat and have no stock effect. They close at the throat, and if the fair wearer has a topaz pin, it is now the style to use it to fasten the cape.

Very long stole effects are produced in some of the designs, and the ends do not infrequently reach the feet. Generally this particular piece is made of fine batiste, with insets and edgings of Irish crochet, which maintains its popularity. Stocks, which are almost the same shape and kind as those of a year ago, are made of featherbone and silk bustin, and the lace is then set on, mostly in small designs, but of course mesh. This makes extremely elegant neckwear, particularly when there are fancy bows and ends of pretty ribbon or a tucked mull scarf. Sometimes these scarfs are edged with fancy chenille or ball fringe. Stocks are more coming to some persons than most things, and there are so many different fancies that it would be unprofitable to mention any of them. One may say, however, that the same shape of turnovers is still in vogue, and everything seems to be employed to develop something new in that shape. Some are tucked, others hemstitched, more embroidered with wheels or floral designs in white or in colors. Grapes and blackberries are still popular.

Fagoting is fully as well liked as last season, and many beautiful stocks and collars are made of this work joining fine castle braid. One reason why fagoting is so much liked is because it must be done by hand, and in these days hand work is at a premium. That is also why the waists and other hand embroidered garments are so desired and so very expensive. We have been told until even I almost believed it.

### PEOPLE WE KNOW.

They are Salt Lake City People, and What They Say is of Local Interest.

When an incident like the following occurs right before your eyes, it is bound to carry weight with our readers. So many strange occurrences go the rounds of the press, are published as facts, people become skeptical. On one subject skepticism is rapidly disappearing. This is due to the actual experience of our citizens and their public utterances regarding them. The doubter must doubt no more in the face of such evidence as this. The public statement of a reputable citizen living right here at home, one whom you can see every day, leaves no ground for the skeptic to stand on.

Mrs. John Davis, John Davis, mason, of 24 So. Second East, says: "A woman who has had attacks of backache for three years, one of which laid her up all winter, who has been under the care of physicians and experimented with every kind of medicine which is said to be valuable for kidney complaint, knows something about what victims of that far too prevalent ailment endure. For quite a while after a physician's treatment I had respite but an attack just as mysteriously appeared as its predecessors. Knowing what neglect meant when I happened to read an advertisement about Doan's Kidney Pills in a Salt Lake City paper, I was easily induced to go to the F. J. Hill Drug Co.'s store for a box. Its use proved to me that the remedy is up to reputation. When I found that the medicine acts directly upon the kidneys and the aching and pain is allayed if not actually suppressed, I came to the conclusion that a dose or two stops spells in the earliest stages. In this way I frequently appeal to Doan's Kidney Pills, and up to date have never appealed in vain."

Sold for 50 cents per box by all dealers. Foster-Milburn Co., Buffalo, N. Y., sole agents for the United States. Remember the name—Doan's—and take no substitute.

# This Spring

You are pale  
You act nervous  
You seem debilitated

## Your Blood Is Impure

Make your blood pure  
Make your nerves steady  
Make your digestion strong

# Ayer's Sarsaparilla

The only Sarsaparilla in the world with a record of sixty years. Ask your own doctor about its power to help you.

\$1.00. All druggists. J. C. Ayer Co., Lowell, Mass.

## STORIES OF THE WRITERS

Two Good Anecdotes of Booth Tarkington, The Novelist.

Special Correspondence.

Chicago, March 24.—When Booth Tarkington, the novelist and legislator of Indiana, was first turned loose from college, he at once began what he describes as "fussing" with literature. He helped to launch and keep afloat for a few months an obscure magazine of the teens, amateur sort. This magazine was called John-A-Dreams and went so far as to construct out of whole cloth a "lady writer," together with excerpts from her works, and to serve up to its small public "an appreciation" of the same.

Tarkington held the purely honorary position of staff artist to this publication, and because he disclaimed all ability to draw he was allowed to sign his sketches with his real name. Because he made some pretensions to an ability to write he was compelled to sign all his literary contributions with the nom de plume Cecil Woodford.

This, of course, was very effective in keeping Tarkington out of the public eye and away from public prints—a service for which he now occasionally longs as he reads in the daily papers things he never said and accounts of things he never did. Such is the story of his intention to leave social life and settle down on a farm; likewise the story of the doughnut factory—though what he is reported to have said about it has almost the ring of the true Tarkington humor.

A friend one day was lounging on some available space not covered by various pieces of Tarkington's temporarily castoff clothes. Tarkington was keeping up a somewhat jerky conversation. Suddenly he dived into a bureau drawer and fished up a good sized roll of manila legal cap.

"That's the start of a new story," he said, looking at it and handling it for half a minute as if he didn't know what to do with it. "I think it's going to be better than anything I have yet done. I've got it pretty well roughed out here. I'm carrying it around in my

grip-sack, and if I were to lose it I couldn't reproduce it."

This was the first manuscript of "The Two Yarevels." It had not occurred to Tarkington to have it typewritten and leave one copy in a safe somewhere.

The current revival of interest in Charles Dickens, his works, his house and in the originals of his most celebrated characters has resulted in throwing the glare of publicity upon an old lady at Southsea, England, who has just passed her ninetieth birthday and tells how she came to be the original of Little Dorrit.

She is Mrs. Mary Ann Cooper, her father, a well-to-do farmer, had a place at Sunbury, where Dickens in his early youth was a frequent visitor.

"My Charles," Mrs. Cooper has always called the novelist, Brown Mary Ann and Charles the dearest friendship—almost ripening into something more—sprang up, and the old lady is never tired of telling their adventures and misadventures in the heyday of youth.

Dickens had a habit of giving nicknames to his friends and relatives as he had a way of giving literary names to his sons. His name for Miss Mitton was Little Dorrit.

"Why did he give you this name?" she was asked on her ninetieth birthday. "How did you come to be called the Marshalsea and be famous ever afterward?"

"Well, I cannot exactly say," she answered; "but, as I have told you, Charles and I were, I think I may say, very fond of each other, and one day at home he told us. The next book I wrote I shall put you in it, and I shall call it 'Little Dorrit.' Thus his next work was named."

Mrs. Cooper, however, never was the Marshalsea delivered prison.

Margaret Burton Briscoe, who wrote that capital book of stories, "Jimmie and Others," is the wife of Professor A. J. Hopkins, who fills the chair of rhetoric at Amherst college. Her home is a delightful one, set in the midst of extensive grounds and overlooking a vast range of the Connecticut valley. Mrs. Hopkins has solved the problem of how a woman may devote energy and time to her professional literary work without sacrificing her domestic life in any respect. She has a little daughter who goes to school, and a little daughter who has already, at the age of five, avowed her determination to become a literary woman.

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|---|---|---|---|---|--|--|
| <h3>CLOAK and S HIRT DEPT.</h3> <p><b>LADIES' SUITS.</b><br/>Special values in fine, all wool, cheviot serge and Venetian Blouse suits in navy blue, brown and black—<br/><b>\$8.95, \$10.95, \$12.75.</b><br/>VALUES UP TO \$20.00.</p> <p><b>LADIES' SKIRTS.</b><br/>The greatest range of fine cheviot, Venetian and Ladies' cloth skirts ever shown at—<br/><b>\$5.00.</b><br/>VALUES UP TO \$7.75.</p> <p><b>WRAPPERS and SHIRT WAISTS.</b><br/>Special showing of this season's Wrappers and Shirt Waists—<br/><b>85 cts. to \$2.00.</b><br/>VALUES 1/2 MORE.</p> | <h3>SILKS and DRESS GOODS.</h3> <p>1,000 yards FANCY and CHANGEABLE STRIPE SILKS, exquisite blending of colors, and BEST OF ALL, this season's new silks, value up to \$1.35, special (per yard)—<br/><b>69 cts.</b></p> <p>2,500 yards BRILLIANTINES, in hair line stripes, hemstitched and metallic designs, for summer shirt waists, at 1/2 less than regular price, at (per yard)—<br/><b>59c, 79c, \$1.19.</b></p> <p>10 pieces BLACK MOHAIR BRILLIANTINES, 38-in.-wide, open lace stripe effects, good style, special wear, bought to sell at 75c, special (per yard)—<br/><b>50 cts.</b></p> | <h3>SPECIALS!</h3> <p><b>IN WASH GOODS, WHITE GOODS and TABLE LINENS.</b></p> <p>10 Pieces White Oxford Waistings, one of the most popular Shirt Waist Materials. Scarce at 29c. Specials tomorrow per yard..... <b>12 1/2c</b></p> <p>1,000 yards plain colored Organdies, 22-inches wide—beautifully sheer with the correct crispness of the foreign goods—all the pretty colors suited for party, evening or street wear; light blue, pink, canary, lavender, tan, Nile green, navy, red or black. Value 26c. Special tomorrow, per yard..... <b>12 1/2c</b></p> <p>12 pieces Bleached Irish Table Linen—12 different patterns—66 inches wide worth at least 45c. Special tomorrow, per yard..... <b>45c</b></p> | <h3>Millinery Specials!</h3> <p>Our \$8.00 and \$8.50 Trimmed Hats go for..... <b>\$5.00</b></p> <p>Our \$9.00 and \$10.00 Trimmed Hats go for..... <b>\$6.50</b></p> <p>Our Children's Ready to wear Hats, \$1.50 values for..... <b>\$1.00</b></p> <p>Children's Ready to wear Hats, \$2.00 values for..... <b>\$1.50</b></p> <p>Our Satin Taffeta Ribbon, No. 60 and 80, 35c and 40c values for, per yard..... <b>25 cts</b></p> | <h3>IN OUR LACE DEPT.</h3> <p><b>SPECIAL!</b></p> <p>100 pieces TORCHON LACES, 1/2 to 2 1/2 inches wide, both edgings and Insertions, a splendid variety of new and pretty patterns ranging in value up to 12c a yard. On sale at (per yard)..... <b>5c</b></p> <p><b>54-INCH BLACK LACE DRAPERY NET.</b><br/>75c QUALITY, AT 39c.</p> <p>We are offering a fast black, 54 inches wide, drapery, Fish Net, a splendid 75c grade, for Dresses and separate waist, a leader for three days only at (per yard)..... <b>39c</b></p> | <h3>OUR SHOE DEPARTMENT</h3> <p><b>Tomorrow Only!</b></p> <p>Boys Dress Shoes very fine quality vici kid and patent leather. Positively \$2.00 grades. Sizes 11 to 2..... <b>\$1.45</b></p> <p>Misses Fine Kid, also Patent Leather Lace Shoes. Positively \$1.55 values. Sizes 11 1/2 to 2..... <b>\$1.29</b></p> <p>Infants' Very Fine Shoes, lace and button; assorted styles and colors. Positively \$1.15 to \$1.35 value. Sizes 1 to 3..... <b>75c</b></p> | <h3>EXTRA VALUES IN OUR Boys' Clothing SECTION.</h3> <p>Boys' Two-Piece Suits—Grays, browns, navy blue striped, fancy stripes and mixtures in Scotch, Cheviots and Tweeds. All new goods just received. Choice worth \$3.50. Choice..... <b>\$2.50</b></p> <p>Children's Norfolk Sailor Suits—in the late patterns, Cheviot and Tweeds, made with large sailor collars, neatly trimmed. Mother that's a lady line to new and nobby. A large line to select from. Ages 3 to 9 years, worth \$4.00. Choice at..... <b>\$2.75</b></p> <p>Children's Wash Suits, a large selection of the latest patterns in Wash Goods, Percales, Ducks and Grass Cloth, elegantly trimmed. Ages 3 to 9 years, worth 75c. Choice at..... <b>50c</b></p> |
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