

THE SEMI-WEEKLY NEWS

THE GREAT COUNTRY PAPER OF THE WEST

Is issued Mondays and Thursdays and contains all the cream of the Daily and Saturday News

LOCAL BRIEFS.

The Swedish Brotherhood will give a smoker in their Auerbach rooms this evening.

A "composite novel" social will be given tonight at the home of Mr. and Mrs. A. R. McNitt, 270 J. street, under the auspices of the B. Y. P. U. of the First Baptist church.

The city's asphalt claim at Thistle will be inspected today by Mayor Morris, City Engineer, H. A. G. and the Board of Public Works, and Councilman E. A. Hartenstein.

An "old maid's convention" will be held at the Liberty Park M. E. church tonight, corner of Eighth East and Ninth South. The proceeds will be used for the benefit of the church fund.

William H. Brown of 635 Elm street, is laid up with a broken leg. While handling a block of marble yesterday afternoon, in McKenzie's monument yard, it fell on him and struck his leg.

The Lutheran league of the local Swedish churches met last night at the residence of Rev. Emanuel Rydberg, where a musical and literary program was enjoyed. Refreshments were served.

The committee on manufactures and new industries of the Commercial club is meeting this afternoon, to discuss the canning and evaporating plant recently asked for by the country horticulturists.

Mrs. Charles G. Patterson, who underwent an operation at the Latter-day Saints' hospital for supposed appendicitis may have to undergo another operation, as it is said that an abscess and not appendicitis is the affliction from which she is suffering.

The trustees of the Westminster college met last night and chose Rev. Dr. S. E. Wishard president, to fill the vacancy caused by the resignation of Rev. Mr. Bailey to accept a Washington, D. C., pastorate. Dr. Wishard has for years been synodical missionary of the Presbyterian church.

Charles Bowen, nightwatchman at the Consolidated Wagon & Machine company, fell from a ladder yesterday while cleaning windows, and was rendered unconscious. He was taken to the Latter-day Saints' hospital, where he was attended to by Dr. C. F. Wilcox. No bones were broken, and it is thought that he is not seriously hurt.

John F. Thompson, a colored lad, has passed the civil service examination for mail carrier, standing seventh among 17 candidates. He will be made a carrier at the Salt Lake office as soon as there is a vacancy. The last colored carrier in the office was Douglas, who was removed for tampering with the mails. Mr. Thompson is a graduate of the public schools.

Rids were received on Wednesday for land on Coyote, Yellow and Muddy creeks, Wyo. The land owned by the South Omaha National bank, which had bought the same from the Union Pacific, The Heber Land & Livestock company secured the tract of 27,000 acres, for which they paid \$27,000. The land lies southeast of Evanston and south of Piedmont, and will be used by the owners for the grazing of sheep.

The members of the Lewis & Clark Exposition committee for Utah filed their oaths of office with Secy. of State Tingey yesterday, and held a meeting in the afternoon, at which Rudolph Kuchler was elected as treasurer. His bond is fixed at \$20,000. The last appointment of a secretary and a director general was talked over, but no choice for those positions was made. The commission is scheduled to meet again this afternoon at 2 o'clock, and elect the two officers mentioned.

This evening at 8 o'clock there will be a meeting in the Tabernacle of supporters of the anti-cigarette movement. Dr. William Brown, president of the American Anti-cigarette league, is expected to be present and deliver an address, and there will also be a number of other prominent speakers. The public is cordially invited, and the good work that is being done in the matter of suppressing the deadly tobacco habit among the youth.

The Commercial club building studio of Mrs. Martha Boyle King was crowded last evening by the relatives and friends of Mrs. King's advanced vocal pupils, who gave one of the most enjoyable recitals of the season. The program was an attractive one, and the efforts of the performers highly successful. Miss Foster, in particular, whose voice is so promising, made a favorable impression, although she was handicapped by a cold, and Miss Godde also was specially noted with favor in her solo. But the singers all did well, and evidenced careful and conscientious training, and the recital gave genuine satisfaction and pleasure to all who attended.

Zion's Savings Bank and Trust Co., the largest and oldest Savings Bank in Utah, pays 4 per cent interest on any amount from \$1 to \$5,000. Write to us, Jos. F. Smith, President; George M. Cannon, Cashier.

C. S. MARTIN COAL CO.
Rock Springs, Cumberland, Castle Gate and Clear Creek lump, nut and slack.

Grand ball, Saltair, Saturday, 8 p. m.

PUBLIC LONG-DISTANCE TELEPHONES.
With sound-proof booths. R. M. Bell Telephone building, State street, City.

NOTICE.

I hereby forbid any credit given to my wife, Sofay Armstrong, in my name.
FRANK H. ARMSTRONG.

For Over Sixty Years
Mrs. Mary Ann Burt has been used for children's testing. I notice the child, even the guinea, always fall, even with a bottle in the hand, ready for Diarrhea, 10¢ a bottle.

JUDGE HOWELL IS LEGALLY ELECTED

Substance of Decision Handed Down in Judgeship Contest This Morning.

SOME BALLOTS NOT CONSIDERED

Strong Probability That Contestant Will Carry the Case to the Supreme Court.

(Special to the "News.")
Ogden, March 17.—Judge Morse this morning rendered his decision in the Howell-Hamer election case. His opinion follows:

TEXT OF DECISION.
In the Second Judicial district court, State of Utah, Daniel Hamer, contestant,

vs. J. A. Howell, contestee. Decision.

Friday, March 17, 1905. In this case there remains at this time to determine only the issues presented by certain of the counts of the statement or complaint, in which it is alleged that certain offenses against the election law were committed by the contestee which would render him ineligible to take and hold this office.

A very clear and comprehensive argument has been presented by the parties with reference to the law, the proper rule in the consideration of testimony upon matters of this kind, and while it is true that, generally speaking, the proof ought always to be clear and convincing to support any finding of the court, for obvious reasons there are matters, the nature of which is such that that expression is emphasized. In cases where the rules that proof ought to be such as to exclude any reasonable doubt, it does not apply; yet where the ordinary rules are not such as to meet the apparent justice of the matter, that expression is emphasized, and there is occasion, I take it, to announce a doctrine that would require a somewhat higher grade or degree of evidence than in other causes or cases. My view is that in some cases of this kind there are reasons within this class, that in order to justify and support the findings of the truth of such allegations as are contained in this complaint, the proof ought to be particularly clear and convincing.

Now I do not intend, this morning, to enter upon an analysis of this evidence, nor to give the reason why some of this evidence has not as great weight as other evidence. It would serve no useful purpose for me to do that—but I will merely say that this evidence is not, in the judgment of the court, of that clear and convincing character which would justify the finding of the truth of these allegations, and the judgment of the court will be that the allegations are not sustained by the proof, and findings may be made accordingly.

With reference to the legality or illegality of certain votes that were cast, I do not put the names of the parties. I am of the opinion that it is not necessary to make any findings on those questions. There were not to exceed three, I think, that evaded the question, in relation to, that is, where the parties testified as to whom they voted for. If it was material to make findings on this matter, there may be presented some questions which to the mind of the court would be difficult of solution; but there not being anything in that which would in any way affect the result in this case, the court does not deem it necessary to make any findings with reference to those votes.

The judgment of the court will be that, it having appeared upon the count of these ballots, that the contestee, James Albert Howell, received a majority of the legal votes cast, legally marked and legally counted; that the contestant's election which was alleged to him was legal, and the judgment is against the contestant.

CHARLES W. MORSE,
Judge.

Burnett's Vanilla Extract
Is the best, and is none too good for your food and drink. Inset on Burnett's.

SIXTY-THIRD NATAL DAY.

Anniversary of the Relief Societies of The Church Being Celebrated.

This is the sixty-third anniversary of the organization of the Relief societies of the Church, this event having occurred at Nauvoo March 17, 1842, under the direction of the Prophet Joseph Smith. The first officers of the society were Emma Smith, wife of the Prophet, president; Mrs. Elizabeth Ann Whitney and Mrs. Sarah M. Cleveland,

counselors; Mrs. Elvira Cowles, treasurer, and Eliza R. Snow, secretary. From that day to the present the society has been recognized as one of the most important helps in Church government, as its mission is to help the poor and the needy, to bind up the broken-hearted and to minister comfort to the sick and the afflicted.

In commemoration of the anniversary of its organization, the societies throughout the Church are today engaged, in celebrations in their respective localities, the time being spent in pleasuring and general merry-making, much to the enjoyment of all present.

Don't put a lot of dirty manure about the residence. Lawn fertilizer is cleaner, cheaper, better and goes further.
VOGELER SEED STORE.

MANCHESTER CONFERENCE.

There will be a reunion of the Elders and Saints of the Manchester conference held in the Ninth ward meeting-house, Fifth East and Fourth South, Salt Lake City, Saturday evening, April 8, at 7:30 o'clock. All Elders that have labored in the Manchester conference and Saints are invited to be present and join in the renewing old acquaintances, and have a good old-fashioned handshake and spend a social evening together. A short, spicy program will be rendered, after which refreshments will be served.

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No miner or investor should overlook Tonopah and Goldfield. While marvelous finds have been made, it is more than probable that finds as rich will be made in the future, and the man on the ground is the one who will benefit from these strikes. Several millionaires have been made by these camps, for all they are so new, and many men have accumulated comfortable fortunes. For full information about Tonopah and Goldfield and how to reach them, apply to D. R. Gray, 201 Main street, Salt Lake City. The Southern Pacific is the only road to this great mining region, and Mr. Gray, as its agent, is well posted on conditions, rates and routes.

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