

SALOONMAN ASKED FOR LARGE REFUND

Wife of Drink Victim Sues to Recover Money Spent for Liquor.

GAVE HUSBAND FREE BEER

But This Was to Entice Him to Start a Carousal in Which Most of His Money Disappeared.

An action to recover \$2,000 as damages because her husband was allowed to spend nearly all of his salary for liquor in the defendant's saloon, was filed in the district court today by Mrs. Phoebe Stansberry against George Bess, a saloon keeper at Twelfth South and West Temple streets, and Albert Fisher, a brewer, and Oscar Peterson, the bondman of Bess.

Mrs. Stansberry alleges that she and her husband, James M. Stansberry, have four children and that her husband is a carpenter and earns about \$50 per month. All of said money is necessary for the support of his family, but it appears from the complaint that Stansberry spent at least half of it for liquor and has caused his wife great humiliation and has deprived his children of the education which they should have had.

She alleges that they live within two blocks of the saloon and that the proprietor of the place well knew their straightened circumstances and also well knew Stansberry's strong desire for drink. Bess, she claims, often invited her husband to drink by offering him free drinks and induced him to spend most of his time and money in the saloon. His liquor bills often amounted to \$10 per month. She alleges that during the past 15 months she has been damaged in the sum of \$3,000 by reason of the conduct of the defendant in selling liquor to her husband and depriving his family of the necessities of life.

BIG DAMAGES ASKED.

Moreno Wagstaff Files Suit for \$15,100 in District Court.

Moreno Wagstaff filed suit in the district court today against the Utah Light & Traction company to recover damages in the sum of \$15,100 for personal injuries received in a collision between two cars on Ninth East street near Tenth South on Feb. 25, 1906. Plaintiff was conductor on the car and when the collision occurred he was thrown against a seat and received permanent injuries.

FORGED A MONEY ORDER

And as a Result Ernest Fullmer Will Spend Two Years in Penitentiary.

The forging and collecting of a money order for a few dollars was paid for by Ernest Fullmer with two years of hard labor in the state prison. He was indicted by the federal grand jury last Monday, arrested next day at Ogden by Deputy U. S. Marshal L. H. Smyth, and incarcerated in the Salt Lake county jail, in default of \$500 bonds.

Fullmer appeared before Judge Marshall of the United States district court, and after entering a plea of guilty to the two counts of the indictment against him, was committed to the state prison for the length of time indicated. He was taken at once to begin the serving of his sentence.

PETITION IN BANKRUPTCY.

A petition was today filed in the federal court, asking that Frank H. Leib be adjudged a bankrupt. The paper is signed by a number of creditors, including the Berlin Envelope company, Harper & Brothers, the Century company, D. Appleton & Co., Double, Page & Co., Frederick J. Brink & Co., United States, and others, and sets out that Mr. Leib, who had two places of business on Main street below Third South, made an assignment on March 22, 1907, to the Utah Association of Creditors. The action was not approved by the petitioners and they request that Leib be declared an involuntary bankrupt. Leib was a dealer in postal cards, stationery, etc., and had a store on either side of the street.

FEDERAL COURT.

A new proceeding in the case of the Union Lime and Stone company against the United States Smelting company was today filed in the federal court. The matter was on for hearing for several days during the early part of the week, but was dismissed on motion of plaintiff, without prejudice. That action was taken in order that another phase of the case might be presented, which could not be done as the suit then stood. The case involves the sum of \$75,000 for an alleged breach of contract on the part of defendant company.

The case of J. H. Hinman versus L. G.

WHEN IT IS SOMETHING OUT OF THE ORDINARY YOU WANT ASK FOR



All Candy Sellers sell them and the candy lovers buy them.

SWEET CANDY CO.
Manufacturing Confectioners.

Whiterson, which was set for hearing in the federal court, was today dismissed on motion of plaintiff.

SALT LAKE M. & M. CO.

The Salt Lake Mining & Milling company filed its articles of incorporation in the county clerk's office today. The capital stock of the company is \$100,000, divided into shares of the par value of 10 cents each. W. B. Hughes is president; W. O. Greer vice president; D. B. Hughes secretary and treasurer, and B. F. Woodward manager. These, with G. H. Hone and John Dewarup, constitute the board of directors. The company owns the Red Rose group of 13 claims located in the Detroit mining district, Juab and Millard counties.

INVITATION TO M. & M.

Citizens of American Fork and Vicinity Anxious to Entertain.

Secy. J. W. Storr of the American Fork community club, has written Secy. C. O. Harris of the Manufacturers & Merchants' association of this city, the following interesting letter: "In behalf of the citizens of American Fork, and the near vicinity, we extend to your organization and as many as wish to take advantage thereof, an invitation to visit our city some time in the near future. We can assure you a most hearty welcome and good old set acquaintance. The three towns, American Fork, Lehi and Pleasant Grove, being so close together, it could be arranged to visit the three places in one day. We would be very much pleased if you would take this up and give it your consideration, and we sincerely hope that you will accept the invitation. The date and preliminaries can be arranged at a later date."

DIPHTHERIA LEADS.

Twenty Cases of Contagious Disease Reported, 16 Are Dread Malady.

The weekly report of the board of health for the week ending today shows that the diphtheria cases in Salt Lake from Sunday to Saturday, bringing 25 girls and only 18 boys. Twenty cases of contagious disease were reported during the week, consisting of 16 cases of diphtheria, two cases of measles, one of meningitis, and one of pneumonia. In quarantine there are three cases of scarlet fever, 21 cases of diphtheria and one house on account of death from diphtheria. Six bodies were shipped in for burial.

BOYS GET DRUNK.

Secured Liquor at Drug Store and Proceeded to Imbibe Freely.

A story of rowdiness, in which liquor, as usual, plays an important part, is reported from the game of baseball played between the school league clubs of the Lowell and Emerson schools at Liberty Park Wednesday. It appears that two boys, who did not belong to either of the schools named, came to the scene of the game in an intoxicated condition. In the excitement there was a disturbance of some kind, and continued to "raise a row" until some of the larger boys present took the offending parties to the school. A number of lurid accounts of the affair have been given to the public, in which the delinquency of the young boys was given considerable prominence, together with much exploiting of the terrible example set by them. The facts in the matter, as nearly as can be learned, are that the boys did get hold of some liquor, and proceeded to drink it and get to feeling and acting pretty "gay." But as far as known, this was the first offense of either of the boys, and although liquor was sold to them by local drugstores, it was on a standing order from one of the boy's father, to let any member of his family have drugs or liquor on his account when called for, and this was the first occasion that the order had been improperly used. The

boys were obstreperous for a time, but on awakening to the seriousness of what they had done, expressed sorrow and contrition for their actions, with the determination to do so no more. It is not likely that any special regulation will have to be considered by the athletic board of the schools for the control of this particular pair of boys in future, nor will it be necessary for any special investigation as according to the verdict of court officials, as reported to the parents of the erring boys, they are full of repentance and resolution to do better.

DEBATERS ENTERTAINED.

J. C. Veatch and F. V. Galloway, the University of Oregon debating team, which last night defeated the University of Utah representatives in an interstate debate, were the guests today of the local Alumni chapter of the Kappa Sigma college fraternity. After the debate last night, the two men were banquipped by the Salt Lake fraternity brothers, most of whom come from the Stanford and California chapters of the college society. The visitors were shown the city today, visiting the principal points of interest which they were too busy to look at before the debate. Tomorrow, on their way to San Francisco.

INFORMATION WANTED.

Information is wanted concerning William Osborne, who emigrated to Utah from Eton Bray, Bedfordshire, England, a number of years ago. Relatives in England are very anxious to hear from him, and if he has any here, address Brigham A. Seare, 87 Earleth Road, Stoke Newington, London, N.

LATE LOCALS.

Governor Goes to Lehi—Gov. Cutler and wife are in Lehi today on a business and pleasure trip.

May Use University Mill—The May Use University Mill, which is here to establish a plant for the manufacture of electrical switches, are arranging for the use of the mill at the state university.

Mr. Callister Improving—Internal Revenue Collector Callister is convalescing from an attack of pneumonia, which has kept him in his room for 20 days. Mr. Callister is improving rapidly, a fact that will be pleasing to his many friends.

Millard Has Masons—The Grand Lodge of Masons for Utah will go to Millard tomorrow, to institute a lodge of Masons to be known as Albert Pike lodge No. 14. The grand lodge officials will include Grand Master Barrett, Grand Secretary W. G. M. James H. Brown, and Senior Grand Warden F. C. Schramm.

Talks About "Wireless"—Local Manager D. McNeil of the Postal Telegraph company in this city, will deliver a lecture this evening, at the University of Utah, on "Wireless Telegraphy." Illustrated by moving pictures, Mr. McNeil has the reputation of being an expert in this special line of the science.

Shoepmen Blamed—Complaint has been lodged with the state board of health by residents of Green River, Utah, that sheep corrals have been established about the town, befouling the water for drinking and as many as wish to take advantage thereof, an invitation to visit our city some time in the near future. We can assure you a most hearty welcome and good old set acquaintance. The three towns, American Fork, Lehi and Pleasant Grove, being so close together, it could be arranged to visit the three places in one day. We would be very much pleased if you would take this up and give it your consideration, and we sincerely hope that you will accept the invitation. The date and preliminaries can be arranged at a later date."

Continuous Services—Such large audiences have been attending the revival meetings in the First Baptist church, that there will be no more services of this kind, excepting the first will be held from 6:30 to 8:30 o'clock for young people; from 8:30 to 10:30 for first general meeting; and from 10:30 to 12:30 for the second general meeting. Numerous additions are being made to the church.

Recital at Institute—An interesting and well attended piano recital last evening at Salt Lake Collegiate Institute was given by Miss Cecilia Gates of Rock Springs, Wyo. She was assisted by trios, quartets and soloists from the school, as well as by her mother, who came from Wyoming to be present. Mrs. Gates has a fine soprano voice and made a favorable impression. The young pianist did very well.

Lucius Solomons Here—Mr. Lucius Solomons of San Francisco, who was to have spoken at the B'nai B'rith meeting last night, in the Jewish temple, was unable to reach this city until after the meeting was over. He will, however, address the members of the local lodge at their meetings to be held during the next two days. Mr. Solomons is on route home to the coast from New York where he has been in attendance on a convention of the general order, and reports it in a more flourishing condition than was ever known before. He expresses his pleasure at the attempt San Francisco is making to restore moral order in that city, and hopes it will prove something more than spasmodic.

PERSONALS.

Manager H. W. Van Dam of the Credit Men's association, has returned from a business trip to Idaho.

H. A. Joplin, auditor of freight accounts, the Salt Lake, is attending at Atlantic City, N. J., the annual meeting of the American Association of Railway Accounting Officers. He will be back in 10 days.

CHURCH NOTICES.

The regular monthly meeting of the priesthood of the Granite stake will be held at the stake tabernacle on Saturday, May 4, at 10 a. m.

JOHN M. CANNON, FRANK J. TAYLOR, EDWIN BENNION.

The home missionaries of the Granite stake will meet at the stake tabernacle on Wednesday, May 1, at 7:45 p. m. A full attendance is desired.

W. McEWAN, Clerk.

WEATHER REPORT

Record at the local office of the weather bureau for the 24 hours ending at 6 a. m. today:

Barometer reading at 6 a. m., 30.44 inches; at 3 p. m., 30.42; maximum, 68; minimum, 47; mean, 53 which is 5 degrees above normal.

Precipitation since the first of the month, 1.44 inch, which is .45 inch below the normal.

Accumulated excess in precipitation since Jan. 1, 1.16 inch.

Relative humidity, 61 per cent.

FORECAST FOR SAT. & SUNDAY.

Local forecast for Salt Lake City and vicinity:

Local rain tonight and Sunday; colder tonight.

R. J. HYATT, Section Director.

TODAY'S TEMPERATURE.

6 a. m., 48; 7 a. m., 49; 8 a. m., 50; 9 a. m., 51; 10 a. m., 52; 11 a. m., 53; 12 m., 54; 1 p. m., 55; 2 p. m., 56; 3 p. m., 57; 4 p. m., 58; 5 p. m., 59; 6 p. m., 60; 7 p. m., 61; 8 p. m., 62; 9 p. m., 63; 10 p. m., 64; 11 p. m., 65; 12 m., 66.

FOREST RESERVE FEES QUESTION

Gifford Pinchot, Government Forester, Sets Forth the Subject in a Letter.

HE ANSWERS COLORADO MAN.

Appropriation of Water, Unlike Grazing Privileges, is Subject Only to State Laws, He Says.

Special Correspondence.

Washington, D.C., April 23.—The following letter was sent today from Mr. Gifford Pinchot, forester of the United States department of agriculture, to Mr. H. J. Holmes, editor of the Avalanche, Glenwood Springs, Colo.:

Mr. H. J. Holmes, Editor, the Avalanche, Glenwood Springs, Colo.
Dear Sir:—An unsigned letter to the president on paper bearing your letterhead, dated March 15, and which I suppose was written by you, has been referred to me for reply. The recent addition to the national forest near Glenwood Springs, lies north and east of the town and is, in fact, a southern extension of the White River National Forest. The forest is situated in the Holy Cross National Forest, though not contiguous with it. This addition protects a large part of the watershed from which Glenwood Springs takes its water supply. I believe that the reservation of this tract as national forest land will prove serviceable to the community of Glenwood Springs and to Garfield county. I will answer the questions propounded in your letter in their order:

(1) The forest service is not collecting taxes. The fees collected by the forest service are for the preservation of the property of the west. The total amount collected each year is insufficient to pay the annual cost of maintaining this great benefit to the western people.

NO ANALOGY.

(2) There is no analogy between the benefits conferred upon the Atlantic coast fishermen by the revenue cutter service and those conferred upon persons who are given exclusive rights to use national forest land and resources.

(3) If the United States had jurisdiction over the great banks of Newfoundland, and could preserve the cod from threatened extinction and increase the annual catch by administrative regulation and supervision, and by granting exclusive permits for the right to fish in the banks, it could justly make a reasonable charge to the expense of administration. Something like this has been done by Connecticut and New York with respect to the oyster fishery in Long Island sound, to the great advantage of the people of that state.

(4) As regards the engineering works on the Mississippi river are constructed and maintained by the United States to improve navigation for the benefit of all citizens, and the expense is paid by taxes contributed by all. Any protection from overflow that results from these works is subsidiary to their main purpose. Levees erected for the purpose of protecting lands from overflow might justly be paid for by special taxes upon the lands so protected, and I believe this is done by the laws of certain states. The forest service, in like manner, makes reasonable charges for the special benefits conferred by it upon persons taking permits for the exclusive use of the forests.

UNCLE SAM, TRUSTEE.

(5) The government, with respect to its lands, is the trustee, not merely of the few who wish to enjoy special and exclusive privileges and so monopolize the public lands, but of the people at large. As trustee, it is the duty of the government to secure to the beneficiaries equal shares in such distribution of the trust fund as may be desirable, and to permanently preserve those natural resources upon which the prosperity of the whole country depends, from the waste and destruction that have everywhere accompanied unregulated exploitation. Therefore the government should freely give its agricultural lands to bona fide homesteaders, and allow the private appropriation of lands containing minerals, but has reserved the forests to serve the permanent supply of wood and water for the people of the west, while allowing to all of them on equal terms, the freest use of all natural resources that can be secured with that object. This is in accordance with the grant by the Constitution to Congress of power over the public lands, and is a wise exercise of the trusteeship which we owe to the people.

(6) The United States is, at great expense, preserving a permanent supply of wood and water for the people of the state and country, and it is charged with the duty to pay the cost of such preservation. Out of these fees one-tenth is nevertheless generously given for roads and schools in the counties where national forests are situated. For this, among other reasons, it should not pay taxes to the state of Colorado or to Garfield county. It is an elementary principle that the measures of the government for the welfare of all the people should not be hampered by local taxation.

COURTS ARE OPEN.

(7) The courts are open to those who believe that it is illegal for the forest service to charge for the exclusive use of national forest land. The attorney general has given his opinion that such charges are lawful, and this has never been denied by any court. Some question has been raised whether persons who graze stock on national forests without such payment as the regulations require, may be restrained only by injunction or other civil action, or may also be punished criminally. Congress has specifically provided for such criminal punishment, and though some judges have considered this an overstepping of the limitations upon the power of Congress, the latter decision upholds its power and sustains the criminal provisions of the law and the regulations. Such was the decision of Judge De Navas at San Francisco on March 2, 1907, and of the supreme court of Arizona in an earlier case. In a civil case the United States circuit court of appeals at San Francisco on March 2, 1907, upheld the statute and the regulations, and Judge Hunt did the same at Helena on March 13, 1907. I do not believe that many national forests will be so foolish as to forfeit the preference to which their former use entitles them, in the face of such strong legal authority in support of the action of the forest service in this matter.

SETTLED HERETOFORE.

(8) The right of the forest service to take money from those who are given special privileges in the forests to the exclusion of others, has been sufficiently set forth in my reply to the preceding questions. In doing so it is standing for the rights of all the western people, and exemplifying Lincoln's words, which you quote, a government "for the people, for the people, and by the people."

people, for the people, and by the people.

(9) Those who attribute to me a purpose of imposing fees for the use of water flowing off the national forests do so without authority. The appropriation of water is subject only to state laws, but the forest service, by maintaining the forest cover, furnishes a regular flow of water instead of alternate floods and drouths, and it also furnishes the fall, which makes the production of power possible. For these reasons it may properly make a reasonable charge to permittees, who are given the exclusive use of national forest land for commercial power purposes, and it has been suggested that the amount of the charge may be measured by the amount of power developed. There has been no thought of charging those who do not occupy national forest land, nor even of charging commercial occupants, such as associations of farmers for irrigation and those who use water for domestic purposes, though their use of national forest land is, so far as it goes, exclusive; and it has been finally determined that the charge to commercial power companies will be based upon the amount of power they develop.

(Signed) GIFFORD PINCHOT, Forester.

The letter referred to by the forester follows:

Hon. Theodore Roosevelt, President of the United States, Washington, D. C.
Dear Sir:—The forestry department of the United States government has given out the statement, that one cause for the addition to the Holy Cross Forest Reserve in your last reclamation was to protect the water supply of the city of Glenwood, Colo. Do you mean this?

The lines of the Holy Cross Forest reserve are within 10 miles of the water supply of Glenwood. The headwaters of the creeks that supply Glenwood with water for domestic purposes are situated in the White River reserve. The north of Garfield county, of which Glenwood is the county seat, are affected materially by your order on forest reserves and by your recent order removing public lands from settlement. We are of the firm belief that you are being misled, and I write this letter solely in the hope of getting you to consider some matters in question.

(1) Mr. Pinchot has and is collecting taxes, as against 150 years experience of the United States government, no direct tax has ever been levied. Is not the grazing fee a direct tax?

(2) The United States has maintained a revenue cutter service to protect the revenue on the Atlantic coast for years; have you ever authorized a tax to be collected from them?

(3) Is there any difference in the nature of produce in the sea and on the forest reserves?

(4) Do the farmers of the Mississippi valley pay a tax to the United States government for maintenance of the levees?

(5) Does not the uncultivated public land belong to the people and not to the government which holds it in trust for them?

(6) If "Uncle Sam" becomes a landlord, then is it not the duty of the assessor of this county to schedule you a tax schedule for your land?

(7) Hundreds of farmers and stockmen in this state are refusing to pay this tax further, and it is up to you to stand up for their rights, and for a government: Of the people, for the people, and by the people.

(8) Is it true, as has been attributed to Mr. Pinchot, that the forest service will eventually impose fees for the use of waters flowing off the reserves? And how will the forest service determine what proportion of the expected increase of flow will be made subject to the fee if imposed? And will it apply to all classes of water users, i. e., to stockmen, users of domestic water, and power plants, and will they be given credit for seepage or other return waters on which they have been charged for subsequent use? And will such subsequent users be charged another fee? With your knowledge of the conditions governing the use of water in the west, I feel sure you will recognize this as a most serious question.

If you will be kind enough to answer any or all of these questions, I will push your reply in the Avalanche and it will be read by the farmers and stockmen in this part of the state. Respectfully,

RAILROAD NOTES.

G. F. Fraser, traveling freight agent of the Illinois central, returned from a business trip to Butte, this morning.

J. H. Manderfield, traveling freight agent of the Clark road, is sick at his home with an attack of rheumatism.

Thomas Romans, assistant agent of the Oregon Short Line at Soda Springs, Idaho, is in town on a few days vacation.

C. P. Pratt, traveling freight agent of the C. & N. P., has just returned from Wyoming, where he spent a week in hustling up business for his line.

J. H. Burton, district freight and passenger agent of the Salt Lake Route, is back at his office, after two or three weeks confinement at his home with illness.

Assistant Ticket Agent W. H. Bouton, of the Pullman service at Ogden, has been transferred from Ogden to the

Oakland mole as platform man, and will leave tomorrow to assume the duties of his new situation. The promotion was well earned. Mr. Bouton's successor at Ogden has not as yet been appointed.

NEW YORK CLOSING STOCKS.

Saturday, April 27, 1907.	
Atchafalpa	100 1/2
Atchafalpa	100 1/2
Baltimore & Ohio	100 1/2
Chicago & North Western	100 1/2
Chicago & Northwestern	100 1/2
Denver & Rio Grande	100 1/2
Denver & Rio Grande	100 1/2
Illinois Central	100 1/2
Louisville & Nashville	100 1/2
Missouri Pacific	100 1/2
New York Central	100 1/2
Pennsylvania	100 1/2
Reading	100 1/2
Rock Island	100 1/2
Southern Railway	100 1/2
Southern Railway	100 1/2
Union Pacific	100 1/2
Wisconsin Central	100 1/2

MISCELLANEOUS.

Amalgamated Copper	100 1/2
American Car & Foundry	100 1/2
American Locomotive	100 1/2
American Smelting & Refining	100 1/2
Brooklyn Rapid Transit	100 1/2
Consolidated Gas	100 1/2
International Paper	100 1/2
National Biscuit	100 1/2
National Lead	100 1/2
Pacific Mail	100 1/2
People's Gas	100 1/2
Pressed Steel Car	100 1/2
Standard Oil	100 1/2
Standard Oil	100 1/2
Tennessee Coal & Iron	100 1/2
United States Steel	100 1/2
United States Steel	100 1/2
Western Union	100 1/2
Northern Pacific	100 1/2
Great Northern	100 1/2
Int. Met.	100 1/2
Int. Met.	100 1/2
MacKay	100 1/2
MacKay	100 1/2

REAL ESTATE TRANSFERS.

TODAY'S.

S. A. Bailey to W. A. Needham, part of lot 6, block 33, plat A	1
Wm. Langton, trustee, to Wm. G. Fraser, lot 1, block 1, plat 1	1,250
Geo. Whitaker to Geo. W. Whitaker, at part of lot 1, block 1, plat 1	1
James S. W. Frame to Clara E. Geard, land in section 11, township 2 south, range 1 west, T. 2 S., R. 1 W., S. 11	1,400
Louis B. Van Dyke and wife to M. E. Evans, part of block 89, plat A	4,350
Robert R. Anderson and wife to Nellie Baysinger, part of lot 1, block 1, plat 1	2,675
Robert Lancaster and wife to Samuel Lancaster, section 34, township 2 south, range 1 west, T. 2 S., R. 1 W., S. 34	100
Rebecca F. Perkins to Julius E. Livingston, lots 56, 58, block 6, Platine Grand View add.	200

FUNERAL NOTICES.

DUDLEY.—The funeral of the late Joseph Dudley, who died of acute indigestion and heart failure, will be held at the Twelfth South ward meetinghouse, between Third and Fourth West on Thursday, Sunday, April 28, 12 o'clock. Relatives to view from 10:30 until 11:30 o'clock a. m.

As a result of specialization McDonald has added



Dutch Chocolates

Making them undeniably the greatest popular priced Chocolates on the American Market today.

McDonald is going ahead today as he never forged ahead before, now that he is making Chocolates exclusively.

R. E. Evans, Florist, 86 S. Main St. Floral Designs a Specialty. Phone 561.

UNION DENTAL CO.

218 South Main