

SALOON MEN GET BAD SHOCK TODAY

Judge Diehl Reverses His Former
Decision in Regard to Sun-
day Liquor Selling.

FINDS HE WAS MISTAKEN.

Holds That the Fact a Trap Was Set
For Bartenders Does Not Make
Them Less Liable.

If a bartender sells liquor on Sun-
day he alone is guilty of violating the
Sunday closing law. The proprietor
of the saloon is not guilty unless he is
a direct party to the transaction. He
will not be held guilty for the acts of
his agents.

If the chief of police sets a trap to
catch saloonkeepers violating the law,
if he employs men to detect the crime,
and if he furnishes them the money
with which to make the purchases,
these facts will not be a good defense
for the accused saloonkeepers.

This is, in effect, the decision ren-
dered this morning in the criminal dis-
trict court by Judge C. B. Diehl, in
the saloon cases. They have been
hanging fire for many, many weeks,
in fact since last May.

At that time 19 saloon men were
arrested for violation of the Sunday closing
law. When the cases were called
for trial the saloon men were repre-
sented by a great array of counsel.
They employed Soren X. Christensen,
Judge Weber, Judge Turman, S. P.
Armstrong and Atty. Wedgewood.

The city was represented ably by
Atty. City Atty. Edgar A. Rogers.

CHIEF FURNISHED FUNDS.

The first cases called to trial were
those of Michael Albino, proprietor of
a saloon, and his bartender, P. S. Nel-
son. Both were charged with violat-
ing the Sunday closing ordinance. In
the trial the saloon men were repre-
sented by a great array of counsel.

Counsel for defense made a motion
to discharge Albino on the ground
that he was not a party to the crime.
It was denied. The city was repre-
sented by a great array of counsel.

The question was one of law.
Judge Diehl brought up before Judge Diehl
about two years ago and he then ruled
that the defendant was not guilty in
as much as the city was proved to be
a party to the offense.

REVERSED DECISION.

This morning, however, Judge Diehl
reversed his former decision. The mo-
tion to dismiss the case against Albino
was sustained, for the reason that it
was not shown that he was cognizant
of the actions of his agent, or bar-
tender, Nelson, in selling liquor on Sun-
day. The motion to dismiss as to
Nelson, was denied. In rendering the
decision Judge Diehl made no comment
whatever. He simply rendered the de-

cision in both cases. It is now up to
the defense as to the introduction of
any evidence for the accused.

When asked why he had reversed a
former decision, Judge Diehl said: "I
am not so stubborn that I cannot re-
verse my decisions if I find that I am
mistaken. The questions involved are
purely matters of law."

In other words, Judge Diehl conveyed
the idea that because the city set a
trap for the saloonmen that was no
defense. They violated the law just
the same.

SIMILAR DECISIONS.

In speaking of this proposition, Judge
Diehl called attention to the fact that
Judge Bellinger rendered a similar de-
cision in Washington in a government
case. Reference was also made to the
case of the United States government
vs. R. B. Shepard, charged with violat-
ing the postal laws. A trap was set
for him by the government officials;
he was arrested, convicted and senten-
ced in spite of the fact that the govern-
ment, or prosecution, furnished the
"sine qua non," so to speak.

Case after case has been carried to the
supreme court of the United States and
the decision has always been that it
was not grounds for defense because
the government set a trap for the of-
fender. Judge Diehl has taken the
same view in the saloon cases.

Whether any defense will be offered
for Nelson, and whether or not the other
18 cases will be tried along the
same lines, remains to be seen. It is up
to the attorneys for the defense.

PEACH DAY AT BRIGHAM.

Interest Growing in Annual Celebra-
tion at Boxelder's Capital.

Wednesday Sept. 16 is to be Peach
day at Brigham City. The announce-
ment is more important this year than
ever before, as a growing interest of
the whole state in each of its local-
ities will assure a large attendance.
Peach day, always having been a big
success, has come into recognition as
one of the state's favorite festival days.

The committee having charge of the
day this year is composed of the Com-
mercial club's board of governors, which
includes the following members:
President J. S. Knudson; vice presi-
dent, R. Kaiser; treasurer, J. E. Hal-
verson; secretary and manager, J. D.
Call; directors, Andrew Funk, D. F.
Boothe, J. Frank Merrill, J. W. Peters,
J. C. Knudson, A. Lisle Eddy, J. E.
Halverson, E. M. Tyson, W. L. Fish-
burn, R. Kaiser, Wynne L. Eddy
and John L. Pierce.

CHIEF SAYS TOWN WAS DRY.

According to Chief of Police Pitt
yesterday was about the driest Sunday
since the lid has been ordered on dur-
ing the Sabbath day. There were re-
ports of certain saloons doing business
but upon investigation it was found
they were closed. The California Wine
company, 146 west Second South; Pap-
pus & Co., 333 west Second South; and
the Corianton bar were reported
selling liquor.

The restaurants and drug stores gen-
erally obeyed the law. Many com-
plaints have been made as to the res-
taurants selling liquor, but this was
not done yesterday.

GIVE MERCHANTS CHANCE.

Pending Statement to Council Chief
Will Not Enforce Ordinance.

Pending the presentation of their
side of the controversy to the city
council by merchants along Market
Row, Chief of Police Tom Pitt has de-
cided not to enforce the sidewalk ob-
struction ordinance, as per instructions
of a resolution passed by the city coun-
cil last Thursday night. The practice
of displaying wares on the sidewalk
has obtained in that vicinity for a
number of years, and the vendors claim
that to do so is as much of a con-
venience and benefit to the public as
to merchant.

The orders of the council came quite
unexpectedly, and was brought about
by the attempt to remove from the
sidewalk the exhibits of machinery men
and hardware dealers. The claim was
made by some councilmen that Black
was discriminating in favor of a firm
with which he is connected, and the
councilman from the Fifth retailed
by introducing a resolution designed to
remove from the streets obstructions
of every name and nature. The pro-
duce merchants will endeavor to have
the order rescinded.

Children to Saltair today, 10 cents.

TO HELP THE BLIND.

Western Association Issues Circular on
Worthy Object.

The directors of the Western Asso-
ciation of the Blind in this city is
sending out the following circular:

"During the spring of 1908 a number
of the blind met in Salt Lake City and
effected the organization known as 'The
Western Association of the Blind.' Its
purpose is to help the blind on their
journey through life, and this praisew-
orthy effort will be accomplished by
encouraging them to read and to do
the various handicrafts for which they
are fitted."

"The board of directors earnestly so-
licits and invites all the blind in the
intermountain region to become mem-
bers of this association. They hope at
no distant day to obtain a building for
permanent headquarters and to encour-
age the establishment of shops where
the adult blind may be taught some
useful trades, thus enabling them to
become, at least partially, self-support-
ing."

"However, the principal thing now is
to learn the name of all blind persons
in order to determine how many are in
need of the benefits which this associa-
tion may grant them in the future. The
annual meeting of the association, to
which all the blind and their friends
are cordially invited, will be held in the
early part of October in Salt Lake City."

"Anyone desiring to contribute funds
to this cause may send them to the
treasurer, Mrs. J. J. Snider, 918 First
avenue, Salt Lake City, and anyone
knowing the addresses of blind people
will confer a favor by notifying the
secretary of the association, A. M. Tal-
mage, 345 east Fourth North, Provo,
Utah."

"S. W. JENKINSON, Pres.,
"MRS. J. J. SNIDER, Treas.,
"A. M. TALMAGE, Secy.,
"RALPH CLARKE,
"MARIE HANSON,
"N. C. HANSON, Board of Directors."

Saltair today, children, 10 cents.

FUNERAL OF REV. PARKER.

Liberty Park Methodist Church Filled
To Overflowing.

The Liberty Park Methodist church
was filled to overflowing yesterday
afternoon, on the occasion of the fun-
eral of the late pastor, Rev. E. C. Park-
er, under the auspices of the Ministerial
association. The speakers from the
association were the Rev. Dr. R. M.
Stevenson, president of Westminster col-
lege, who gave the opening prayer;
Rev. R. S. Nickerson, pastor of the
Sandy Congregational church; Rev. R.
McNiece, dean of Westminster col-
lege; H. J. Talbot, superintendent of the
Methodist Episcopal mission, who
offered the closing prayer.

A committee composed of the Rev.
Emanuel Rydberg, pastor of the Swe-
dish Lutheran church, Rev. Mr. Nick-
erson and the Rev. Herbert E. Hays,
pastor of the Third Presbyterian
church, offered the following message
of condolence and sympathy to the
family for the Ministerial association.

"The ministers of Salt Lake City
meet with other friends today to bear
witness to the beauty and usefulness
of the life that has gone from us and
to mourn our loss. Our hearts are
sad because we have lost a brother
who by his nobility of character, his

true Christian virtues, his fidelity to
the Holy Scriptures, and his faith-
ful discharge of duty had endeared
himself to us all. As a man a minis-
ter and a member and officer of our
association he had not been found
wanting."

"We deeply sympathize with his be-
loved family and in this dark hour con-
fidently commend them to the care of
Him who is still the Father of us all."

"We also recognize that his congrega-
tion, his denomination, and the
church of Christ at large have lost a
faithful, consecrated servant, whose
life and work were a constant testi-
mony to the indwelling Christ."

"We shall miss him and mourn him;
but we bow in humble submission,
knowing that our loss is his gain; for
we believe that for him faith has
changed into sight and hope into
realization."

"In addition to the testimony of to-
day the ministers of the city desire to
present Mrs. Parker at a later time
something which she may keep in her
home as a token of our great esteem
for her husband."

Rev. Herbert E. Hays read a paper
from the congregation of the Liberty
Park church, and Rev. Dr. Francis
Burgette sang a solo, "Lead,
Kindly Light." The chorus was sung
by a quartet composed of A. S. Peters,
Alex. Eberhart, Mrs. Short and Miss
Scrack. There was special music by
the choir. Rev. H. J. Talbot, super-
intendent of the Methodist mission, of-
fered the closing prayer.

The remains were sent to the home
of Mrs. Ella Turner, Mr. Parker's sis-
ter, at Portland, Ore., this afternoon
for interment in the Flower cemetery
at Portland, Thursday.

COMMITTEES NAMED.

The Federation of Labor general
committee, in charge of Labor day
program, met yesterday, and appoint-
ed the following subcommittees:

Parade—A. Martin, chairman, retail
clerks; A. Burkhous, electrical work-
ers; C. L. Morgan, machinists; O.
Bierler, brewery workers.

Sports—H. Labianchi, chairman,
sheet metal workers; W. H. Hilliard,
plasterers; C. H. Sphar, inside wire-
men; L. Galeazzi, pressmen.

Tickets—Karl Ostby, chairman,
tailors; M. Shuman, carpenters; Sid
Chalker, painters; C. Arne, tailors.

The general committee also an-
nounces that meetings will be held ev-
ery Sunday, until the date of the cele-
bration, Sept. 7.

SOCIAL AND
PERSONAL.

Mr. and Mrs. Richard Douglas of
Pocatello, Idaho, are visiting for a week
or two in Salt Lake, the guests of Mr.
and Mrs. W. H. Lovejoy.

Mrs. Paul Winn and Miss Winn en-
tertained this afternoon at a reception
in honor of Miss Virginia Elmer, the
rooms being bright with a profusion
of flowers and a number of friends as-
sisting.

Mrs. Joseph Rawlins and the Misses
Rawlins left yesterday for a year's
stay in Europe.

Mrs. Samuel Paul and Miss Paul to-
gether with Mr. and Mrs. A. S. Martin
leave today for a trip through the
yellowstone.

Miss Winnifred Irish will give an Or-
pheum party on Wednesday followed
by a dinner at the Wilson.

Miss Margie Gebert of Chicago is
the guest of the Misses Edith Chapman
and Norah Sheekel for the remainder
of the summer.

Thomas O. Sheekel returned Tuesday
from a five weeks' visit in Kentucky,
Indiana, Michigan and Illinois, after
attending the convocation of the Kappa
Sigma fraternity at Denver early in
July.

Mr. and Mrs. Lee Dinwoodey and
Mrs. Dana T. Smith are enjoying an
outing on the Snake river.

Free Trip To The Lake, August 14.

With every \$2 pur-
chase we will give
one ticket free to
Saltair.

Crowds of people
came in today and
marveled at the
wonderfully cheap
prices on our finest
grades of 1908 Mil-
linery—then besides
to think of receiving
free a trip to Salt-
air. This big offer
lasts till FRIDAY
noon. We have your
ticket ready.



Mrs. Reed Smoot will be here today
from Provo to visit with her mother,
Mrs. C. A. Eldridge.

Mr. and Mrs. J. A. Greenwald who
have recently returned from their
bridal trip will be guests of honor
tonight at an elaborate dinner at Lagoon given
by the members of Mr. Greenwald's
club.

Mr. and Mrs. B. P. DeLong announce
the engagement of their daughter Elva,
to Howard Young, Jr.

Miss Merce Berkely will be guest
of honor at a luncheon on Tuesday given
by Mrs. Samuel Parker.

Mrs. Mary E. Gilmer leaves this week
with Mary and John Gilmer to spend
some time at Brighton.

Mrs. C. B. Diehl and two children
have gone to Idaho for a two weeks'
stay.

Mr. and Mrs. A. T. Sanford have re-
turned from an eastern trip.

Today a party consisting of Senator
and Mrs. Sutherland and Miss Suther-
land, A. L. Thomas and Mr. and Mrs.

Fisher Harris Talks on Plans and Other Things.

An effort of the "News" this morn-
ing to interview Fisher Harris of the
Commercial club on the immediate
plans for erecting the new club build-
ing resulted in a failure to locate him
in Salt Lake, although he was finally
reached on the long distance wire at
Silver Lake. This is the dialogue that
resulted during the interview.

"Mr. Harris, we understand the new
building is to be five stories high, and
to be commenced at once. Is that
right?"

"No, it's no story at all. It weighed
six pounds and I landed it myself in 15
minutes without a landing net either."

"How is the excavation getting
along?"

"Why my youngster caught it with a
seven strand line and a grey hackle,
and it weighed over eight pounds—sol-
emn fact."

"And what about the rooms that were
on the sixth floor?"

"They're in the creek. The bigger
ones take to the lake, but it's harder
to hook them."

Elbridge Thomas leave for a trip
through the Grand canyon of the Colo-
rado.

Mr. and Mrs. E. M. Reese and two
daughters have gone to Wyoming to
spend the summer.

Mrs. H. W. Branch gave a luncheon
today in honor of Mrs. J. Karm of Indi-
ana, and Miss Buckindorf of West
Point.

Mrs. W. M. Hunt entertains her sew-
ing club this week.

"VIRGINIA RUSSELL,"

By Irene Dickson Schuller, Daughter
of Judge Wm. H. Dickson of this City.

A fair and ingenious young girl,
with a weak brother and a stalwart
and wholesome lover, assembled at
Monte Carlo, greet the reader on
opening this clever novel. The man is
strong and sensible, the woman sweet
and winsome, and the tale is told in a
charming manner that bespeaks a fu-
ture for this talented writer. The de-
lineations of character are marvelously
strong, and so realistic that one feels
as though the actors on the stage were
real, and one's own loved friends.

The manliness of Helmer, and the
simple frankness of Virginia, are ad-
mirable. Every girl who reads this
story will wish that she had a Hel-
mer for a lover, and every boy will
wish for such a Virginia.

Illustrated; 12mo, price \$1.25; postage
8 cents.

DESERET NEWS BOOK STORE,
(The Leading Book Concern.)
6 Main Street.

\$1.40—SPANISH FORK
AND RETURN—\$1.40

Aug 11th Black Hawk Retail Mer-
chants and Racing Special, returning
11:30 p. m. Salt Lake Route.

Children to Saltair today, 10 cents.

HAVE YOU THE CHURCH WORKS?

No Latter-day Saint's home should
be without a set of the standard
church publications on the center
table or in the library. Send for the new
free catalogue. Deseret News Book
Store, Salt Lake City.

OLD MAGAZINES—OLD SONGS.

Every household contains them, but
few think of preserving them in neat
and convenient shape; you can
have them bound in any style, and at
any expense you may decide on, at
The Deseret News.

"It'll be the best ever put up for a
Commercial club, won't it?"

"Nobody there'll have a look in with
it. If anybody goes over a pound and
a half, I'll try the upper lake. They
run 10 pounds there right along."

"And what material is to be used
principally?"

"The spooner is best for the stream in
some parts, but in the lake at Royal
Coachman or Grey Hackle works most
nicely. It's best to carry two hooks
and a long leader because you may
land a little fellow and the commotion
may bring up a really good one to take
a try at the remaining hook."

"How about the plans—could we get
a look at them?"

"Sure, come right along up. You
have to know how to catch 'em, but
I'll try to save you a few favorite pools
so you won't get skinned completely."

"And this was all the interview could
produce. Mr. Harris is due back soon
from the wilds of Wasatch. Weard
land, and when he arrives his real opin-
ion of the new Commercial club home
will be again sought out."

:: OLD SONGS :: Old Magazines

Every household contains
them, but few think of
preserving them in neat
and convenient shape. ::
You can have them
bound in any style and
at any expense you may
decide on, at

The Deseret News

ARE YOU GETTING YOUR SHARE ?

Has your Busi-
ness Grown
with the Times ?

Advertising is a Won-
derful Stimulus to the
trade of the Advertiser

ARE YOU AN ADVERTISER ?

Several dozen Children's regular 25c and 50c Crash and Linen Caps, now..... 15c

Small sizes of Children's 25c, 50c and 75c Straw Hats, go at..... 10c

Now for a Greater Slaughter, a Stupendous Achievement in Clothes Selling, a Mighty Effort to Clean Out All Summer Suits.

A Sensational Sacrifice of Men's Suits.

VALUES NOT ATTEMPTED ELSEWHERE. SUITS AT YOUR OWN PRICE.

A lot of 500 Gardner Suits

\$12 to \$20 values, Gardner Values, Slaughter Price - - \$10

STYLISH, PERFECT-TAILORED SUITS, OF SERGE, CHEVIOT, WORSTED, CASHMERE, ETC., OUR \$12, \$15, \$18 and \$20 VALUES, THIS SEASON'S MODELS. THESE ARE BARGAINS UNEQUALED—SNAPS IF YOU PLEASE.

Men's Fancy Dress Shirts.

COLLAR BAND.
HUNDREDS OF FINE PATTERNS.

One lot \$2.00 value, now\$1.00	One lot \$2.50 value, now\$1.25
One lot 1.50 value, now 1.00	One lot .75 value, now50

Men's Fancy Soft Shirts.

NO COLLAR, CUFFS ATTACHED.

One lot \$1.50 value, now\$1.10	One lot \$2.00 value, now\$1.50
One lot \$3.00 value, now\$2.25	

CUFFS AND COLLARS ATTACHED

One lot \$.75 value, now\$.60	One lot \$1.25 value, now\$1.00
One lot \$1.00 value, now75	One lot 1.75 value, now 1.25

One lot \$2.00 value, now\$1.50

All Remaining STRAW HATS Go at Half Price!

Great Reductions in effect on Men's Pants, Fancy Vests, Two-piece Suits and Young Men's Suits.

Men's regular 35c Fancy Hose go at 25c
Regular 75c Ties, fine patterns, go at..... 50c

ONE PRICE J. P. GARDNER 130-132 MAIN ST.

THE QUALITY STORE

Big Values in Boys' Suits.

BUY BOYS' SUITS—GARDNER SUITS—NOW. SCHOOL DAYS ARE NEAR. WHY NOT SAVE MONEY. THE MEANS IS OFFERED & GO.

Suits that were \$2.50, now\$1.55	Suits that were \$5.00, now\$3.75
Suits that were 3.00, now 2.25	Suits that were 6.00, now 4.50
Suits that were 3.50, now 2.50	Suits that were 7.50, now 5.75
Suits that were 4.00, now 3.00	Suits that were 10.00, now 7.00
Suits that were 4.50, now 3.50	Suits that were 12.00, now 9.00

WASH SUITS.

BUY THEM NOW. THEY SAVE TIME, TROUBLE AND LABOR.

40c buys Suits that were\$.50	\$1.35 buys Suits that were\$1.75
50c buys Suits that were75	1.50 buys Suits that were 2.00
75c buys Suits that were 1.00	1.55 buys Suits that were 2.50
\$1.00 buys Suits that were 1.50	2.25 buys Suits that were 3.00

\$3.00 buys Suits that were\$4.00