

WATER DECISION IS ELUCIDATED

Judges Richards and Hiles Explain Rights of City in Big Cottonwood Creek.

AT REQUEST OF THE COUNCIL

Municipality is Entitled to Divert 22.9 Sixtieths of Big Ditch and Lower Canal in Low Water Season.

The purpose and meaning of the decision in the Progress case, recently given by Judge Morse, as far as Salt Lake City is concerned, has been elucidated in a review of the case made by Judge Ogdin, Hiles and Atty. A. S. Richards, counsel for Salt Lake City in the great water case just closed. The report was made in accordance with a resolution adopted at last Monday evening's session of the city council, asking Judges Hiles and Richards to submit a summary of the decision as affecting the rights of Salt Lake City to the waters of Big Cottonwood creek, and after an exhaustive review of the findings of Judge Morse in the case, the rights of Salt Lake City are recapitulated as follows:

"To recapitulate the foregoing statement, the court has decided that Salt Lake City is entitled to divert through the Big Cottonwood conduit, during the low water season under its said contracts of 1905 with the Big Ditch and Lower Canal companies, 22.9 sixtieths of the stream.

"2. During the high water of the irrigating season, when the water of the stream does not exceed 36 1/2 cubic feet per second, the city, with the other parties, are entitled to take water from the stream in proportion to the capacity of their canals, which, for the Big Ditch and Lower canal, is found to be 60 and 30 cubic feet per second respectively."

DUFFY IS GUILTY.

Entered Room of Food and Dairy Inspector and Stole Jewelry.

The trial of John Duffy, charged with burglary in the second degree, was concluded in Judge Armstrong's court yesterday. Duffy was found guilty of entering a room at 24 west Third Temple street occupied by John Peterson, state food and dairy inspector, on the 19th of January, of the present year, and extracting therefrom various articles of jewelry and other valuable articles. W. C. Leary assisted Atty. Leofbourrow in the prosecution of the case, while Atty. Harry Harper represented the defendant. Duffy will be sentenced June 15.

Z. W. Boulton was sentenced to serve one year in the state prison by Judge Armstrong, having entered a plea of guilty to a charge of third degree burglary. On June 23 defendant entered a car belonging to the Rio Grande Western Railroad company and occupied by James Courtney and W. L. Pierce, then and there with intent to steal and carry away various goods and chattels belonging to said occupants.

On motion of Dist. Atty. Leofbourrow, time for prosecution of Duffy, Diel, and Hoben, convicted of assaulting a young girl at Bingham, was continued until June 15, in order that a motion for a new trial might be argued before the court.

BEFORE JUDGE DIEHL.

J. W. Sheeley pleaded guilty this morning before Judge C. B. Diehl to the charge of trespass. He was fined \$10 because it was shown that the man entered the premises of a South Temple street property owner with the evident intention of stealing therefrom.

Ben Jones, the man who tried Thursday night to drink all the whiskey in Salt Lake, and who was nearly dead for several hours as a result of such attempt, was given five days in the city jail this morning by Judge Diehl.

Nick Williams, the youth who broke into the Zion bakery Thursday night, was arraigned this morning on the charge of burglary in the second degree. He pleaded guilty and was ordered held to answer to the district court. In default of \$500 bonds, he was taken to the county jail.

Albert Davis, Charles Renick, Ed Murray, Tom Nolan and A. P. Sherry were arraigned before Judge Diehl this morning on the charge of vagrancy. Each pleaded guilty and upon recommendation of Asst. City Atty. Roberts, were given "floaters," and have until the afternoon to leave the city. The last named was arrested by Detective Sheets, who recognized in Sherry an old time professional crook.

HUSBAND ABUSED HER.

Ella Nora Jacobson Recites Marital Woes in Divorce Complaint.

Alleging that her husband was in the habit of coming home drunk and

YOU'RE TOO THIN.

Even Slight Catarrhal Derangements of the Stomach Produce Acid Fermentation of the Food.

It's Stomach Catarrh

Some people are thin and always remain thin, from temperamental reasons. Probably in such cases nothing can be done to change this personal peculiarity.

But there are a large number of people who get thin, or remain thin, who naturally would be plump and fleshy but for some digestive derangement. Thin people lack in adipose tissue. Adipose tissue is chiefly composed of fat.

Fat is derived from the oily constituents of food.

The fat-making foods are called by the physiologist, hydrocarbons. This class of foods are not digested in the stomach at all. They are digested in the duodenum, the division of the alimentary canal just below the stomach. The digestion of fat is mainly, if not wholly, the work of the pancreatic juice. This juice is of alkaline reaction, and is rendered inert by the addition of acid. A hyperacidity of the stomach causes the pancreatic juice to be neutralized, and the pancreatic fluid for digestive purposes. Therefore, the fats are not digested or emulsified, and the system is deprived of its due proportion of oily constituents. Hence, the patient grows thin.

The beginning of the trouble is a catarrhal condition of the stomach which causes hyperacidity of the gastric juices. This hyperacidity is caused by fermentation of food in the stomach. When the food is taken into the stomach, if the process of digestion does not begin immediately, acid fermentation will take place. This creates a hyperacidity of the stomach juices which in their turn prevent the pancreatic digestion of the oils, and the emaciation results.

A dose of Peruna before each meal hastens the stomach digestion. By hurrying digestion, Peruna prevents fermentation of the contents of the stomach, and the pancreatic juice is thus preserved in its normal state. It then only remains for the patient to eat a sufficient amount of fat-forming foods, and the thinness disappears and plumpness takes its place.

abusing her, to the extent of causing her great bodily injury and mental distress. Ella Nora Jacobson has sought the aid of the Third district court in releasing her from the bonds of matrimony uniting her with Charles L. Jacobson. In her complaint, Mrs. Jacobson alleges that they were married at Salt Lake City, Aug. 26, 1903, and that for more than two years past defendant has been an habitual drunkard, and that since April 30, 1905, he has failed to provide her with the necessities of life; that he treated her cruelly at divers times, specifically during July, 1906, at their home in Salt Lake City, defendant striking plaintiff, bruising and wounding her and causing her great pain. On April 30, 1908, defendant left the home of plaintiff and has never returned, and refuses to do so.

Plaintiff asks for her household furniture, valued at \$150, in addition to the decree of divorce, and \$100 attorney's fees, \$30 per month alimony, in addition to the costs of her suit.

WITHOUT PREJUDICE.

In Judge Ritchie's court the case of Sam T. Laker vs. the Utah Light & Railway company, in which plaintiff sought to recover \$20,000 for the loss of the sight of his left eye and the impairment of the sight of his right eye, has been dismissed without prejudice, on motion of the attorney for the plaintiff. The complaint alleged that while in the employ of the defendant company, Todd, on the 6th day of November, 1907, while holding a piece of pipe which the foreman of the shops tried to cut with a chisel and hammer, instead of using the pipe cutters owned by the company, he was struck by the pipe into his left eye and completely destroyed the sight of that optic.

LABOR BACK IN HARNESS

Former Salt Laker Has Been Appointed Livestock Agent of Missouri Pacific at Pueblo.

Frank Laker, an old time railroad boy of this city has been made livestock agent of the Missouri Pacific, with headquarters in Pueblo, Colorado. Mr. Laker was formerly traveling freight agent with offices in this city and later went to Ogden as agent. He occupied the latter position in various towns on the Rio Grande, and then went to Boise where he remained until the recent flurry caused retrenchment in all railroad circles. He was one of grim retrenchment's victims. A good man can't be

AIR FLOAT TALCUM POWDER

Softens, refines, beautifies. An absolutely pure and harmless powder, carrying a delicate though changing odor that is soothing and refreshing.

Only 25c a box.

You'll Appreciate Our Cooling Soda Water These Days.

DRUG STORE The Pure Drug Dispensary 112-114 So. Main Street

WATER AT FEDERAL HEIGHTS.

Water is now flowing into the 12-inch mains supplying the Federal Heights and Popperston additions on the east bench, the cut over being made today by the men under Supt. of Waterworks. The water is supplied from the high line and Emigration Canyon pipes, and in about a week Mr. Monday says, the water will be turned into the feed pipes surrounding the additions.

NAUVOO LEGION.

All the members and those who ever have been associated with the Nauvoo Legion and the association, are requested to be at Wardamers, by 1 p. m., Monday, June 15, Flag day. The "Old Song" will be sung at 2 p. m. Program will commence at 3 p. m. WM. M. BROWN, Secy. U. N. L.

SULLIVAN'S PAL IN COURT.

Richard Deming, Desperate Convict, Appears Before Judge Diehl Today.

The case of the state vs. Richard Deming, a ten year prisoner at the state prison, charged with attempting to break jail and destroying jail property, was called before Judge Diehl in the criminal division of the city court this morning. The hearing was set for 9 o'clock but through a misunderstanding the matter was not called up until nearly 11 o'clock.

Deming, who is a pal of Joe Sullivan, is charged with sawing the bars at the county jail on Jan. 21, last. When Sullivan was in the district court on the charge of murdering Police Officer Charles S. Ford, Deming testified that he and not Sullivan sawed the bars. Sullivan is now in the county jail. Now he pleads not guilty and declares that he did not saw the bars.

During the hearing this morning, a county prisoner named J. K. Castle, testified that he saw Deming sawing the bars. Deputy Sheriff Corliss and Sharp gave similar testimony. After Laker was heard, he testified the state in its defense, the defense by Attorney Bailey, asked for a continuance until Monday morning at 9 o'clock for the purpose of getting witnesses and a jury. Judge Diehl adjourned the criminal division of the Third district court asking that an order be made to bring Joe Sullivan into the court to testify in Deming's behalf.

BONDS ALL SUBSCRIBED.

Col. E. A. Wall Takes \$40,000 Block in Commercial Club Project.

Through a subscription of \$40,000 by Col. E. A. Wall the last of the Commercial club bonds have been taken up, and no more are upon the market.

The subscription of \$40,000 has been the topic of much conversation about town today, and now all that remains is to pick out the names of the donors of plans on hand is to be accepted, and then go ahead. Interest in the plans submitted by Ware & Freganza is exhibited by some members of the building committee, while among other members there is a feeling that the Henry Ives Cobb plans ought to be accepted because of gratitude to Mr. Newhouse and architect who has done the rest of the work on Exchange Place and Cactus street. An argument that Cobb could, through utilizing machinery now here, put up the building more cheaply is also being made. The predominant opinion seems to be that since a competition was called for it ought to be decided solely on its merits in a serious and realistic result.

The Commercial club is postponing action on the plans to allow all members to see both sets and judge between them.

The Bridge Drug for sodas.

TRIES TO SUICIDE.

Thomas Wise Endeavors to Hang Himself With His Necktie.

(Special to the "News.")

Ogden, June 13.—Thomas Wise, a member, who was arrested yesterday, tried last night to commit suicide in jail here by hanging himself with a necktie. Had he not been discovered by some of the prisoners he would probably have succeeded in killing himself but they cut him down. The man is supposed to be demented.

Last night Harry Baugh, one of the proprietors of the Adelphi cafe, was taken to the hospital with a painful accident and narrowly escaped fatal injuries. He fell out of a window and received two broken ribs. He was taken to the hospital to the Ogden general hospital.

KOOYMAN ONCE MORE.

Neighbors Complain That He Raises Row With Former Wife.

The divorce and remarriage of one John Kooymann evidently did not end his troubles, or the troubles caused by him. Complaints were made to the officials of the juvenile court this morning that John went up to the home of his former wife last evening, in the rear of 344 south Ninth East street, and as was his old habit started to make a row. The neighbors said he had a regular old row with his former wife, threatening to kill her and using all kinds of loud language. It was intimated that a petition would be circulated among the residents of the neighborhood to have the objectionable inhabitants removed.

The actions last night determined County Pauper Clerk Lundberg and Chief Probation Officer Guardado Brown to take the home of the Kooymann family and take possession of the two children, Henry and Mary, aged 8 and 10 years respectively. Mr. Lundberg said this morning that he had been willing to give the family another trial before taking the children away from them on the order of the juvenile court, but that patience had ceased to be a virtue and he proposed to take the children and place them in the State street orphanage, to which they had been committed.

Sodas-Sodas-Bridge Drug.

GOVERNOR WILSON PARDONS POWERS

(Continued from page one.)

contest might any day suddenly break out in a clash which would cause loss of life and disgrace Kentucky.

"Reasonable men on both sides tried to quiet the excitement and to disprove the rumors and to maintain and uphold law and order. The state officers believed that there was grave danger that the people's election would be wrongfully set aside and that their lives were not safe and in some cases added fuel to the flames by their excited talk, which, later on, returned to plague them, but through all the storm the great body of the people and most of the members of the general assembly kept their senses and the whole state was full of hope for a fair decision of the contest on its merits when suddenly everybody was startled by the news of the murder of Senator Goebel and there ensued such a storm of passion and excitement, that while many good men of both parties were respected, the voice of reason was drowned in the tumult.

STATE'S PEACE UPSET.

"Peace and good will, law and order and the support of the government of the state were for the time almost destroyed. The commonwealth was rent by partisan threats and cries for vengeance and terror took the place of law.

"The officers of the law, close personal and political friends of the murdered senator spurred by duty and affection alike used every effort to avenge the murder.

STATEMENT BY MRS. MARY BAKER G. EDDY

Boston, June 12.—Mrs. Mary Baker G. Eddy, head of the Christian Science church, tonight issued a statement in explanation of the omission this year of the annual meeting of the executive members of the first church of Christ Scientists, in Boston, which was held on the Saturday before the June 12th anniversary of the church, and which was to have been held tomorrow. The statement is as follows: "A Word to the Wise" and reads:

"I have been very glad, when I asked you to dispense with the executive members' meeting of the purpose of my request was sacred. It was to turn away from worldly things, and to turn to the spiritual, the personal to the impersonal, the human to the divine.

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MONETARY COMMISSION.

Sub-Committee Will Draft Report to Be Submitted July 20.

New York, June 12.—The sub-committee of the national monetary commission met for a brief session today and decided to draft a report which they would submit to the full committee about July 20. Senator Nelson W. Aldrich, chairman of the sub-committee and one of the members gave no indication of the nature of the report or what took place during the proceedings today.

After adjournment Senator Aldrich made the following statement:

"The sub-committee of the national monetary commission appointed for the purpose of suggesting a plan for their work during the recess of Congress, which has been in session at the Hotel Plaza, adjourned this afternoon with a sub-committee will report to the full committee at a meeting to be held about the 20th of July.

"Prof. A. P. Aldrich, assistant professor of economics at Harvard university, has been selected as an assistant by the committee."

ENSIGN ULLMO DEGRADED.

SENT TO DEVIL'S ISLAND

Toulon, June 12.—A pitiable spectacle, the degradation of the traitor, Charles B. Ullmo, formerly a naval officer, occurred at Roche square today in the presence of an enormous crowd. Ensign Ullmo was arrested at Toulon last October, charged with being a spy. An examination of his effects showed him to be in possession of many valuable documents. Last February he was found guilty by a court-martial of a

LAWYER COMMITS SUICIDE.

Watertown, N. Y., June 12.—James B. McCormick, aged 38, an attorney, and brother of H. J. McCormick, the former New York Central agent, now under arrest on charges of forgery, involving alleged theft of railroad funds, committed suicide today by jumping from the top of a five-story office building to the pavement. He was picked up in a dying condition. McCormick was arrested last night charged with grand larceny. It being alleged he had participated with his brother in an alleged fraudulent settlement. McCormick died this afternoon.

FIRE IN ALBUQUERQUE.

Albuquerque, N. M., June 12.—The entire plant of the Continental Oil company, with the exception of the office building, burned today. Nearly 100,000 gallons of coal oil, gasoline and naphtha were destroyed. The total loss being about \$50,000. The fire was spectacular, the explosion of big storage tanks sending flames and smoke 500 feet high. The cause of the fire has not been determined.

A number of bystanders were slightly burned or injured in the panic which followed the first and heaviest explosion.

Traffic on the Santa Fe railroad was tied up by the fire, the flames from the plant, which adjoined the tracks, preventing the passage of trains.

OFFICER FINED FOR ASSAULT.

Reno, Nev., June 12.—A special from Rawhide says: "The state police officer Otto was today found guilty of assaulting Carl Young and was fined \$100 and costs by the police judge. The officer was charged with continuing ill-feeling between the two men, as Young had been violently opposed to the presence of the state police in Rawhide, and Otto in particular. Otto says he will appeal his case."

REAL ESTATE TRANSFERS.

TODAY'S. A. B. Mulvey to Van D. Block 33, plat 10, part of lot 2, block 33, plat 10, Co-op. Inv. Assn. to Joe Coulam, part of lot 5, block 135, plat 10, Co. Sander to Laker to Frank Parshen lot 82, Tingley's lot 1 at 1 M. N. D. Bryan to Parley N. D. Bryan, land in section 1, township 1 south, range 1 east, at 10

Manager P. J. Quasley of the Kemmerer mines is at the Knutsford.

WEATHER REPORT

United States department of agriculture, weather bureau, meteorological report. Record at the local office, United States weather bureau, for 24 hours ending at 8 a. m. today:

Temperature at 6 a. m. 59; maximum, 84; minimum, 55; mean, 65, which is 2 degrees below normal. Total rainfall, .01 inch. Accumulated deficiency of precipitation since Jan. 1, 3.5 inches. Precipitation since first of month, .71 inch, which is .24 inch above normal. Accumulated excess deficiency since Jan. 1, 1.45 inch. Relative humidity at 6 a. m. 53 per cent.

STANDARD OIL GUILTY.

And is Now Liable to a Fine of Eight Hundred Thousand Dollars.

Rochester, N. Y., June 12.—Guilty as charged in the indictment was the verdict brought in by the federal court jury in the Standard Oil company case here at 6:30 o'clock this evening. The jury had been out since the noon recess.

Daniel J. Keefe of Buffalo, who conducted the defense, moved for a new trial, and it was arranged to have this morning heard arguments on the motion on July 1.

Special Asst. Atty.-Gen. S. Wallace Dempsey, the prosecutor, gave notice that he would move for judgment and sentence of the adjourned date.

The oil company was placed on trial June 1 for an alleged violation of the interstate commerce law in accepting the concessions from the filed tariff on shipments of oil from Olean, N. Y., to Rutland and Bellows Falls, Vt. There were 40 counts in the indictment, each representing a violation of the law, the maximum fine on each count is \$20,000, or a total for the whole of the shipments of \$800,000.

LESTIANIA BREAKS RECORD.

New York, June 12.—With three new across-the-Atlantic records safely stowed away, the giant "Lestania," which Lestania dropped her anchors at Sandy Hook a few minutes before 2 o'clock this morning, has broken a record.

"The time of her passage from Sandy Hook to Sandy Hook lightship was 4 days, 20 hours and 8 minutes, which cuts seven minutes off the record for the fastest trip across the Atlantic by the mail steamers, the Mauretania, the Lusitania, the Mauretania for the course was 4 days, 20 hours and 8 minutes.

"The Lusitania also has the record for the longest day's run, having from New York to London Monday made 641 knots, beating the Mauretania's best run six knots.

GOLD FROM THE NORTH.

White Horse, Y. T., June 13.—The steamer Prospector, having \$2,000,000 in gold aboard, has arrived in port after the longest voyage she has made on the river. She had a very difficult time in ascending both Thirty-Mile and Fifty-Mile rivers, and was lying up on sand bars for several days. The Prospector had 12 passengers, among them Judge Reid of Fairbanks.

WESTERN BANKS.

The amount of capital and surplus of national banks in Utah, Nevada, Wyoming and Idaho, which are entitled to membership in a national currency association, is as follows:

Utah—Capital, \$2,005,000; surplus, \$1,653,900. Nevada—Capital, \$407,000; surplus, \$218,000. Wyoming—Capital, \$1,235,000; surplus, \$700,000. Idaho—Capital, \$1,100,000; surplus, \$854,000.

NEW YORK CLOSING STOCKS.

New York, Saturday, June 13. Amalgamated Copper 67 1/2 American Car & Foundry 44 1/2 American Locomotive 44 1/2 American Smelting & Refining 75 1/2 Amer. Smelting & Refining pfd 92 1/2 American Sugar Refining 20 1/2 Anaconda Mining Co. 45 1/2 Atchafalaya 81 Atchafalaya pfd 93 1/2 Baltimore & Ohio 44 1/2 Brooklyn Rapid Transit 47 1/2 Canadian Pacific 158 1/2 Chesapeake & Ohio 44 1/2 Chicago & North Western 152 1/2 Chicago, Mil. & St. Paul 152 1/2 Colorado Fuel & Iron 30 1/2 Colorado & Southern 30 1/2 Delaware & Hudson 158 1/2 Denver & Rio Grande 62 1/2 Erie 15 1/2 Erie & Western 15 1/2 Great Northern Ore Cfs 52 1/2 Illinois Central 123 1/2 Interborough Met. pfd 23 1/2 Louisville & Nashville 15 1/2 Missouri Central 42 1/2 Missouri, Kansas & Texas 42 1/2 Missouri Lead 55 1/2 National Lead 104 1/2 Northern Pacific 84 1/2 Pacific Mail 24 1/2

SUMMER UNDERWEAR

You just ought to see the way men are buying light weight underwear. As busy as could be yesterday in that department. Ther's a mighty good reason, too, for they find every thing that's comfortable here and a variety of prices and styles which is sure to suit every taste.

Here are a few suggestions: Balbriggan, both Domestic and French, the garment 50c to \$1.50. White lisle thread, imported the garment \$1.75. Linen athletic shirts and knee length drawers, the garment 50c to \$1.00. Extra fine silk French made, the garment \$9.

Richardson & Adams Co 172 MAIN STREET.

Pennsylvania 121 People's Gas 37 Pressed Steel Car pfd 38 Pullman Palace Car 38 Reading 112 1/2 Rock Island Co. pfd 32 1/2 Southern Pacific 86 Southern Railway 114 Union Pacific 114 1/2 United States Steel 37 United States Steel pfd 38 1/2 Washburn & Moen 114 Western Union 85 Standard Oil 408

WEATHER REPORT

United States department of agriculture, weather bureau, meteorological report. Record at the local office, United States weather bureau, for 24 hours ending at 8 a. m. today:

Temperature at 6 a. m. 59; maximum, 84; minimum, 55; mean, 65, which is 2 degrees below normal. Total rainfall, .01 inch. Accumulated deficiency of precipitation since Jan. 1, 3.5 inches. Precipitation since first of month, .71 inch, which is .24 inch above normal. Accumulated excess deficiency since Jan. 1, 1.45 inch. Relative humidity at 6 a. m. 53 per cent.

TODAY'S TEMPERATURE.

6 a.m. 59 7 a.m. 63 8 a.m. 62 9 a.m. 63 10 a.m. 63 11 a.m. 67 12 m. 76 1 p.m. 79 2 p.m. 79

YESTERDAY'S RECORD.

Highest 80 Lowest 54

DIED.

THOMAS.—At the residence, 73 south Eighth west, June 12, of pneumonia, Thomas R. Thomas, aged 73 years.

Funeral services will be held June 14, at 2:30 p. m., in the Fifteenth ward chapel. The remains may be viewed at the late residence on the day of funeral, from 10 a. m. until 1 p. m. Friends are invited.

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

BUSINESS CHANCE.

Business opportunity—A "snap" quick, large store and house attached and complete grocery stock and all store furniture and fixtures, at a bargain price, rent \$45, about \$1000. Establishes you in this business and home. S.E. part of City. Call TULLY BROS., 155 Main St.

UNION Dental Company

218 SOUTH MAIN ST.

HONEST WORK, HONEST PRICES

Painless Extraction of Teeth or No Pay. All Work Positively Guaranteed. Phone: Bell 4126 X. Independent 1126

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Fresh Churned Butter. Churned Today, Sold Tomorrow.

Sweet Milk, Sweet Cream and Buttermilk.

Fresh Ranch Eggs.

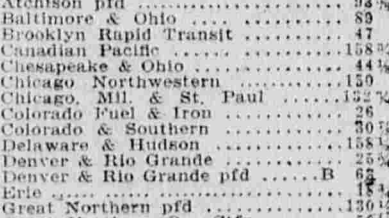
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Soda served at our Sanitary Fountain. The treat of Salt Lake's lovers of pure sodas.

BRIDGE DRUG CO.

18 MAIN STREET. Phones: Ind., 480. Bell, 1820.



Are You Helping to Feed This Cow?

The illustration herewith sets forth in a graphic manner the conditions prevailing in many lines of business today. The large eastern companies through branch