

# Today's Ogden News

## INSURANCE AGENT SEVERELY SCORED

Judge J. A. Howell Freely Speaks His Mind Regarding Shady Transactions.

## BODY ARRIVES FROM MANILA.

Young Ogden Soldier Died in Far Away Philippines—Judge Rolapp Home From Cuba.

## Special Correspondence.

Ogden, July 11.—Judge J. A. Howell yesterday rendered his decision in the case of Mrs. Mary A. Simer against the New York Life Insurance company. He reviewed the facts in the complaint which sets forth that the defendant May 15, 1906, insured plaintiff's husband, S. A. Simer, for \$2,000, and that said Simer was induced by one B. K. Waiter, an insurance agent to make him a beneficiary to one-half of the policy on his paying for Simer the first year's premium, said Waiter having represented to the insured that unless he did so sign to him, his policy would become forfeited by reason of the non-payment of the promissory notes hereinafter set out, and it was upon such representations that the insured was induced to do what he did, but the said representations were false and fraudulent.

Mr. Simer died, and the policy was not paid, Waiter claiming \$1,000 of the insurance.

Judge Howell in his opinion without any goes after the agent's actions in the case in the following language: "It is insisted that the assignment is void as having been fraudulently obtained, and as being in violation of public policy, and is seems to the court that both grounds are well taken."

"The policy in question here was incontestable from the date of its issue, and the agent had no right to modify the contract in any respect. After having accepted the notes in payment of the first premium therefor, he had no right whatsoever, to forfeit or cancel the policy, because the notes were not paid, that being a transaction between himself and the insured, and not between the insured and the insurer."

"Yet he admits in his own testimony that he told the insured that unless he made some arrangement to pay to him, his policy would be forfeited and cancelled, and the insured could pay \$3 for the privilege. The insured, not having the necessary cash, and being then, with the insidious and ingratiating seductiveness common to some insurance agents, suggested that the insured could assign the policy to him, and he would pay the premium. Then, when the insured replied that he would

## PROVO DEPARTMENT

The "News" is delivered by carrier every night (Sunday excepted) at 5 cents per month. All payments and complaints for Daily, Saturday and Sunday News, Reside, 322 Fourth North St., Phone 105-M.

## Doings in Fourth District Court—High Priced Fish.

Provo, July 11.—The following orders have been made in the Fourth district court: State vs. William Preston, dismissed on motion of the district attorney for lack of sufficient evidence to convict. State vs. W. A. Campbell, defendant's bond forfeited. Defendant is from Lehi and is charged with an immoral offense. He is reported to have left the state.

A. F. Acord vs. A. L. Booth et al., defendant's appeal from and including Aug. 12 to prepare and file bill of exceptions.

## GARDEN CITY NOTES.

At the meeting of the Utah county medical society held here yesterday, the topic of neurosthenia was interestingly discussed by Doctors A. Reynolds and Warner.

E. B. Irwin of the Salt Lake route was here yesterday making arrangements for the Lagoon excursion on the fifteenth.

E. P. Ellison of Layton, who has charge of the Sugar factory at Raymond, and has other big in-

## PAROWAN.

### PATRIOTS' DAY HONORED.

Frost Damages Grain and Hay Crops—County Tax Valuation Increase.

### Special Correspondence.

Parowan, Iron co., July 4.—The nation's birthday was fittingly celebrated here today, commencing at daybreak with the firing of cannon (crackers) a good program was rendered at 10 a. m., consisting of an oration by Wilford Day which was greatly enjoyed and by songs by Miss Ada McGregor, George Battridge, Geo. Durham and others. Sports were had in the city park in the afternoon, a children's dance in the Opera house, and the display of fireworks in the evening. The day's exercises closed with customary ball in the opera house.

The beautiful new residence of Wilford Day is nearly completed. It is one of the finest residences in the county.

H. M. Hendrickson and Moroni A. Ortolano have just returned from California with a bunch of five sheep, which they purchased last winter near Los Angeles.

The recent frost did considerable damage to fall wheat and rye; in some cases the loss will reach 50 per cent. The rye on the experiment dry farm is reported to be almost a total loss.

The little daughter of Mrs. Ethel Leigh had her shoulder dislocated last week, but she is now recovering. Henry Hillman, an old time resident of Parowan, is here visiting his daughter after an absence of over 19 years.

The first crop of income is being cut, more to get it out of the way than any thing else as it is almost a failure on account of frost, and it is preventing the growth of the plant and giving the weeds full sway. In some cases three acres have been cut to get one load of very poor hay.

The land flightherow coal camp

## COUNTY VALUATIONS.

The county auditor's report of valuations of property for the current year is as follows: Real estate and improvements \$655,670; personal property \$637,314; total \$1,292,984.

## Manager, E. A. Larkin.

466 1/2 St. Telephone 133-K.

Advertisements for the Daily, Saturday and Semi-Weekly News accepted on the same terms as at the Salt Lake Office.

Circulator, John J. McGregor.

236 Wash. Ave. Ind. Tel. 121.

Office with Lambert Paper Co.

Payments for the Daily, Saturday, Semi-Weekly News should be made to the circulator. Delivery made by carrier on the same terms as in Salt Lake.

like to have \$1,000 insurance for the benefit of his children, imbued with generosity also common to some few insurance agencies, the agent said he was willing to accept an assignment of half the policy. But giving full credit to all his testimony, the court was of opinion that the agent was nevertheless acting fraudulently and his language but sugar-coated the rottenness of the transaction.

"And even if the agent had not acted fraudulently, it would, so it seems to me, be against the best interests of the public to permit such transactions as this. In this regard, I adopt the language of the supreme court of Pennsylvania, in the case of Cooper vs. Waverly Adjoining Land, 111 Pa. 78, wherein the court, quoting from a previous decision, Corson's appeal, 6 Atlantic, 213, says:

"It is all cases there must be a reasonable ground founded on the relations of the parties to each other, either pecuniary, or by blood or affinity, to expect some benefit or advantage from the contract of life insurance. Otherwise the contract is a mere wager, by which the party taking the policy is directly interested in the early death of the assured. Such policies have a tendency to create a desire for the event. They are, therefore, independently of any statute on the subject, condemned as against public policy."

"It is also in this transaction no for-

fora the court, was setting \$38 against \$1,000 that the insured would die during the year. The insured did die and now the agent wants to reap the benefit of his wager. No court ought to permit him to profit at the expense of the widow and her children. He should be repaid his \$48 a nothing more.

There remains only to consider two questions, first, whether or not the defendant, the New York Life Insurance company, is entitled to attorney's fees in this action, and secondly if the court should pay any heed to the testimony of one Walsh in a justice's court in Montana against the money due on this policy of insurance for the funeral expense of the deceased insured.

The court is of the opinion that the defendant insurance company, not having paid the money into court, to be by the court, distributed, does not come within the purview of the doctrine that where one person who has in his hands money to which he lays no claim himself, but to which there are adverse claimants, pays the same into court to be litigated, is in certain cases entitled to attorney's fees. The court having no funds to distribute cannot allow attorney's fees out of it, and can only render judgment against the defendant New York Life

Insurance company for the amount of the policy.

The court is also of opinion that the justice's court in Montana had no jurisdiction to issue a garnishment on this fund, and therefore it is void and of no effect.

## BODY ARRIVES TODAY.

William O. Irvine, Who Died in Philippines, to be Buried in Ogden.

Ogden, July 11.—A telegram was received by Edward Irvine of West Twelfth street last evening from the quartermaster of the United States army informing him that the remains of his son William O. Irvine will arrive in Ogden sometime today. The young man was a private in troop A, Seventh United States cavalry. He died in the Philippines April 1907, of endocarditis, after a brief illness. He was about to be honorably discharged from the army when stricken with the disease. His parents, aged and his wife, built great hopes in his recovery and safe return home that when the announcement of his untimely demise came it brought great sorrow to the home and to the hearts of many relatives and friends in Ogden. The body is being shipped via Wells, Fargo Express, on arrival here it will be taken to Larkin & Sons' undertaking parlors to be prepared for burial. The time and place of funeral will be announced later. The case is Spanish-American veterans and W. R. C. will attend the funeral.

## RETURNS FROM CUBA.

Judge H. H. Rolapp Went As Representative of Amalgamated Sugar Co.

Ogden, July 11.—Judge H. H. Rolapp has returned home from Cuba, accompanied by his family, where he went in the interest of the Amalgamated Sugar company. He had with him several representatives of the company visit Cuba, to determine if possible whether it would be a good investment for the company to establish a sugar plant in that country or not. While eventually the company will build a big factory there, in all probability it will not be until a more substantial form of government is established. Sugar cane can be very cheaply grown in that country and makes one of the best sugar in the world. Mr. Rolapp and his associates will await developments in the Cuban government with much interest.

## PRIMARY CONVENTION.

The Primary associations of Weber stake will hold a convention Saturday, the 13th inst., at 1:30 p. m., in the Weber Stake academy. All interested in the children are invited to attend.

## MARRIAGE LICENSES GRANTED.

The county clerk granted marriage licenses to the following couples: James I. Fowers, of Hooper, and Miss Martha Schultz, of Kanabville, Weber county.

Francis A. Martin and Miss Rhoeby E. Cawley, both of Wilson, Weber county.

John Lythgoe, of Henninger, and Miss Clara Helnes, of Morgan, Morgan county.

## STIMULATION WITHOUT IRRITATION.

That is the watchword. That is what Orino Laxative Fruit Syrup does. It stimulates the bowels without irritation in any form.—F. J. Hill Drug Co., "The Never Substitutors."

of a ranch near Wellington, awarded to his divorced wife for the benefit of their minor children. The property has been neglected, and brings no income. Vance will improve it in the interest of his children, their mother having married again and left the state.

Final possession was given H. H. Orland of a stray horse and gelding owned by the pond, and in possession of Jacob Koford. The case had been through justice court, and was appealed by Koford. Joseph Jones, formerly town marshal, sold the horse out of the pond to himself for \$1, which was declared an illegal procedure.

## EPHRAIM.

### DEATH OF OCTOGENARIAN.

Independence Day Fittingly Observed—Attorney G. A. Iverson Returns.

### Special Correspondence.

Ephraim, Sanpete Co., July 5.—Andrew C. Christensen who has long been an inhabitant of Ephraim, died, June 30, Mr. Christensen was born in Stav, Aalborg, Denmark, Aug. 31, 1825. In 1862 he joined the Mormon Church and emigrated to Utah in the same year, making his home in Ephraim.

A caucus meeting will be held tomorrow night to nominate school trustees. The election will be held on Monday next.

Mr. G. A. Iverson has returned from Ann Arbor, Mich., where he has been graduated as a bachelor of laws.

## INDEPENDENCE DAY.

The Fourth of July was appropriately observed. A fine program was rendered in the morning and in the afternoon, and for the whole day people. A dance was held in the evening.

## PAYSON.

### S. S. OUTING AT WANDAMERE.

The Fourth is Duly Honored—Smash-up From Reckless Driving.

### Special Correspondence.

Payson, Utah Co., July 5.—The Fourth of July was celebrated at Payson in fitting style. The celebration was held in the new stake tabernacle and Bryant B. Hickey of Salt Lake was the orator of the day.

In the afternoon the Mammoth baseball team defeated the Payson nine at the campus. Other sports and games, including a trap shoot, pleased the public balance of the afternoon.

## RECKLESS DRIVING.

As a result of reckless driving by some boys from a neighboring town two biggies were demolished and the occupants badly shaken up, but none seriously injured.

The Nebo state Sunday schools will have their annual outing at Wandamere next Tuesday, July 9.

The old folks committee of this stake are planning an outing for the aged veterans.

## WEDDING BELLS.

July 1 Mr. Jas. Stark of this city was married to Lily Simons of California. The contracting parties are 60 and 50 years old respectively, and their friends unite in congratulating them.

## EUREKA.

### School Election Results in a Tie Vote Being Cast—Coin Flipped.

Special Correspondence. Eureka, July 8.—The vote of the school election yesterday was small, there being a total of 122 votes cast for the two candidates that were placed in nomination at a meeting held Saturday night. The contestants were Mrs. E. A. Adams and E. N. C. Scott. A very unusual thing happened at the election. Of the 122 votes cast Mrs. Adams received 56 and Mr. Scott 66, thereby resulting in a tie. After the judges of the election made a recount to be sure that no mistake had been made, the two candidates agreed to flip a coin to see

## Starups CHOCOLATE BUTTER SNAPS

Original Money Gambled Center Chocolates.

Adams won. The lady is the present incumbent of the office, and by being lucky enough to guess the turn of the coin she will succeed herself for the ensuing three months.

Notwithstanding reports to the contrary, Mr. Stott, one of the candidates, was present when the judges announced the vote, and it was upon his suggestion that the coin be used in determining who would be the duly elected trustee. The fight was not a hotly contested one, and the result was by a small vote polled, and just because the result came as it did, there is not the least grounds for the report that was published in the Salt Lake paper, that the Eureka city tax levy for the year 1907, has been fixed by the city council at 10 mills. This is the same as it was for the year 1906.

The city tax levy for the year 1907, will be divided between the street fund and the sinking fund, the latter to receive 7 1/2 mills and the former 2 1/2 mills. At the same meeting of the city council, which was held July 8, Dr. Laker was appointed to the office of city physician, to fill the vacancy caused by Dr. Taylor leaving town. The report of the Lower Municipal board, the case of the city treasurer, was also taken up. There was \$2,275.70 in the city's treasury. The receipts for the month were \$729.45 and the disbursements for the same period were \$1,340.72, leaving a balance on hand of \$2,864.43.

There was a death from diphtheria yesterday morning. The case is a young man who has been boarding at the McKellar home and working at the May Day mill. It is ill today and it is thought that he may not survive. The case is the only one in town, so far as is known, but it is feared that there have been other exposures to the disease at the health resort. The case is a young man who has been boarding at the McKellar home and working at the May Day mill. It is ill today and it is thought that he may not survive. The case is the only one in town, so far as is known, but it is feared that there have been other exposures to the disease at the health resort.

Eureka, July 10.—One hundred and thirty-three cars of wheat and two cars of concentrates is the total output of the mines of Tintic for the week ending yesterday. The contributors and the number of carloads sent out by each follow:

Alax	1
Beck Tunnel	8
Bullion Beck	8
Centennial Eureka	8
Colorado	7
Carissa	8
D. C. Wheeler	1
Eagle and Blue Bell	5
Grand Central	5
Godiva (concentrates)	2
Mammoth	2
Grand Central	3
LaCade	3
May Day	4
Scranton	4
Shoebridge	1
Sher Consolidated	1
Sunbeam	1
Tintic Iron	9
Uncle Sam	1
Yankee	1
Poynter	1
Patience	1
Total	135

## WAS IN POOR HEALTH FOR YEARS.

Ira W. Kelley, of Mansfield, Pa., writes: "I was in poor health for two years, suffering from kidney and bladder trouble, and spent considerable money consulting physicians without obtaining any marked benefit, but was cured by Foley's Kidney Care and I desire to add my testimony that it may be the cause of restoring the health of others." Refuse substitutes. Children, their mother having married again and left the state.

## State Hardware for lawn mowers, hose and poultry netting 252 State.

## PARK CITY.

### Mrs. A. W. McCune Delivers Lecture On Peru.

### Special Correspondence.

Park City, July 9.—Mrs. A. W. McCune, of the general board of the Y. M. C. A., lectured to a large congregation in the L. D. S. meetinghouse on the "People and Customs in Peru, South America."

The Silver King tramway has been still for several days on account of the coal elevator being broken, but will start up in a day or so.

Bradford, who was born in Stav, Aalborg, Denmark, Aug. 31, 1825. In 1862 he joined the Mormon Church and emigrated to Utah in the same year, making his home in Ephraim.

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## MANTI.

### Principals and Teachers Selected for The Public Schools.

### Special Correspondence.

Manti, July 10.—The district and high school teachers of this city have been selected as follows: Edgar T. B. D., principal of district schools; Prof. D. H. Robison, principal of the high school, both of Manti; N. W. Anderson, Christian Axelson, Mrs. H. G. Bradford, Cordelia Anderson, Joe Munk, Alice Cox and May Jones, all of Manti; Stanley Johnson of Tooele; Ida Jolley, of Kanab; Nellie Brown, of Panguitch; and Mrs. J. H. Brown, of Panguitch.

A school election was held here last night at 8 o'clock. The event was a success, and fortunately no grave accident occurred to mar the pleasure of the participants in the enjoyment. Three days were devoted to the celebration in sports etc.

The Twenty-fourth of July will be observed in a more quiet manner than in previous years. The committee in charge has prepared an excellent program, to be carried out. The exercises will be held on the grounds of the Beaver branch, B. Y. U., which have been generously tendered for the occasion. A parade will be a prominent feature of the proceedings.

The school election was held today, on strictly party lines, resulting in the election of Walter J. Tolton (Dem.), as against O. F. Mosher (Rep.) and B. Y. U., which have been generously tendered for the occasion. A parade will be a prominent feature of the proceedings.

## BEAVER.

### The Twenty-Fourth of July to be Celebrated in Old Time Style.

### Special Correspondence.

Beaver, July 8.—The celebration of the nation's birthday in Beaver was a success, and fortunately no grave accident occurred to mar the pleasure of the participants in the enjoyment. Three days were devoted to the celebration in sports etc.

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The Beaver stake quarterly conference will be held on the 13th and 14th inst. An interesting program has been arranged.

meeting, to be held on the evening of the 13th.

The weather has been unusually hot for the past week, which is causing vegetation to grow.

## FAIRVIEW.

### Mrs. Sarah E. Rawson Pritchett Called By Death.

Special Correspondence. Fairview, July 10.—On the morning of the 6th inst., one of our respected women, Sarah E. Pritchett, was called away, almost unexpectedly. She was taken ill last week ago, and the cause of death was a complication of ailments.

Sarah E. Rawson Pritchett was a daughter of W. C. and E. J. Rawson, was born in Ogden, Utah, March 14, 1869, and was married to John W. Pritchett in 1893. She was the mother of seven children, of whom three have preceded her, and four remain to mourn the loss of an affectionate mother. She died a true Latter-day Saint, expecting her reward among the just.

The son of Andrew Hansen, who was accidentally shot in the bowels a short time ago, died two days after the accident.

## CAINEVILLE.

### Forest Reserve Supervisor in Battle With a Grizzly.

### Special Correspondence.

Caineville, July 5.—George H. Barney, supervisor of the Aquarius forest reserve, is the hero of a thrilling episode with a bear. The animal, a yearling grizzly, was encountered while Mr. Barney was searching for a feasible route for a telephone line across the reserve. Bruin had no intention of separating himself from the intruder into his haunt, but on the contrary seemed disposed to resent the intrusion.

The grizzly started for Mr. Barney as fast as his legs would carry him. A shot fired by Mr. Barney failed of its mark, and did not in the least lessen Bruin's pace. When less than 25 yards intervened between man and beast, a better bullet found its way into the bear's body, and the skirmish suddenly ended.

Crops in this vicinity are looking bright. Wheat, alfalfa, of which the yield will be light.

There will be no crop of peaches to speak of, and other fruits are not so plentiful as in former years.

The commissioners of Wayne county are here, looking over the conditions of the roads.

## BOISE, IDAHO.

### Important Matters To be Considered By Supreme Court.

### (Special to the "News.")

Boise, Ida., July 8.—This city lost one of her esteemed veterans today, when Peter Sonna passed away. He was stricken with apoplexy while he slept, and his condition was discovered by his wife only a few moments before the end came. Deceased was an old-time resident of Boise, and at one time served as mayor. He was 72 years of age at the time of his demise, and is survived by a wife and six children.

The writ of habeas corpus served in the case of the state of Idaho versus Jerome P. Jacobs, has resulted in an order being made for a hearing before all the supreme judges. Jacobs is a Wallace saloonkeeper, and was charged with violation of the Sunday law. At the first hearing before the supreme court only two judges were sitting.

Before all the members of the supreme bench will come also the cause of the district judges who are endeavoring to compel the state auditor to pay the increase of salary provided for by the legislature of the present year.

The laws of Idaho will be codified by John F. McLane of Boise, he having been given that appointment by the legislature of the present year. The work must be completed by July 1, 1908.

## COWLEY, WYOMING.

### Demise of Mrs. William Banks, Jr., From Pneumonia.

### Special Correspondence.

Cowley, Wyo., July 7.—Yesterday funeral services were held over the remains of Mrs. William Banks Jr., who died Friday from pneumonia. Mrs. Banks gave birth to a baby boy Monday July 1. Deceased leaves a husband and two children, who have the sympathy of the entire community.

Independence day was celebrated by the citizens of Cowley, enthusiastic music furnished by the new brass band was an interesting part of the day's program.

The five-year-old daughter of Mr. W. C. George, Horston was suddenly knocked over and received a broken arm. This was the only accident of the day.

The people of Lovell, Byron and Cowley are materially injured by the washing away of the two bridges on the Shoshone river, due to unusually high water.

Cowley is again without water on account of the poor flume over Sage creek giving away.

## PIMA, ARIZ.

### Wilford Woodruff Crockett, An Arizona Pioneer, Buried.

### Special Correspondence.

Pima, Ariz., July 5.—Wilford Woodruff Crockett died on Friday night, the 5th inst., at his home in Pima, surrounded by his family and friends.

W. W. Crockett was blessed as a child and named by President Wilford Woodruff in the state of Maine, while Elder Woodruff was a missionary in that section. He was a son of David and Lydia Crockett, who were born July 8, 1840, in Rock Island, Me., and with his parents shared with the saints in their expulsion from the east and journeyings to the west, where he was married to Mary M. Reed in Payson, and came to Arizona 23 years ago.