

Today's Ogden News

WILL CONTEST WATER FRANCHISE

Validity of Ordinance is Attacked On Constitutional and Other Grounds.

COUNCILMAN WILL RESIGN.

W. Rollo Emmett Will Thus Avoid Suit for Removal—Talk of New Hospital for Ogden.

Ogden, Aug. 9.—The granting by the Ogden city council of a 50-year franchise to the Ogden Waterworks company is to be tested in the courts, the principal grounds on which the case is to be tested will be that it is in violation of the constitution of Utah and was irregularly granted.

The constitution of Utah, article 9, section 4, provides that "No municipal corporation shall directly or indirectly lease, sell, alien or dispose of any waterworks, water rights, or sources of water supply now, or hereafter to be acquired or controlled by it; but all such waterworks, water rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and operated by it for supplying its inhabitants with water at reasonable charges. Provided, that nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water rights or sources of water supply for other water rights or sources of water supply of equal value, and to be devoted in like manner to the public needs of its inhabitants."

It is also claimed that the franchise was irregularly passed by the city council. The rules of the council provide that any ordinance to become a law must be read three times before the council, and that one week must pass between each reading; that in order to suspend the rules and pass an ordinance on more than one reading in one day it must be done on a three-fourths vote. It is claimed by those opposed to the proposition that there were in attendance at the city council meeting the night the ordinance was passed, only nine members, and that on the vote to suspend the rules and pass the ordinance on its second reading the vote stood six for and three against suspending the rules, which was only a two-thirds vote, and therefore it was lost, but notwithstanding this fact, the council passed the ordinance on its second reading, and therefore the passing of the franchise is not valid. Besides these two grounds a number of others will be advanced to prove that the action of the city council in granting the franchise and the mayor in signing it was not proper and that the franchise is void.

Those backing the opposition to the

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franchise have employed Judge Charles C. Dey of Salt Lake City and Atty. J. D. Skeen to prosecute the case, and they will spend today going thoroughly over the points in the case and preparing a complaint.

Atty. Skeen, in behalf of his clients, also sent a communication to City Auditor Mrs. Florence O. Stanford, instructing her not to issue the warrant ordered drawn in favor of the Ogden Waterworks company for \$10,000 in full payment of all judgments, hydrant rentals, etc., held by them against Ogden City, a similar notice has been served on City Treasurer Moyes with the instructions that if such a warrant is drawn or cashed, Mr. Skeen will hold them with their bondsmen responsible. Atty. Skeen stated last evening that the fight against the granting of the franchise is backed by many prominent citizens as well as the real estate dealers.

The Ogden waterworks bonds which have long been on the market, amounting to \$400,000, were purchased by David Eccles yesterday, who will sell part of the same to other individuals who may choose to buy. The case promises to be very interesting, the outcome of which will be anxiously awaited by the public in general who are awakening to the importance of the matters involved.

COUNCILMAN WILL RESIGN.

W. Rollo Emmett Says He Will Resign And Avoid Suit.

Ogden, Aug. 9.—The accusation prepared by Atty. J. D. Skeen to be filed in the district court against W. Rollo Emmett, city councilman, was not filed yesterday as intended. Mr. Emmett having stated that he will resign his position in the council before next Monday night, and thus avoid the suit.

Mr. Emmett states that he had intended all the time to resign from the council on Sept. 1, as at that time he expects to leave Ogden for the east where he will enter one of the medical colleges to study for the degree of M. D. He will be absent from the city four years to complete his studies. But now that Mr. Skeen had prepared the accusation against him, he will tender his resignation at once and save the unpleasantness of having to defend himself against the charges.

Who his successor will be in the city council is uncertain. He was elected on the Democratic ticket and certainly a Democrat will be selected to take his place. The most prominent among those mentioned and the one who seems to have the preference is T. Samuel Browning of the firm of Browning Brothers, a staunch Democrat, a good business man, and a publisher.

He spirited citizen, whose appointment would meet with general satisfaction.

ANOTHER HOSPITAL.

Talked of for Ogden—Present Facilities Said to be Inadequate.

Ogden, Aug. 9.—A movement is on foot for the establishment of another hospital in Ogden in the very near future by some of the leading physicians and private citizens of the city. The Ogden General Hospital which is conducted by a company of several physicians is the only hospital here excepting the Japanese hospital and another hospital is greatly needed here, it is claimed. The building in which the present hospital is conducted is owned by Ogden city, but the hospital is not owned or managed by the city, neither do the gentlemen running the same pay the city any rent for the large building. Some of the leading physicians do not feel that they can do as they would like to with their patients at the hospital now because of it being controlled by a private company, and they are therefore desirous of establishing a hospital of their own. There has also been considerable talk of the railroad companies centering in Ogden erecting and maintaining their own hospital.

BARBERS FIGHT FEE CHARGES.

The charge of conducting a barber shop without a license, preferred against three of the local barbers was called for trial yesterday afternoon. The suit is being brought to test the constitutionality of the state law requiring the barbers to pay a renewal fee of \$5 per annum on their state license. After the taking of the testimony of a number of witnesses, the court granted a continuance of the case until the attorneys for both sides can submit briefs, after which it will be decided.

The barbers feel that after they have successfully passed a state examination and pay for their certificate, it is unjust to require them to pay an annual renewal fee. Eight Salt Lake barbers are to be tried on the same charge.

DISTRESSING ACCIDENT.

While playing around a coil at the family residence, 2045 Jackson avenue, yesterday afternoon, Rulon Seibold, seven-year-old son of J. W. Seibold, had his right eye kicked out of its socket by the coil. The injury is serious and very painful, and will be a great sorrow to the boy all his life. Dr. Joyce dressed the injury. It required about 20 stitches to close up the wound.

BRIEFS AND PERSONALS.

County Assessor Dix and his sisters, Mrs. John Spiers and Mrs. Chris Purdy, left today for a month's visit with relatives in Oregon.

The local lodge of Elks has presented Miss Evelyn Henderson with a silver badge as an appreciation of the beautiful design she sketched for their badge worn to the Denver convention. The medal part of the badge bears the inscription: "Evelyn Henderson, Designer from Ogden Lodge 713 B. P. O. E. In grateful appreciation."

J. Dyle, a native of Tennessee, about 26 years of age, was adjudged insane by Drs. Ogden and Egman, and ordered committed to the State Mental hospital at Provo, to which place he was taken today.

William Burt has gone east on important business.

"Billy" Alford will give one of his humorous entertainments Friday evening at the Elks' club rooms.

will be placed on a Utah granite base, when put in position on the grave.

Joe Barnett, of Payson, has been appointed forest ranger for the Spanish Fork reserve.

J. W. McIntosh, of Payson, formerly of Provo, suffered from a second attack of paralysis Tuesday, and grave doubts are entertained of his recovery.

Wallace Simmons, the young man who is serving a sentence in the county jail on conviction of a charge of fornication, and who has another similar charge against him, was in court yesterday with his attorney, R. B. Thurman, demanding arraignment on the second charge. Judge Booth, however, refused to arraign defendant, on the ground of want of jurisdiction, while defendant is serving his sentence.

NEPHI.

SUDDEN DEATH OF VETERAN.

Matthew Sinclair Lays Down Life's Cares at 75—Funeral of Mrs. Tranter.

Special Correspondence. Nephi, Utah Co., Aug. 8.—Funeral services over the remains of Mrs. Sarah C. Tranter were held in the Second ward meetinghouse Monday, Aug.

8. Elder Chas. Sperry and Bishop Thos. H. G. Parkes of this place, and Elder Thos. Allen of Coalville spoke words of praise in behalf of the deceased. The beautiful songs, "Not Half Has Ever Been Told," and "O My Father," were fittingly rendered by Enoch Bowles and associates.

SUDDEN SUMMONS.

Matthew Sinclair, who was born July 11, 1861, departed this life Aug. 5 very suddenly. It not being known that there was anything seriously the matter with him. He was baptized into the Church of Jesus Christ of Latter-day Saints April 12, 1885, at Glasgow, and later came to Utah where he has resided since. A wife and several grown up children survive him. Funeral services were held yesterday in the ward meetinghouse.

Elder P. B. Cowan and wife have just returned from a four years' mission to the Hawaiian Islands. They are both well, and report the work as making progress in that part.

DONT GRUMBLE.

When your joints ache and you suffer from Rheumatism. Buy a bottle of Ballard's Snow Liniment and get instant relief. A positive cure for Rheumatism, Burns, Cuts, Contracted Muscles, Sore Throat, etc. Mr. Alex. Hegy, prominent merchant at Willow Point, Texas, says that he finds Ballard's Snow Liniment the best all round Liniment he ever used. Sold by Z. C. M. I. Drug Dept., 112 and 114 South Main Street.

GARLAND.

COMMERCIAL CLUB.

Calls Special Meeting to Inject Life Into the Organization.

Special Correspondence. Garland, Boxelder Co., Aug. 7.—The regular monthly meeting of the Garland Commercial club was held in its rooms on Monday night, Aug. 6. There were but few present and little was done. The club will meet in special session Monday next, Aug. 13, to devise ways and means by which to put new life into the organization or disband.

GIVEN UP TO DIE.

B. Spiegel, 124 N. Virginia St., Evansville, Ind., writes: "For over five years I was troubled with kidney and bladder affections which caused me much pain and worry. I lost flesh and was all run down, and a year ago had to abandon work entirely. I had tried all the best physicians who did me no good and I was practically given up to die. Foley's Kidney Cure was recommended and the first bottle gave me great relief and after taking the second bottle I was entirely cured." For sale by F. J. Hill Drug Co.

MONROE.

SPLENDID CROP OUTLOOK.

Returns From the Farm the Best in Years.

Special Correspondence.

Monroe, Sevier Co., Aug. 7.—The second haycrop is now being cut, which is a very good one, the first crop being almost a failure. The grain crop is the best in years. Much of it is too heavy to stand up and much is lost through lodging. Fruit is also better than usual, and the best crop is the best ever known in this section. Altogether, the farmer is prosperous, and has everything to be thankful for. The school to the schoolhouse is progressing nicely, but will not be ready for the opening of school.

DONT BE BLUE.

And lost all interest when help is within reach. Herbine will make that live perform its duties properly. J. B. Vaughn, Elba, Ala., writes: "Being a constant sufferer from constipation and a disordered liver, I have found Herbine to be the best medicine for these troubles, on the market. I have used it constantly, I believe it to be the best medicine of its kind, and I wish all sufferers from these troubles to know the good Herbine has done me." Sold by Z. C. M. I. Drug Dept., 112 and 114 South Main Street.

MOUNT PLEASANT.

ALL NIGHT LIGHT SERVICE.

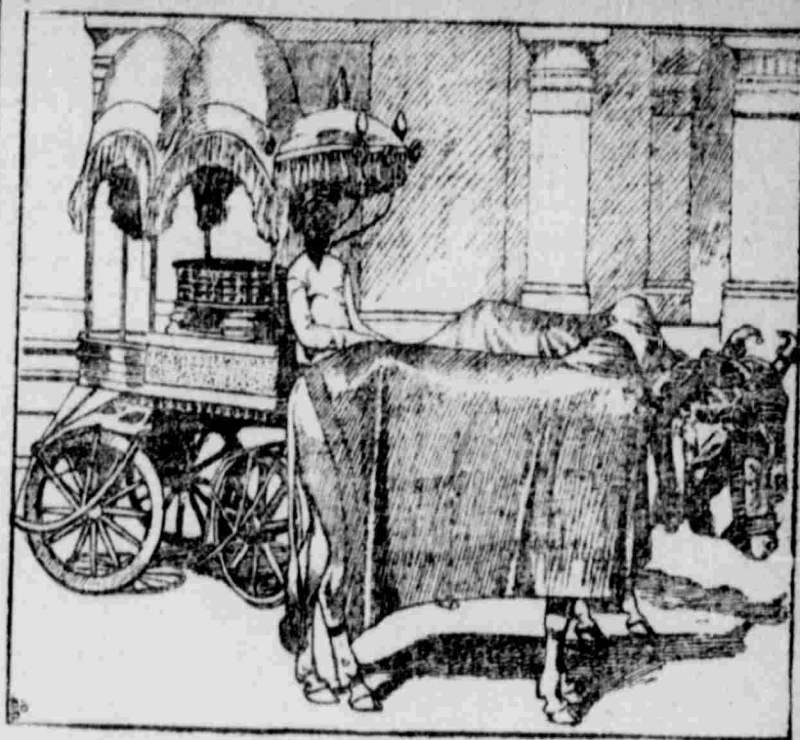
Creamery People Organize and Will Hold Monthly Meetings.

Special Correspondence. Mt. Pleasant, Sanpete Co., Aug. 8.—At the regular meeting of the Mt. Pleasant city council, the city recorder was instructed not to renew contracts with the electric light company unless the company gives all night service. Many complaints have been heard recently. Nearly all the surrounding towns are giving longer service than here, and Mt. Pleasant must not be behind its neighbors. The Electric light company was in session yesterday.

CREAMERY PEOPLE MEET.

The North Sanpete creameries met today in Ole Hansen's office. Points of general interest to the creameries of north Sanpete were discussed. It was decided that it was best that the people own the cans instead of the creameries. An organization was effected, and meetings will be held monthly, or as circumstances require. The following towns were represented, giving the number of creameries in each place: Fairview 2, Spring

CARRIAGE FOR AN INDIAN PRINCE'S GOD.



The strange looking equipage shown in the cut is the carriage of the favorite god of a native chief in India. This ruler of Bikaner is a very devout man, and he never travels without his god, which is conveyed in a highly ornamented vehicle of its own, drawn by a team of sacred cattle and driven by a priest.

A MODERN ENGLISH SAVONAROLA.

Father Bernard Vaughan is the English priest who has been preaching some powerful sermons against the so-

CHURCH NOTICES.

The regular monthly meeting of the priesthood of Ensign stake will be held Friday evening next, the 10th inst., at 8 p. m., at Twentieth ward meeting-house.

RICHARD W. YOUNG, JOSEPH S. WELLS, JOHN M. KNIGHT.

Friday is Stephen's Singers' day at Wandamere.



cial structure as it stands today in Great Britain. He has a very poor opinion of so called smart English society, and he does not hesitate to say so.

TEACHERS.

Dr. Talmage's new book, "The Great Salt Lake (Present and Past)," should be in the hands of every educator. The amount of information it contains relating to the great saline sea, makes it an invaluable work for reference or study. Deseret News Book Store, Salt Lake City, Utah.

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WEDDING BELLS.

An Ingenious Cripple—Accessions to Free Reading Room.

Special Correspondence.

Provo, Aug. 8.—The executive committee of the State Postmasters' association met here yesterday to arrange for the annual convention to be held in Salt Lake October 4 and 5. The following members were present: Arthur L. Thomas, Salt Lake; Frank Booth, Brigham City; John Peters, American Fork; James Clove, Provo; John T. Driscoll, Eureka.

WEDDING BELLS.

A marriage license has been issued to Arthur Laycock, of American Fork, and Thalia T. Ferson, of Pleasant Grove.

Senator Smoot has returned from a trip to Manassas, Colorado.

Alma Brown, who had his leg amputated about a year ago, has manufactured an artificial limb for himself, and is now walking around in a manner that would scarcely raise a suspicion that he had not two sound, natural legs.

The free reading room has received four fine tables, the gift of the Provo Women's club, for which money was obtained from Dr. King's lecture, last winter. The tables were made in Chicago expressly for the library and ordered through Taylor Bros' company.

The Bessley Marble works has received a beautiful piece of statuary for Dr. M. H. Hardy's monument. It is the life-size figure of a woman, seated, with her head bowed in grief, and is a work of art. The statue

Tomorrow Morning

widths. Made by Foster, Duttonhoffer, Armstrong, Wichert & Gardner, for Women; Banister, Nettleton, Excelsior Shoe Co., Geo. G. Snow and the National Shoe Co., for Men, at

You'll Have the Chance to Buy Summer Shoes and Oxfords, Regularly Priced Three to Six Dollars, in all styles, sizes and



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