



To vote the entire ticket of either party put a cross in the circle under the party emblem. In voting a scratched ticket, place your cross in the circle un-der the emblem of the ticket you are going to vote, and run your nen through the names of the H. F. Divelle, Divelle, Mont., Sarah C. Burnside, Spencer Frank Moyley, Salt Lake. Spencer, Ida. .26 SECOND PRECINCT-138 122 120 Euphenia Jacobson, Salt Lake ... F. R. Ball, Salt Lake ... eifth ... Margaret V. Chambers, Salt Lake...25 pen through the names of the George Hart, East Bountiful. . . Pearl F. Burnham, Woods Cross ixteenth persons thereon whom you do $\begin{array}{r}
 113 \\
 149 \\
 144 \\
 151 \\
 159 \\
 \end{array}$ venteenth not wish to vote for; then place Nielsen, Brigham City, .31 noteenth a cross in the square on the right of the names that are your Twnty-first Cwnty-scon preference. In scratching the fwnty-fourth name of a long-term candidate for the city council, be sure to 140 Twenty-sixth put your cross in the square op-posite the name of the long-term THIRD PRECINCTcandidate you wish to vote for, and not before that of a short-146 142 132 149 154 121 169 141 157 120 83 term candidate hirty-first hirty-first hirty-second R. Moore Portiand, Ore Hattie Lee, Salt Lake 30 PHONES FOR SCHOOLS. CUT IT OUT. Thirty-fifth Matter Brought Up at Meeting of Prin-Quit White Bread and Coffee and Got Total 1.368 1.497 cipals -- New President. Well. FOURTH PRECINCT-A tale that sounds like magic yet is Thirty-seventh Thirty-eighth Thirty-ninth Forty-first Forty-first Forty-third $\begin{array}{c} 131 \\ 126 \\ 151 \\ 218 \\ 166 \\ \end{array}$ but a simple evidence of what proper food can do in the place of improper A new organization was effected at a meeting of principals Thursday afterfood: A lady of Quincy, Ill., says: "It seems impossible that I could have gone through what I did and be alive and well today. I was most of my life troubled with a weak stomach and severe headaches and as I grew older I slowly got worse. One physician treated me five years for dyspepsia without any help and I went to another physician who said I had a tumor and I believed him. I was unable to bear even the loosest clothing and could scarcely lift my head, finally becoming entirely bed-ridden. "Then I changed to another doctor noon at the city and country building. W. S. Wallace retires as president of 75 197 166 the association and will be succeeded by H. S. Halleck of the Franklin. Mr. Total ... 1,164 1,143 Barton of the Hamilton will serve for FIFTH PRECINCTthe ensuing year as vice president, and Mr. Nelson of the Jackson as secretary. The matter of installing telephones in the respective school buildings was liberally discussed. The matter of ex-penditure will be more thoroughly in-vestigated, after which the board will be and to accede to the wish of the 134 162 143 183 183 147 11 rty-eighth Fiftheth Fifty-first Fifty-second 234 205 be asked to accede to the wish of the principals in this regard. "Then I changed to another doctor who said I had chronic catarrh of the
 Total
 1,485
 850

 Grand total
 8,175
 6,935

 Plurality
 1,240
 1,240
 It is held that a great loss of time results from the present absence of telephones, and that affairs can be exestomach and advised a change of eli-mate telling me I would get well if I would winter in California. He might cuted much more expeditiously by the principals, with the aid of this method as well have advised a trip to the moon in my case. Then I tried a change of dict. It seemed I could not live on crackers and tea nor could I find any-thing else to agree with me and it began to look as though I was doomed to die. communication The meeting held by Supt. Christen-sen in the Bryant school for fifth and sixth grades teachers was well at-tended. The four elementary princi-ples, together with the method of pre-Vote for Other Officers. to look as though I was doomed to die. So I made up my, mind to eat every-thing that I craved and determined to die happy at least in the thought of not starving to death. "Now that I look back at it I don't see how it is possible for a human be-ing to live through such misery as I did. Of course my stomach trouble grew worse and my head grew worse. I had all my hair cut off but it did not help me and when one of my headaches was on I was really and truly crazy and did not even recognize my husband. The total vote for the other city of-The total vote for the other city of-ficers was as follows: Recorder-Nystrom, (R) 7,892; Sloan, (D) 7,033; Nystrom's plurality, 859. Auditor-Reiser, (R) 8,395; Swan, (D) 6,738; Reiser's plurality, 1,657. Attorney-Nye, (R) 7,921 Stephens, (D) 7,107; Nyo's plurality, 814. Judges-Diehl, (R) 7,782; Tanner, (R) 8,062; Sommer, (D) 5,711; Thomas, (D) 5,317; Gunter, (Ind.) 825; Lewis, (Ind.) 806; giving the Republican nominees pluralities of 2,071 and 1,745 respective-ly. sentation, were discussed. The teacher body of the city ex-presses itself as highly delighted with the courtesies shown the corps at Park City by the management of the several mines visited. All enjoyed the scenic ride, the pleas-ant reception at the Central school by the Park City teachers, the sumptu-ous spread at the mines, and the will-ingness of mine employes to conduct and did not even recognize my husband. The doctor would give me morphine the visitors through the mines. Ev-erything was carried out with dis-The doctor would give me morphine tablets to stop my crying. "Then a friend who knew what she was talking about advised me to give up white bread and tea and coffee and try the predigested food Grape-Nuts and Postum Coffee in place. I did so and I have had grand results. The im-provement began immediately. I had fallen from 125 pounds to 32 pounds in my sickness and with my hair cut off and gray too I was a fright. "In a few days after I started Grape-Nuts I could eat a little beef and crackers without the least discomfort, my face began to fill out and the aw-ful distress in my stomach soon ceased. COUNCILMANIC VOTE. patch Among the many little parties formed by the visiting teachers at Park City, there was one chaperoned by the prin-In 1901 the councilmanic vote by pre- First Precinct-Hewlett, (R) 2,002;
First Precinct-Hewlett, (R) 2,002;
Thomas, (R) 2,017; Robinson, (R) 2,041;
Street (D) 1,585; Brice, (D) 1,575; Nay-lor, (D) 1,576; giving the Republicans there was one chaperoned by the prin-cipal of the Jackson, whose experiences were more lasting than all others. These 10 were so lost in the meander-ing of the mine that they failed to make connections with the last and only train for home. The alternative, to "alles a pied." was not embraced. As a result, they continued their so-fourn unit nicked up by the Sunday VASELINE NO GOOD FOR HAIR. Dandruff Germ Thrives In It, as Well journ until picked up by the Sunday as In All Grease. A well known Chicago hair special-lat invited the Inter-Ocean reporter to croscope, how the germ that causes dandruff thrives in vaseline. The spe-callat said that all hair preparations containing grease, simply furnish food for the germs and help to propagate them. The only way to cure dandruff is to destroy the germs, and the only hair preparation that will do that is Newbro's Herpielde. "Destroy the cause, you remove the effect." Without dandruff no falling hair, no baldness. Ask for Herpielde. It is the only des-troyer of the dandruff germ. Sold by leading druggists. Send 10c. in stamps for sample to The Herpielde Co., "De-troit, Mich. For sale by Z. C. M. I Drug Dept. well known Chicago hair special-The initial meeting of the Salt Lake ful distress in my stomach soon ceased. Then my headaches began to grow less frequent and the sick dizzy spells have City Teachers' association was to have been held at the West Side high school building yesterday and a reorganiza-tion effected, but there was no quorum present and the meeting adjourned until Nov. 13. gone from me altogether and I have reached and passed my former weight and am now comparatively well and strong. I am certainly happy and I never touch coffee now for I am certain that coffee and the white bread and bis-cuits coursed all my trouble. As soon until Nov. 13. Meetings for the coming week are: Tuesday, Mr. Wetzell at Fremont school for eighth grade teachers, 4:15 p. m.: and Mr. Parratt at city and county building, sixth grade teachers, at 4:15 p. m. Wednesday, Miss Pollock at city and county building, for second grade teachers, at 4 p. m. Thursday, Mess Pollock at city and county build-ing, for third grade teachers, at 4:15 p. m. as my body got the proper food it did not take it long to put me right both in body and mind. All the credit is due to Grape-Nuts and Postum in place of white bread and coffee." Name given by Postum Co. Battle Creak Mich while bread and conce. Name given by Postum Co., Eattle Creek, Mich. There's a reason. Look in each package for a copy of the famous little book, "The Road to Wellville." Supt. Christensen meets the seventh and eighth grade teachers at Bryant

important, affirmed the judgment and remanded the case to the trial court for further proceedings according to law, 73 Pac. Rep., 562. Soon after the remittlur was sent

down, the defendant filed another mo. tion for a new trial. Upon the hearing the court overruled the motion, and, this being a case of murder in the first degree, sentenced the defendant to be executed, on Nov. 20, 1903. Thereupon he again appealed to this court from the judgment, assigning as error the action of the court in overruling his sec-ond motion for a new trial. The trial court, upon application therefor, refused to grant the defendant a certificate of probable cause, and that matter is before us.

The state has challenged the stand-ing of the appellant in this court by a ing of the appellant in this court by a motion to dismiss the appeal, upon the ground, as stated in the motion, "that this court has passed upon every ques-tion presented in this appeal, on a for-mer hearing of this cause: and that there is no new matter presented on the second motion for a new trial, from the overuling of which this appeal is

After careful examination of the affl-

davits and matter presented in support of the motion for a new trial, which motion forms the basis for this appeal, we are of the opinion that the motion to

we are of the opinion that the motion to dismiss is well founded. The questions presented on this ap-peal relate to the alleged misconduct of the jury, while viewing the premises where the homicide was committed, and to the refusal of the court to re-quire the officer who had charge of the jury at the request of the defense, to give oral testimony concerning the alleged misconduct of the jury, which testimony was to be used in support of the motion for a new trial, instead of an affidavit. These same questions were presented on the former appeal, were considered by us with much care, and decided adversely to the defendant, although without extended separate discussion of the particular points. Counsel for the defense, however, im-sist that the affidavits in support of the

motion for a new trial now disclose material facts, prejudicial to the rights of the defendant, which were not presented to the court in support of the ormer motion.

former motion. We perceive nothing in the present affdavits to warrant this contention. It is true the former affdavits did not present so much in detail the alleged misconduct as do those now presented, but, at the hearing of the former mo-tion, in addition to the affidavits then presented, counsel for the defendant made to the court an offer of what he proposed to prove by the oral testiproposed to prove by the oral testi-mony of the offer, as contained in the record of the former appeal, covered about two pages of typewritten matter, showing very fully what the alleged misconduct of the jury and officer was, and the same was considered by the court in connection with the affidavits, court in connection with the affidavits, as shown by the record of proceedings, appearing in the former abstract, which record, so far as material here, reads: "The Court—The court does not un-derstand the offer. At this time you are asking to have that statement be-come a part of your affidavit, and sworn to as being true by you. "Mr. J. B. Stewart—I wish to have the statement which I have made, with reference to the testimony that I desire to put in, the proof and the facts that

reference to the testimiony that I desire to put in, the proof and the facts that have been set forth as being able to prove by Royal B. Young-I say I wish to have that statement considered in connection with the affidavit which was heretofore filed. Like the record to so that I desire to have that incorporated. "The Court-The court will consider it

"Mr. J. B. Stewart-So that it may become part of the record?" "The Court-It is a part of the rec-

ord, certainly.

Upon examination and comparison, it will be seen that the proposed testi-mony, thus presented in an offer and

ply present the conduct of the jury, while viewing the premises, more in detail, and show more minutely of what the alleged misconduct consists. This seems to be admitted by counsel for the defense in their brief, filed on this the defense in their brief, nied on this appeal, when, after stating what they claim to be the substance of the affi-davits, filed in support of the former motion for a new trial, they say: "The present affidavits show more fully of what the misconduct consisted." There is no claim that any of the earlier than was his intention no the decision has been rendered.

jurors were biased or prejudiced against the accused, or that any of them had, before they were called as jurors in the case, formed or expressed an opin-ion as to the defendant's guilt. From a perusal of this record, the

Judge Stewart has rendered judg-nent by default in favor of plaintiff for \$1,400 with interest and \$100 attorn From a perusal of this record, the conclusion is irresistible that no right to a second appeal has been shown. The same questions, now presented, having been before this court on the former appeal and having been con-sidered and decided, on that occasion, under facts of the same character, they must now be regarded as res judicata. This appeal is in effect an appeal from our own judgment, and must fall. It fees in the case of Zion's Savings Bank and Trust company against L. G. Hardy et al. The case was dismissed as to J. P. Cahoon & Bro., W. S. Mc-Cornick, O. J. Salisbury and Jesse W. Fox. In another case in which the bank was plaintiff and John Heward

et al, defendants, Judge Stewart entered judgment for plaintiff entered judgment for plaintiff as prayed in the complaint, together with \$100 attorney's fees.

This appeal is in effect an appeal from our own judgment, and must fail. It cannot be maintained. The case of State vs Morgan, 2 Utah, 212, relied upon by the defense, is not in point. It can readily be distinguish-ed. There the affidavits filed in sup-port of the second motion for a new trial showed that two of the jurors, who convicted the accused had previwho convicted the accused, had previous to the trial formed and expl unqualified opinions adverse to the de-fendant, and that they were prejudiced and acted under the influence and bias in the consideration of the question of his guilt, although when they were ex-amined upon their voir dire they an-swered that they had neither formed nor expressed an opinion as to the guilt of the defendant. Nor were the mat-ters set out in the affidavits in that case before the court at the first trial; nor were they in the record on the first appeal. In fact, as appears from the record, the contents of the affidavits were not known to either the defendant or his attorneys, until after the judgunqualified opinions adverse to the de or his attorneys, until after the judg-ment had been affirmed by this court. As has been shown here it is other-

wise. It is plain to be seen that if such an appeal, as is here attempted, could be maintained, it would be difficult, if not maintained, it would be difficult, if not impossible, to fix any stability to a verdict. Suppose we were to hold this appeal well taken and were again to affirm the former judgment, could not counsel again, as in this instance, appear in the lower court, interpose a third motion for a new trial upon some of the same grounds that were con-tained in the former motions, and sup-port the motion by another set of affidavits which would show still more fully the matters previously ruled upon, and, upon the motion being overruled, again appeal to this court, and thus repeat the process, ad infinitum, prolong litigation, and defeat justice at their mere pleasure? To state the proposition ontended for in this case, is sufficient o condemn and reject it. We are of the opinion that this ap-

peal should be dismissed, our former judgment remain undisturbed, and the

CLIMATIC CURES.

The influence of climatic conditions in The influence of climatic conditions in the cure of consumption is very much overdrawn. The poor patient, and the tich patient, too, can do much better at home by proper attention to food diges-tion and a vegular use of German Syrup, Free expectoration in the morning is made certain by German Syrup, roots a weakening cough and debilitating night weat. Restless nights and the exhaus-ner of the coughing, the greatest dan-syrup liberally and resultary. Should you be able to go to a warmer clime, you will find that of the thousands of con-sumplives there, the few who are bene-sued and regain strength are those who use carman Syrup. Trial bottes, 25c; regular size, Te, at all drugging.

Barnard J. Stewart, attorney for Pe-er Mortensen, who has made such a long and strenuous fight on behalf of long and strenuous fight on behalf of his client, is spending a few days in Kamas, Summit county. It was his intention to be out of the city until the end of next week by which time he anticipated that the supreme court would hand down its decision regard-ing the new trial sought. It is not un-likely, however, that he will return earlier than was his intention me that

Plaintiffs Win.

The Priday Will.

The will of Samuel Priday, deceased, has been filed for probate in the dis-trict court, also a petition asking that letters testamentary be issued to S. M. T. Seddon and S. H. Harrow, who are named in the will as executors. The estate consists of some stock in the Fifth ward co-op store and real estate valued at \$2,000, practically all of which is bequeathed to the widdow of

valued at \$2,000, practically all of which is bequeathed to the widow of

CARE OF STOCK.

Interior Department Issues an Inter

esting Order for Stock Growers.

The interior department has issued

decedent.

PRICE .

MARIONEAUX, Dist. Judge.

ATTORNEY OUT OF CITY.

I dissent:

inspector of the bureau of animal in-dustry of the department of agricul-ture for inspection when called upon to do so, and when found necessary to have the stock dipped or treated before it will be allowed to enter. 'Upon receipt of notice by you (loca

insp. tors) in writing from any such inspector that any owner has refused to allow he stock to be inspected, or has failed to have it dipped or treated after the same has been ordered treated after the same has been ordered by the inspectors, you will at once noti-fy such owner, if the applicant for the grazing privilege, that his stock will not be allowed on the reserve, whether a permit has been issued to him or not, until he has complied with the order. If the stock has already entered the reserve, you will require its immediate eserve, you will require its immediate reinoval.

be required to submit the stock to the

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