# WIFE OF FORGER SEEKS DIVORCE

Hattie D. Higham, Mother of Ten Children, Files Suit in District Court.

## HUSBAND IS NOW ON PAROLE.

served in Prison Until February of This Year, When He Was Released to Resume Occupation.

Rechuse her husband, Archibald S. Higham, painter and paper-hanger, was convicted of forgery and sentenced to serve three years in the state prison, Mrs. flittie D. Highein, the mother of 10 children, filed suit for divorce today in the Third district court. Highnin Is now out of prison on parole and is earning \$125 a month at his occupation She asks for sultable alimony and the custody of her eight minor children. The two children who have reached their majority are married and are living here in the city.

Higham was convicted of forgery in the January term of the Third district court a year ago. He served time until Peb, 19, 1909, and then he was released on parole and went to work at his pecupation. They were married in Payson on Oct. 14, 1832, and have lived in Salt Lake for the last 10 years.

### OPINION IS FILED.

The written opinion of Circuit Judge Adams of the circuit court of appeals for the Eighth district, has been filed in the federal court, overruling Judge John A. Marshall of the Utah federal ourt in the safety appliance case of United States against the Southern Pa-

### MRS. GEISLER SEEKS DIVORCE.

Louis A. Geisler, contractor, is such for divorce by his wife, Mrs. Lizzle for divorce by his wife, Mrs. Lizzle Geisler, on the grounds of non-support. She asks for the custody of their three children and for \$75 a month alimony. They were married in Sait Lake 17 years ago and by their combined efforts have accumulated about \$6,000 worth of real estate and \$3,000 in cash, which is new on denosit in various backs in the now on deposit in various banks in the

city, Judge Morse issued a restraining of prohibiting him from der yesterday prohibiting him from encumbering the property or withdraw-ing the movey from the bank. For the past two years, Mrs. Gelster says that she has been compelled to earn her own living and has supported her chil-dran

#### BENTLEY SUES FOR \$25,000.

Fred C. Bentley brought suit in the Third district court yesterday against the Boston Consolidated Mining com-pany at Garfield to recover \$25,000 as pany at Garneld to recover \$23,000 as the result of personal injuries which he received on Oct. 18, 1998. Bentley was clinging to a beam to clean some insulators when he came in contact with a live wire and was thrown to she floor. His right leg was broken and he was severely burned about the body.

### SUES FOR SHORT WEIGHT.

Alleging the 1,500 cases of tomatoed which were sold to him last fall were improperly labeled, being lacking in weight, W. H. Henderson brought sull yesterday in the Third district court to ecover the value of the goods, \$1.500, roin the Syracuse Canning company, fenderson says that he sold 641 cases before he know they were short weight and says that he was made liable to prosecution under the pure food laws The also asks for the amount of his freight rates from Syracuse. Utah, which brings the total amount sued for



With Colds

divided among the children at her death.

Street.

### FOUR SUITS TRANSFERRED.

that were originally filed have heet the Third district court have been insferred to the United States dis-let court. They are: Wood-Hagen-rth Cattle company vs. The Atchison peka & Santa Fe Raliroad company ing for \$7,222 damages for the loss a mumber of cuttle while in transit, ing to negligence by the railway

Tom Contina is suing the Boston Con-colldated Mining company for \$20,000 lamages for injuries received on July , 1908, an the result of a cavein while e was working in the mine

he was working in the teilne. Sene Anderson is seeking dampages to the annount of \$25,000 from the Mer-cur Mines company, for the death of her son, w. H. Anderson, who was klied Nov. 1, 1005, in the Mercur mill. The Garfield Smelting company is al-so being sued for \$20,000 damages by Mary Hougaard for the death of her son Melcoy Hougaard, who was ron down by a train belonging to the Smelting company on July 20, 1908.

### LEVY ON SCHOOL PROPERTY.

### Supreme Court Says Such is Not Subject to Assessment.

in an opinion handed down by the upreme court it is held that the clip as no right to lavy an assessment for improvements upon ground y the city board of education ecial. and that the state statutes and the tate constitution do not conflict on this oint. This decision was made in the ase of A. Fred Way against Salt Lake y, in which the city appealed fr judgment of the lower court. W sought some land from the board of ducation on east Second South street where paving had been done. The con-ract was completed before Wey took prosession of the property and then the effy held the assessment as a lien on the property. In its appeal the city held that the statutes and the state constitution conflicted on the point of levying special taxes on property held by the city board of education, which was over used, and denied. The opinion was written by Chief Justice Straup and concurred in by Justices McCarty and Frick.



Theater-Ben Greet's players and the hussian symptony orcustra as a united organization are affording nuslcal and dramatic treats to the Salt Lake theater goers. Tonight the engagement closes with "The Tem-

Orpheum-The vanceville offering at the Orpheum this week embraces several good turns and undoubtedly every youngster ought to see Jwan Tschernoff's dog, pony and pigeon cir-115



**WIRES FOR RAILS** 

### Ashton of Short Line and Stadley of Construction Company Leave for Tour of Route Saturday.

That the information contained in a recent Associated Press dispatch from Twin Falls, Idaho, to the effect that the contract for grading the ranch line from Twin Falls, to Wells, Sevada, had been authorized by the bregon Short Line and awarded to the Itah Construction company, was not remature, is indicated in another dissatch from Twin Falls of later date, high states:

"General Manager W, H. Bancroft has advised W. S. Kuhn by telegraph that the orders for rails and ties for the Minidoka & Southwestern cut-off Wells, Nevada, had been placed by The Twin Falls Salmon River

wire. The Twin Falls Salmon River Land & Water Co. has put up a bond coaranteeing the delivery of water on the Salmon project and the Oregon short Line on its part has pledged to complete the road to the Salmon river dam by Aug. 31. "Chief Envineer William Ashton and Locating Engineer Carl Strudley and Mr. Watters, the head of the Utah Construction Co., left Twin Falls Sat-arday morning to go over the route offer which necessary Instructions re-rearding the work will be issued. No lifficulty regarding the right of way a anticipated. The Twin Falls Com-nercial club has tendered its assist-ince to the railway company and the atter has gracefully acknowledged the dier.

er. "The Short Line officials have an-unced that 72-pound rails will be ld on the Wells line. This would ndicate main line construction as it s not customary to put down such asy steel on branch roads."

### CANADIANS RUSH ROAD.

Would Forestall Americans in Completing Grand Trunk Pacific.

Ditawa, Ont. April 13.-Striking evi-dence of the great efforts which Canada is making to complete her great rail-way projects in time to forestall Amer-ican competition is contained in the official report of progress just sub-mitted to parliament by the commis-sioners for the Winnipeg to Moncton section of the National Transcontinent-al railway. The report covers a period al railway. The report covers a period of nine months. During that time 688.65 miles of grading was completed and truck was laid over nearly half this distance. Contracts for thousands of toms of steel rails and viaducts have been made and work is being pushed on every section. The cost of this has been ow considering the type of construc-

The importance of the new railroad to anada is the main reason assigned for he way in which the work of con-truction has been rushed but it is evi-ent from the report that the govern-nent realizes the advantage of cometing her own work of development before the influx of American settlers, which she welcomes, is followed by at-tempts to extend American lines across e border on any large scale. The ction between Winnipeg and the Fort William branch of the Grand Trunk Pacific is now 82 per cent completed. Engineers and contractors have been stified that the work must be so far completed as to permit of the operation of the line by next September.

The task is a big one, for this is but ne section in the line from Ontario o the Pacific coast. Everywhere work ing pushed in the same way, how-West of Winnipog track has been laid and trains are in operation as far as Battle river, a distance of 65315 miles. Grading and bridging is com-plete and the track is laid over the whole distance with suitable sidings at ach station. In British Columbia the Itst 100 miles from Prime each station. In British Columbia the first 100 miles from Prince Rupert is under contract and fair progress is be-ing made with the grading, which is composed largely of solid rock. The total cost of this work will run into millions, but this is all part of the careful plans laid out by the govern-ment and the railroad. The average individual, commenting upon the first dividual, commenting upon the first est of the Grand Trunk Pacific fails ucriy to understand that in this first set is the final cost, that the builders the road use building for a traffic ready assured and that when the road unished it will be commisted and finished it will be complete and ady to take traffic and deliver it afely and surely.

of the new bonds, which are convert-like into common stock of 180 until June 1, 1919, leaving \$44,500,000 or the Issue for the remaining Southern Pacific shareholders.

DESERET EVENING NEWS WEDNESDAY APRIL 14 1909

### SANITATION FOR TRAINS. Montana Board of Health to Enforce Strict Regulations on Railroads.

Strict Regulations on Railroads. Helena, Mont. April 13.—The (trife heard of health today issued a new set of rules and regulations for similation and ventilation purposes, similation all railroads operating within the state, effective June 1, and which is said to be the most stringront on record. They provide for the removal of passengers and at the same time prohibit potters from using hedding provided for pas-engers of from sleeping in sleeping cars unless esparate compartments are provided. There are strict regulations as no the cleaning of trains and the furnishing of cospidents for all cars. Sleepins must be furnighted at least every two months, while only purp water and ice may be logally used in monches, sleepers and diners. Similar rules apply to passenger stations. There rules apply to passenger stations. The

are innumerable other regulations hav-ing in view general health conditions for the traveling public.

ARGUMENT IN LUMBER CASE. St. Paul. April 13 .- Counsel of th inion Pacific, Great Northern, North rn Pacific and roads interested by contion, began argument today before lge Prederick N. Dickson in the ited States foderal court, sitting as pecial master in changery to secure view of the interstate commerce isolon's decision setting a sched rates on lumber from the const.

J. L. Yundt, commercial agent for wabash lines, has gone to Milford look after wool shipments.

Leon Engstrom, commercial agent the Pennsylvania lines, has received ord that the Pennsylvania and sub-diary lines will this year award nearsignary thes will this year award hear-ly \$11.000 in prizes to employee for ex-cellence in track maintenance. Of this sum, \$5,400 will go to supervisors and their assistants on the main line he-tween New York and Washington, and Philadelphia and Pittsburg.

The following information in case to gard: On the day of the sale a large blackboard will be erected on the site which will show a map of platted tract. The company will put the lots up at auction, placing a minimum price on each lot running from \$100-up to \$300, and the bidding will be subject to the minimum price. That is, the minimum price put on the lot by the company will be added to what is bid over and above that price. As the lots are sold they will be marked off the board. The terms will be one-third down and the balance in two equal payments in one year and in two years C. P. Pruitt, traveling freight and passenger agent of the Chicago, Mil-waukee & St. Paul, is confined to his residence with a severe cold and zore thread threat. It wus explained that no favoritism is to be shown in the selection of lots. Every lot will be subject to bids, with the exception of the site chosen for the hetel and the site for the lumber yard. The hotel site was picked out and the builder agrees to pay for the site the price that lots on opposite corners bring at auction. This gives the hotel management no advantage in price over others buying on the same corner.



Investment of \$1,000,000,

Ogden, April 14 .- On June 1 the Ogden Rapid Transit company's Ogden canyon road will be open for traffic as far as the Hermitage. This is the announcement made by one of the dlrectors of the company who visited the canyon yesterday afternoon in com-

The party left the city at 3:30 o'clock Tuesday afternoon and went over the entire route. It was composed of Da-vid Eccles. M. S. Browning, H. H. Spencer, Mrs. Thomas D. Dee, Adam Patterson, Joseph Scowcroft, C. H. Kircher and George Matson. The Ec-cles, Browning and Scowcroft automo-bles were used to make the trip in, Short stops were made at the mouth of the canyon, where the concrets abut-ments for the bridges were inspected. Other points along the line were also

copper wire and croney poles and in-tures will be here in time for use when needed. Four large interurban cars have been shipped and will arrive be-fore June 1. They each contain four motors of 40 horsepower each making



"At \$:30 o'clock tomorrow morning

reople. They will be bound for Tooele

we conducted by the Tooete Improve-

HOTER AND LUMBER YARD. It was explained that no favoritism

ame corner. Similar arrangements, Mr. Irvine ex-lained, were made with regard to the imber site. Already the lumber is eing piled up to be ready for early outcomes

BUILDING ELECTRIC ROAD.

The only station on this road will be

e corner

mers.

next month

liere

vestors,

will leave this city over the

At no time in the history of Arbor day has there been witnessed such ac tivity for the planting of trees, shrubs

Salt Lake Route a big party of inand plants in general as is in evidence many of them Sait Lake this year. For days past a person where an auction sale of town lots will ould scarcely board a street car with out danger of being pricked with the nent company with Col. Hillman at thorns of rose bushes in the hands of the hammer. Many inquiries have man or woman passenger, and go where been received at the "News" offices concerning this safe and the manner in which it will be conducted. Secretary W. L. Irvine of the company furnishes he following information in this reone would on the streets, persons could be seen carrying homeward a bundle of something intended for Arbor day expreises.

Local nurserymen report that their sales of stock this year are far heavier saios of stock this year are far heavier than ever before, while goods have been shipped into the state in a manner mon carriers places its consignments from outside points as being at least 30 per cent greater than during any other year. The spirit of tree planting and the beautifying of bome with shrub and

other year. The spirit of tree planting and the beautifying of home with abrub and flower is taking deep hold on the people generally, and the day officially set apart for such purpose is becoming more and more to be observed publicly and privately. Many a planter will fully realize that he will perhaps not-live to reap the actual benefits of either shade or fruits, but that some one else will, is sufficient reason in his mind why he should put forth the effort. State, county and city officials will plant trees tomorrow as usual. Capitol hill and Liberty park to be the prin-cipal scenes of activity. On the grounds of the University of Utah 100 hardwood trees will be set out, and at every school in the city and in Salt Lake county principals, teachers and pupils will engage in similar work. "I am almost crazy filling orders to-day," said Martin Christopherson,män-ager of the Salt Lake nursery on State street. "We have been busy for sev-eral days, in preparation for Arbor day," he added. "We are sending to the University of Utah 100 ash, elin, maple, linder, birch and evergreen, and to the Poplar Grove school goes a con-

maple, linden, birch and evergreen, and to the Poplar Grove school goes a con-signment of 36. No school in the city will receive less than two, and the county will be well supplied. The demand for shrubs has been without parallel, rose, snowballs, syringa, bridal wreath, etc. To Green River, Utah, we have shipped 24,000 peach, apple and pear

### SUPPLIES FOR CHILDREN.

neing plied up to be ready for our of customers. The question of water supply was settled before the track was platted, and very soon work will be com-menced upon a water system. The water will be piped from the moun-tains, and engineers are now engaged in surveying for a reservoir site, to be located in what is know as Middle canyon. The supply will be amply sufficient for a city of 10,000 inhab-liants. The water plant will cost in the neighborhood of \$85,000, and the company has already spent about \$30,-000 in the purchase of water rights. BUILDING ELECTRIC ROAD. "Each of the 700 school children of Forest Dale will be supplied free with a fruit tree for home planting." said the manager of the Utah Nursery today. "This custom has been followed by us for several years. This spring we have had the largest sales in our history, about evenly divided between fruit, shade and ornamental varieties. Many purchases were especially intended for The town of Topels is located about two miles from the San Pedro, Los Angeles & Salt Lake railroad. From the Salt Lake Route station to the smelter, six miles and a half away on the mountainside, an electric railway is now being Built which ranges directly ow being built which passes directly brough the town. This railway has ow been built for a distance of three purchases were especially intended for planting tomorrow. Shrubs and vines, too, have been in much demand, and miles, and the grading extends two miles further. A large force of men is at work on the construction, and it is expected to have the line in full op-cration by steam, at least, by the first of mest month the bulk of our sales will be over at least a week or 10 days earlier than in

sany previous years." Similar to the above were the reports than came from the Pioneer nursery, south and west of Murray. Last week and this there have been sold from the stands in front of Walkers' store more than 6,000 rose trees, with almost countless numbers of other varieties. This year many clubs have been

formed for securing special rates offered by eastern and western shipp nursery stock. At one large establish-ment in this city a consignment was received of 677 shrubs, most of them being roses of choice varieties. all, it may be said that more pla All 1 will be done in the line indicated this spring in Salt Lake City and count, than in any previous year, and th same statement will apply to all parts of the state.

Sweetly thine, STARTUP CANDY CO. Provo "The Candy City." MARTIN BECK PAYS

## CITY A BRIEF VISIT Vandeville Magnate Takes Automobile

NO NAGGING

In the home where the husband

In the home where the husband remembers his wife and childran often with a box of Statup's Fruited Bitter Sweets, Bounis Erier or Downy Cherolates, Their "confection perfection brings perfection of affection." 25c to 80c the box everywhere.

To Ogden-San Francisco's New \$500,000 Theater.

Martin Beck, general manager of the Orpheum circuit, was in Sall Lake th morning for the space of one hou He arrived at 5:50 over the Oreg Short Line, and an hour later stopp into Howard Garrett's automobile a with the owner of the machine on a trip to Ogden, where he look into the proposition of new theater for the circuit. Mr. Beck went to the Knither tel, where he registered, and i nets afterward colled

tely afterward Winch of the local Orph He said he was on his Francisco, where he will opening of the new Orph in that city, the auspicio curring on April 19. A col-nected with this opening hected with occur just three year day from the time the old Or which occupied the same site, w stroyed by the earth quake and

April 19, 1906. That Mr. Beck was deligt the prospects for a success there can be no doubt. It Francisco that he becam with vandeville, and 14 y unpany with his fath ris Meyerfield, the Orp cute was planned and the markable string of high cille houses throughout t the result

the result. The new Orpheum is bui of the old one, in O'Farr is a bandsome structure, thing in it is the latest a can be had in the theatri thon. The building cost lion dollars. Mr. Beck tion dollars, Mr. Beck as free from danger of vault, even the air wi eing cleansed and pur tem possessed by only ter in the world. The alone cost \$20,000. The ter in the world. The ve alone cost \$20,000. There in the building, and the lot upon which it stur an investment of \$1,000 perts have pronounced Francisco Orpheum to squipped, best arranges playhouse in the United The interfor of the built in its disclay of octor

n its display of color, and In its display of card, the in its magnitude, and the its sents, according to Mr. acoustics are said to be o the fact that there are orners anywhere in the hudit the salient lines are curved, and ceiling or wall angles split the p

emanuting from the stage. The stage is the largest in San Francisco, being 35 by 10716 feet. All th appointments behind the scenes as modern and arranged for the convent ence of the performers. The interi dome and mural decorations are among the finest, and the art displayed in the panel pictures is of the highest class The doma panel was executed by II Theo. Behr of Chicago, and the panel and drop curtains were painted by  $\Lambda$ F. Cavellero of Rome.

Ground for the new theafer was how en in April 1907, just a year after the old building was destroyed, and new, two years after this event, the new structure is ready to be thrown open to the public, bigger, brighter and betthe the plane ever, "The opcolog will be the big theatrical event of the search on the coast," said Mr. Reck, as he jumped into the auto, "and I wouldn't miss it for the world."



pany with the heaviest stockholders.

thoroughly inspected, President Eccles announced that the steel bridges would all be in place by May I and the 60 pound blue steel rails would be in Ogden within a week. The copper wire and trolley poles and fix-tures will be here in time for use when 160 horsepower to each car and will be the most modern street car in the state. The bond issue as was outhorized by

the directors several weeks are and of

up to \$1,632.10.

### ANDERSON MUST SERVE.

Hans C. Anderson of Manti, Sanpete county, will have to serve two years in the state prison for perfury, accord-ing to an opinion handed down by the supreme court in which the deby the supreme court in which the de-claion of the lower court is affirmed In a complaint alleging cruelty, Mrs. Nellie Anderson sned for divorce. When she testified that Andorson choked her and threatened to kill her with a club, he took the stand and denied it. A decree was granted by the court and then Anderson was arrested on the charge of perjury. He appealed his case on the ground that the complaint was not sufficient

that the complaint was not sufficient on which to issue a warrant. The opinion which was written by Justice McCarty and concurred Straup and Justice Frick, held that it did.

### CHILD IS OPPOSING MOTHER.

### Controversy Over Division of Estate Divides Family in Court.

In a contest over the estate of their father, John Jackson, who died about two years ago, Mrs. Earah Ann Pine le pitted ngainst her mother, Mrs. Eliz. abeth Jackson, and her three brothers and sister. The case is being heard and sister. The case is being heard herore Judge Levals in the Third dis-

Ten acres of land is involved in the context which is located in Murray Mrs. Pine is atlempting to enforce an oral agreement wheteby Mrs. Jackson Mrs. Fine is attempting to chronic an oral agreement whereby Mrs. Jackson will lose her one-third interest in the ground und be competed to accept a one-skith interest or take \$12 a year from each of the six heirs. The oth-er members of the family are apposed to this and claim that their mather should have a one-third interest dur-ing her life time which will be equally



All other Chocolates seem just ordinary after you once eat Sweet's Society Chocolates. They are superb.

## Sold Everywhere

Colonial-Arthur Cumningham, the actor and sweat singer, is playing to good business with his second week here in Irish plays.

Bungalow-"La Tosca" at popular prices is packing the Bingalow at overy performance. The production is generally conceded to be excellent throughout and Willard Mack is not missed

Grand-Boxes of chocolates for patrons at Saturday mathee of "On The Stroke of Twelve" are to be given by the management. The piece is going to good business.



Advertisers and the Men Selling Printers' Ink Meet to Hold

## Heart to Heart Talk. The first noonday luncheon of the

tions in Utah," C. T. Woods spake on. "The Value of an Advertizing Manager to a Business;" and J. D. Gibst spoke on "Why Advertising Duesn't Pay." The idea of the func-tion was to bring the advertiser and the Ad. man into closer relationanip. The luncheon was largely attended. These attending the luncheon were W. Is Crawford, F. L. Tuttle, R. E. W. L. Crawford, F. L. Futte, Miller, A. D. McGiure, John D. Gines, A. C. Roes, Walter J. Poulton, R. W. Matcolm Modilister, R. W. A. C. Roen, Walter J. Poulton, R. W. Everett, Malculm Modifistor, R. W. Madnee, Brunt S. Young, H. I. Boylos, Grant Hampion, J. G. MuDonald, P. W. Dynyon, J. W. Edmunds, J. Samuel-Ashby, I. E. Barcon, H. J. Haiton, S. W. Anderson, S. B. Young, Jr., R. W. Daynes, J. P. Gardner, J. D. Owsit, Neis Schomm, E. H. Boag, Ben Davis, C. E. W. Anderson, S. B. Young, Jr., R. W. Daynes, J. P. Gardner, J. D. Owen, Neis Scientment, E. R. Hoag, Ben Davis, C. E. Wood, W. L. Nicol, W. M. McConahay, W. B. Marrin, E. W. Keliy, George A. Caliders, J. Will Gray, H. Matwae, J. J. O'Conner, A. E. Hubbard, J. E. Jamer, J. O'Young, Hauss Johnson, Paus Haromer, M. Danlels, F. C. Schramm, Ceall Alter, T. F. Thomas, C. A. F. OFlob, N. M. Hamilton, M. E. Lipman, Hobert N. Wilson, J. W. Payne, Norman Christenson, John M. Waden, O. G. Cross, George E. Hale, Choater A. Vincent, Lee L. Levin, A. H. Harding, Frank M. Eldredge, G. A. Young, J. E. Clark, Jamies H. Anson, W. F. Cuimer, A. Toronto, Aribus Robinson, J. Freiderdge, C. C. Neslee, Charles Peterson, George A. Pawis, Daniol W. Lipman, Frank Eastman, C. Guid, J. E. Lang, I. B. Gard, Jr., H. Mehesy, Jr., J. H. Bi go, Harry Bhopherd, A. B. Carstensen, Beresford G. Fox, George W. Thompson and W. F. Cooper

STOCKADE CASES GO OVER.

The cases against donizons of the stockade, who were arrested last week by deputy sheriffs, and set for hearing this marning in Justice of the Peace Hanks' court, were continued unti-Monday next,

### DECISION IN KINDEL CASE.

#### It Will be Reserved Until Hearing is Complete in Spokane Matter.

The interstate commerce ommis cas of George J. Kindel and the Den-ver Chamber of Commerce and Board of Trade against the New York, New Haven & Hartford railroad and 18 other carriers, in which the class rates from the Missouri river to Denver and liah common points are discrimina-ory, unreasonable and excessive, will emain in state quo until the Spokane case has been finally disposed of. The complaint in the case alleged that gen-erally the rates from the Missouri river and east thereof to Denver and from Denver to Utah common points were excessive and unreasonable. The deci-sion rendered by Commissioner Clark, held that the present adjustment of meton is discriminatory against Denrates is discriminatory against Den-ver, in favor of Kansas City and other Missouri river crossings, and that the class rates from Chicago and from St. Louis to Denver are excessive and un-reasonable, and that they should be reluced. It was further decided that the class rates from the Missouri river to Denver and from Denver to Utah com-Deriver and from Deriver to 11th com-mon politis are unreasonable and ex-cessive, but that no order will be en-tered herein reducing these rates as it seems obvious that they must be read-justed in harmony with the principles announced in the Spokune case, either through voluntary action of the car-riers or in some other proceeding he-fore this commission.

### O. S. L. A PURCHASER.

As a stockholder in the Southern Pacitle railroad, the Oregon Short Line will become a purchaser of a large black of bonds recently authorized by the directors of the Southern Pacific railroad. The directors held a meeting at Beechmont. Ky, at which the issue of \$100,000,000 of additional common stock to provide for the conversion of the bond issue heretofore announced. The bonds will be convertible into the southern stock at \$130 per share. On or before April 23 shareholders of the Southern Facilic will be given the priv-lege of subscribing to the \$32,000,000 4 per cent 30-year convertible bonds at \$6 to the estent of \$0 per cent of their holdings. The Union Facilic, or, rather, the Oregon Short Line, as a stockholder

which reference was made in the "News," for \$1,000,000, will be used almost exclusively for the improvements and extensions of the system. The en-tire issue will be disposed of locally as

pany will work this summer and com-plete before full are the Wall avenue line from Twenty-fifth to Thirty-third street; the Plain City-Harrisville road; Huntsville extension of the cauyon road and possibly the building of a line Sugar factory in the West We ber district.

## THEFTS IN LIBERTY PARK.

### Pine Trees, Signal Lanterns and Flowers Are Among Stolen Property,

Henry F. Heath, keeper of Liberty park, is much wrought up over the onstant pilfering that is going on in the park, a condition that obtains very largely during the summer months. Usually thefts are confined to flowers, ut sometimes takes on a more serious

A night or two ago a passerby saw a nan emerge from the southeast cor-ner of the park, carrying on his shoulder a small pine tree. Nothing was thought of the incident until the tellow was observed to take one of the red lanterns set as a danger signal where excavations are being made, which after doubting the light, he daiberately walked off with, going west on Teath South.

a feath gound. Upon investigation it was found that he tree had been uproted from a group tanding near the southeast entrance the park, and it was one of the ry choicest of the lot. Superintervery choicest of the lot. Superinten-dent Heath and assistants are on the kookout in the neighborhood for a new-ly planted pine tree, and should they find one explanations will be in order. The lasters belonged to the Utah Light & Railway company and was used at the trenches being dug for pip-ing the waters of Red Butte canyon and Emigration creeks on Seventh East. The watchman reports the loss of five lanterne within a week or two. The unlawful removal of such danger signuls is an offense for which stria-gent punishment is provided.

### ----MALONE'S RELEASE ON BAIL.

### Wounded Man Continues to Improve -No Complaint May be Filed.

In all probability a bend will be furn shed inte today or tomorrow for James Malone, charged with shouting Nels Paulson last week during an altereation over some pool, or billiard tables. Judge B Dichl, counsel for Malous, will ruleh a bond just as soon as the coun-attorney is willing to accent one. It not at all improbable that no com-ant will be filed sgainat the bris-er.

the bond issue heretofore announced. The bonds will be convertible into the common shock at \$139 per share. On or before April 23 sharehoiders of the Southern Pacific will be given the priv-lege of subscribing to the \$32,000.000 4 per cent 20-year convertible bonds at 96 to the extent of 30 per cent of their boldings. The Union Pacific, or, rather, the Oregon Short Line, as a stockholder of Southern Pacific, will take \$37,100,000

The only station on this road will be where the road crosses Broadway ave-nue, between Vine and Elm streets on the new subdivision, and south of this point contractors are just beginning work on the railroad yards. The depot building here is to be of pressed brick, 100x40 feet in dimensions, and will in-clude passenger and freight depart-ments. On the railroad's right of way and near the yards land will be reand near the yards land will be re-served for such warehouses and cold torage buildings as will be needed. It was explained that all plans in onnection with the townsite are being made with the expectation of accommade with the expectation of accom-modating a population of approximate-ly 15,000 within a reasonable space of time, and the company has accumu-lated sufficient adjoining land to extend the city gradually as demands for homes beyond that population come. Calculations have been carefully made and by men with long experience and fully in touch with all conditions that can effect the population of Tooele, and they agree that as soon as the smel-ter starts operations the town should have almost immediately a population of 5,000 people. of 5,000 people.

FREEDOM FROM FUMES.

The building of a city has been plan-ned to the last detail. Prominent among the Salt Lake investors who contemate extensive operations in the new ty is Frank McGurrin of the Salt Lake Security & Trust company. He proposes to build a hotel and several other structures, the approximate cost contemplated reaching \$150,000. The building of the new smelter at Tooele, which was the first step made in the plane new suppreclude communi-

the plans now approaching consumma-tion, is one of the important features of the entire scheme. This is to be the entire scheme. nstructed above the new city and at elevation that assures the city of no unpleasant consequences from its near proximity, the prevailing winds carrying the futures and gases with heir accompanying mineral deposits far into the higher mountains where no suitivated areas may be affected. The latest information obtaining at

offices of the Salt Lake Route are the effect that two cars of buyers will be down from Butte in time to take the special train for the new smeller city and fully 300 Sait Lakers will be numbered in the passenger list

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### EXIT FREE LUNCH.

### Police Place Ban on Cheese and Crackers With Beer in Saloons.

The police had no trouble at all last night with the saloon element anent the enforcement of the new rdinance requiring the grog shops

ardinance requiring the grog shops to close promptly at midnight, beyond the free lunch clause. Early in the evening some of the saloons started to dish out crackers and cheese and gradually increased the menu to polato chips, sardines, chipped beef, pork and bears and coasts. When this became known the police swooped down upon the places and put a stop to the practise. Chief Barlow said this morning that the had taked with a number of saloon keepers and they were practically all agreed that the new ardinance is good and should be enforced. As first it was thought no harm would be done if crackers and cheese were permitted to be passed out with beer, but it leveloped has might that other edibles were given to the hungry, so crackers and cheese are new in the taboo class.

The police say they have no fear that the ordinance will be violated except in dives dignified by the name "saloon" and these, they say, can be appropriately handled,



The trial of Gideon A. Gibbes, tharged with embezzling money ob-

tained for naturalization fees while acting as deputy clerk in the Third. district court, was brought to a conclusion this morning by Judge Thomas C. Munger instructing the jury to bring in a verdict for the defendant.

He was therefore released Gibbs was brought up under section 10 of the naturalization act of June 29, 1906, which reads as follows: "Any clerk or other officer of a court hav-ing power under this act to naturalize aliens who wilfully neglects to render true accounts of moneys collected shall be guilty of embezziement and punishable by a fine not exceeding \$5,900 or imprisonment not exceeding ive years, or both such fine or im prisonment."

five years, or both such fine or im-prisonment." This was the only passage in the act which could be made to apply to the case, and the attorneys for the de-funse were able to<sup>8</sup> show that the words "or other officer" did not appl to Gibba, because he was not a re-sponsible officer of the government. The clerk of the court, if was held is the responsible officer as far as the government is concerned, but as noth-ing is said in the act about a deputy clerk, such as Gibbs was, the inference was taken by the attorneys for the de-fense that the court had no jurisdic-tion in the matter under the act. In this position they were auxianted by Judge Munger.

Judge Munger. Gibbs was being prosecuted because Gibbs was being prosecuted because of discrepancies in his accounts while acting as deputy clerk in the Third district court. It was his duty to cel-lect the fores for naturalization, and it is alleged that in doing so he failed to turn over to the government the per-centage required by law. The amount of money taken in this way is said to have been comparatively small. The prosecuting attorneys were Spe-cial Prosecutor Walter F. Daly and Asst. United States Atty. W. M. Mc-Crea. H. A. Smith was attorney for the

Trea. H. A. Smith was attorney for the

defense. After the dismissal of the Gibbs case, the United States district court ad-journed until tomorrow morning. At that time the case of Mike Bran vs. the Tinite Mining & Development com-pany will come up. The suit is for torsonal indury. sersonal injury.

R. E. Evans, Florist, 36 S. Main St. Floral designs a specialty, Phone 961.

## IMPERIAL QUARTET RETURNS.

The Importal Quartet of this cirr turned home last night after a trin five weeks to Butte, Spokane, Seattle Fortland. The personnel of the mar is Fred C. Graham, Thomas Asiawa Victor. Christopherson and Will Squires. The Salt Lake sincers we welcomed at all of the places vir with an orthuislasm which made the feel entiroly at home. At Butts, D want down in the mine discovered Marcus Daly, where they same "An Laurie" for the miners, and had the return to the surface. The Spokane is ple did thomselves proud with the r ception given, and al Seattle, this we wisted. The Seattle people express themselves as anxious battleship Oren visited. The Seattle people express themselves as anxious to see the dub made out on the surface. The Spokane is the surface is surface, the bar varid and the Fannous battleship Oren visited. The Seattle people express themselves as anxious to be the dub name when it makes the till as also the Salt Lake first school can be be in the fannous at the fir protect of the surface is a sur-ver and the fannous battleship Oren visited. The Seattle people express themselves as anxious to see the dub name when it makes the till as also the Salt Lake first school can be beaking impression. At Portlasd, H quartet was handaonnelly received, an diov. Spry was met. The Imporial Quartet of this cir :

### FUNERAL OF SARAH HARRISON

The funeral of Mrs. Sarah Harrison

was held at Sandy yesterday afternoon. The meetinghouse was filled with friends of the deceased and her family, and consoling remarks were made by Elders James Jensen, C. E. Crabe, Edwin Rishton and Mrs. H. Shaw. The body was sent to Prove, the for-mer home of Mrs. Harrison, and thes services were held this afternoon, after which burial took place in the Prove cemetery. cemetery



We beg to announce that we are now manufacturing a non-absobolic been and we will pay \$25.00 for an appro-priate name which we may order. Send in your name not later than Monday night. April 19th, as on that date we will close the above content, an award will be announced in the starday "News," April 24th. If more than any person should send in the name any gested, the first one received will be given the princ.

iven the prize. Address all communications to Manager Label Contest.

Salt Lake Brewing Company, Salt Lake City, Utab, Both Phones I.

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