

SMELTER DECISION OF GREAT IMPORT

Judge Marshall Says Plant May
Re-Open To Smelt
Ores.

FARMERS ARE SATISFIED.

Restrictions Are Made That Will
Do Away With Litiga-
tion in Future.

United States Company Says No
Chance for Further Trouble Exists
Because of Precautions Taken.

Judge Marshall this morning promptly at 10 o'clock in the United States court delivered an oral decree, by which the United States smelter at Bingham Junction is given an opportunity to again open its furnaces, and smelt ores. The decision is so hedged about with safeguards for the farmers that their committee who were present expressed themselves as satisfied.

In Bingham Junction a large American flag flew out to the breeze from the top of the smelter flue within a few minutes after the decision was announced by wire, and smaller flags were displayed on all principal office and store buildings in West Jordan. A band was soon out upon the streets heading a large informal celebration, while a dance was announced for tonight to end a day of jubilation.

In Salt Lake the news created a genuine sensation as the smelter's chances to secure the granting of its petition were regarded as uncertain at the best. It employs, when working at full capacity, 750 men and has a payroll of \$75,000 a month. The news that it may resume is taken in mining circles as an omen of better times for that industry.

NOT WRITTEN OPINION.

The opinion of Judge Marshall was an oral and not a written one. It suspends the injunction under which the smelter was restrained from operating, and grants the petition of the smelter under the restrictions agreed to in that petition. These restrictions require that the smelter must absolutely stop all solids, including arsenic, sulphuric acid, copper, lead and antimony dust, and may emit from the flue only three-quarters of 1 per cent of sulphur dioxide gas to the total volume of smoke. This restriction will limit the amount of sulphide ores that may be treated, but the restriction will be on the basis of the gas sent out rather than by the tonnage used.

In announcing the suspension of the injunction Judge Marshall said that the fact that the plaintiffs had agreed into a stipulation with the American Smelting & Refining company, allowing it to operate under terms more liberal than were requested by the present petition, had an important connection with the case, as showing the amount of probable material damage.

FARMERS ARE SATISFIED.

This smelter was allowed to operate on the report of Prof. Ebaugh that it contributed only slightly to the damage done, since it used less sulphuric acid, and emitted less of its solid dusts in the flues.

John C. Mackey, chairman of the farmers' committee, said at noon that he felt satisfied, as the restrictions on the grant made it impossible for the smelter to continue if it should do damage. "This allows them a probationary period, as I understand it," he said, "to prove the efficacy of their bag house and other improvements, and as soon as the sulphuric acid gets to burning up crops or destroying vegetation of any kind, or the sulphur dioxide gas gets so thick in the air that it becomes obnoxious to the people, then the smelter must close without further necessity to bring suits on the part of the people."

Judge King of the counsel for the farmers expressed himself as satisfied, since the restrictions would be such as to safeguard the farmers from harm or continuing expensive litigation.

MANAGER HOLDEN TALKS.

Managing Director A. F. Holden shook hands with Mr. Mackey on the result after the court had adjourned. "I'll bet the price of the entire plant," he said, "that we never do the least bit of damage. We are investing al-

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most the price of the plant in improvement. If we do any more damage we stand to close this entire investment. All you will ever see coming from the U. S. plant flues from now on will be a little steam vapor from the water in the ores, in which will be mixed a little sulphur gas, which we cannot control. It is not our desire to stay in the valley if we are to further antagonize the residents, or do harm to their land."

At the offices of the U. S. company in the Dooley block there was much rejoicing over the result. President W. G. Sharp, General Manager Helms, Metallurgical Director H. D. Prosser, and others were found by a "News" representative, and Mr. Helms gave out the following statement for the smelter: "You can say for the United States Smelting, Refining & Mining Co., that there will be no damage caused to vegetation in the future. It will be 60 days before we can get any furnaces into commission and six months before we can be running the lead smelter to capacity. It will be necessary to install converter roasters instead of hand roasters, and to build a plant to use up the arsenic."

AMUSEMENTS.

Theater—Mr. Hanford and his company put a much better "foot forward" in their bill last night than on the opening. In fact the little sketch entitled "The Old Guard," in which Mr. Hanford essays the part of one of Napoleon's famous soldiers, aged, broken down and poverty stricken, is by far the best thing that he ever did, and as a whole it is a character sketch that few actors could equal. His work is so good that it induces the thought that he is really a character actor, instead of a heroic one.

In "The Taming of the Shrew" he has a light role as different as any other could write, from his Mark Antony. He was, therefore, very much better suited, and the same thing can be said for his audience. Good work during the evening was done by Miss Blah and Mr. Seimeyer. Miss Wilson in the part of Katherine, was better than she was in Cleopatra.

The engagement ends with a performance of "The Merchant of Venice" this afternoon, and with a revival of "Antony and Cleopatra" tonight.

The seat sale is now going on at the Theater for Monday and Tuesday's performances by Florence Roberts.

TRIAL FOR NEW SWITCH.

An automatic switch, the invention of a young Idahoan described some time ago by the "News," is being tried in the Oregon Short Line yards and is working like a charm. Officials of the company have watched its work and say it is more promising than the usual "automatic switch."

TODAY'S MONEY MARKET.

New York, April 4.—Money on call nominal. Time loans dull and easy; 60 days 3 and 60 days 3 1/2 at 3 1/2 per cent.

Close: Prime mercantile paper 1 1/2 at 5 1/2 per cent. Sterling exchange steady, with actual business in bankers' bills at 48.65 at 48.65 for demand and at 48.25 at 35 for 60 day bills.

Commercial bills 4.83% at 4.84% Bar silver, 55 1/2. Mexican dollars, 47. Government bonds steady; railroad bonds steady.

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MURRAY DEPARTMENT

The "News" is delivered in Murray and vicinity from the branch office every night. L. E. Lauritzen, Branch Manager. Orders for Church works and advertising received. Office over First National Bank. Ind. phone 87.

MUNICIPAL OWNERSHIP.

Murray City Council Calls Mass Meeting to Discuss Proposition.

Murray, April 4.—The city council has appointed a special committee to call a meeting of the people, getting their opinion as to bonding the city, and putting in a sewer system, and putting in the electric lighting plant, establishing a trolley line, between here and Garfield, and improving the streets, etc. The outcome of the meeting is looked to with interest.

A communication was directed to the street committee by John P. Cahoon, calling attention to the platting of Murray City, and setting forth that this move is the wish of the property owners, and was also the main issue of the last election. Mr. Cahoon maintains that it would cost the city but little, as the expression of many property holders is to the effect that they would willingly stand the expense of surveying in order to establish corners from which they could regularly sell lots.

Dr. Bird, city health officer, reported that the health board had made a tour of the town and noted its unsanitary condition, stating also that the streets in many places were in no better condition than some of the private places, and suggested the city take the initiative in cleaning up refuse, and it would then be much easier for the citizens to see the necessity of it. The matter was referred to the street committee.

The committee on municipal law recommended the adoption of an ordinance providing a dog catcher.

Dave Erickson, who conducts a saloon at the corner of State and Lovendahl, appeared before the council and disclaimed the report of the marshal as untrue, that he had allowed frequenters there on Sundays in violation of the city ordinance.

Two cases of scarlet fever in the vicinity of the Liberty school caused something of a scare this week for which there was no necessity, as neither case developed in school. However,

LATE LOCALS.

Juvenile Choir—Prof. Stephens' little singers should look up the notice asking them to come to the tabernacle to sing next Monday night at 8 o'clock.

Off for Germany—Bowker Preston and Lawrence Caine of Logan are in Salt Lake today visiting friends. On Monday they leave on missions to Germany.

Down from Idaho—Mrs. E. P. Mulhall of Idaho Falls, Ida., is the guest for a few days, of her father, Mr. Phil Margers, 142 west Second North street.

The Kanab Country—Prest. E. D. Wooley of Kanab is among the conference visitors. He looks well and hearty and reports affairs generally in a good condition in his district.

Dance at Saltair—The Bohemian club will give a dancing party at Saltair on Friday, April 18. It is in charge of the amusement committee, including G. E. McDonald, Job White and A. W. Bolton.

New Meetinghouse—Bishop Platt of the Twelfth-Thirteenth ward has just bought 67 1/2 by 165 feet on Second South street between Third and Fourth East streets, for \$16,125, where a new meetinghouse is to be erected.

Married in the Temple—Ray Moss and Miss Eva Grant were married in the Salt Lake temple on Thursday. They have many friends both in Davis and Salt Lake counties who met them at home to extend congratulations.

Nelson Returns—Supt. A. C. Nelson of the state public schools, has returned from Mt. Pleasant, where he was successful in establishing a high school. The proposition carried by a vote of 194 in favor to 4 against, after listening to a speech in its favor by Supt. Nelson.

Looking for Werle—The local police have been asked to make an effort to locate William F. Werle, a prominent mining engineer of Cleveland, Ohio. His wife, writing from 323 Jennings avenue, Cleveland, says she has not heard from her husband since Nov. 24, 1907, at which time he was at Ash Fork, Ariz.

The Big Horn Country—Prest. Jesse W. Crosby is in from the Big Horn country and reports matters flourishing in that district. He says the farmers will grow several hundred acres of beets for the sugar factory at Billings, Mont. He reports that the country is thoroughly well watered, in fact, they have more water than they can use at the present time.

Salt Lickers Compete—The Commercial club board of directors at a meeting yesterday afternoon, decided to ask Salt Lake architects to submit plans for the proposed new club building. Architect Cobb has submitted a general plan, while the details yet remain to be worked out, and the board feels that Salt Lake talent should be given a show.

Free Dispensary—The free dispensary is the scene of considerable activity these days. Five new cases showed up this morning and the physicians are having plenty to do in caring for the unfortunate who call for treatment. The work of enlarging the reception room and hospital ward is going on rapidly and within a few days a large number can be cared for.

Visit Police Court—City Atty. Edwin S. Booth of Butte, Mont., is a visitor in the city. Accompanied by Mrs. Booth they visited Judge Diehl's court this morning and were interested spectators at the regular Saturday morning session. Mr. Booth is here on business and will spend two or three days in Salt Lake. He expressed himself as pleased with the improvements that have been made here, the growth of the city and the climate.

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

DIED.

COLVIN—At 716 east Second South street, April 2, Harold G. Colvin, aged 45 years, 10 months and 29 days. Notice of time and place of funeral will be given later.

M'CALLISTER—At Ogden, April 1, 1908, John McCallister, aged 29 years, 5 months and 29 days. Notice of time and place of funeral will be given later.

M'FARLAND—In this city, April 3,

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1908, Elizabeth McFarland, widow of the late F. O. McFarland, of Centerville, Utah, aged 64 years; native of Virginia. The funeral was held today (Saturday) at 12:30 p. m. at the funeral chapel of Joseph William Taylor, 21 south West Temple street.

FUNERAL NOTICE.
The funeral of the late Basil W. Claron, aged 55 years, will be held Sunday at 12 o'clock noon from the family residence, 469 1 street. Friends are invited to attend. Interment in city cemetery.

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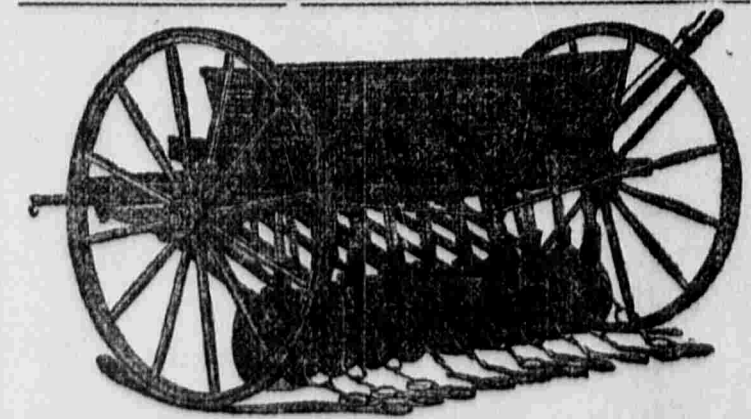
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