DEMURRER OVERRULED.

Judge Wenger Decides That the City Ordinance Is Valid in Barney Harvey's Case.

Barney C. Harvey was in the police court last Friday charged with allowing women in his saloon after 9 p. m., contrary to the city ordinance. By his counsel, Attorney Armstrong, he demurred to the complaint and claimed that inasmuch as the new Constitution of the State of Utah granted equal privileges and rights to both sexes, the city ordinance was unconstitutional, because of discrimination in contravention to the provisions of the State Constitution. In support of his claim he cited numerous authorities in cases similar to the one at bar.

Assistant City Attorney Hempstead followed in an argument against the demurrer. His main contention was that if the State Constitution rendered the ordinance invalid, which, however, he did not admit, then the party to argue its invalidity and subject discrimination was the woman who was affected in her right by the ordinance. Mr. Harvey could not do so. He was not the protector of the women of Utah. He could not use that argument in trying to rid himself of the offense charged.

Judge Wenger was not fully satisfied as to the true status of the case and took the matter under advisement until this morning, at which time he submitted to effect the following:

Counsel for defendant claims that under the Constitution a female has all the civil rights of a male citizen and that said ordinance discriminates against a class of citizens who have a civil right to enter such place of business under and by virtue of said Constitution, and to substantiate his theory, counsel cites the 116th U. S. page 450 Walling vs Michigan and relies on the decision to lay the foundation of this demurrer.

In the case just cited the supreme court of Michigan held that certain regulations might be enforced under what is known as the police regulations. The Supreme Court of the United States reversed the decision of the police regulation but on account of the conflict of the matter of commerce between the states.

The court says this would be a perfect justification of the act if it did not discriminate against the citizens and products of other states in a matter of commerce between the states. I cannot see wherein the Supreme Court of the United States has decided in that case that matters of morality and public health may not be regulated by police regulations. In fact that same decision refers to the 110th U. S. page 450 in New Orleans Gas company vs Louisiana Light company wherein Justice Miller is quoted as saying, "No legislature can bargain away the public health or the public morals. The people themselves cannot do it, much less their servants." This last decision further states, "That there is a power sometimes called the police power, which has never been surrendered by the states, in virtue of which they may within certain limits control everything within their respective territories and upon the proper exercise of which under some circumstances may depend the public health, the public morals or the public safety is conceded by all the cases." It is contended that the question of morality is a question of sentiment and it was suggested that this might be a question of sentiment.

I cannot take that view for the reason that this is a city ordinance. While there is no preamble stating that, whereas it is immoral for a female to be in a saloon after the hour of nine o'clock p.m., it is evident that the mayor and City Council in passing said ordinance took that view of the case. I therefore hold that said ordinance is valid under the police regulation protecting the public morals and that said ordinance is not in conflict with the Constitution of the State and the demurrer is therefore overruled.

AMUSEMENT NOTES.

The James O'Neill engagement at the Theater commences tonight with Virginius. It is claimed that the supporting company is very strong. The Count of Monte Cristo is the bill for tomorrow night.

In Spite of All will be presented at the Grand this week.

At the Lyceum, Partners is the attraction the present week. Mr. Brinker and Miss Hall will appear in this play.

The entertainment at the Theater on Friday evening and Saturday matinee for the benefit of the Utah Kindergarten, deserves to be well patronized, both on account of the object for which it is given and because of the merit of the performance. The pieces are popular and the children are well trained.

Mr. Thos. McKee, the successful business manager of Mr. Downing, announces that he has severed his connection with that company and will now perform similar duties for the Italian soprano singer, Moreska, who proposes to give a number of concerts in this country.

The Paderewski sale opened this morning. There was a regular grand opera rush all the morning, and the great majority of the applicants took the two dollar seats.

Frank Christianer, representative of the great and only Nouss, arrived at the Knutsford last evening. He is here for the purpose of conferring with Prof. Stephens in regard to the forthcoming appearance of Sousa's band at the Tabernacle. He says that his last advices are that the "march king" is having a triumphal tour through the northwest, his receipts averaging from $1,500 to $2,000 each performance. He says the band will play in no such auditorium as the Tabernacle on the entire United States tour, and he looks for great results here, especially on "school children's day."

The Tabernacle Organ.

We had a pleasant call today from Mr. W. D. Wood, representing Farrand & Votey, the Detroit organ builders. Mr. Wood is on his way East from Los Angeles, where he has been putting in an organ for the First Congregational church, at a cost of $7,000. His particular business in this city was in relation to the Tabernacle organ, reviewing modern improvements in the action of the great instrument which could be desirable. The superior quality of tone in the Tabernacle organ has received world-wide recognition. It is without a peer in that respect. But since it was constructed there have been many improvements in the way of organ action which would render its manipulation much easier and enhance the tone in power and variety. It was upon these that Mr. Wood was in consultation today with those who have the organ in charge. Among the improvements which are needed to bring the instrument fully up to a modern standard in the respect named is a reconstruction of the windchest, the placing in of an electrical action, changing the position of the key board for easier handling, the putting in of combination pedals, the addition of couplers etc., and an arrangement by which, in the future, new pipes could be added if desired to increase the depth and dignity of the tone, although this is well provided for now in the acoustic properties of the building, with the pipes already in place. The cost of making the organ all that could be desired in the way of possessing improved devices for handling in the most effective manner would be from $10,000 to $15,000. It has not been decided to undertake the proposed improvement at the present time.

A Big Shipment.

Mr. George T. Odell, manager of the Co-operative Wagon and Machine company, has just returned from the East, and as a result of his trip the Union Pacific last Friday sent from Omaha a train of forty cars of agricultural implements to Snake River valley, Idaho and Utah. It is one of the largest single shipments of machinery in the West, and is designed materially to assist in irrigation work in the great Snake River valley.

As to the Eistedfod.

Denver Republican of Sunday: It is hoped that the Eisteddfod will not be allowed to go to Salt Lake. Denver can provide for it in every way and this is a much better place for such an assembly than Salt Lake. There should be enough public spirit and enterprise to raise all the money that may be needed to provide proper entertainment for the visitors and delegates who may come.

Probate Orders.

Judge Young made the following probate court orders today:

Estate of S. M. Lovendahl, deceased; order made to sell all personal property to pay the expenses of administration and other debts amounting to $1,155.

Estate of John J. Olson, deceased; order made setting March 7, 1896, for submitting will to probate.

OGDEN.

OGDEN, UTAH, - FEB. 24, 1896.

Ogden News.

Three girls, who lately left the Crittenton home and went to the police station and got lodging for the night, requested to be sent home. Two were sent to Salt Lake to their parents the other's home is in Ogden. They said they received good treatment while in the refuge, but wished more freedom and promised to be good girls if returned to their homes.

On Saturday the Second district court celebrated Washington's birthday in good legal style, hearing argument in the case of Hume vs Beardsley, being the contest for the office of city auditor. The case was taken under advisement.

In the Second district court E. F. Darling has been sentenced to 18 months' imprisonment for extortion, and A. W. Griffin the larger was given four years, and a decree of divorce was granted in the Berg case.

Harry Packard and Geo. Peterson, two young men, were arrested yesterday afternoon on suspicion of being implicated in a series of thefts which have been committed in Ogden.

Mrs. A. Henniget died Friday evening at her home at Mound Fort. She was 79 years old. Her husband died last month. They came from Virginia in 1871.

The residence of S. T. Sanford, at Pleasant View, was destroyed by fire last Friday evening. The house was valued at $15,000; insurance $6,000.

There are quite a number of children sick with the measles in town and also in the settlements in the county.

The beautiful weather brought a large number of people out to promenade and also filled the churches yesterday.

PROVO.

PROVO, UTAH, - FEB. 24, 1896.

Chapter of Accidents.

Last Saturday while A. H. Scott and Lyman Carter were working in the Utah Consolidated mine in Tintic, they drilled into an old charge of giant powder, with the result that an explosion took place. Scott was knocked senseless and Carter was barely able to crawl from the mine and obtain aid for his companion. Both men were taken to Provo, where they live. Carter is not very badly hurt, although considerably bruised on different parts of the body from the flying rock. He is minus a finger on his [illegible] and, and another is broken; he is a married man.

thin baby

To be thin, for a baby, is to be deprived of its natural ease; to suffer and not be able to feel it; to wear a sad pinched face; to live on the edge of sickness; to grow imperfectly; and to lose the power of resisting disease. When a baby is thin it needs more fat than it gets from its food; it is starved, fat-starved. Scott's Emulsion is the easiest fat it can have; the fat it needs.

50c. and $1.00 at all druggists.

Bruised on his face, arms and body, but is resting easily, and no serious consequences are anticipated.

On Saturday Wm. Ellison was painting on the Mallon residence in the Fourth ward. He fell from the ladder on to the railing of the porch in such a manner that he sustained severe internal injuries, and was unconscious for about five hours. When he regained consciousness he suffered great pain from the effects of the fall, but is now resting easier, with fair prospects of recovery.

Yesterday a twelve-year-old boy, son of Willard Woodard, was knocked down and run over by a buggy while suddenly turning a corner on Main street. He suffered no serious inconvenience from the accident.

Notes.

Will Scott, a Salt Lake man who is section foreman on the Union Pacific railroad in this city, was stricken with neuralgia of the heart, and his condition was critical for a time. Dr. Allen was summoned and succeeded in giving the patient relief.

Judge Street, of the Third district, presided in the Fourth district court this morning in place of Judge Wilson whose illness prevents him from attending to judicial labor at present.

Dr. Allen reports three cases of diphtheria in the family of S. D. Carson, of Fairfield, two sons, aged 15 and 13 respectively, and a daughter, aged 11, are the victims.

At a meeting of the Utah County Fruit and Agricultural society, C. F. Decker was elected secretary and manager, in place of F. J. Covert, resigned.

LOGAN.

LOGAN, UTAH, - - FEB. 24, 1896.

Lawson's Weakness.

The officers of Idaho have been searching for Frank E. Lawson, of Logan, who is wanted for obtaining money under false pretenses. It is alleged that while engaged in a poker game at Franklin, he made out two checks; one for $15 and the other for $35, on the First National Bank of Logan, and induced the proprietor of a saloon there to cash them. When next day it was found that Lawson had no funds on deposit, he was arrested; but on promising to refund the money as soon as he reached home was released. Inquiry as to his whereabouts two days afterwards, revealed the fact that he was not in Logan; in fact, had not been. He was traced as far as Idaho Falls, and is supposed to have continued his journey into Montana. Last summer, in Salt Lake, he got into trouble by cashing a check that did not belong to him, during the excitement of a faro game.

The Holiday.

Washington's birthday was celebrated by appropriate exercises by the colleges and public schools of the city. The N. G. U. also made it the occasion of a general muster, target practice and drill. Company C practiced at the A. C. of U. rifle pit, and Company D at the Providence rifle pit. In the afternoon the members of Company C fired volleys of blank cartridges in the city in honor of the day, and held a public drill. Afterward they retired to their armory, where each man received a new pair of leggins. Refreshments were also served.

Notes.

Two deaths were recorded on Friday morning, Dr. H. K. Cranney and Mrs. Marian J. Peterson. The doctor was one of the first settlers here, and was closely identified with Logan's growth and progress. He died at the ripe age of seventy-seven years and eleven months. The services over his remains were held in the tabernacle yesterday at noon, and had a large attendance. Mrs. Peterson died of heart failure. She has lived in Logan for a number of years, and her loss will be mourned by a large circle of friends and relatives. The funeral services will be held this morning in the Sixth ward meeting house.

On Friday the fine brick business block built and owned by J. R. Edwards, passed into the hands and possession of C. C. Amussen. It was sold by the sheriff to satisfy a claim of $11,990 in favor of Mr. Amussen, and was bid in by his agent for the amount of the claim. The property is one of the most desirable in Logan, and was worth at least $20,000.

The merchants of Logan petitioned the city council to abolish the merchant's license. The committee to whom the matter was referred reported adversely. They considered the tax on the merchants as an indirect one on the citizens, and one which the present condition of the city's finances would not permit them to abolish. The council took action in accordance with the recommendation.

The rifle teams of Smithfield and Providence held a shooting match, Creedmoor rules, at the A. C. pit on Friday afternoon. The Smithfield team won, but the match was a close one. The score stood: Smithfield 379, Providence 371.

The chamber of commerce and Cache Valley Agricultural society have been working for and today expect to receive the announcement of a special rate on wheat. The greater part of last season's crop still remains unsold.

Louis Cardon will succeed L. H. Hallif as assistant postmaster here. Mr. Hallif has resigned to assume charge of the Hallif ranch in Star Valley.

Hon. O. F. Whitney has been suffering from an attack of la grippe, but, it is believed, will be able to resume his duties today.

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THE GREAT

SKIN CURE

Works wonders in curing torturing, disfiguring diseases of the skin, scalp, and blood, and especially baby humours.

LEGAL NOTICE.

In the Probate Court, Probate Division, Third Judicial District, in and for Salt Lake County, State of Utah.

In the matter of the estate of Alfred Fowler, deceased.

NOTICE IS HEREBY GIVEN THAT Arthur Fowler, administrator of the estate of Alfred Fowler, deceased, has rendered for settlement, and filed in said court his final account of the administration of said estate and petition for final distribution of the residue of said estate among the persons entitled thereto, and that Wednesday, the 18th day of March, A. D. 1896, at 10 o'clock a. m., at the court room of said court, in the County Court House, Salt Lake City and County, Utah, has been duly appointed by the judge of said court, for the settlement of said account and hearing said petition for distribution, at which time and place any person interested in said estate may appear and show cause, if any there be, why said account should not be settled and approved and final distribution made as prayed for.

Dated February 18, A. D. 1896.

C. E. STANTON,
Clerk of the District Court.
By A. C. REEDE, Deputy Clerk.
JAMES H. MOYLE, Attorney for Administrator.

LEGAL NOTICE.

In the District Court, Probate Division, Third Judicial District, in and for Salt Lake County, State of Utah.

In the matter of the Estate of W. Kane Backus, Deceased.

Notice of Time and Place for the Hearing of Petition for Admission to Probate of Will.

PURSUANT TO AN ORDER OF SAID Court in said matter, notice is hereby given that Saturday, the 21st day of March, A. D. 1896, at 10 o'clock a. m., at the County Court House in Salt Lake City, Utah, in the court room of said court, has been appointed the time and place for the hearing of a petition of Joseph H. Dean praying for the admission to probate of a certain document purporting to be the last will and testament of W. Kane Backus, deceased, when and where all persons interested may appear and contest the probate of said will, or the granting of letters testamentary to Joseph H. Dean, as prayed for in said petition.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, this 22nd day of February, A. D. 1896.

(SEAL.) C. E. STANTON,
Clerk of the District Court.
By A. C. REEDE,
Deputy Clerk.

NOTICE.

To the stockholders of the Pierce Mercantile Company:

YOU ARE HEREBY NOTIFIED THAT the regular annual meeting of the stockholders of said corporation will be held at the office of the company, 216 Street E State Street, on the first Tuesday in March, at 10 a. m., for the purpose of electing officers for the ensuing year, and for the transaction of such other business as may properly come before the meeting.

M. S. WOOLLEY, Secretary.
SALT LAKE CITY, February 11, 1896.

LEGAL NOTICE.

In the District Court, Probate Division, Third Judicial District, in and for Salt Lake County, State of Utah.

In the matter of the Estate of John J. Olson, Deceased.

Notice of Time and Place for the Hearing of Petition for Admission to Probate of Will.

PURSUANT TO AN ORDER OF SAID Court in said matter, notice is hereby given that Saturday, the 7th day of March, A. D. 1896, at 10 o'clock a. m., at the County Court House in Salt Lake City, Utah, in the court room of said court, has been appointed the time and place for the hearing of a petition for probate of a certain document purporting to be the last will and testament of John J. Olson, deceased, when and where all persons interested may appear and contest the probate of said will, or the granting of letters testamentary to Elias Olson, as prayed for in said petition.

In witness whereof, I have hereunto set my hand and affixed the seal of said court, this 24th day of February, A. D. 1896.

(SEAL.) C. E. STANTON,
Clerk of the District Court.
By A. C. REEDE, Deputy Clerk.
JOHN M. ZIMMAN, Attorney for Petitioner.

LEGAL NOTICE.

In the District Court, Probate Division, Third Judicial District, in and for Salt Lake County, State of Utah.

In the matter of the Estate of Joseph Hole, Deceased.

NOTICE IS HEREBY GIVEN THAT Samuel Hooper, administrator of the estate of Joseph Hole, deceased, has rendered for settlement, and filed in said court, his final account of the administration of said estate and petition for final distribution of the residue of said estate among the persons entitled thereto, and that Wednesday, the 18th day of March, A. D. 1896, at 10 o'clock a. m., at the court room of said court, in the County Court House, Salt Lake City and County, Utah, has been duly appointed by the judge of said court, for the settlement of said account and hearing said petition for distribution, at which time and place any person interested in said estate may appear and show cause, if any there be, why said account should not be settled and approved and final distribution made as prayed for.

Dated February 18, A. D. 1896.

C. E. STANTON,
Clerk of the District Court.
By A. C. REEDE, Deputy Clerk.
JAMES H. MOYLE, Attorney for Administrator.

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Will be greatened with a most engaging smile, after you invest in a

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PINCH TENSION, TENSION INDICATOR AND AUTOMATIC TENSION RELEASER,

The most complete and useful devices ever added to any sewing machine.

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L. E. HALL, Agent, Salt Lake City.

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Saturday Afternoon, March 7th, Aided by the FULL TABERNACLE CHOIR.

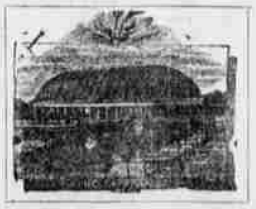
SCHOOL CHILDREN'S DAY

Sousa's Full Band and Chorus of 1,500 Children.
The Eminent Soprano, Miss Myrta French, and the Renowned Lady Violinist, Miss Currie Duke will appear in both concerts.

POPULAR PRICES

FRIDAY NIGHT — Reserved seats, $1; general admission, 75c; Saturday matinee, children under 12, 25c; all others, 50c; no reserves.

Advance Sale opens at Cohlter & Snelgrove's music store Monday, March 4, 1896, at 10 a. m.



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MEN'S GOODS, DOMESTICS BLANKETS, QUILTS,

And Everything Else in the House.

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