

WALDRON ASKED DISMISSAL.

Judge Waldron then opened with his at for the dismissal. He comwe ment for the dismissal. He com-pared by giving a synopsis of the bill, slich is a lengthy document. By Nay of introduction he stated that he monsed to attack the bill from the loss of equity. He then proceeded is uge that the State of Utah had a light to select either coal or agricul-ural lands under the enabling act. If was first in his contention he said he was right in his contention, he said, this statement went to the root of all the bills that had been filed attacking the state land selections. In round figures the lands selected and which te now in contention involved some 1.700 acres out of 2,449 acres.

INTO A NEW FIELD.

Then Judge Waldron went on to When that with this case all connected were entering upon a virgin field and to date there had been no judicial de-cision that declared that coal lands were exempt from the state selection. t was the province of the Utah enab-ng act so far as it covers the grants Lands that was in controversy. He had sections 6 to 13, inclusive, of the Tah enabling act of April 16, 1894, and Meceded to demonstrate by argument and the bill's showing that the lands m controversy were unreserved, no his intervened and they were public main before they passed into the ads of the people who ultimately sold to the Utah Fuel company and its allied

Under this act, contended counsel, the tate was specifically authorized to reflect the lands in question whether they were coal lands or not, for it was olutely immaterial as far as coal concerned. The state was within concerned. The state was within lights, providing the lands selected not been set apart by the gov-ment for some designated purpose. ad not be

A UTAH DISTINCTION.

this act of Congress Utah was a special grantee and Utah was only state in the Union where all me lands had been granted. He htained that it was the purpose of gress to make this liberal grant of col lands. Congress meant that se lands should pass to the state and state had the ministeries of the state and he state the state had the right to select every feet under the direction of the secre-tary of the Interior whether they bore real or not. Counsel maintained that the title of the lands in dispute came oder this

WHAT CONGRESS INTENDED.

Counsel strongly affirmed that it as not the province of the court to terpolate the law and interject into the statutes anything that was not fage. "The only theory that can be ad-vaced." said coursel. "Is that of a red," said counsel, "is that of a proceed government policy which was at to coal or other mineral lands

This he held was not set forth in the sabling act when read carefully as a hele. He then went on to affirm that Michigan, Mississippi, Missourf, labama, Kansas and Minnesota coal and be entered as agricultural is can be entered as agricultural ds. "If Congress intended to re-e coal lands it would have said so efficially and the court has no right any just what Congress means?" can

pecifically and the court has no right beam of the court has no right bay just what Congress meant," as-erted counsel with emphasis. On the meaning of the words public ands and public domain Judge Wald-on asserted were identical according to the ruling of the supreme court of the United States and other authorities. Counsel called the attention of the sourt to the fact that Congress had been granting hand to the state re-randices of quantity, as part of the un-ippropriated domain. The court is similed in its interpretation of the act of according to the state re-indices and can not presume as a what Congress might have intended an account of some supposed antece-ient polley. Then the legislature was apposed to know what it intended, so bat no foom is left for lateral inter-betation. It is immaterial what the ocrats.

Thompson, Democrat, has defeated Mayor George P. Codd, for re-election by the majority of 3,341. The vote by the majority of 3,341. The vote against the proposed new franchise for the Detroit United Railway advocated by Mayor Codd and generally accredit-ed with causing his defeat, was 23,823, with only 13,816 votes in favor of it. Under the proposed franchise the rates of fare would have been 10 tickets for 25 cents during five hours of the day and six tickets for 25 cents the othby for 25 cents during five hours of the day and six tickets for 25 cents the oth-er hours. To give the citizens an oppor-tunity to test the proposed rates of fare, the company several weeks ago put them into affect on all lines. At midnight last night they were with-drawn. drawn.

RUSSIA AND JAPAN.

Constant Friction Between Their Subjects in Manchuria.

St. Petersburg, Nov. 8.-According to advices received here from Vladivostok, there is constant friction between the Russians and Japanese in Manchuria. The Japanese, according to the news-The Japanese, according to the news-papers of Vladivostok, are continually pressing northwards in Manchuria with the apparent intention of establishing themselves in the Hinterland of Vladi-vostok, where their presece would con-stitute a serious menace to the fort-resses in the event of the possibility of a resumption of hostilities. The charge that the Japanese are fortify-

charge that the Japanese are fortify-ing the island of Saghallen, in violation of the terms of the treaty of Ports-mouth, is reiterated by the Ussur Zhisn,

A DRAMATIC TRAGEDY.

Judge Favrot Kills Dr. Aldrich, a Life-Long Associate.

Baton Rogus, La., Nov. 8.—The cause of one of the most dramatic shootings in Louisiana's recent history, when Judge George K. Favrot last night killed his life-long associate, Dr. H.-H. Aldrich, was still unknown early to-day. The fact that Judge Favrot, the bodies forme smoor Louisiana's Dem-Adding figure among Louisiana's Dem-ocratic congressional nominees, was ou Tuesday elected by a majority demon-strating unusual popularity, that both men were married and occupying most respected positions at the state respected positions at the state capital, and the circumstances that the street near where the shooting occurred was at the time filled with leading officials of the city, accompaneed in some cases by their wives, made an unusual setting for the tragedy. Dr. Aldrich's friends offer no explanation for his death and Judge Favrot, after spending the night in jail, said nothing

to supplement his explanation made im-mediately after the shooting to the ef-fect that he had "sufficient cause." | It is reported that Aldrich had been warned that Judge Favrot would shoot

COLORADO LEGISLATURE.

The Republicans Will Have a Majority Of 44 on Joint Ballot.

Denver, Nov. 8.-According to the latest returns the Republicans will have a ma-jority of 44 on joint ballot in the next legislature, which will elect a United States senator to succeed Thomas M. Patterson, democrat. The senate will con-sist of 23 Republicans and 12 Democrats, and the house 49 Republicans and 16 Dem-cerats.

CHRYSANTHEMUM SHOW.

Bress, and can not presume as t Congress might have intended olicy. Then the legislature was "d to know what it intended, so on. It is immaterial what the

Ada Bear Lake Bannock ... to the putting into practise of the opin-fons which he had been placing before Bingham Blaine "Welfare of the agricultural interests which I represent will be my chief aim," he said. "I have taken a stand in opposition to the oleomargerine inter-ests which I shall maintain and any Boise Canyon Cassia Elmore Custer Fremont ests which I shall maintain and any attempt to annul the legislation which imposed a tax upon the hog product will meet with my determined opposition.'I am strongly in favor of the pro-Latah Lemhi Latah posal to compel meat packers to stamp upon each can the date on which it was packed. This was embodied in a clause in the meat bill which was struck out by the committee, of which Mr. Wadsworth was chalman. There was clause of the committee, of which Oneida Owyhee 4 Shoshone Washington

were clear cut issues of the campaign and it is my intention to carry out to the letter the opinions which I have ex-

ASPHYXIATED BY GAS.

Chicago, Nov. 8 .- Two domestics em-

ployed in the German hospital were as-phyxiated by gas early today and two

other women who occupied the same apartment were taken from the room in a critical condition. It is believed

that one of the women accidentally left

AOKI AT WHITE HOUSE.

Washington, Nov. 8 .-- Viscount Aoki,

Washington, Nov. 8.—Viscount Aoki, the Japanese ambassador, called at the White House today to say good buy to President Roosevelt before the lat-ter's departure for Panama. The am-bassador said his visit was entirely personal, and the charges of discrim-ination aginst Japanese at San Fran-

at San Fran-

ination aginst Japnese at Sa cisco were not touched upon.

words.

a gas jet open.

pressed in connection therewith.

Total 48 BINGHAM COUNTY.

Blackfoot, Ida., Nov. 8 .- Practically give for governor: Gooding, Republi-can, 2.647; Stocklager, Democratic, 1.321; for congressman; French, Republican, 2,798; Hattabaugh, Democratic, 1.502.

MAJORITY GROWS.

2 p. m., Nov. 8.-Complete returns, except to minor detail, have been reexcept except to minor detail, have been re-ceived from all counties. They show a plurality of 8,500 in favor of Good-ing and 50 Republicans to 22 Demo-crats in the legislature, thus making the election of Borah to the United States senate and the defeat of Dubois Gooding carried ten counties, Stocksla,

ger eleven Gooding's plurality in 1904 was 17,685. Morrisons 1902, 5,853. plurality (Republican)

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CHRISTMAS NEWS

Will be Issued

SATURDAY, DECEMBER 15, 1906.

UTAH AND HER NEIGHBORS: Their Growth and

Development During 1906, and Their Prospects for 1907.

CHRISTMAS NEWS PRIZES.

In conformity with its custom in the past, which has proved so popular with the

First-A Prize of \$50.00 cash for the best Christmas Story submitted, not to

Second - A Prize of \$25.00 cash for the best Christmas poem not to exceed 1 200

The competition will close on Nov. 20th, 1906. All stories and poems submitted

must be addressed the Deseret News. Christmas Department, Salt Lake City, Utah.

They must be signed with a nom de plume, or a fictitious name, and a separate envelope

The number will be issued in colors and enclosed in illuminated covers.

public, the Deseret News announces the following prizes for its Christmas issue.

exceed 8,500 words, about seven columns, or one page, of the Deseret News.

must be forwarded containing the real name of the author.

The theme of the issue will be

thinking people of the state are lining up with the party which is opposed railroad domination and which stand stand for the enforcement of all the laws and for the enforcement of all the laws and this is what the Democratic party stands for. The vote shows that if we continue the fight on these honest issues, it will not be long before the star of Democracy is in the ascend-ency in Kansas. The vote of Leaven-worth. Atchison, Crawford, Cherokee and other localities shows the element and other localities shows the element in the state that opposes us and these issues

WOULD COUNT HARRIS OUT.

Topeka, Kas., Nov. 8 .- David Over-meyer, Democratic candidate for atmeyer, Democratic candidate for at-torney-general, today in an interview is quoted as saying that Republican leaders are making an effort to count out William A. Harris, the Democratic candidate for governor.

Mr. Overmeyer said: "I believe Mr. Harris received suffi-clent votes to elect him and that every

possible effort is being made to count him out. "Men have been counted out in Kan-sas before, notably Farmer Willetts, and I have information which I believe to be reliable, that the same handy men who have manipulated ballots be-fore, have been at work again in variim out. ous localities in the state. Men with carpet-bags full of marked tickets left Topeka Tuesday night. "T believe, however, that the official count will show Harris' election despite

these efforts." CRUMMER'S STATEMENT.

Topeka, Kas., Nov. 8 .-- S. C. Crum-rer, chairman of the Republican state central committee, this after-

person. Besides the medical experts put on the stand, several persons stated that Freund had for the last two years followed Miss Anglin about the country. Freund is 30 years of age and the son of the late Sigmund Freund, a depart-ment store proprietor of St. Louis.

TO STUDY EGYPTIAN ART.

TO STUDY EGYPTIAN ART. New York, Nov. 8.-It was announced yesterday that the Metropolitan intheoun of art is to establish a department of Egyptian art and has appointed as its curator Albert Morton Lythgo, & Provi-dence man who is a graduate of Harvard and who prepared himself for his work as an Egyptologist under Prof. Weide-mann of Bonn university and by actual work in the dide-with Dr. Reisner in Egypt. The curator is to sall for Lon-don and Berlin on Nov. 21, and after-rectly to Cairo, from which point he is to begin his operations in the way of ex-curation in the old Egyptian cometeries between Cairo and Thebes.



San Francisco, Nov. 8 --Judge Coffey today rendered his decision in the Doi-beer will contest, uphoiding the will that left the bulk of the estate to Etta Mar-lan Wareen, the close friend and com-panion of Bertha Doibeer. The contest was brought by Horatio Schander of Sac-ramento, an uncle of the deceased. This is the second time that Judge Cof-fey has decided in favor of the will, the case having been heard about a year ago and reversed by the supreme court.

HOW THE NEXT

CONGRESS WILL STAND.

Chicago, Nov. 8 .- Returns received up to 1 o'clock this morning show that the Republicans have elected 223 congressmen and the Democrats 168, as follows:

Repubs. Dems. Arkansas Alabama California Delaware Idaho Illinois Indiana Iowa Louisiana Maine Maine Marylahd Massachusetts Michigan Minnesota Mississippi Missouri Montana Nebraska New Hampshire New Jersey New York New York North Carolina North Dakota Ohio Oregon Oregon 2 Pennsylvania 22 Rhode Island 1 South Carolina 23 South Dakota 22 ennessee Utab Vermont Virginia Virginia Washington

tion is a question of a Republican plu-rality only. All indications point to a plurality of about 20,000 for Gov. Cummins, with the chances that the Cummins, with the chances that the rest of the state officers will run a little above that. The Democrats have made their biggest gains in the senate, where they have elected in 10 of the 22 districts, where elections were held, giving them 14 members in the senate, a gain of 6. They elected 33 members of the house, a gain of 11. Final re-turns show that Congressman Lacey has been defeated for re-election in the Sixth district by D. W. Hamilton, Dem-ocrat. In the First and Second district, thought to be in doubt, the Republi-cans have elected their candidates.

OREGON RIVERS RISING.

OREGON RIVERS RISING. Portland, Or., Nov. 8.--The rivers of central and northern Oregon continue to vise today and in some places are raging torrents, deing considerable dam-age, especially to railroad property and to logging and sawmill interests. Two Southern Pacific bridges have been wash-ed out, one on the main line over the Santham river at Jefferson and the other on the Woobur-Natron branch road where the rushing waters of the South Santham have done considerable damage. A Southern Pacific bridge over the Mot. Isla river is in danger and a bridge of the Oregon Water Power railroad at Ghadstone is believed to be in imminent danger. anger. Passei

danger. Passenger trains to California and the upper Willamette valley are being routed over the West Side division of the South-ern Pacific to Corrallis and over the Corvallis and eastern tracks to Albany beyond which place the Southern Pa-cifle line is reported clear. Freight is refused at Portland for points north of Albany on the east side. Local passen-gers and freight service will be maintain-ed between the wrecked bridges.

LORD CURZON MAY SUCCEED AMBASSADOR DURAND

London, Nov. 8 .- The retirement of Sir Mortimer Durand, the British am-bassador to the United States, will take place at the end of this year. He has been permitted to resign at his own urgent request, and intends to permanently leave the diplomatic service for private life. The foreign office has not yet considered the question of Sir Mortimer's successor and it is expected that there will be an interim during which a new counselor of the embassy, whose name will be announced shortly, probably will be appointed acting American ambassador

Washington, Nov. 8.—Lord Curzon, formerly viceroy of India, is mentioned in diplomatic circles of a possible suc-cessor to Sir Henry Mortimer Durand. The fact that Lord Curzon is now on the sea between Great Britain and this country, and has announced that he country, and has announced that he will visit in this country for some time lends color to the rumor of his appointment to the Washington post

CANTON SUBURB BURNED.

Five Hundred Houses Burned, Loss Reaching Over a Million Dollars.

Reaching Over a Million Dollars. Hongkong, Nov. 8.—A dispatch from Canton today reports that a conflagm-tion is raging on the riverside opposite the Eureopean quarter on the Island su-burb of Shameon. A strong wind is blowing and over a hundred houses have already been destroyed. The European sottlement is said to be in no danger. Over 6a nouses have been destroyed in-cluding all the restaurapts, brothels and gambling houses and is still burning flercely. The window of a godown on the Island of Shameon became lighted, but the blaze was promptly extinguished and Shameon is not in peril. Marines from the foreign vessels in the hurbor bave ween landed and are hereically combat-ing the flames. No lives have been box, but the damage niready exceeds one mit-but on diars. The cause of the fire is unthe damage already exceeds one not dollars. The cause of the are is un 143 | known.

Manuscripts not accepted will be returned on receipt of postage.