

SUIT AGAINST ART INSTITUTE.

Mandamus Proceedings Instituted By Edwin Evans and J. B. Fairbanks

ARE AFTER STATE FAIR PRIZE.

Contend That the Award Was Unlawfully Withheld and That Proposed Second Exhibition is Illegal.

The Utah Art Institute, George M. Ottlinger, S. P. Whitaker, Edna W. Sloan, Alice M. Horne, Allen L. Lovey, H. L. A. Culmer and L. A. Ramsey, are the defendants in a mandamus proceeding filed in the district court today by Edwin Evans and J. B. Fairbanks, two well known Utah artists, who ask that a writ of mandamus be compelling George M. Ottlinger, S. P. Whitaker and Allen L. Lovey, the judges of the state art exhibit held in this city from March 9 to April 9, 1903, to make an award of the state prize of \$500 between the several paintings exhibited and to determine which is entitled to the prize. It is also asked that the governing board of the institute be enjoined from paying out said prize money to any other person or upon any other award other than made by the judges in accordance with the writ of mandamus.

It is alleged that each of plaintiffs exhibited two paintings at the annual exhibit of the institute and entered the same for the state prize. For some reason the judges refused to make an award of that prize, and still refuse to do so. It is proposed by the governing board to hold another exhibit on Nov. 23 and again award the state prize. Plaintiffs claim that a second exhibit by the institute in one year would be illegal. It is therefore asked that the judges be compelled to make the award as between the paintings exhibited at the regular exhibition in March and that the institute be restrained from holding another exhibit and awarding the state prize again. An alternate writ of mandamus was issued by the court today.

TO FORECLOSE I. X. L. LODE.

John C. Dugan enters suit against Bingham & Eastern Copper Co. John C. Dugan today filed suit in the district court against the Bingham & Eastern Copper Mining company and the Bingham & Eastern Mines company to foreclose a mortgage upon the I. X. L. lode and eight other claims belonging to defendants, located in the West Mountain district. The mortgage was given to secure the payment of a promissory note for \$25,000, executed by defendants on May 23, 1902. Plaintiff asks judgment for the full amount of the note with interest on the same from its date, also for \$27.55 taxes paid on the property and \$1,500 as attorney's fees.

LEFT ALL TO FIRST WIFE.

Mrs. Leifer, No. 2, Now Asks That Will Be Set Aside. Mrs. Oriana Leifer today filed a petition for letters of administration of the estate of her deceased husband, Otto Leifer, who died in this city on Oct. 13, 1903, leaving an estate consisting of real property valued at \$15,000 and personal property valued at \$25,000. She also asks that the purported will of her husband executed on March 21, 1899 be declared null and void for the reason that it was not properly witnessed and also that it be declared to have been revoked by her husband in his lifetime.

The will bequeaths all of said estate to Leifer's former wife, who died before he married petitioner, excepting \$1,000 each of her two sisters and brother. It is claimed, therefore, by the present Mrs. Leifer that the acts of her husband subsequent to the death of his former wife amounted to a revocation of his will. The petition will be heard by Judge Hall on Friday, Dec. 4.

CLAWSON DIVORCED SUIT.

Foramors L. Clawson filed suit for divorce in the district court today against Emily L. Clawson on the ground of desertion. They were married in this city on Oct. 8, 1901, and it is alleged that defendant deserted her husband on Nov. 1, 1902.

Decree of Foreclosure.

Judge Hall today rendered a decree of foreclosure of trust deed in favor of plaintiff in the case of the Deseret Savings bank vs. Martha G. Young and the estate of William G. Young, deceased. The property foreclosed is a piece of lot 17, block 17, five acre plat A. Big field survey and the amount of the judgment is \$5,231.33 and interest and \$11.70 costs.

Suit to Quiet Title.

Suit was filed in the district court today by Leopold Goldberger vs. B. Smith to quiet title to 25x10 rods of ground in lot 1, block 59, plat B, Salt Lake City survey.

COURT NOTES.

The case of Silberman Bros. vs. Reedley et al arising out of the sale to plaintiffs of certain quantities of wool, occupied the full time of the federal court today.

UNIVERSITY ELECTION.

Attempt to Elect a President Fails—Other Affairs.

Dr. Francis W. Kelsey, the eminent educator who is at present visiting the city, this morning addressed the students of the University of Utah, giving them a very excellent talk. He was followed by Dr. Wade, secretary of the board of regents of the University of Michigan, who paid his compliments to the institution. Following this President-elect Kelsey turned the meeting over to Acting President Elbert Thomas, who announced that nominations for a president of the student body were now in order. Elmer Caldwell of the engineering department, Elbert Thomas, a member of the P. A., which was endeavoring to dictate the policy of the school. Replying to the attack made Mr. Thomas admitted belonging to the fraternity referred to, but he denied the allegation that it was attempting to dictate to the school. He said the fraternity had been organized for the purpose of securing a loan of \$5,000, with which to erect a home on the school campus. This loan had almost been negotiated and it was

What does it cost, do you think, to moneyback Schilling's Best? Ask your grocer; he knows.

their cherished belief that their hopes from the baby cranked in the new future. Speeches were also made by Messrs. Hiser, Bradford, Claridge, Worthing, Holman, Hopkins, after which the students prepared their ballots and proceeded to cast them for the respective candidates. The election continued for half an hour, when the ballots were counted, showing the following result: For president—Thomas, 214; Carlson, 153; Perkins, 124. As it required 240 votes to elect, the ballot resulted in no choice.

IN JUDGE DIEHL'S COURT.

In Judge Diehl's court today, J. Leo Willis, the man charged with purloining a metal safe from the university buildings, was given a preliminary hearing on the charge of grand larceny. He was ordered to await the action of the district court.

FRED GRAHAM HOME.

Fred G. Graham has returned from Denver where he went to attend the Continental concert. He speaks in the highest terms of the Tuesday Musical club of that city, and says there was much regret that Prof. McClellan was unable to be present also, as it was the intention to call on him for an organ number. Mr. Graham sang twice in the largest of the local churches and a choir position was offered him, but he did not feel able to remove from this city to Denver.

A GUARANTEE FOR PILES.

Itching, Blind, Bleeding or Protruding Piles. Druggist will refund money if "AZO OINTMENT" fails to cure in 14 days.

CORINTHIAN RE-DIVIVUS.

The Widely Advertised Play May See Light Again in New York.

For several days past rumors have filled the air concerning the probable sale of "Corinthian" to a New York syndicate. When seen by a New York reporter today, a member of the Deseret Dramatic syndicate, which owns the play, stated that while negotiations had been pending for several months there had been nothing done, although it was expected that something definite would be decided upon in the near future. The gentleman was of opinion that the play would be produced under a lease, this being taken by some responsible New York theatrical manager. At present, said he, Mr. Thatcher was in Boston and he was not sure that he would be the major portion of the stock, this being highly probable that nothing would be attempted until his return.

Mr. Bean, author of "Corinthian," left in a hurry for New York last night. He showed a "News" representative copies of telegrams and letters he had received urging him to clear up the complications that surrounded the ownership of the play, and promising him that if he could give a clear title, a New York production was probable.

Mr. Bean said the matter was a sad muddle. The scenery and costumes were owned by George W. Thatcher, the former treasurer of the company. He had been promised the ownership of the rights to the play, but only on condition that it presented the play not less than 20 weeks each season. As they had failed to do this, he felt that the play should revert back to him, leaving him free to make any disposition of it that he chose.

He says he proposed to the syndicate that they hand him over a quick claim deed to his play, inasmuch as they could not produce it, but the syndicate said they had nothing to do with Mr. Thatcher, who secured a judgment against them for \$1,095 last week. Mr. R. S. Spence, one of the syndicate, will be in Salt Lake soon, and he is given full authority to act, and as Mr. Thatcher is already there, Mr. Bean is hopeful of getting the entanglements straightened out.

TEMPLE NOTICES.

The Salt Lake Temple will close on Thursday evening, Dec. 24, 1903, and will reopen on Monday, Jan. 4, 1904. J. S. SMITH.

Get the Most Out of Your Food

You don't and can't if your stomach is weak. A weak stomach does not digest all that is ordinarily taken into it. It gets tired easily, and what it fails to digest is wasted. Among the signs of a weak stomach are uneasiness after eating, fits of nervous headache, and disagreeable belching.

"I have taken Hood's Sarsaparilla at different times for stomach troubles, and a run down condition of the system, and have been greatly benefited by its use. I would not be without it in my family. I am troubled especially in summer with weak stomach and nausea and find Hood's Sarsaparilla invaluable." E. B. HICKMAN, W. Chester, Pa.

"My stomach was so weak I could not retain food. I found I could take three drops of Hood's Sarsaparilla and not throw it up. Increased the dose daily for three weeks. When I had taken two bottles I could eat anything, and six bottles made me well." Mrs. Lottie E. Newman, 31 Lewis street, Hartford, Conn.

Hood's Sarsaparilla and Pills
Strengthen and tone the stomach and the whole digestive system. Get Hood's.

PAST YEAR WITH THE RAILROADS.

The Gross Earnings Increase but Surplus Over All is Slightly Smaller.

MORE WAS PAID IN DIVIDENDS

Railway Figures for the Year 1902 Show Finances in the Aggregate Of Many Lines.

The total gross earnings from traffic on 197,877.40 miles of railroad in the United States for the year 1902 amounted to \$1,720,314,900, as against \$1,612,448,826 for the preceding year.

This fact is shown by the advance copy of the introduction to Poor's Manual of Railroads, which has just been issued. The edition of 1903, which is issued somewhat later than last year's, contains 130 pages more than the manual of 1902, and contains the latest information available up to two weeks ago.

It is shown that the total mileage of the country is now 203,131.61 miles, of which 159,684.64 miles made report to Poor's upon various subjects connected with operation and earnings. The mileage shows a net increase of 4,364.53 for the year.

The statistics of earnings show that the surplus over fixed charges and miscellaneous payments for the year amounted to \$102,166,424, as against \$113,388,134 for the previous year. The total revenue available, however, exceeded that of 1901 by \$46,906,051, the amounts being \$635,269,592 and \$588,363,541.

TRACKLAYER AT WORK.

New Machine Now in Active Operation Below Calientes.

The San Pedro's new tracklaying machine is now in active operation and the heavy steel is laid for eight miles out from Calientes towards Los Angeles, and the contractors have 21 miles of grading still to do. While the grade is not all connected, it will not take long to connect up the ends of the different sections. Active and rapid construction is in progress.

SPIKE AND RAIL.

The "King Dodo" company leave in the morning over the Rio Grande.

It is reported that E. H. Harriman will not be present at the Lucin cut-off festivities on Friday.

General Agent Walker of the Chicago Northwestern is back again from the north. The northwestern's officials who went with him over his territory have gone on to the coast.

STRIKERS ORGANIZE.

Those at Sunnyside Are Now Forming A Union.

(Special to the "News.") Sunnyside, Utah, Nov. 18.—Eighty-three miners are at work here today, an increase from Tuesday of 17. Men are applying for work each day, and the strikers are organizing a union. The men at work are making good wages.

IT IS TONIGHT.

Free Illustrated Lecture in Barratt Hall on Pompeii.

Tonight in Barratt Hall, under the auspices of the committee of the State Archaeological society, Dr. Francis W. Kelsey of the University of Chicago, will deliver a free illustrated lecture. His subject is "Recent Discoveries in Pompeii." The lecture is interesting and entertaining, of high class and strictly educational. Stereoscopic views of the ancient city will be used to elucidate the text of the presentation. The archaeological society will be gratified if those interested in the subject of antiquities in general or of Roman antiquities in particular, will attend the meeting. The lecture will begin at 8 o'clock.

NEW BRADSTREET MAN.

The vacancy in the superintendency of Bradstreet's local agency caused by the resignation of O. E. Beckwith, has been filled by the appointment of F. B. Bogle, transferred from the agency at Sacramento, Cal., Division Superintendent E. A. Barnes of San Francisco, accompanying him to Salt Lake to install him here. The new superintendency has been connected with Bradstreet's for the last four years, and has shown himself to be a very capable man. During the interval between superintendencies, Mr. Bogle acted as assistant administrator, and remains under the new management in a responsible position.

Amusements

"King Dodo" drew a second good audience at the Theater last night. The engagement closes this afternoon and evening.

"The Minister's Son" closes at the Grand Concert hall tomorrow night, comes the exciting play "In Convict's Stripes."

"The Dairy Farm," the latest big New York success among plays of the "Way Down East" type, comes to the Theater on Monday. Four of the members of the original cast—Messrs. Fong West, Theo. T. Rook, Miss Helen Hartley and Miss Sarah Ward, have all been brought direct from New York. All of these players have appeared in "The Dairy Farm" over 1,000 times.

PERSONALS.

Dr. and Mrs. D. M. Lindsay returned home last night, after an extensive European tour.

Bishop Leonard is ill at his home with a mild type of typhoid fever.

P. K. Giffelman of the Chicago Great Western, Butte, Montana, has returned home.

A. J. Foley of the Illinois Central has gone north on a business trip.

H. G. Lydard, chief clerk of the Chicago Northwestern left this morning to assume his new duties at Pittsburg, Pa.

MORTENSEN'S LAST HOPE.

Supreme Court This Afternoon Takes Up Petition for Rehearing.

At a late hour this afternoon the supreme court was still considering the petition for a rehearing on the second appeal in the Mortensen case.

PETITIONS CIRCULATED.

Chas. B. Irwin Making an Effort to Save Tom Horn.

Special Correspondence. Rawlins, Wyo., Nov. 18.—Charles B. Irwin, live stock agent of the Union Pacific, and one of Tom Horn's closest friends, is here today circulating a petition to the governor asking him to commute Horn's sentence to life imprisonment.

A pretty "Con" talk is being put up but the petition is meeting with a cold reception. People in this neck of the woods are satisfied with the verdict in Horn's case and do not care to interfere to defeat the ends of justice.

RESCUE RUMORS.

Special Correspondence. Cheyenne, Wyo., Nov. 18.—Gov. Chatfield returned hastily from Denver last night, having received a tip that friends of Tom Horn are to attack the jail tonight and deliver Horn.

Chatterton called in Adm. Gen. Stitzer and instructed him to investigate the matter thoroughly and if conditions demanded to get the Cheyenne troops of cavalry and company of militia in readiness to do riot duty at a moment's notice. Troop A, Capt. Gregory commanding, and Company G, Capt. Brookhart commanding, are now ready with their men to assist in repelling an attack on the jail. The men are lounging about the armories close to their quarters which are being gotten in condition for business.

There may be no need of troops but the governor argues that an ounce of prevention is worth a pound of cure in a case of this kind. He has ordered the jail last night and prayed with him. Two songs were rendered and Rev. Williams preached a sermon. Horn was asked to participate in the prayers but after kneeling on a bench he changed his mind and refused to comply with the request, saying he thought the prayers were carrying the thing a little too far.

Horn treated the evangelists with respect and did not sneer or scoff at them. After they had retired Horn meditated for 15 minutes, then he bowed up and regained his chipper bearing.

LAKE RISING.

The lake level record was read this morning, and shows that the lake has risen one inch in the last few weeks. This makes the reading now three feet below the zero mark.

Ward Entertainments.

On Friday night next a select concert will be given in the Thirtieth ward chapel, under the direction of the ward Sunday school. The following program will be rendered:

Piano solo Miss Edith Burns
Recitation Miss Vida Jones
Tenor solo Thomas Ashworth
Chorus solo Miss Lela Owen
Recitation Ardelia Hittne
Solo Mr. George D. Pyper
Selection Summer-Winter Quartet
Recitation Miss Lela Owen
Recitation Miss Lela Owen
Something Good, Clavann and Margaretta
Solo Mrs. Nellie Penrose-Whitney
Banjo selection Sam Kanyon
Pupil of Mr. J. S. Donelson.
Song Mr. W. J. Willes
Recitation Miss Vida Jones
Solo Miss Lela Owen
Humorous recitation W. W. Calder
Baritone solo Frank Platt, Jr.
Recitation B. S. Young
Solo W. Allen Howard

AFTERNOON ON 'CHANGE.

Daily-West Still Going Up—Other Stocks About Stationary.

At the afternoon call Daily-West was still rising, a sale being effected at \$34.25. Daily-Judge, however, lost what it gained at the morning call and reached its lowest point when 100 shares changed hands at \$3.74. Lower Mammoth was still a feature but was generally sold short. The following are the afternoon sales:

Con. Merc., 100 at 74 1/2; 100 at 74 1/2.
Daily-Judge, 50 at \$3.30; 200 at \$3.55; 100 at \$3.75.
Daily-West, 25 at \$34.25.
Lower Mammoth, 100 at 45; 100 at 45 1/2; 1,000 at 46 1/2.
Joe Hoover, 5,000 at 1.
Star Con., 200 at 27 1/2; 100 at 27.
Uncle Sam, 500 at 21 1/2; 500 at 22 1/2.
Butler-Liberal, 500 at 12.
New York, 100 at 14.

Gen. Gomez' Birthday.

Havana, Nov. 18.—A stream of visitors called on Gen. Gomez today and congratulated him on his birthday. To the correspondent of the Associated Press, a book containing the names of the Cuban army officers who had served under the command of Gen. Gomez during the Cuban war of independence, was presented by the Cuban army after the amount obtained by the loan is exhausted.

ABBEY PRESS AFFAIRS.

Charles Ridel, Former President Of Concern, Placed Under Arrest.

New York, Nov. 18.—As a result of the investigation of the affairs of the Abbey Press, a book concern, which after several reorganizations, had a fire last February, and a failure later, Asst. Dist. Atty. Gen. Charles Ridel, formerly president of the concern, was placed under arrest on a warrant charging him with grand larceny. The complaint was made by a member of the firm of M. Lowenstein & Co., alleged that Ridel

Always Remember the Full Name

Exactive Bromo Quinine

Cures a Cold in One Day, Grip in 2 Days

E. W. Brown on every box 25c

LADIES' SUITS HALF PRICE

Possessing style-quality, these handsome garments are representative of the season's accepted modes. They reflect the newest and most deserving ideas. All sizes are shown, from 34 to 44. Fabrics: Zibiline, Chevots and Fancy Mixtures. Long Coat effects are a distinguishing feature, as well as short blouse jackets. Both the long skirt and walking lengths are shown. There are about 85 suits.

\$75.00 for \$37.50. \$50.00 for \$25.00. \$45.00 for \$22.50. \$35.00 for \$17.50. \$25.00 for \$12.50. \$18.50 for \$9.25. \$15.50 for \$6.75.

Blanket Bath Robes.

Made of imported colored blanket; manufactured especially in Germany for robes. Wide stripes and light and dark colors; sailor collar, with girle round the waist. All sizes, \$7.50, for—

\$4.95

THE BEST THE MARKET AFFORDS CORSETTICALLY.

Is what we purpose giving our valuable clientele.

The best corset designs are found in our stock of Reifers, which we have in a variety of styles, suitable to every form, and at desirable prices. The corsets which we show today contain the elements of contour that give the desired figure, and are made in a perfect outline, but in comfort, which is an appreciable point.

A competent corsetiere, knowing the exact model for every figure, is in attendance.

STYLE E—Extreme hip dip for the short and full medium figure, very low bust. Front and side supporters. White, Coutil and black Italian cloth; 10 inch class, 4 hooks, 18 to 26 inches. WHITE, \$5; BLACK, \$6.50.

Little Suggestions For Early Holiday Shoppers.

Today we are selling a line of handsome little silk hand embroidered top collars which are a special at—25c.

Lace collar stocks in white and ecru and beautifully made of the best of applique, can be had today from—25c to 75c.

The new Lady Marlborough lace ties in elegant new designs, made in white, ecru, cream and black, can be had at prices from—75c to \$7.50.

KEITH O'BRIEN COMPANY.

Rich and Brilliant.

Lot of Couch Covers just received. We invite you to inspect them.

Prices Away Down.

This is a good time to look up your old furniture and have it re-covered. We will give you estimates on any kind of upholstery work.

H. DINWOODEY FURNITURE CO.

SHIVERING BOYS

Are not Pleasant Objects to Contemplate.

NOW, when we offer you good warm warm SUITS and OVERCOATS at moderate price, you have no excuse for not protecting your boy. You will find some of the newest designs, both in clothes and cut; in our well selected stock.

REMEMBER

Boy's and Young Men's SUITS and OVERCOATS A Specialty.

Get the habit go to—

→61←

→63-65←

Main St.

Get 2.00 yards of cloth, worth \$1.50, from that firm, which, an affidavit by the Albany Press shipping clerk said, was immediately shipped away.

Mr. Darwin says that from various firms \$17,000 worth of cloth was ordered, and that it was sold here and in Baltimore at a sacrifice.

An affidavit accompanying the complaint, made by the present secretary of the publishing company, asserts that the late did not profit by the transaction. Ridel was paroled by the magistrate before the case was closed.

AT SAN DOMINGO.

Fighting Occurs Around City but Rebels Not Successful.

San Domingo, Republic of Santo Domingo, (Tuesday), Nov. 17.—Severe fighting took place last night around this city. The rebels were prevented from entering the capital. The loss of the rebels is not known.

The United States cruiser Baltimore last night, to protect American interests, landed troops and landed the United States Marines. Guards were placed at the American legation and consulate and the Clyde steamship agency. The situation otherwise is unchanged.

All is quiet this morning but a new attack is expected at any time.

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Nellie McHenry Burned.

Omaha, Neb., Nov. 18.—Nellie McHenry, leading woman in "Melba," now playing here, was seriously burned about the lower limbs during the performance last night. In the course of the schoolmaster from the burning house, the actress skinned caught fire as she dropped through the roof. She was carried to the wings and the flames extinguished.

Otto Was in Insane Asylum.

Denver, Colo., Nov. 18.—John Otto, who was arrested last Saturday on the charge of attempting to do harm to the governor, acknowledged that he had served three months in the insane asylum in California for his persistence in trying to present his views on the labor question

Short Session of Senate.

Washington, Nov. 18.—Today's session of the senate began with the presentation of a petition from the "Dames of 1861" for an increase of \$30 per month of all pensions granted on account of the Mexican war. Mr. Gallinger said the pension committee would give due consideration to the petition but called attention to the fact that the survivors of the Mexican war now receive pensions of \$12.

On motion of Mr. Spooner the senate ordered printed additional copies of the treaty between the United States and New Granada, which was made in 1846 and proclaimed in 1848. Adjourned.

Rio Tinto Strike Over.

Huelva, Spain, Nov. 18.—The strike at the Rio Tinto mines is ended and men have resumed work.

PROBATE AND GUARDIANSHIP NOTICES.

Consult County Clerk or the respective signers for further information.