

FOUR OPINIONS IN HIGH COURT

Judgments in Three Cases Are Affirmed With One Reversal.

LOSES AWARD ON APPEAL

Review of His Suit Against U. S. Smelting Establishes Plaintiff's Knowledge of Danger.

Four opinions were handed down by the supreme court yesterday, each of which was written by Mr. Justice Brandeis and concurred in by Mr. Justice McCarty and Mr. Justice Frick. In three instances the lower court was sustained and there was one reversal.

The first case was of Herman Hender against David Lindsay, and it was found that the judgment of plaintiff for \$75 in a partnership affair was valid.

Fred Cook's judgment against the United States Smelting company for \$1,500 was reversed, on the ground that plaintiff knew the dangerous conditions that resulted in the injuries received by him.

The Utah-Idaho Sugar company sued W. H. Stevenson and others to compel the removal of fences on certain premises condemned for right of way. The decision of the lower court was in favor of defendants, and the decree was upheld by the supreme court.

Two cases against Emma Hanson, in which Attorney H. A. Smith and Dr. H. A. Anderson were plaintiffs, one for legal fees, the other for doctor's services, has been decided against defendant. The higher court affirmed the decision, except that the estate of defendant's father, John Peter Johnson, was made to stand for the judgment in the opinion of the supreme court.

WORK OF MISCREANT.

Two of Culmer's Paintings Cut from Frames and Stolen.

Two valuable paintings done by H. L. Culmer the local artist have been stolen. They were cut from their frames in Mr. Culmer's studio 16 east First South street yesterday since the 15th of the month. Yesterday afternoon Mr. Culmer returned from a sketching trip and discovered that his studio had been broken into, desks ransacked and the two paintings, called by Mr. Culmer "The Temple of Om" and "The Rained Moses," were missing. They had been cut from the frames with a knife. Nothing but the creations of Mr. Culmer were stolen. The pictures were valued at \$1,000 each. The robbery was reported to the police and Detective Sheets is working on the case.

The paintings were regarded by Mr. Culmer as among his best. They were an exhibition in this city and attracted a great deal of attention. It is believed the thieves took the pictures out of the state as they would hardly dare show them for sale as they are well known.

STIMULATION WITHOUT IRRITATION.

That is the watchword. That is what Foley's Honey and Tar affords immediately relief to asthma sufferers in the most stages and if taken in time will effect a cure. For sale by F. J. Hill Drug Co., "The Never Substitutors."

NINE BIDS SUBMITTED.

Three Local Firms and Six from Seattle Want Auerbach Theater.

There were nine bids submitted for the Auerbach theater, three of them from Salt Lake firms, and the remainder from Seattle firms. No decision has been reached up to date; and Architect E. W. Houghton who is now in Seattle from Seattle and Manager Wallace expect to decide as to the successful contractor in a few days. The theater part of the structure is to be completed by Nov. 1, and the remainder of the building by Dec. 1. The bids ranged from \$120,000 to \$140,000.

QUICK RELIEF FOR ASTHMA SUFFERERS.

Foley's Honey and Tar affords immediately relief to asthma sufferers in the most stages and if taken in time will effect a cure. For sale by F. J. Hill Drug Co., "The Never Substitutors."

Ten cents admission to bicycle races, Saltair, tonight.

AUTOS FOR ORPHANS.

The Salt Lake Automobile club this evening will treat the Salt Lake orphans to a free automobile ride over the city's streets. Invitations have been issued to all owners of machines, requesting them to send their car for the use of the children tonight. Responses indicate that the trip will be successful and will carry as passengers every orphan in either the State Street or the St. Ann's orphanage.

2 Days More

of the
\$1.00
TABLES.

Sale continues on entire week
Greater Reductions on
All Low Shoes.

DAVIS SHOE CO
238 Main St.

A Pretty Hat Pin Free

Come in to-morrow and with your purchase of 50 cents or over, you will receive a pretty hat pin FREE. Our jaunty \$2.50 street hats are selling for 37 cents—

**TO-MORROW
FOR FRIDAY ONLY**



HELD WITHOUT BONDS

Steve Maerovich Charged With Murder of Mike Popovich at Bingham July 11, Goes to Jail.

Justice of the Peace Holm of Murray yesterday held Steve Maerovich to the district court without bonds, to answer for the killing of Mike Popovich at Bingham, July 11.

Fearing that fellow countrymen of the accused man would attempt to rescue him from the minions of the law, precautions were taken by the officers to search each of the 200 or more foreigners that attended the hearing. The deputies present were Sharp, Ike Emery, Steele, Smith, Forbes, Beckstead and Chidister, and Marshal Mauss of Murray was also on hand. Only three or four weapons were found on the persons of the men searched, but it was apparent from their mutterings and gesticulations that the men would have attempted violence if they had dared.

The hearing was comparatively short, five or six witnesses testifying for the state. The defense offered no testimony. The evidence as brought out went to show that Maerovich fired at Popovich as the latter was passing the former's cabin on his way home from work at the smelter. Maerovich was standing in his door with two loaded revolvers in hand, apparently waiting for his victim, according to the witnesses.

GO TO SEATTLE.

August 8th and 9th, with the Eagles, H. S. McCann, Independent phone 3093 or Bell 4033 will book reservations and furnish further particulars.

Mr. Leon Rice, Tenor, Saltair today, Concert 7 to 8.

SOCIAL AND PERSONAL

Yesterday Mrs. E. O. Howard gave an Orpheum party followed by a luncheon at Franklin's in honor of Miss Margaret McClure the table having a centerpiece of pink and white sweet peas and covered with the following guests: The Misses Margaret Walker, Aileen McMillan, Virginia Beatty, Eliza Day, Hope Kervin, Marian Hall, Margaret Dunn, Lillian Lane, Grizzelle Houston and Miss McClure.

Last night Miss Gertrude Stephenson and J. W. Ernst were married, the ceremony being performed by Rev. L. S. Bowerman at the home of the bride's parents, Mr. and Mrs. W. M. Stephenson, and the rooms being decorated in pink and white sweet peas, nasturtiums and carnations. A number of the family and friends assisting. The bride's gown was of white tulle with a train and Maltese lace, and she carried bride's roses. Her bridesmaid, Miss Myrtle Stephenson was in pale blue tulle and carried pink roses. Mr. C. M. Thompson of Indiana, acted as best man. Miss Gray played the bridal music and punch was served by Miss May Pier son. Mr. and Mrs. Ernst will be at home after Aug. 20, at No. 10 Zimmerman flats.

Mrs. P. T. Sadler has returned from a stay of several days with her sister, Mrs. Winnifred Walker at Idlewell.

Mrs. C. I. Tuttle gave a luncheon yesterday at the Country club followed by bridge, her party making up two tables and the prizes going to Mrs. John Delano and Miss Lorene Leary. The decorations were in lavender, and covers laid for eight.

Mrs. J. B. Risque and Miss Sullivan were among those who entertained yesterday at luncheon at the Country club.

Mrs. Edward Fife entertained at a card party yesterday followed by a luncheon at the Country club the decorations being in sweet peas and covers laid for about a dozen.

Senator and Mrs. Sutherland and Miss Edith Sutherland, A. L. Thomas and Mr. and Mrs. Elbridge Thomas leave shortly for a trip through the Grand Canyon of the Colorado.

To night a large affair takes place at the home of Mr. and Mrs. P. S. Thome who give a reception in honor of Dr. and Mrs. W. M. Thome who were recently wedded.

Another large event of tonight will be the dancing party to be given by Miss Beth Dunbar at the home of Mr. and Mrs. J. E. Caine.

Miss Nellie Davis entertained at cards this afternoon, her amusement being 500.

Miss Eudora Daly entertains the Sewing club this afternoon.

Mrs. Frank and Miss. Alice Pearl are enjoying an outing at the Old Arm Chair.

Miss Virginia Beatty entertained at a luncheon yesterday at the Country club, her guests being members of a party of young girls who leave today for a week at Brighton under the chaperonage of Mrs. C. D. Rookledge.

They comprise Miss Aileen McMillan, Miss Norine Thompson, Miss Margaret Dunn, Miss Lillian Lane, Miss Margaret Walker, Miss Bryan Houston, Miss Grizzelle Houston, Miss Lucille Clark and Miss Marjorie Jacobs.

Mr. and Mrs. George Odell and family leave about the middle of August for a trip through the Yellowstone.

Mrs. W. H. Dale and Allen Dale will spend Sunday at the Hermitage in Ogden Canyon.

REPUBLICANS OUT WITH STATE CALL

Convention Will Be Held in Salt Lake Theater September 15.

INSTRUCTS CO. CHAIRMEN

Committees Must Prepare for Selection of Delegates by Elections, Conventions or Primaries.

An official call for the Republican state convention has been issued by State Chairman Wesley K. Walton. The convention will assemble in the Salt Lake Theater at 10:30 a. m., Sept. 15, and the apportionment will be one for every 70 votes cast for Congressmen Howell in 1906. This means a convention of 608 delegates.

A Republican state convention is hereby called to meet at the Salt Lake Theater in Salt Lake City, Utah, on Tuesday, the 15th day of September, next, at 10 o'clock a. m., for the purpose of nominating three presidential electors, who will vote in the election of 1908. On this apportionment the delegates will consist of 608 delegates, apportioned to the several counties as follows:

County.	Delegates
Beaver	10
Boxelder	25
Cache	51
Carbon	39
Davis	16
Emery	11
Garfield	6
Grand	3
Iron	3
Juab	18
Kane	5
Millard	12
Morgan	6
Plute	5
Rich	5
Salt Lake	171
San Juan	1
Sanpete	28
Sevier	18
Summit	18
Tooele	13
Utah	9
Utah	67
Wasatch	12
Washington	9
Wayne	8
Weber	57
Total	608

The chairman of the Republican county committee in each county is hereby directed to call together the county committee and provide for the election of these delegates, either by a county convention or by primaries held in the several voting precincts of the county.

The state committee will meet at Wilson's hotel at Salt Lake City on Monday evening Sept. 14, at 8 o'clock and a full attendance is requested.

WESLEY K. WALTON,
Chairman.
GEORGE B. SQUIRES,
Secretary.

PAINTER GOES HOME.

Tom, Painter who refereed the Thompson-Dalton mill at Hot Springs Tuesday evening, leaves this afternoon for his home, Evanston, Wyo. Painter is willing to discuss the bout, but sees no reason for doing so. "Dalton was clearly whipped," he explains. "The fight was stopped to prevent further punishment, and such a case the decision is rendered to the apparent victor. Any authority in sports will substantiate this."

CLIFFORD LEAVES.

Jack Clifford, the Grass Valley prize-fighter who has been playing a good third base on the Salt Lake team, left at 1 o'clock today for the coast. Jack is going to meet Jimmy McGurkin at a near date, and is now going to the scene of the future battle. McGurkin is a heavier man than Clifford, but he will have to make 142, so the baseball-pugilist is confident of victory.

LEAGUE SCHEDULE

At a meeting of the Utah state league yesterday evening changes in the schedule were brought up for discussion and because each town in the league made such strong bids for lots of games the distribution of dates was postponed for a week. The week-end schedule is as follows: Salt Lake vs. Murray at Murray; Ogden vs. Ogden; Ogden at Salt Lake and the Occidentals at Walker's field, and Ogden plays Murray at Ogden. A new man is on his way to join the Salt Lake team from the northwest and the White Wings are now playing league ball, and there is rejoicing among the fans as a result.

ELDER DIES IN GERMANY.

President Smith Receives Cablegram Announcing Death of J. W. Loomis.

President Joseph F. Smith this morning received a cablegram dated at Cologne, Germany, announcing the death of Elder John William Loomis, yesterday, at that city. The cablegram was very brief, giving no particulars except the announcement of the death and place. It read: "John Loomis, Clarkston, died 29." John William Loomis was the son of John Casper and Anna Hunsicker Loomis, and his home was in Clarkston, Cache county, Utah, where he was born Aug. 12, 1867. He was set apart for the Swiss and German mission Nov. 7, 1905, and at the time of his death was evangelizing in Germany.

COFFEE DRINKING OFTEN CAUSES INSOMNIA.

A short use of

POSTUM

in place of coffee, generally removes the trouble.

"There's a Reason"

mentally laboring in the city of Cologne. His parents, who have been notified of the sad event, The body, it is expected, will be shipped to America on the first steamer.

TAKING SCHLEITZ EAST.

Lieut. Hempel of Police Department Preparing for Journey.

Lieut. John Hempel of the police department is completing preparations for his journey to New York and other eastern cities. He leaves Saturday at noon in charge of Theodore Schleit, a young German accused of stealing \$5.00 marks from his former employers at Dresden. The prisoner will be sent back to Germany for trial. While the east Hempel will go to Portland, Me., where he will meet his brother, who Hempel will be gone for about three weeks.

MRS. NESLEN RECOVERING.

High Fever of Yesterday Broken and She is Resting Comfortably.

Word comes from the bedside of Mrs. R. F. Neslen, wife of the popular railroad man of this city, that she is holding her own and while her recovery seems so slow as to be hardly noticeable the attending physicians and nurses say she is doing as well as can be expected. Mrs. Neslen was attacked suddenly Monday and for three days lay in a high fever, but this was overcome and her condition today is encouraging again. It will be some time before she will be permitted to enter the sick room, but that Mrs. Neslen is now on the road to recovery is a fact. It will be a long climb, as admitted by those in charge.

PATROL DRIVER PERTURBED.

Thought for a Time He Had Been Robbed.

Patrol Driver George Moore was in a terrible tantrum this morning. Stamping about police headquarters with a 16x20 frown upon his classic countenance, he growled that he had been "touched." In some manner a horse containing a lodge emblem, a \$5 gold piece and a five cent piece had been extracted, so he said, from his trousers pockets. A thorough search of the station failed to reveal the missing valuables. Moore did some hard thinking but could not imagine how, where or when he lost the purse. He declared that he had not been talking to any of the prisoners. Finally an idea struck him with a severe jolt and he bolted for the barn where the patrol wagon is housed. Feverishly searching his overalls he found the missing purse. He had simply transferred it from his uniform pockets to the overalls.

MINER'S HAND TREATED.

This morning a miner named Mike Jones called at Volunteer headquarters for treatment for a badly infected hand. The man met with an accident in some tunnel recently, and blood poison set in. Mrs. Florence Kohler, the trained nurse in attendance at the free dispensary, dressed the injured hand, and it is believed the man will completely recover from the accident.

COURT NEWS.

TWO VAGRANTS ARRESTED.

Vicious and Abusive Beggars Land in The Lockup.

Early this morning Police Officer George Phillips went to Seventh North and Second West and placed under arrest two abusive vagrants. They gave their names as Joe Smith and C. E. Jones. The latter was particularly vicious and abusive, according to Officer Phillips. The pair begged from house to house, and when they were refused alms, Jones gave vent to a string of terrible abuse. He cursed the officer all the way to the station and until he was locked in a cell. The men are charged with vagrancy and it is likely that Jones will be charged with abuse of profane language. They will be tried before Judge Diehl tomorrow morning.

SELLERS FOUND GUILTY.

Struck an Officer While in Performance of Duty.

Byron Sellers, the young man who was mixed up in a row with Probation Officer W. S. Naylor Monday night on Ninth East and Tenth South, was found guilty this morning by Judge Diehl. The court stated that he would not pass sentence until Saturday morning for the reason that, in the meantime, he desired to investigate the conduct of Officer Naylor. He said there were some features brought out in the trial of the case which would warrant an investigation as to the conduct of the officer. Naylor testified that Sellers struck him in the face when he was trying to disperse a crowd of boys that had congregated on the corner. Sellers declared on the witness stand that Naylor struck him in the face with a rock and rendered him unconscious for half an hour. Judge Diehl stated this morning that it was doubtful if any penalty would be imposed upon Sellers, but he could not determine that yet, or until the matter had been more thoroughly gone into.

GUILTY OF ASSAULT.

Man Named King Pitches on Boy at Salt Palace.

A man giving the name of W. H. King was arraigned this morning before Judge Diehl on the charge of battery upon a boy named Harold Brown. The assault occurred at the Salt Palace last night and, according to statements made in court, was entirely unprovoked. It appears that King, who had been drinking, was armed with a knife and acted in a rather peculiar manner. A crowd of boys, among them young Brown, followed him about to see what he was going to do, and King struck the Brown boy. The defendant pleaded guilty to the charge and said:

"The Salt Palace is a pretty tough place, and some bad men go there."

"I would not want to admit that if I were you," replied Judge Diehl, and then he sentenced King to 15 days on the rock pile.

CHARACTER CARNIVAL.

Big midsummer event at Lagoon Friday, July 31. Evening dancing matinee for children, costume ball in the evening.

WESTERN MARKET LETTER.

Special Correspondence.

Kansas City Stock Yards, July 27.—Cattle receipts last week showed a big shortage from the corresponding week last year, yet the market softened on grass cattle \$0 to 50 cents. Grass stuff from native territory, including the panhandle country, make up bulk of the supply, although the percentage of quarantine cattle is fairly heavy. The run today is 12,000 cattle, moderate for the season of the year. Pastures are good all over our territory, and owners refuse to market their cattle on the present unsatisfactory market as long as they are putting on so much flesh. On the other hand, present prices are higher than usual at this time of the year, having opened the season at

a good figure, and been held pretty well as far by conservative marketing, together with delays to shipments account of floods at different times since the first of June. Good weight Kansas grazed western steers bring \$4.25 to \$5.00, panhandle steers \$3.75 to \$3.25, quarantine steers \$3.50 to \$3.10, grass cows generally at \$2.50 to \$3.75, canners \$1.75 to \$2.50, veal calves stronger last week, tops \$4.25. Stocker and feeder trade is increasing each week, shipments last week 200 carloads to the country. Prices declined 25 to 40 cents last week, but the market is strong today on country grades, stockers at \$3 to \$4.50, feeders \$4 to \$4.90.

AMERICAN PUBLISHING ENTERPRISE

Consul J. Perry Warden, in a report from Bristol, says that the success of one American firm manufacturing stereograph views in introducing their apparatus and pictures into England, a quarter of a century after the stereoscope was popular there, is evidence of the fact that much depends on the manner in which an article is offered for sale and who are selected for its introduction. This leads the consul to submit the following suggestions as to trade canvassing:

It is a new proof of the interest of many English people in American life, particularly, perhaps, in the American world of nature, and that if American publishers would increase their efforts to place before the traveling public here those features of American landscape and familiar life characteristic of the New World they would, notwithstanding the reluctance of some to take "Philis Americanum," be well rewarded for their pains.

The stereoscope publishers have divided their views into groups according to countries or cities or special localities, prepared a descriptive text-book for each book, and devised a map to accompany the views and texts. Educational institutions, libraries, and prominent men and women are among the patrons of these American stereoscopes, and, although one set of views and a stereoscope may be had for as low as \$2, some orders range from \$50 to \$1,500.

American publishers of illustrated books dealing with scenery and everyday life in the New World would also do well in Great Britain if they would make their publications better known.

This stereoscope trade is conducted solely by personal solicitation on the part of special, selected agents. Care seems to have been taken to get men of refinement, and often of considerable

WHAT WOULD YOU GIVE to be able to address the great consuming public of the west, twice a week, throughout the year, and to have as a theme the merits of your goods?

No doubt you would pay a handsome sum for the privilege.

WELL—for a very modest appropriation, you can speak to nearly 200,000 consumers, twice a week, through the columns of

SEMI-WEEKLY NEWS

**Big china sale at half price
floor below---KEITH-
O'BRIEN CO.**

**THE
Semi-Weekly News**

ISSUED MONDAYS and THURSDAYS

This Paper is the Great Medium for Reaching
the Country Population of
Western America

It circulates extensively in Utah, Idaho, Wyoming, Arizona, Nevada,
Colorado, Mexico, New Mexico and Western Canada, where no
other Utah paper is taken.

It is the one medium through which manufacturers of
home-made goods can reach consumers
in their homes.