

## SUPREME COURT OPINION TODAY

Denying the Petition of Frank Hoffman for Writ of Mandate.

AGAINST JUDGE T. D. LEWIS.

To Compel the Latter to Reinstate an Appeal Taken From Justice Of the Peace.

The supreme court today handed down an opinion denying the petition of Frank Hoffman for a writ of mandate to compel Judge T. D. Lewis of the district court to reinstate an appeal taken by Hoffman from a justice court to the district court and to proceed with the case. The action was brought before the supreme court by certiorari proceedings. According to the statement of the case, judgment was rendered against Hoffman in a justice court and he attempted to appeal the case to the district court. Objections were made to the sufficiency of the writs on the ground that the writs did not comply with the requirements of law. The transcript on appeal was filed in the district court and the plaintiff in the case filed a motion to dismiss the appeal on the ground that no undertaking had been filed as required by law. The motion was granted by Judge Lewis. Hoffman then filed a petition for a writ of certiorari in the supreme court in order to have the action of the district judge reviewed. The supreme court holds that Judge Lewis would not have jurisdiction to try the case on its merits because the appeal had not been perfected but he did have the right to dismiss the appeal on the ground that no undertaking was filed as required by law as the time had passed for filing such undertaking. Hence the writ of mandate was denied. Justice Frick wrote the opinion of the court and it is concurred in by Chief Justice McCarthy and Justice Straup.

### LAUGHLIN GOT SIX MONTHS.

He Was Convicted of the Offense of Attempted Burglary.

Judge Armstrong yesterday afternoon sentenced C. L. Laughlin to six months in the state prison for the crime of attempted burglary, the defendant having pleaded guilty to the charge. Laughlin, on Oct. 15, attempted to enter the Andrews hardware store on East Temple street between South Temple and First South streets. After cutting the glass in the window he became frightened and went across the street, where he accosted a night watchman and told him what he had done and requested the watchman to arrest him. He took the watchman across the street and showed him the window and told him that he intended to steal a revolver which was on display in the window. Laughlin was arrested and taken to the police station. He was committed to the district court and yesterday pleaded guilty and received sentence.

### GUILTY OF LARCENY.

C. E. Jackson and J. C. Brooks Sentenced to Six Months.

In the criminal division of the district court yesterday afternoon, C. E. Jackson and J. C. Brooks were each sentenced to six months in the state prison for the crime of larceny. They were each charged with stealing a watch from the store of J. C. Brooks, who is a well-known watchmaker and jeweler on Third South street. The men were each charged with stealing a watch from the store of J. C. Brooks, who is a well-known watchmaker and jeweler on Third South street. The men were each charged with stealing a watch from the store of J. C. Brooks, who is a well-known watchmaker and jeweler on Third South street.

### FOUR INSANE CASES.

Three Persons Were Committed to the State Mental Hospital.

Four insane cases were handled by Judge Armstrong in the district court yesterday afternoon. In three of the cases the persons examined were committed to the State Mental hospital at Provo. The patients were examined by County Physician Whitney and Dr. Caldwell. The most violent one was George Kipp, alias John Hosmer, who has been serving a term in the state prison for burglary. Kipp raved all the time he was in the court room and struggled with the two guards from the prison and two deputy sheriffs.

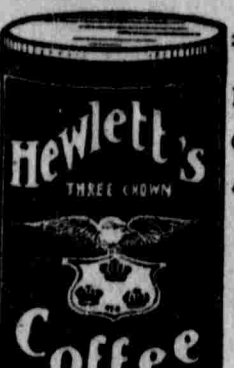
Kipp went insane while serving a former sentence in the state prison and was sent to the State Mental hospital. He escaped from there and was afterwards arrested upon another charge of burglary and was again sent to the state prison. His term would have expired within a few months but his mental condition became worse and he was again committed to the State Mental hospital.

Mertle Arnold, a young girl was recently committed to the State Mental hospital by the judge of the juvenile court, but as she is feeble-minded it was thought advisable to send her to Provo for treatment. She was accordingly committed to that institution.

John Allen was also examined as to his sanity and was ordered committed to the State Mental hospital. The three patients were taken down to Provo last night.

Mrs. Minnie Elliott, a woman addicted to the use of cocaine and other

## TRY IT!



Free Demonstration All Week at Wilcox Grocery 16 Main Street.

## THREE ROADS TO DEEP CREEK

It Begins to Look Good for Those Owning Properties in That District.

"NEVER RAINS BUT IT POURS."

Western Pacific, Clark Road and Local Capitalists Are All Figuring On Building.

Deep Creek rich mining district seems destined at last to get railroad communication with the outside world. The old adage regarding it never raining but it pours holds good in this case. After waiting 25 years for some capitalists to build a road so that it would be possible to market ore and develop a rich mining section there are now three propositions under way to build. Two of these are backed by the most powerful railroad interests of America, while the third is being engineered by local capitalists headed by Mr. Scofield.

It is practically settled that next year Deep Creek will be invaded by one or more lines. Both the Western Pacific and the Salt Lake Route are at this time figuring on building branch lines to this section. Both roads are in possession of the necessary engineering data and preliminary surveys have been run.

The Salt Lake Route is figuring on extending its Pioche branch or else building on from Tintic Junction over a survey which was exploited some years ago by J. G. Jacobs and associates.

The Western Pacific, on the other hand, practically settled that it will build a branch from its main line to Deep Creek, thus affording a short line to the Garfield smelters.

### HE WANTED RATES.

Insane Man Writes to the Short Line a Weird Letter.

The general freight department of the Oregon Short Line was nearly disorganized this morning on the receipt of a letter addressed to the general freight agents' offices and general agents. As far as could be learned from the letter which bore the Bloomington, Pa. post mark and was signed by E. A. Leeman & Co., the writer desired to get some quotations from Frisco, Utah, to about 300 cities in America, Europe and Africa. The man who wrote the letter was evidently insane although he writes a good hand. It is about a column in length, but the following is a sample of the whole: "Without to no said delays, and without fail, please oblige and send by mail direct said here to us, as soon as possible, without to no said delays, at your earliest convenience, the in hosts, honest necessary limitations, with the going full standard limitations, freight charges and prices on our freight shipments consisting of furniture, consisting of bed room suits, center tables, etc., wanted and rated, in mixed lots from Frisco, Utah."

### G. S. OWENS APPOINTED.

Boise Man Succeeds R. K. Cobb as Traveling Freight Agent on O. S. L.

As predicted in the "News" last week George S. Owens has been appointed traveling freight agent for the Oregon Short Line with headquarters in Salt Lake, succeeding R. K. Cobb, who today resigned to enter the stock and bond business. Mr. Owens comes from Boise where he was chief clerk to the district freight and passenger agent. During the past two seasons he has acted in the capacity of traveling freight agent in Idaho. Originally he went to the Short Line as an operator. He will be succeeded in Boise by Archie Lake, clerk in the baggage office there.

### INVITED TO SUBSCRIBE.

Short Line Employees to Get in on Lincoln Farm Assn.

The employees of the Oregon Short Line are being invited to subscribe to the Lincoln Farm association, which has been organized to preserve the old home of President Lincoln in Illinois. The association has invited from 25 cents up to \$25 and in return the donor receives a certificate by the association.

While subscriptions are entirely voluntary and there is no attempt to make any of the payments compulsory the promoters of the proposition, as a means of getting it before the general public, have written to the general managers of all railroad systems asking that the matter be placed before the employees for their consideration. Accordingly every department of the Oregon Short Line from section houses up to the traffic department within the next few days will be officially notified that subscription will be held through the office of the local treasurer.

### 4,200 TOURISTS COMING.

One Hundred and Forty Sleepers Delivered to D. & R. G.

The last days of the colonist rates are strenuous ones for the Denver & Rio Grande. Today and tomorrow 140 tourist cars are to be delivered to that system and will be hauled west with the last contingent of tourists. At the conservative estimate of 50 passengers to each sleeper this means that within the next 48 hours 4,200 tourists will either stop over or pass through Salt Lake. In consequence of the big rush all trains today are in two or more sections and all are overloaded with additional cars. As the result all trains today are from 10 to 12 hours late westbound.

### SPIKE AND RAIL.

J. Thompson, superintendent of bridges and buildings on the Denver & Rio Grande, is in town.

R. G. Brown, assistant general freight agent for the Rock Island at Minneapolis, is here today accompanied by Mrs. Brown.

J. B. Durbin, passenger rate clerk of the Oregon Short Line, has gone to St. Paul to attend a rate meeting.

Owing to the wreck the Hawaiian band did not arrive in Provo in time to appear last night. Accordingly they gave a matinee in despatch tonight will go on a special to Bingham.

### SENATOR W. A. CLARK MAY BE CANDIDATE FOR RE-ELECTION

Chicago, Nov. 1.—When Senator W. A. Clark of Montana was in this city on his way west he was asked if he intended to be a candidate for re-election.

"I had about made up my mind," said the senator, "not to be a candidate. I have been in the senate again, but my friends insist I shall be." The senator is now on his way to Montana, having left here late yesterday. He declared he had almost completely recovered from his automobile accident in France.

You never bought so much candy goodness for 10c as there is in a dime package of



## Chop Sticks

That chocolate coated molasses confection.

You get them at all drug stores.

MADE BY SWEET CANDY CO. Manufacturing Confectioners.

### AMUSEMENTS.

Theater.—The opening sale for "Parasol" yesterday was full of promise for a strong engagement. The big spectacle will be given three performances, tomorrow night, Saturday afternoon and evening.

Orpheum.—The new bill at the Orpheum next week will include Zazuli and Vernon company in an original comic pantomime, "The Elopement"; The Three Roses; Preston Kendall, America's foremost protean actor; Adair and Taylor, artistic duettists; Woods and Wood, the tight wire artists; Mexico and Mexico, balancing feats, and the kinodrome.

Grand.—Tonight witnesses the first presentation at the Grand for a long time past of the musical comedy entitled "The Two Johns."

Lyric.—"Her Bitter Almond" continues to draw well pleased audiences, and good business is expected for the remainder of the week.

### TWO BIG STARS ARE COMING TO THIS CITY.

Salt Lake's musical importance in the eyes of eastern managers has just received another demonstration. The famous composer, Leoncavallo, who wrote "I Pagliacci," is touring the east with his orchestra of 80, and 10 vocalists, and he has just been engaged for two concerts at the tabernacle on the afternoon and evening of Thanksgiving day, the 29th. The local management will be in the hands of Manager Pyper of the theater. The other big event is the booking of the world famous celloist Heikkin, by the Symphony orchestra for its next concert on the afternoon of Dec. 14. Mr. Shepherd has heard Heikkin and knows him to be one of the world's great artists. The fact that he will appear with our big Symphony orchestra will form a most notable occasion.

### HAWAIIAN BAND PROGRAM.

Following is the program for the Hawaiian band concert at the Tabernacle Friday evening and Saturday afternoon. The special program for Saturday night is being made up and will be printed tomorrow.

### FRIDAY EVENING.

Overture, "Post and Peasant"; Supper Vocal, Hawaiian songs; Vocal, selected; Vocal, Hawaiian songs and Hulas.

### PART II.

Selection, "Prince of Pilsen"; Vocal, Hawaiian songs; Vocal, selected; Vocal, Hawaiian songs and Hulas.

### SATURDAY AFTERNOON.

March, "Comrades"; Vocal, Hawaiian songs; Vocal, selected; Vocal, Hawaiian songs and Hulas.

### PART II.

Selection, "Bohemian Girl"; Vocal, Hawaiian songs; Vocal, selected; Vocal, Hawaiian songs and Hulas.

### LATE LOCALS.

Bank Clearings.—Today's local bank clearings amounted to \$1,025,888.91 as against \$1,102,129.85 for the same day last year.

Salesmanship Class.—The Y. M. C. A. will start next Monday evening, a salesmanship class, with lectures from prominent local business men. The course is specially designed for clerks and department heads.

Fire Loss Adjusted.—The Home Fire Insurance company adjusted today, the loss by fire on the burned premises at 839, Emma Road over river, at \$300. The house and barn were burned, with some furniture stored in the barn.

Realty Transfer.—E. E. D. Wright has sold to Henry Kramer, 75x165 feet on First West street, near Third South streets for \$4,500. Martha A. Hellen has sold to Theresa Garner, 3x6 rods on First North street, between Fourth and Fifth West streets for \$3,000.

Lester Freed Hurt.—Lester Freed lost his grip on the crank of his automobile this morning, and the handle flew around and struck him on the right wrist, fracturing several of the small bones. The injury was very painful, but after the surgeon had placed the arm in a splint, Mr. Freed rode down to the freight depot to inspect a fine new car he has just received.

Analysis of Milk.—State Chemist Harms' report for October shows analysis of 64 milk samples, three of cream, one of butter, one of peach brandy, 12 of extract of lemon—very good, one of cod liver oil, one of water, 10 of diphtheria, one of tuberculosis, etc. The constant watching of local markets by the sanitary inspectors has resulted in freeing the

town from adulterated foods.

Inspection Postponed.—The inspection of the battery that was to have been held this week, has been postponed until Friday evening, Nov. 9. Col. Lund will officiate. The colonel remarked today, his earnest hope that the state would build a drill shed for the guards, with conveniences for storing the battery equipment. The last inspecting officer of the army did not approve storing the cannon in the cellar of the armory building, although there were no room to put them in any other place to put them.

Clear Skies Again.—The weather conditions obtaining today, are unusual and peculiar. An extended low barometer area of 19 degrees of longitude wide, is spread over this region from the fortieth parallel of latitude to the fortieth parallel. It is rare that a storm comes up from the Gulf of California, and extends to the British border. The precipitation in this city was .45 of an inch, and covers the entire state. This noon, the precipitation at Modena was .40 of an inch. There a high area pressing in from the west, so that by tomorrow, the skies will be clear again.

Violated His Parole.—The police are looking for Stanley Rasmussen, a boy 17 years of age, who is wanted at the industrial school at Ogden for violating his parole. Rasmussen walked into the juvenile court yesterday afternoon smoking a cigarette and told the probation officer that he had bet another boy \$1 that he could smoke a cigarette in the court. He told the officer that his name was Smith, but he was recognized as Rasmussen and when that name was mentioned he immediately made a rush for the door. The officer went after him but the boy made his escape and is still being looked for.

### MORTGAGE TAX LAW.

What W. J. Bateman and Elias A. Smith Think About It.

W. J. Bateman, secretary of Zion's Benefit Building Society, when asked for his opinion on the mortgage tax law, was emphatic in saying that it ought to be repealed. He said that it never reached the lender, but always fell on the borrower. Furthermore, it tended to hamper trade and commerce. The mortgages carried by the building societies of the state are exempt from taxes under the present law, but individually he was in favor of the repeal on these and many other grounds that could be advanced.

Elias A. Smith, cashier of the Deseret Savings bank, also favors repealing the mortgage tax. It hits the honest man, he says, while the fakir and shark evades it every time by loaning money in the name of someone outside of the state. As a practical proposition the law is a dead letter, and whenever it is enforced it makes double taxation upon the poor and honest land holder. Mr. Smith says that his bank is not affected, as banks are exempted, being allowed to accept mortgages, paying taxes only on their capital stock and surplus.

M. High Patent will be the name of the best flour of the Cache Valley Mills, of Richmond, Utah.

Strength of the Wheat is the name of the Straight Patent flour of the Cache Valley Mills Richmond, Utah.

### AFTERNOON ON EXCHANGE.

The following sales of stock took place during the afternoon session of the local exchange. Ajax, 500 at 33. Eagle's Nest, 600 at 40; 100 at 41. Grand Central, 1,200 at 2.20. Lower Mammoth, 2,000 at 83; 1,100 at 84; 1,200 at 82; 2,400 at 85; 1,000 at 79; 700 at 81. Lou Dillon, 2,300 at 48; 3,000 at 49; 200 at 50; 1,700 at 47.50 at 47. Nevada Hills, 1,300 at 3.00. Ontario, 100 at 3.50. Montgomery Mountain, 500 at 66. Great Bend, 500 at 55. Butler, 1,000 at 12.

### TODAY'S MONEY MARKET.

New York, Nov. 1.—Money on call, strong and higher, 3 3/4 per cent; ruling rate, 7 per cent; last loan, 3. Time loans, strong and dull; 60 and 90 days, 4 1/2 per cent. Close: Prime mercantile paper, 6 1/2 per cent. Sterling exchange, heavy with actual business in bank bills at 4.85-4.86 for demand, and 4.84-4.85 for 60 day bills; posted rates, 4.81 1/2 @ 4.86 1/2; commercial bills, 4.80 1/2. Bar silver, 70 1/2. Mexican dollars, 54 1/2. Government bonds, firm; railroad bonds, steady.

### NEW YORK CLOSING STOCKS.

Thursday, Nov. 1, 1906.

Atchafalpa ..... 101 1/2  
Baltimore & Ohio ..... 100 1/2  
Canadian Pacific ..... 115 1/2  
Chicago & North Western ..... 202  
Chicago & North Western pfd. .... 220  
Chicago Southern ..... 28 1/2  
Denver & Rio Grande ..... 32 1/2  
Erie ..... 44  
Illinois Central ..... 124 1/2  
Louisville & Nashville ..... 143 1/2  
Missouri Pacific ..... 94 1/2  
New York Central ..... 127 1/2  
Pennsylvania ..... 115  
Reading ..... 142 1/2  
Rock Island ..... 27 1/2  
Rock Island preferred ..... 65  
St. Paul ..... 112 1/2  
Southern Railway ..... 34 1/2  
Union Pacific ..... 132 1/2  
Union Pacific preferred ..... 92 1/2  
Valuation ..... 194 1/2  
Western Union ..... 25 1/2  
Amalgamated ..... 111 1/2  
American Car & Foundry ..... 43 1/2  
American Locomotive ..... 74  
American Smelting & Refining ..... 154 1/2  
American Steel & Refractories ..... 117  
Brooklyn Rapid Transit ..... 78 1/2  
Colorado Fuel & Iron ..... 52  
International Paper ..... 17 1/2  
National Biscuit ..... 73 1/2  
National Lead ..... 85 1/2  
Pacific Mail ..... 94 1/2  
People's Gas ..... 58 1/2  
Pressed Steel Car ..... 54 1/2  
Pullman Palace Car ..... 25 1/2  
Standard Oil ..... 123 1/2  
Sugar ..... 157  
Tennessee Coal & Iron ..... 167  
United States Steel ..... 47 1/2  
United States Steel pfd. .... 104 1/2  
Western Union ..... 25 1/2  
Northern Pacific ..... 212 1/2  
Gt. Northern pfd. .... 317  
Int. Met. .... 34 1/2  
do. pfd. .... 34 1/2  
Mackay ..... 73 1/2  
do. pfd. .... 69

### FUNERAL NOTICES.

GREGORY.—The funeral of little Kenneth Gregory will be held tomorrow afternoon at 3 p. m. from the First ward meetinghouse. Friends invited.

### BORN.

RUDD.—To the wife of George Rudd, a nine-pound boy, Oct. 31. Great-grandson of Phil Margrett.

### HAY'S Hairhealth

Keeps You Looking Young. Stops hair falling. High-class hair-grower dressing, keeping hair soft and healthy. Makes bald spots grow again. Large bottle, 50c. Small bottle, 25c. Free sample. Write to Hay's Hairhealth, 116 Main St., Salt Lake City, Utah.

### DIED.

KAST.—At 104 east Fifth South street, this city, Oct. 31, 1906, of pneumonia, Leon M., son of Adolph M. and Voda Parkin Kast; born April 11, 1901. Funeral services Thursday at 3 p. m. from the family residence. Friends are invited to attend. Interment in city cemetery.

PLUMMER.—In Salt Lake City, Oct. 31, 1906, Elvira Plummer, late of Mammoth, Utah; aged 15 years. Funeral notice later.

R. E. Evans, Florist, 36 S. Main St. Floral Designs a Specialty. Phone 100.

**UNION DENTAL CO.**  
213 South Main.  
**HONEST WORK  
HONEST PRICES.**  
Painless Extraction of Teeth or No Pay. All Work Positively Guaranteed. Phones: Bell, 1126-7; Loc. 124.

**ESTABLISHED 1864**

**F. Auerbach & Co.**

**ONE PRICE TO ALL NEVER UNDERSOLD**

**Friday Afternoon**  
Between 2 and 5 Only.

**\$3 Children's Coats, \$1.65**

Made up in dark red or blue Astrakhan cloth, cape collar finished with braid trimming and camels hair fringe, belted back, ages 1 to 6 years. Pretty and comfortably warm garments for the little tots, regular \$3.00 values, Friday afternoon between 2 and 5 only at **\$1.65**

**FIRST AUTUMN CLEARANCE SALE OF FINE Millinery**

**Three Days' Stock Reducing by Price Making.**  
THESE PRICES WILL BE ON THURSDAY MORNING TILL SATURDAY EVENING.

There is not an Article in the Millinery Stock Reserved.

**FURS ALSO REDUCED.**

**FINE PATTERN HATS.**

Selling regularly at \$50.00 reduced to <b>\$37.50</b>	Selling regularly at \$12.00 reduced to <b>\$9.00</b>
Selling regularly at \$40.00 reduced to <b>\$30.00</b>	Selling regularly at \$10.00 reduced to <b>\$7.50</b>
Selling regularly at \$35.00 reduced to <b>\$25.00</b>	Selling regularly at \$9.00 reduced to <b>\$6.00</b>
Selling regularly at \$30.00 reduced to <b>\$22.50</b>	Selling regularly at \$7.50 reduced to <b>\$5.50</b>
Selling regularly at \$25.00 reduced to <b>\$20.00</b>	Selling regularly at \$6.00 reduced to <b>\$4.50</b>
Selling regularly at \$20.00 reduced to <b>\$15.00</b>	Selling regularly at \$5.00 reduced to <b>\$3.50</b>
Selling regularly at \$15.00 reduced to <b>\$11.00</b>	Selling regularly at \$4.50 reduced to <b>\$3.00</b>

THE ABOVE APPLIES TO ALL OUR BEST TRIMMED GOODS.

Stocks on hand during this sale are at the following reduction:

VELVETS ..... 25 per cent	VEILINGS ..... 25 per cent
OSTRICH PLUMES ..... 25 per cent	RIBBONS ..... 25 per cent
WINGS ..... 33 1-3 per cent	FLOWERS ..... 25 per cent
BREASTS ..... 50 per cent	QUILLS ..... 33 1-3 per cent
AIROTTES 33 1-3 per cent	FANCY BIRDS 50 per cent
CHIFFON ..... 25 per cent	PON-PONS 33 1-3 per cent
ORNAMENTS ..... 33 1-3 per cent	MALINES ..... 25 per cent
	LACES ..... 25 per cent

**\$1 Buys any Child's Flat Hat Trimmed or Untrimmed, worth up to \$3.00. All the new ones are here \$1**

**Banks' MILLINERY**  
116 Main St.

**A GRAND OPPORTUNITY FOR GIRLS**

The J. G. McDONALD CANDY CO. will teach you the art of CHOCOLATE DIPPING FREE; also including wages. This trade will not only teach you something that will assure you employment, but will pay better wages than any other class of work in the city.

**Golfing Togs  
Riding Togs  
Motoring Togs**

In fact, all kinds of togs are sold here, including Hart Schaffner & Marx clothes. They're dress up togs

**Robinson**  
672 SOUTH MAIN STREET.