

DESERET EVENING NEWS: TUESDAY, APRIL 9, 1901 Ray Kendall of Lehi was committed SMELTER COMBINE to the Industrial school yesterday by Judge Booth. Kendail and Walter OUR OWN STATE. Judge Booth. Kendail and Walter Hitesman are the two boys arrested in Lehi a short time ago for taking some **IS NOW PERFECTED** oats from a granary in that city. Hitesman was out on parole from the The branch office of the Deseret News | to draining of county road near his Industrial school and he will be rebe branch blue of the Deserer News ogden is at No. 466 Twenty-fourth et, where advertisements and subpremises by digging drain and laying MARRIAGE LICENSES. pipe. street, while be received. The "News" scriptions will be received. The "News" is delivered by carriers in Ogden every The following marriage licenses were Commissioner Stanford and county attorney reported that they had called on Mrs. Jackson of Kanesville, and she Harmony Exists in the Ranks of the wening on the same terms as in Sait had consented to sell her land neces-sary for proposed new road at \$100 per

acre. OGDEN NEWS. COURT CASES. Before Judge Rolapp in the Second district court: In the matter of the assignment of G. R. Beinap, the hearing on petition to pay certain claims was continued to Wednesday, April 10, 1901. T. H. Evans vs Stevenson and Tag-April 9, 1901. DETAILS OF R. R. WRECK. gart; motion to dismiss the appeal was argued and taken under advisement. Defendants were granted 10 days in Two Ecgineers Badly Hurt, and Two Firemen which to file briefs. H, Larson vs C. E. Layne; motion to Killed, One Totally Cremated. make amended complaint more specific was argued and taken under advise-

ment.

Jos. Abba vs D. A. Smith; motion for

HELD FOR BURGLARY.

Layfield and George Bennat were ar-raigned before Justice Parker J. Hall,

on the charge of burglarizing John Rackham's store at Wilson and Na-

preferred against each of the defend-

ants, that of burglarizing both stores.

DESERTER CAPTURED.

wanted for deserting the army and rob-

BRIEFS AND PERSONALS.

The concert to be given Thursday evening in the Tabernacle under the

promises to be one of the leading musi-

The people of Ogden are looking for-

Driver Waldram and Assistant Chief

Hewlett of the fire department, who

were hurt Sunday evening, are recover-

Mr. and Mrs. E. A. Larkin returned

home from Salt Lake yesterday after-

ward with great anticipation to the

cal events of the season,

ing rapidly.

4:30 yesterday afternoon Charles

new trial was argued and denied.

(ny tonnell Session - Weber County Business - District Court Notes-Burglar Makes Contession.

Lake City

Last evening at 7;45 the Southern Pacific passenger train brought in the thaniel Hawks' store at Wilson and Na-thaniel Hawks' store at West Weber. The State was represented by County Attorney Halverson, and the defense by Attorney Webber. Two charges were murel engineers, W. S. Warner of Ogden, and James McBride of Wells, Nevada, who were in the wreck at Moor's hill yesterday morning. The men were is a pitiable condition. Warner was inghtly scalded, but his legs and arms were quite badly cut, and he was mternally injured. McBride was badly internally injured. McDride was badly scalded about the face and arms, and considerably bruised. They were both taken to the Ogden general hospital, where their injuries were dressed and entered both places, and what they ob-tained. Several other witnesses were examined and the evidence went to show that they were both guilty, so the they were placed in as comfortable a condition as possible. The remains of condition as possible. The remains of Fireman Loder were gotten out of the wreik and taken to his home at Reno for interment. Fireman Higman of Og-den was totally cremated, up to the present time not even a bone of his court bound each of them over to the district court under \$1,000 bonds, in default of which they were taken to the county jail.

boy has been found. The following details of the accident mere obtained last evening from one of the passengers on the train: "Train No. the passengers on the train: "Train No. I was west bound and at a distance of about two miles this side of Wells, Ne-about two miles this side of Wells, Ne-about two miles this side of Wells, Ne-about two miles this header, the bird wheel of the tender of the helper Last evening Sargeant Erickson and Private Roody, of the Presidio, San Francisco, arrived in Ogden to take back Private Fall of the Presidio hos-pital corps, who was arrested here at Ogden on the night of the 5th. Fall is hird wheel of the tender of the helper third wheel of the tender of the helper cagine broke, and the engine left the track and tipped over on its side, the regular engine followed off the track, and also tipped aver, the mail coach ran up over the engines and caught on fire and the baggage car's telescoped the scale car and caught on fire also bing a civilian, who was in the hospital, of four hundred dollars. He has con-fessed to having robbed the man of between two and three hundred dollars. The officers left for San Francisco this morning with their prisoner. the mail car and caught on fire also. The mail car and caught on fire also. The mail cierks escaped with only slight injuries. The rest of the cars broke loose and rebounded back by the suddirection of Prof. Ballantyne, assisted by some of the leading singers in the State and a chorus of 400 children, den stop and were therefore kept out den stop and were therefore therefore of the reach of the flames. Fireman Higman was under the burning mail car and could not be rescued. The first class mail was all gotten out of the car excepting seven pouches, which were burned. The baggage was almost the two engines Fireman coming event of the week the appear-ance of the Salt Lake Opera company car excepting. The baggage was almost totally destroyed. The two engines are in a very dilapidated condition, but can be repaired. The passengers on the train escaped without any injury ex-cepting a few bruises and scratches. OCDEN CITY COUNCIL. next Friday evening in their latest production, "Fatinitza." OGDEN CITY COUNCIL.

City council met in regular session ast evening and transacted the fol-

The notice of intention to pave four blocks on Washington Ave., which had been hald over from last meeting, was The two men who were arrested Saturday for begging and resisting the of-ficers were sentenced to five days im-A substitute notice was taken up. prisonment. and adopted and the council Mr. and Mrs. H. C. Bigelow have renxed Wednesday, May 1st, 1901, at 8 o'clock p. m., to hear protests in the paving district, which is to be known

turned from their trip to the coast. Adam Baker has returned from Salt Sidney Stevens, of Logan, is in Ogden visiting with his parents for a few days. Gus Hamel, who has been somewhat

issued yesterday: John Dwight Billings, 27, and Flor-ence Edith Pyne, 18 both of Provo, B. F. Hodson, 29, and Eva Martell, 28, both of Spanish Fork.

Jared Tanner, 20, of Payson, and Mattie E. Buys, 15, of Heber. John T. Ovard, 21, of American Fork, and Hannah B. Larsen, 18, of Vineyard, GARDEN CITY NOTES. The quarterly conference of the Utah Stake will be held Saturday and Sun-

day. A daughter has arrived in the family of Mr. and Mrs. Millidge Jacques, The Kempton Komedy Kempany will open a three-nights' engagement in the

epera house Thursday evening. Most women with female weakness suffer dreadfully from piles in addition to their other pains. They may be cured by using TABLER'S BUCKEYE PILE OINTMENT. Price, 50 cents in bottles, tubes, 75 cents, at Z. C. M. I. Drug Dept.

PARK CITY.

Another Case of Smallpox - Utah House Quarantined-Hoboes Jailed. Special Correspondence.

Park City, Summit Co., April 8 .- An-The inmates were all quarantined. The victim is Parley Smoot, of Sugar House ward, Salt Lake Co. He was an employe of the Anchor concentrator. ants, that of burgiarizing both stores. Layfield, who is a man about forty years of age, and apparently the main one in the crimes, plead not guilty to both charges, while Bennett, who is about twenty years of age, entered a plea of guilty to both charges and told a straightforward story as to how they entered both places, and what they ob-The weather has been terrible all the month. We have had some of the worst storms of the winter. It is clear today but it may not remain so, as we have had snow every day so far.

HOBOES JAILED. Officer John Shields made an arrest of six hoboes last night, and landed them in the city jail. It is thought that they are the same gang that has been caus-ing so much trouble in Ogden lately.

SNOWVILLE.

Inspection of 200,000 Head of Sheep -Passing Over to Idaho.

Special Correspondence. Snowville, Boxelder Co., April 8 .-- The asitation created by the attempt of the Idaho authorities to exclude Utah sheep from that State, has caused quite

a number of sheep owners and herders o sojourn in this neighborhood of late. Since the recent decision of Judge Beatty several herds have crossed the line and inspectors have been quite busy searching for scab. At present Dr. John McBirney of the U. S. department of agriculture, Hon. Thos. G. Lowe, inspector of sheep for the State of Idaho, and Jesse M. Smith Esq., of the Utah Sheep association, are here, and have examined quite a number of herds, aggregating nearly 200,000 head of sheep. Some few are held from crossing the line until they shall be dipped and pronounced clean. On the 10th, Miss Daisy Barnes will

ave completed her term of school here. Fitting closing exercises are being prepared, after which Mr. Jas. J. Chandler will continue the school unassisted the remainder of the school year.

Caught a Dread ul Cold Marion Kooke, manager for T. M.

Thompson, a large importer of fine mil-linery at 1,658 Milwaukee Avenue, Chicago, says: "During the late severe weather I caught a dreadful cold which kept me awake at night and made me unfit to attend my work during the day.

A. S. & R. Company.

CAPITAL STOCK INCREASED.

Standard Oil Interests Allied With Those of Smelting Company-United Metal Selling Co. the Agent.

New York, April 8 .--- A dispatch from Trenton, N. J., says: "Following close upon the opinion given out by Justice Dixon today in reference to the suit to restrain the American Smelting and Refining company from purchasing the plant of M. Guggenheim's Sons for \$45,-200,000 in stock in the smelting and refining company, there was filed late tonight a certificate increasing the capital stock to \$100,000,000. The original certificate of incoroporation was \$65,-000,000. The representative of the corporation deposited a check for \$7,000 at the office of the secretary of state at a jate hour tonight to cover the fees." UNTERMEYER'S STATEMENT.

Attorney Samuel Untermeyer tonight gave out a statement, in which he says a protracted meeting was held today at his office and continued tonight at Deimonico's, which had reference to the litigation between the American Smeit-ing company and the Standard Ou interests represented by H. H. Rogers and Leonard Lewissohn on the merging of the Guggenheim's Sons plant. Mr. Untermeyer, in his statement, goes to say: "The differences were finally settled and the interests of the

Standard Oil company are now closely allied with those of the American Smelting company, while the United Metal Selling company becomes the selling agent of the consolidated com-

pany. "The certificate increasing the capital stock of the company to \$100,000,000 was filed with the secretary of state at Trenton tonight. In order to avoid any further complications the new stock was immediately issued and delivered to the Guggen-

heims, and they have conveyed their properties to the company, so that the amalgamation is now complete." There were \$22,000 in revenue stamps required for the stock certificates, and ost half that amount to stamp the deeds.

DIFFERENCES ADJUSTED.

The World tomorrow will say: ferences between the majority and mi-nority stockholders of the American Smelting and Refining company have been adjusted and the suit restraining the corporation from increasing its cap ital stock to \$100,000,000 for the purpos of purchasing the properties of Gug-genheim's Sons has been withdrawn. This announcement came yesterday just prior to the handing down of a de-

cision by Justice Dixon in Trenton, or-dering that the stay enjoining the pur-chase of the property be continued and the proceedings to increase the stock remain in statu quo pending a final : gument and decision by the court of



The story is the same, no matter what her station in life may be.

If she is one of the favored daughters of wealth, If she belongs even to the realm of the "well-to-do,"

If she belongs to the unnumbered thousands who must work in order to live-

The story is just the same; all suffer from about the same cause, and in this suffering "peculiar to women," all reach the same level, and all are of the same family.

When a woman is nervous and irritable, head and back ache, feels tired all the time, loses sleep and appetite. has pains in groins, bearing-down sensation, whites and irregularities, she is not "worn out," but feels as if she were.

Such symptoms tell her that a womb trouble is imminent, and she cannot act too promptly if she values her future comfort and happiness.

The experience and testimony of some of the most noted women of America go to prove, beyond a question, that Lydia E. Pinkham's Vegetable Compound will correct all such trouble at once by removing the cause and restoring the organs to a healthy and normal condition. If in doubt, write Mrs. Pinkham at Lynn, Mass., as thousands do.

MRS. KELLOGG'S STATEMENT.

"One year ago I read a letter in a paper telling how much good one woman had derived from Lydia E. Pinkham's Vegetable Com-pound. I had been sick all winter, and was nearly discouraged, as the medicine the doctor gave me did me

no good. I had kidney complaint, leucorrhœa, itching, bearing-down feeling, and painful menstruation. wrote to Mrs. Pinkham, describing my trouble, and soon received an answer telling me what to do. I followed her instructions and have taken nine bottles of Vegetable Compound and used one package of Sanative Wash and one box of Liver Pills. I am well now, do not have those sick spells at the monthly period, but can work all day, and that I never could do until I began taking the Compound. I cannot praise the Compound too highly. "I do hope every suffering woman will learn of



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NOTICE OF ELECTION. Notice is hereby given by the board of education of Sait Lake City, Utah, that an election will be held and is hereby called of such qualified electors as shall have paid a property tax there-in during the year 1900 to vote upon and determine the following questions,

"Shall the board of education of Sait Lake City create and incur an indebtedness of thirty thousand doi-lars additional to the amount now. limited by law for the purpose of the support and maintenance of the public schools of Salt Lake City for a part of the eighth and ninth month

of the school year 1900-1901?" The school year 1900-1901?" The section will be held on Tues-day, the 16th day of April, 1901. There will be five polling places for such ejection, one in each of the five precinets of Salt Lake City, at the folink places:

First precinct polling place, Ninth ward church annex, corner Fourth South and Fifth East streets.

Second precinct polling place, No. 304 outh West Temple street, opposite the Metropolitan hotel,

Third previate polling place, East room in Union school, old University plock, corner Third West and First

North. Fourth precinct polling place, Tag-gart's pail, 876 First street. Fifth precinct polling place, Thirteenth ward gchool house, Second South, be-iween State and Second East. The pames of the Judges to conduct such election at each of said polling places are as follows: First precinct, W. H. Wilkinson, C. E. Stokes, John J. Peterson. Second ptecinct, W. P. Appleby, William L. Binder, S. M. T. Seddon, Third precinct, Jaseph Bull, Jr., Georga Pugsley, James Bishop. Fourth precinct, James Maxwell, Wil.

George Puigstey, James Bishop, Fourth precinct, James Maxwell, Wil-liam M. Woolley, Henry P. Richards, Fifth precinct, Alexander McMaster, William B. Short, C. O. Farnsworth, The polls for such election will open at 7 o'clock a. m., and close at 7 o'clock.

p. m. The amount of the indebtedness which the board proposes to create and incur is thirty thousand dollars, and

district No. 1. The sum of \$250 was appropriated to H. Henderson as assistant counsel in the waterworks crse.

W. L. Porter, city sexton, filed his eport for March, gaowing nineteen inments. He had collected \$97.50 for ale of jots and \$53 for grave digging. total of \$150.

The Ogden Bench Canal company esented a claim of \$96.90, assessment n the city's shares in the water comny for 1901. Referred.

Mrs. Addle Angell informed the coun-I that she had been injured by a runaway last September, having been unable to escape because of the darkness there being no electric light in the vicinity where the accident occurred. She had suffered greatly and the physiian's bill amounted to \$50. She asked he council to refer the matter to a mmittee and permit her to appear be re said committee. Referred to the

mittee on streets The Library association filed a reso-

ion adopted this day agreeing to turn er to the directors of the Free Li ary when it shall be completed, all the books, furniture, periodicals, etc., how owned by the association or here-after sequired. The communication was ordered filed. Mr. Abbott made a motion to definitely fix the site for the new library, but before it came to a eit was laid on the table for a week, Payrolls amounting to \$778.03 were aled after considerable discussion the pay rolls and upon motion made Brown forbidding the heads of departments to expend any money city's interests on which Mr. Abt left the council chamber. A. few ments later the council adjourned.

WEBER COUNTY BUSINESS. The board of county commissioners yesterday and transacted business

county auditor filed his final tement for the year 1900, which he d completed with County Treasurer abers. Following are some of the faures: Total valuation of all property within Weber county subject to taxa-tion for the fiscal year 1900 was \$10,-23.45. The total taxation on said erty for all purposes was \$74,544.93 above amount, the sum of \$55. All wascovered into the county treashas been credited at different times with general fund warrants, and interby the treasurer in cash, and he from which he received on ac-of 1960 taxes of Weber county Which warrants aggregate \$10, 15,50, and interest aggregating \$271.36, heaving a balance of \$2,207.30. Total.

the balance of \$2,207.30 is represented credits given the treasurer on ac able personal property and mortgage naise, tax sales of 1900 to Weber county,

OMINEES FOR FRUIT TREE IN-SPECTORSHIP.

nunication was received from Wright, secretary of the state of horticulture, in which he subd the following named persons: as Budge, of Pleasant View; C. hud, of Riverdals, and Newman er of North Ogden, requesting that designers select one of fee to act as fruit tree inspector of er ceunty for the years 1901-1902. Matter was referred to the board as thee of the whole to report on I meeting.

at meeting, attition was filed by John Rackham asking that D. N. Drake be ap-ted as debuty sheriff of Weber dy for Wilson district. Ordered

communication was received from unty that an act was passed by State Legislature providing for the ment of a State bounty for the killof coyotes, wolves, lyux, wild cats, us, and mountain lions, and suggest-that if the county has any or-ance providing for the payment of a unty on said animals that it might revised.

Commissioner Stanford reported that Geo. Eliter at Riverdale will consent

ndisposed for the past few days, is improving. C. C. Richards Jr., who has been visiting with friends in the capital, has re-

Harry Ford, of Scowcroft & Sons Co., has returned from a trip south. Homer V. Jenkins and Miss Lulu F. Hicks were granted a marriage license

yesterday and were married by Rev. W. E. Maison, at the Episcopal church. The couple left for the coast on a wedding tour.

Neuralgic pains, rheumatism, lumbago and sciatic pains, yield to the penetrating influence of BALLARD'S SNOW LINIMENT, Frice, 25 and 50 cents at Z. C. M. I. Drug Dept,

PROVO.

MILITIA COMPANY ORGANIZED. Suit for \$15,000 Damage - Sent to Reformatory - Weddings.

Provo, April 9.—Col. Park and Lieut. Webb of the N. G. U. were in Provo last night for the purpose of organizing a militla company. J. H. Denhalter, who has been prominent in militia circles in the past, has been at the head of the movement to organize a company here, and his labors made an effective showing last night in the presence of a fine lot of young men who were enrolled. Others, who were detained will join and there is no doubt of the company reach-ing its full number of forty before long. The organization was effected in the large hall in the Smoot block, which will be headquarters of the company. The following were enrolled as members last night: J. H. Denhalter, John U. Buchi: Parley Smoot, Ivor Davis, James E. Peters. Reed Boshard, James M. Baker Heber C. Kirkwood, Walter D. Miller, Albert B. Kingsbury, J. Wayne B. H. Thomas Gausse Repleter B. H. Honora, Gausse Repleter, B. H. Thomas Gausse, Repleter B. H. Thomas Gausse, Repleterer, State Stat

Miller, Albert, B. Kingsbury, J. Wayne Farrer, R. H. Thomas, George Beebe, Harvey Lewis, D. A. Swan Jr., Geo. W. Theriot, C. E. DeMolsy, Frank Theriot, Alfred Worsley, Geo. Hedenborg, War-ren Shepherd, John H. Crane, Carlyle C. Cochran, Will Boshard, Albert Selck, James A. Twelves, Ernest Selck, Elmer Stener Strong. J. H. Denhalter was elected captain and John U, Buchi and Parley Smoot

first and second lieutenants, respective ly. Captain Denhalter appointed ivor Davies quartermaster sergeant; the other commissioned officers will be appointed at the next meeting

SUIT FOR \$15,000 DAMAGES. George H. Buckley of Provo City, a minor, by his guardian ad litem, Jonaminor, by his guardian ad litem, Joha-than Buckley, has commenced suit against the Salt Lake and Mercur Railroad company for \$15,000 damages for the loss of his right foot. Plaintiff allegen that on April 19th, 1900, he was for the loss of his right foot. Plaintin alleges that on April 19th, 1900, he was employed by the defendant company as a brakeman, and that while he was attempting to get on the train, owing to the dangerous defective and unsafe con-dition of a footboard on the locomotive, he slipped and fell under the cars, the wheels of one of the cars passing over his right foot, cutting it off near the ankle joint.



Nearly every person needs a tonic medicine at this time of year to brace up and invigorate the nervous system, to cleanse the bowels, liver and kid-neys. HERBINE is the best and safest remedy to do this, as it will cure con-stipation, regulate the liver and enrich the blood. Price, 50 cents at Z. C. M. I.

Drug Dept. TORREY.

Farewell Banquet in Honor of Bishop J. W. Crosby, Jr.

Special Correspondence. Torrey, Wayne Co., April 5 .-- The good sisters gave a nicely arranged banquet

sisters gave a nicely arranged banddet last Wednesday evening in the meeting house in honor of Bishop Crosby, who will start in a few days to the Big Horn country. After all had partaken of the good things to eat, the tables were removed and dancing was indulged, in, interspersed with songs and

speeches, etc., of a nice program. The better element of Wayne county eels provoked at the verdict rendered y the jury in acquitting "Silver Tip," "Silver Tip" was kept in Torrey for some time by Sheriff John A. Hancock previous to his trial. It is believed by some that there was undue influence used in behalf of "Silver Tip" to work up a sympathy among the jurors in favor of his case. However, we hop the people at large will not condemn or judge the people of Wayne county harshly for the work of eight jury-

The weather has been extremely cold for the past week. Robert Peden and family have re

turned home from the coal mines where they have been for the winter. Bishop George S. Coleman and wife of Teasdale were in Torrey Wednes-day evening in attendance at the party giving in behalf of Bishop Crosby. Our district school closed for the season today, April 5th.

PRESTON, IDAHO. Sudden Demise of Bert Benyon, a Miner, of Pheumonia.

Special Correspondence. Preston, Oneida Co., Idaho, April 7 .-Bert Benyon, a young man 27 years of age, passed to the great beyond yes. terday evening at 6 o'clock, after an illness of only a few days, of pneumonia. Mr. Benyon was a miner and well known in Salt Lake. He has been in Preston for about two weeks visit-ing with his mother and sister, and was taken sick on Tuesday, but was not thought seriously ill until within a few hours of his death. The funeral will occur at 3 o'clock tomorrow, from meeting house at Preston. The deceased leaves a mother and sister at Preston, besides a host of relatives and friends of Salt Lake.



chancery as to the real value of the Guggenheim property. H. H. Rogers and Leonard Lewissohn of the United Metal Selling company

opposed the consolidation because smelting company wanted to act as its own agent after the consolidation, where as the selling company had handled the smelting company's busi-ness for years. Messrs. Rogers and Lewissohn withdrew from the directory of the smelting company.

Negotiations looking toward a peace-ful settlement have been in progress for the past two months and culmi-nated last night at a meeting held in Delmonico's. By the terms accepted, the selling company will again act as selling agent of the American Smelting and Refining company. The plans are also to re-elect Messrs. Lewissohn and Rogers to the directory of the consoli-

ated company. The Metal Selling company exports about 55,000,000 ounces of silver yearly, nearly all of which it handles in its capacity as agent of the American Smelting and Refining company.

The Guggenheim company yearly ex-ports about 25,000,000 ounces. The conolidated companies will control about

0 per cent of the business. 90 per cent of the business. The settlement of the difficulties means that the silver and copper pro-ductions of the United States will be controlled by one company. The Metal Selling company, which is recognized as a Rockefeller concern, now controls the copper trade, its yearly shipments amounting to 80 per cent of the entire output of this country. It is interested also in large foreign copper properties. The annual business of the American smelting and Refining company is about \$75,000,000.

JUDGE DIXON'S OPINION.

Important Decision Rendered by New Jersey Court of Error.

New York, April 8 .- Justice Dixon at Trenton, N. J., today filed an opinion of the court of errors and appeals in the case brought by minority stock-holders of the American Smelting and Refining company to enjoin the pur-chase of the property of M. Guggen-heim & Sons, This opinion has been awaited with great interest by corporation lawyers, as it is considered most important as affecting corpora-tions in New Jersey. The importance of the opinion lies

In the construction placed by the court on the forty-eighth and forty-ninth sections of the general corporation act. Vice Chancellor Stevens held the court could not go beyond the decision of the board of directors as to the value of property to be purchased by the issu-ing of stock. The court of errors, on the contrary, holds that it must be clearly shown that the value of such property is at least reasonably near the price to be paid and that the action of the directors is subject to re-view at the instance of any stockholder who considers himself aggrieved. The syllabus of Justice Dixon follows: "Under section 40 of our corporation

act, when an original issue of cor-porate stock for property to be pur-chased is contemplated, it is the duty of the directors to see that the real value of the property is at least equal to the face value of the stock.

"Before an original issue of porate stock for property to be of cor pur porate stock for property to be pur-chased takes place the bona-fide judg-ment of the directors as to the value of the property, while it is entitled to considerable weight, is not conclusive, but may be reviewed at the instance of existing stockholders, and if, on such review by a court of equity, the value of the property appears to be less than the face value of the stock, the issue should be restrained.

should be restrained. "After stock has been issued as fully-paid stock for property purchased, the judgment of the directors as to the value of the property becomes conclu-sive in the absence of actual fraud in the transaction, and such stock is not liable to any further call. "An increase of corporate stock voted for by the board of directors and by the requisite majority of stockholders,



in order to issue such stock for property worth less than the face value the stock, should be restrained at the instance of dissenting stockholders."

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In considering the right of the court to review the action of the directors, Justice Dixon says the language of subtract Dixon says the language of section 48 of the corporation act is hot questionable as to the fact that the money paid in must equal the face value of the stock issued. The lan-guage of section 49 is even more ex-plicit, providing that the corporation may issue stock to the amount of the value of the stock value of the stock.

The distinction between the contemplated issue of corporate stock for property and the issue for money, Justice Dixon finds, lies not in the rule for valuation, but in the fact that different estimates may be formed of the value of the property. When such differences are brought before a judicial tribunal Justice Dixon says the judgment of those upon whom the determining of the value is placed, must be accorded considerable weight, but it is not final. the opinior

"Nor is it necessary," the opin says, "that conscious overvaluation any other form of fraudulent conduct on the part of these primary values should be shown to justify judicial in terposition. Their honest judgment, i reached without examination into the elements of value, or if used in part upon an estimate of matters which really are not property, or if plainly wraped by self-interest, may lead to violation of the statutory rule as surely as would corrupt motive. The original issue of corporate stock is a special unction, in the exercise of which legislature has fixed the standard t be observed, and it is the duty of the courts, so far as their jurisdiction extends, to see that this standard is not violated either intentionally or unintentionally

Justice Dixon points out that under section 40, when corporate stock has once been issued for property pur-chased, the legislature has directed the application of another rule. Under such conditions nothing but actual fraud in the transaction can impair the right of the stockholder to hold his

BRUNCHILLS

may mean a mere cold or a chronic incurable inflammation

of windpipes.

The quickest relief, for a cold,

is also the most effectual balm

for the worst conditions of those

small pipes between throat and lungs.

An old bronchitis

18

obstinate.

Nothing restores this tissue, when once destroyed. The emulsion, however,

soothes when it cannot restore.

We'll send you a little to try, if you like. SCOTT & BOWNE, 409 Pearl street, New York.

stock as full paid stock free from further call

Applying the rule as above laid down, ustice Dixon discusses the actual Justice value of the property, the purchase of which was contemplated by the issue of \$45,000,000 of stock. He finds it admitted that the value of the Guggenheim plant as physical possessions did not exceed \$10,000,000, and with the cash to have been turned over, leaving about \$23,000,000 to be made up in the good will of the business and the leases and contracts, the nature of which was not disclosed at any time in the proceedings.

While the defendants claimed the omplainants had not borne the burden of proof cast upon them, Justice Dixon holds that under these circumstances the rule should not be vigorously en-forced at this stage. The proofs, Justhe Dixon says, point strongly to the conclusion that in the negotiations between the parties the real value of the property to be acquired had not been the basis upon which they have de-termined the amount of stock to be iseued therefor.

The fact that the expected consum. mation of the deal caused the market value of the stock to rise, and which was used as an argument that the preposed purchase would not be advan-tageous to the stockholders. Justice Dixon finds to be without weight. He says that if the intrinsic value of the stock was only 60 per cent of its face, and an outsider offered 80 per cent in money for additional stock to be issued such an offer would clearly be advanta geous to the company and its stock holders, but it could not be legally ac cepted, because the legislature has re-quired that 100 per cent, whether in cash or property, shall be received for corporate stock. The court finds that the more fact

that two-thirds of the directors and stockholders voted for the purchase cannot prevent its review, pointing out that this would not justify as leave of stock for an illegitimate enterprise. In accordance with these views the court orders that the stay be continued enjoining the purchase and that pre-ceedings to increase the stock should

likewise remain in statu quo pendina further argument and a decision by the court of chancery as to the real value of

the Guggenhelm property. Good Advies

The most miserable beings in the world are those suffering from Dys-pepsia and Liver Complaint. More than seventy-five per cent of the people in the United States are afflicted these two discases and their effects: such as Sour Stomach, Sick Headache, Habitual Costiveness, Palpitation of the Heart, Heartburn, Waterbrash, Gnawing and Burning Palns at the Pit of the Stemach, Yellow Skin, Coated of the stomach, reliow Skin, Coated Tongue and Disagreeable Taste in the Mouth, Coming up of Food after Eating, Low Spirits, Etc. Go to your Druggist and get a bottle of August Flower for 75 cents. Two doses will rélieve you, Try it. Get Green's Prize Almanac, For sale at A. C. Smith's Drug Store. Drug Store.

Perfect digestion is the only founda-tion for perfect health. The food we eat makes all the blood we have, which in turn feeds every nerve, muscle and tissue in the body. HERBINE quickens the appetite, aids digestion, gives ione and vigor to all the functions and en sures good health. Price, 50 cents at Z. C. M. I. Drug Dept.

the purposes for which said indebted-ness is to be incurred and created is the support and maintenance of public schools of Salt Lake City for the art of the eighth and ninth month of the school year 1900-190L EOARD OF EDUCATION,

WM. J. NEWMAN, President, J. B. MORETON Clerk

Dated Salt Lake City, April 4, 1901.

NOTICE OF STOCKHOLDER ' MEETING

NOTICE OF STOCKHOLDER 'MEETING THE FIRST MEETING OF THE STOCK-holders of the Elsin Creamery Company for election of officers and other purposes, provided by the Articles of Incorporation of said corpuny, to be held on June 12th, 1909, not having been held at the date appointed for the same, or at all: Notice is hereby given, that at the request of the President of said corporation, said first meeting will be held at the offices of said corporation, NO. 907 South State Effect. Said Lake City, Citah, on Wednesday, April 17th, A.D. 19th, at 10 officers to hold antifi-tion and antificer successors are elected and qualified and for other general purposes. At such meeting the treatent of said corpo-ration will submit a fail account of the do-uges of said corporation during the preceding year, as incovided by Article Nine 60 of the By-Laws of said company. Dated March 11th, 180. ALIERT VORSE, Secretary.

ANNUAL STOCKROLDERS' MEETING

ANNUAL STOCKHOLDERS' MEETING BONNEVILLE MINING COMPANY. Notice is hereby given that the annual meet-ing of the stockholders of the Bonnevillo Mining Company will be held at the Com-pany's office Lid state SL. Sait Lake City, Utah, on Moeday, the 22nd day of April, 1607, at 12 poor, for the purpose of checting officers and directors for the ensuing year and for the truspation of such other busi-ness as may properly come before the meet-ing.

H. GREEN, Secretary, SOTICE.

NOTICE: NOTICE IS HEREBY GIVEN THAT THE anagua Baeting of the stockholders of the hichmonil & Anaconda Consolidated Mining company will be held at the office of Jesse Knight Prove City. Utah. at 10 delets on Monday, Apell (5.196), for the election of of-ficers and for the transaction of such other instaess as shall lawfully come before the meeting. JOHN H. McEWAN, Secretary. meeting. Socrotary.

March 15, 1001.

NOTICE OF LEVY OF ASSESSMENT. NOTICE OF LEVY OF ASSESSMENT. STAR GOLD AND SILVER MINING Company. Location of principal place of business, sait Lake Gitz, Utak, Notice is hereby given that at a menting of the bound of directors held on the 2nd day of April, 1901, an assessment of one and one haif 0%0 conts her shake was levied on the out-standing capital stock of the corpora-tion, psychial stock of the corpora-tion, psychial stock of the corpora-tion, seventary, at seem 2D Jeanings Block, sait Lake City, Utah. Any stock an which this assessment may remain unpild on the oth day of May 1991, will be delinquent and advertised for sale at public function, and an-less paynous is made herore, will be sold on

advertised for sale at publicated for and or less paynoint is maile before, will be solid on the 2mg day of May, 1966, to pay the delin-quent as-as-amount (orether whith the cost of advertising and expense of sale. Stable WILLIA MSON: Secretary of Star Gold & Silver Mining Com-puty, form 217 J-milors Block, 21 West First south St., Salt Lake City, Utab. Dated April and 1961. First publication, April 3r0, 1901.

STOCKHOLDERS' MEETING. STOCK HOLDERS' MEFTING. NOTICE IS HEREBY GIVEN THAT the solution in the time of the Stockholders of the Sait Lake Annu-elneni Association, scor-poration, will be held at the office of the As-sociation in the New Grand Theater on Sait-erday, May thi, A. D. 1901, at 4 p.m., for the purpose of electing five directors, and to transact any general business of the Lom-pany that may come before the meeting. A pril 4th, 1901.

J. ROUERIS, Sec y. and Treas. April (4b, 180). NOTICE OF ASSESSMENT NO. 2. HIGHLAND BOY CONSOLIDATED MIN-ing Co. Drine pail place of business. Sails Lake City. Utab. Notice is hereby riven that at a meeting of the directors held on Marco IC, an assessment of one quarter cour pur share was lexied upon the capital stock of the corporation, payable at once 10°C. K. McCornick secretary, at his office, neuron Marco R, such as a set of the director of the McCornick secretary, at his office, neuron McCornick secretary, at his office, neuron the deinquent and advertised for sale at public action, and unless payment is made before, will be sold on the 9th day of May, 1901, to pay the deimquent assessment together with the cost of a avertising and er-penses of sale. Rearn 500 McCornick Block, Sait Lake City, Baron 500 McCornick Block Sait La

Room 700 McCornick Block, Sait Lake City, Utab.

drs. ght, bur n t activ e ir abor TIA ple t te M Ap he c hrist JSCCL Th n n edici y pri tes : dire was