

ARGUMENTS ARE STILL GOING ON

Hearing of Contention in the Coal Land Cases.

THE GOVERNMENT'S POSITION

Was Set Forth in United States Court By Attorney Critchlow and District Attorney Booth.

In his argument yesterday afternoon in the coal land cases before the U. S. court, Atty. Critchlow continued in refutation of contention made by the defense that the state's enabling act made no reservation of mineral lands, and remarked that if all mineral land were left liable to state selection, Utah has missed a good thing. Counsel gave considerable time to substantiate the government's contention that outcroppings on the lands involved were sufficient proof of their being coal lands. No geological knowledge is necessary to determine whether a land is coal land or not. Mr. Critchlow also held that the court had jurisdiction as the action is purely local, the lands being located in this state. Dist. Atty. Booth followed Mr. Critchlow in showing that the government has the right to sue in this court for cancellation of patents wrongfully obtained. Mr. Waldron followed in rebuttal, until adjournment today.

Counsel for the defense occupied the morning with closing argument. He holds that the government must do one of two things, viz, bring suit in "rem," as affecting the property in question, in which there is suit for possession of the coal lands themselves and under which action the Utah court has jurisdiction; or, suit in personam, as jurisdiction parties themselves, which should be done in the state where the company is incorporated. Counsel held that the United States has really nothing to do with the case. The lands had been transferred to Utah, and it is Utah that is interested and under which action, if any, is to be brought.

Judge Waldron has made an excellent impression here, and has presented his case with marked ability. He was formerly district attorney at Pueblo, where he made such a reputation as a prosecutor that it has been marked when criminals found out that he was prosecuting them, they pleaded guilty at once. Judge Waldron removed to Denver in 1896, and has established a strong reputation there. The government has 15 days in which to file an answering brief, and then the court has 10 days in which to prepare an opinion. Owing to some of the intricacies of the case, there is a belief in the federal building that the decision will favor the government.

IMMEDIATE RECONSTRUCTION.

Possible That Utah Packing Plant Will Be Moved to Another Locality.

General Manager James C. Leary, and other officials of the Utah Packing company, are exceedingly jubilant over the unanimous decision on Thursday of this week, to build the plant which was destroyed by wind and flame during the big storm of two weeks ago tonight. At Thursday's meeting, 25 per cent of the subscribed stock was repurchased, and every share of it favored immediate reconstruction, which will cost approximately \$50,000. Of course this means that a large amount of the old material and considerable of the old machinery will have to be utilized. It has not been quite determined whether the reconstructed plant will go up on the old site. Inducements are being held out to move to another locality, and this may yet be done, owing to some disagreement, it is said, with the railroad company as to trackage arrangements.

Among those present at the meeting, were the Evans Bros. of Malad, George C. Whitmore, the Nephi banker, W. C. Crawford, president of the Mann bank, and a representative of the Layton bank. It was decided that the stock should be sold only to stockholders, at least until the plant has been rebuilt, when the remainder will be disposed of to the livestock public of this section.

D. C. BUTTERFIELD CROSSES DIVIDE

Pioneer Pathfinder of Utah, California and Nevada Passes Away.

WAS AN EARLY PROSPECTOR.

Returning to This State in 1871 He Engaged in the Mercantile Business—Body Coming Here.

Don C. Butterfield, a pioneer pathfinder of Utah, California and Nevada, died of pneumonia at Ely, Nev., Wednesday, Nov. 8. Mr. Butterfield was born in Illinois Aug. 13, 1842, and came to Utah when a boy, afterward going to California with his father in 1853, where he lived for a long time. He was one of the early prospectors in the California gold fields, and the great Comstock lode in Nevada. Mr. Butterfield later went to Elko, Nev., and was elected county commissioner of Elko county, in 1867. For a long time he and his wife, who died in 1901, kept a hotel in Elko known as the "Butterfield Station." It was on the route of the overland stage line, and travelers were always glad to enjoy the rest and comfort of his place.

RETURNED TO UTAH.

He came back to Utah in 1871, and engaged in the mercantile business on Second South and Main, where the Kenyon hotel now stands, but did not make a success, and about two years later moved to New York City, where he lived for twenty years.

He returned to Utah again on Dec. 7, 1903, where he remained until Oct. 24, 1906, when he went to Nevada, to return to mining.

OF CHARITABLE DISPOSITION.

He was ever ready to extend a helping hand to those in need, always loyal to his friends and most generous.

He had high aims, lofty ambition and unconquerable energy. His sentiments and characteristics prompted him to make his recent journey to Nevada, but disease overtook him before he reached his destination. His death has caused grief to his many friends. He leaves two sisters, Mrs. Julia A. Kimball of 365 south Main street, and Mrs. M. Miles, and one brother, Mr. E. L. Butterfield, of 1942 south State, and one half-brother, Mr. Henry W. Lawrence, and many other relatives, most of whom live in California.

BODY COMING HERE.

The body is expected to arrive tonight from Ely in which case the funeral will be held Sunday afternoon, but as yet no definite arrangements have been made.

DANCE APOLLO HALL.

\$1.00 Round Trip American Fork.

Via Salt Lake Route. Special train 7:30 p. m. Everybody invited. Monday, November 12th. Special returning midnight.

Removal sale, 40 pianos. New York & Western Piano Co., 52 Market street.

ARE ALL CURED?

Apparently Not Enough Drunkards to Keep Keeley Going.

Apparently there are not enough habitual drunkards in the State of Utah to warrant the further continuation in business of the Keeley Institute company of this city, as a petition was filed in the district court today by the company asking that the corporation be dissolved. The petition recites that the stockholders held a meeting on Nov. 9, 1906, at which all were present, and decided to dissolve the corporation. The petition asking that such action be taken was accordingly filed in the district court this morning.

RUSH WORK ON NEW AUDITORIUM

Finest and Largest Skating Rink in Intermountain Country to Be Opened Nov. 26.

STORM DAMAGE ALL REPAIRED

Big Spectator's Gallery, Colored Electric Lights, Held's Band and Other Features.

Working with might and main, employees upon the new Auditorium skating rink on Richards street will finish the immense structure in time for the formal opening on the night of Monday, the 26th of this month. This will be done only after considerable delay caused by the damage wrought by the recent windstorm.

Probably the largest amount expended on a structure of this kind in the intermountain district was spent by the owner of the rink, Phil O'Mara, who stated today that the cost of the huge structure was almost \$100,000. The building, which is entirely new and of modern construction, is 190x102 feet, and is built of steel and brick. Conforming to the original plans of the promoters the auditorium will not only be used as a skating rink but also as a place for all kinds of public gatherings, and fills a long-continued demand for a structure of that kind in this city.

Elevated above the floor, which is laid with the finest hard maple, and which was polished by an electrical device especially constructed for the purpose, is a large platform from which Held's brass band of 20 men will discourse sweet strains. Hundreds of incandescent and electric lights are suspended from graceful steel girders, and by the use of imported Chinese lanterns a beautiful effect will be given the interior.

Long tiers of seats run alongside all the walls, and at one end of the structure a gallery has been erected for the accommodation of onlookers. Cloak, rest and toilet rooms for both sexes, smoking rooms, uniformed door managers and maids, instructors and a small army of "skate" boys are among the many accommodations offered the public at the new rink. One of the most expert and successful promoters and managers of skating rinks, He stated today that his company, which also owns and controls the Auditorium rink, will provide many new and interesting features this season.

THREE DIVORCES GRANTED.

Failure to Provide and Desertion the Grounds for Suits.

Three divorces were granted by Judge Morse yesterday afternoon during the regular weekly divorce calendar. George M. Scheussler was awarded a divorce from Maude M. Scheussler on the ground of desertion.

Failure to provide is the ground upon which Victoria Fitzgerald was granted a divorce from Henry J. Fitzgerald. Plaintiff was awarded the custody of their two children, \$20 per month alimony and \$50 as attorney's fees.

Laura M. Gillon was granted a divorce from Henry E. Gillon on the same ground as in the above case. She was also awarded the custody of their child.

COURT NOTES.

Upon request of County Atty. Christensen, the following criminal cases were set for preliminary hearing by Judge Whitaker of the city court yesterday: Nov. 16, state vs. Charles Hawley and E. C. Henderson, criminal assault; Nov. 20, state vs. Frank Westlands, fraudulent registration; Nov. 21, state vs. Francis G. Luke et al., criminal conspiracy; Nov. 22, state vs. C. O. Townsend and Annie Ellison, adultery.

Susan Felix has filed suit in the district court against the Rio Grande Western Railway company to recover

damages in the total sum of \$5,700 for personal injuries received while a passenger on one of defendant's trains en route from Denver to this city on April 2, 1906. It is alleged that near Pueblo while plaintiff was asleep in a seat of one of the coaches a trainman fell out and fell upon her, seriously injuring her head, chest and hand, and that the news shock she received because of the accident has rendered her permanently disabled.

The jury in the case of C. D. Rogers against the Rio Grande Western Railway company, which was tried in Judge Ritchie's court, has returned a verdict in favor of the defendant. The action was brought to recover damages in the sum of \$15,000 for the death of plaintiff's son, Lawrence Rogers, who was killed by an engine while crossing defendant's tracks at Bingham Junction on May 29, 1905.

Suit has been filed in the district court by Louis O. Ensign against Benner X. Smith, administrator of the estate of Daniel Eyer, deceased, to compel defendant to execute a deed in favor of plaintiff to part of lot 12, block 20, five acre plat A, Big Field survey. It is alleged that plaintiff entered into an agreement with Daniel Eyer whereby the latter agreed to sell to plaintiff the property mentioned above for a certain consideration. That consideration, it is alleged, has been tendered to defendant but he has refused to execute a deed transferring the property to plaintiff. Hence judgment is asked that he be compelled to do so.

The failure of the sub-contractors on the Big Cottonwood conduit, Showell Bros. & Belcher, to pay the wages due a number of Japanese laborers for about two months past has caused the matter to be brought into court and E. D. Hashimoto, who represents the laborers, has filed suit against Showell Bros. & Belcher, P. J. Moran, the Utah Savings & Trust company and Salt Lake City to recover the total sum of \$2,658.50 alleged to be due the men as wages. Judgment is asked against the city for the reason that it still owes Moran for part of the work and judgment is asked against the Utah Savings & Trust company because it is surety on Moran's bond for the performance of the contract.

Removal sale, 40 pianos. New York & Western Piano Co., 52 Market street.

BET ON A SURE THING MADE A BIG WINNING

One gentleman in Salt Lake is congratulating himself. He bought a five room house on easy monthly payments, lived in it two years and has just turned it back to the man he bought from, and gotten full credit for all he paid on principal on a handsome new brick home, which, though much higher priced, he can pay for at the rate of \$15.00 a month.

The frame he bought in near North South and the West. The car, which has bath, pantry and closet, is lined, has a fence and large lot. A small cash payment, and \$15.00 a month buys it, and the promise of a new brick home, on your own plan, if you maintain the place in fair condition, after \$500 is credited on principal of this house. Price only \$1,750.00. Addison Cain can tell you all about it. If you don't ring up on Sunday, it's a city to live in a home of your own in Salt Lake when you can buy it for less than it rents for.

SIX BEST SELLING BOOKS

For Month of October.

According to reports from the leading book sellers of the country, the books which have sold best in the order of demand during the month are: 1. The Jungle.....Sinclair 2. Coniston.....Churchill 3. Lady Baltimore.....Wister 4. The Spellers.....Beach 5. Fenwick's Career.....Ward 6. Pam Decides.....Von Hutten In addition to the above we have a large stock of other popular books of the day.

DESERET NEWS BOOK STORE, 6 Main Street.

GIRLS LEAD AGAIN.

Report of City Board of Health for Week Ending Nov. 10.

Forty births were reported during the week; 15 males and 25 females. Twenty-seven deaths were reported; 19 males and 8 females. Six shipped here for burial.

There were reported 20 cases of contagious and infectious diseases: 1 case of scarlet fever; 9 cases of diphtheria, 8 cases of typhoid fever, 1 case of chicken pox, and 1 case of cerebro spinal meningitis. Three cases of scarlet fever and 14 cases of diphtheria remain in quarantine.

BLAND NOT GUILTY.

Trouble Between Colored People Aired in Court.

John Bland was tried before Judge C. B. Diehl in the criminal division of the city court this morning, on a charge of assault and battery, alleged to have been committed upon the person of Matthew Edwards, another colored man. Both are residents of Franklin avenue, and many colored people of that thoroughfare were in court as witnesses. Edwards and his wife and a Mrs. Johnson, who exhibited a blue lump under her black eye, testified that Bland struck Edwards a vicious blow in the latter's house, while a fight was in progress between Mrs. Johnson and Mrs. Lucy Williams. It was claimed that Edwards was knocked down and remained unconscious for some time as a result of the blow.

Bland and his witnesses, Mrs. H. H. Voss, Mrs. Mitchell and Mrs. Williams, swore under oath that the defendant was not near and did not strike Edwards. Mrs. Williams testified that Mrs. Johnson, assisted by Edwards, attempted to drag her into Edwards' house, and that she struck Edwards in self-defense.

As the testimony was very conflicting, with a doubt in favor of Bland, he was adjudged to be not guilty and was discharged. There is something really funny going on nearly all the time in a courtroom when colored witnesses are on the stand, and today was no exception to the rule. Some of the answers given today to questions of Assistant City Attorney Daly were amusing in the extreme, especially retorts of Mrs. Williams, a witness for the defense, and who took the blame of the whole affair upon herself.

OBITUARY.

JANE HUNTSMAN TOLMAN. Sister Jane Huntsman Tolman, daughter of Isaiah Tolman, and wife of L. John Tolman, died at her home in Fairview, Uinta county, Wyo., Oct. 30, 1906, from abscess of the stomach. Deceased was born in Wallsville, Utah, Oct. 8, 1867, was married to L. John Tolman, Dec. 2, 1886, in Rush Valley, Utah, and lived there but a short time when they moved to Star valley, where she lived at time of death. Sister Tolman possessed a strong personal character of what she deemed right and justice. She wielded an influence for good wherever she was known. She was an earnest worker in the Primary and other Church organizations, and a devoted member of the choir. She was blessed with a great amount of faith and was healed many times through the administration of the Elders. She leaves a sorrowing husband and seven children to mourn her loss. While she will be missed sorely, her home is a well-earned rest, and her reward is sure, for she died as she had lived in the faith of the gospel and hope of a resurrection.

STOCKHOLDERS' MEETING.

Notice is hereby given that in pursuance of resolution of the Board of Directors of the Nevada Mining & Exploring Company, a corporation, organized under the laws of the State of Utah, and adopted at a regular meeting of the Board of Directors held on the 24th day of October, A. D. 1906, at the office of the said corporation, 203 Deseret News Building, Salt Lake City, Utah, a meeting of the stockholders of the said corporation is hereby called for and will be held at the office of the said corporation, at 203 Deseret News Building, Salt Lake City, Utah, on Wednesday, the 22nd day of November, A. D. 1906, at 12 M. for the purpose of considering and acting upon the proposition of reducing the capitalization of the corporation to fifteen thousand dollars (\$15,000), and the number of shares of stock to thirty (30) of the par value of five hundred dollars (\$500) each, and for the purpose of transacting such other and further business as will properly come before the said meeting.

JOHN VEDLIS, Secretary.

Stylish Hats! A Great Variety.

What store excepting McCarty's can say to you we have in stock all the latest shapes of every leading hat manufacturer. First we can show you a STETSON, KNOX or a DUNLAP BLOCK at \$2.00; if these don't suit your features, we can show you a Malley hat at \$2.00; if these don't suit you we will show you a Jno. C. Wilson hat at \$2.00; and so on through our immense stock until you get exactly what you want and at a price far below any store in the city.

At McCARTY's, the Only Exclusive \$2.00 Hat Store in Utah, and Every Hat is Fully Guaranteed. Be a wise one and look, that's all.

MCCARTY'S, THE NEW STORE, WILSON HOTEL ANNEX.

DIAMONDS

That most beautiful of all gems mounted in a LEYSON setting and enclosed in a LEYSON CASE MAKES OF IT AN ASSURED QUALITY AND VALUE.

Diamonds were at one time less expensive than now but owing to the lack of supply and the great demand caused by the universal prosperity they have advanced in price until to own one marks an epoch in the affairs of most people.

The result is that custom is changing with the era and where one wore a big diamond because it was cheap they now wear a small diamond because it is rare and genteel.

The greater reason why the family jewels and what will become the heirlooms should be selected with great care and deliberation and of a house of established integrity.

Secure a LEYSON diamond and know it is pure and white and sparkling, and that the stone selected is equivalent to the price paid and that it has a value beyond its cost, as it carries with it a guarantee of quality and price that makes it exchangeable at its full value.


We are prepared to show a most fascinating line of diamond, ruby, emerald, sapphire and pearl rings, brooches, necklaces and bracelets in the most recent French designs, and will hold until Christmas any selections made now.

Selection package sent to out of town patrons upon receipt of proper references.

'Phone 65 for the correct time

Leyson's JEWELERS, 236 MAIN ST. SALT LAKE CITY.

Leyson's Brand of goods is a guarantee of quality

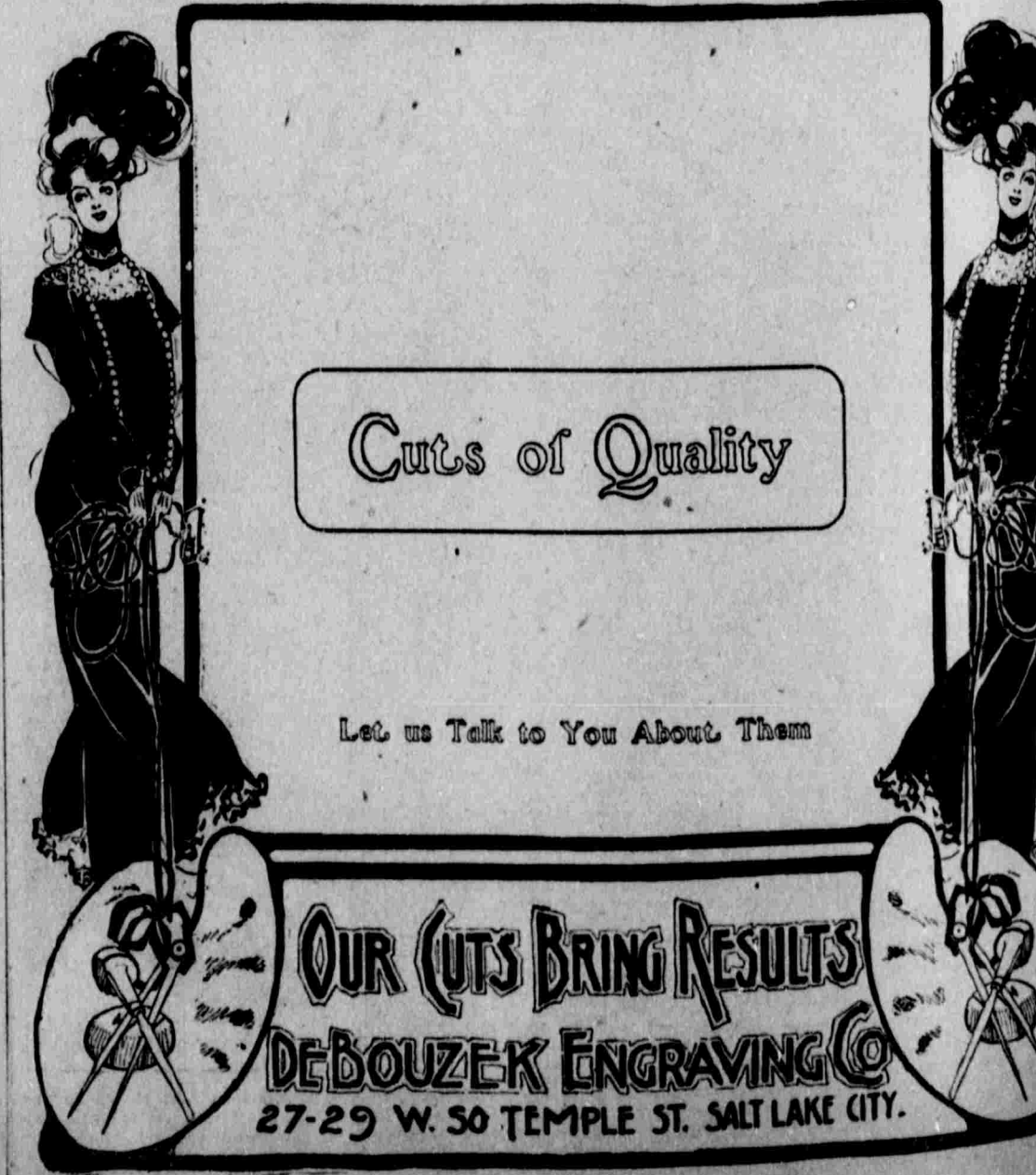


THE WINNING STROKE

If more than ordinary skill in playing brings the honors of the game to the winning player, so exceptional merit in a remedy ensures the commendation of the well informed, and as a reasonable amount of outdoor life and recreation is conducive to the health and strength, so does a perfect laxative tend to one's improvement in cases of constipation, biliousness, headaches, etc. It is all-important, however, in selecting a laxative, to choose one of known quality and excellence, like the ever pleasant Syrup of Figs, manufactured by the California Fig Syrup Co., a laxative which sweetens and cleanses the system effectually, when a laxative is needed, without any unpleasant after effects, as it acts naturally and gently on the internal organs, simply assisting nature when nature needs assistance, without gripping, irritating, or debilitating the internal organs in any way, as it contains nothing of an objectionable or injurious nature. As the plants which are combined with the figs in the manufacture of Syrup of Figs are known to physicians to act most beneficially upon the system, the remedy has met with their general approval as a family laxative, a fact well worth considering in making purchases.

It is because of the fact that **SYRUP OF FIGS** is a remedy of known quality and excellence, and approved by physicians that has led to its use by so many millions of well informed people, who would not use any remedy of uncertain quality or inferior reputation. Every family should have a bottle of the genuine on hand at all times, to use when a laxative remedy is required. Please to remember that the genuine Syrup of Figs is for sale in bottles of one size only, by all reputable druggists and that full name of the company—California Fig Syrup Co., is plainly printed on the front of every package. Regular price, 50c per bottle.

CALIFORNIA FIG SYRUP CO.
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Let us Talk to You About Them

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