

TRANSPORTATION AND ADVERTISING

U. S. Supreme Court to be Asked To Pass on the Question of Their Exchange.

A TEST CASE FROM ILLINOIS.

Monon Railroad, That Entered Into Contract With Publisher in Good Faith, to Bring It.

Chicago, Nov. 22.—The supreme court of the United States is to be asked to pass upon the question whether a railroad company can issue transportation in exchange for advertising in newspapers. A test case is to be made in Illinois, or rather an opportunity be given to the interstate commerce commission to have the courts pass upon their ruling that nothing but money can be lawfully received or accepted in payment for transportation.

Shortly after the new rate law went into effect the question came before the commission, and that body decided that only money could be accepted. The justice of this ruling was not seen by the legal department of the Monon railroad, and George Kretzinger, the general counsel, and E. C. Field, the general solicitor, wrote to the interstate commerce commission and gave their construction of the law, backed by decisions of the courts.

They said they had carefully considered the law before the promulgation of the rule, and under their construction of the law had entered into contracts in good faith with publishers for the publication of time cards, etc., and for the payment of such services in transportation at the rate fixed by the Monon's duly published tariff, which in every instance was the exact equivalent of the agreed price for publication.

They say they said, nowhere provides that payment for transportation shall be in money, and it must therefore follow that the freedom of contract as between a railroad and an individual is practically the same as between other citizens. If this be true, they went on to say, it is difficult to understand, when one does a service for a railway corporation under a contract made in good faith and for an agreed consideration, admittedly fair, why parties may not mutually stipulate for the payment in anything but money. To hold otherwise, they urged, is to deny the freedom of contract to a particular class. The rule as universally stated and upheld by the courts is:

"What the parties agreed shall constitute the payment, the law will adjudge to be payment. It is competent for parties to designate by their contracts how advertising matter shall be paid for. It is by no means true that payment can only be made in money; on the contrary, it may be made in property or in services."

The inhibition, they added, against charging a "greater or less or different compensation," relates alone to a difference in the "established rate" and not to the manner of making payment. The evil which the act is intended to remedy, it was urged, is that a rate published should not mean one thing to one man and another thing to another, and the law is intended to make it plain that the published rate in fact as well as form shall mean the same thing to all men. It would be immaterial, therefore, in the accomplishment of this end, whether the rate should be paid in money or in actual services performed, if the services were the equivalent of the money. The rule as propounded by the commission, they said, would mean anomaly in the law, in that corporations could do indirectly what they are prohibited from doing directly. As an illustration they said:

"We contract for a given advertisement for six months at \$100, which is forthwith paid. The publisher concurrently therewith buys four 1,000-mile books, the price being \$100, and the price just received for the advertisement he turns back to the company for his mileage books. Whether, therefore, the transaction is consummated in one way or the other, the result is precisely the same."

It is not believed, the attorneys said, that the commission intended either to restrict the right to contract or prescribe the particular manner of performing contracts; but on the contrary that the sole purpose of the commission

is to scrutinize contracts and to see that they are not merely devices or subterfuges to evade the law.

The interstate commerce commission did not reply to the letter of Mr. Kretzinger and Mr. Field, which was dated Oct. 1, and President McDoel of the Monon road has issued orders to the passenger department to continue making contracts with publishers of newspapers and to issue transportation in payment for equivalent advertising.

As the interstate commerce commission having made a ruling on the subject will likely adhere to it, the Monon railroad will sooner or later be notified to appear, and this will be the first step toward a construction by the supreme court of the United States of the new railway rate bill. As the publisher who accepts transportation is also liable under the law, one who accepts transportation from the Monon may be also cited to appear, in order that both parties to the contract may have the question of their amenability passed upon at the same time.

Dyspepsia is America's curse. Burdock Blood Bitters conquers dyspepsia every time. It drives out impurities, tones the stomach, restores perfect digestion normal weight, and good health.

Genuine Seal Skin Coat, \$125.00.

One only at this price. Mehesy the Furrier, Knutsford.

Order some MOUNT'S Pickles at the accompaniment of Sunday dinner.

KILLED BY POLICEMAN.

Victim's Friend Would Have the Killing Investigated.

Los Angeles, Nov. 22.—The friends of John Vusick, the proprietor of the Los Angeles house, who was shot and killed yesterday by a policeman, are making strenuous efforts to bring Ammon, Officer Parsell, who was with him, into court on the charge of killing Vusick, claiming it was unjustified.

Vusick was the leader of a large number of foreigners in the section where the trouble occurred. The police today accused an attorney who was retained by Vusick's friends of causing an angry hole to be bored in the adobe wall of the building where the shooting took place in order to be able to prove that Ammon fired two shots at Vusick. The attorney denies the charge.

THREE MEN PERISH IN A TEXAS BLIZZARD.

El Paso, Tex., Nov. 22.—Three men are dead as a result of the storm which raged yesterday in Pecos valley, and others are missing and friends fear for their safety. The body of Jack Kamp, a mail carrier, who perished in the blizzard, was found today buried in the snow. Edward Lamar and Antonio Santiago, cattle rounders, died from exposure, their bodies being recovered today in the Guadalupe mountains. A. M. Freeman of Carlsbad, a former judge of the federal court, is reported as one of the persons missing since the storm.

OHIO OFFICIAL CANVASS.

Columbus, O., Nov. 22.—The official canvass of the vote cast at the late election in Ohio was completed by the secretary of state today. The total vote was 792,355. For secretary of state, Thompson, Republican, received 403,066; Hoskins, Democrat, 351,478; Henschel, Socialist, 18,412; Hughes, Prohibitionist, 1,170; Eisenberg, Socialist-Labor, 2,221; scattering, 19,908. Thompson's plurality, 56,390.

MERCHANT MARINE.

Vessels of United States Now Number 25,006 of 6,674,899 Gross Tons.

Washington, Nov. 22.—The annual report of Commissioner of Navigation Chamberlain states that on July 30 last the documented merchant vessels of the United States numbered 25,006, of 6,674,899 gross tons. The report urges the enactment of the merchant marine commission bill, which has passed the senate, including the provision for American mail lines to South America, and favors the bill to abolish the discrimination against coasting vessels in pilotage charges in the states from Virginia to Texas. The summary of the report says:

The year's construction was 1,221 vessels of 418,745 gross tons. Only three ocean steamers were built. The tonnage built during the current fiscal year up to Nov. 19 aggregates 202,000 gross, and if the present rate of construction is not checked by strikes or delays the output of our ship yards will be the largest in half a century and will be close to the output of 558,000 tons in 1865, the year of our greatest construction. During the year only 12 per cent of the exports and imports of the United States were carried in American vessels.

Commissioner Chamberlain publishes a full list of the vessels in trade between the United States and South America during the first six months of this year. An American merchant steamer, he says, is never seen in the ports of Brazil, Argentina, Uruguay, Chile or Peru.

The report says that of 126,754 men shipped 37,675 were native, 23,456 naturalized Americans and the remainder aliens.

TAFT POSTPONES VISIT.

Washington, Nov. 22.—Secy. Taft's intended visit to the Philippine islands probably will be postponed until next September or later. The proposed law establishing legislative districts and providing for an election to a general assembly, as now drafted, calls for an election about June 1 next. The opening of the general assembly would not be until 90 days later and it is that event that calls the secretary to the islands. He had planned originally to go about April 1 next.

PEASANTS BEAT OFF TROOPS.

Pionchuerne, France, Nov. 22.—Two thousand Catholic peasants today successfully fought off the troops sent to protect the officials engaged in taking the inventories under the church and state separation law.

BOY ON TRIAL.

Charged With Passing Forged Check For Fifty Dollars.

Chicago, Nov. 22.—D. H. Dibbs, 19 years old, who says he is connected with a prominent San Francisco family, was placed on trial yesterday by Judge Kavanaugh, charged with passing a forged check for \$50 upon a south side restaurant.

Dibbs denied any intentional wrongdoing. On the stand he said the check had been given him in payment for a gambling debt and that he had supposed it genuine until arrested.

A number of prominent western guests

HISLER'S FLOUR!

Makes the best Bread. Then why not the best Cakes and Pastries?

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nessmen are said to have asked the state's attorney to be heard with the boy, but as he was tried and convicted on a similar charge some time ago the state's attorney asked that he be sent to the reform school.

MOTORMEN'S WAGES RAISED.

Butte, Nov. 22.—A special to the Miner says the Helena Light and Railway company today made a three-year agreement with its employees in the street railway department under the terms of which the conductors and motormen are given an increase of about 10 per cent in wages, 10 hours constituting a day's work.

PAINTING CARNEGIE'S PORTRAIT.

New York, Nov. 22.—Eugene Schacher of Berlin is painting a portrait of Andrew Carnegie which is to be exhibited in one of the galleries of that city. Herr Schacher came here from Berlin specially for the sittings.

Mr. Carnegie will give his usual annual dinner to his former lieutenants in the steel industry at his residence in Fifth avenue on Dec. 7.

Removal sale: 40 pianos, N. Y. & Western Piano Co., 52 Market Street.

\$1.95 Special Fur Sale.

At Mehesy's for Friday and Saturday, worth from \$2.50 to \$4.00. Knutsford hotel fur store.

OGDEN AND RETURN \$1.00

Via D & R G Sunday Nov. 25

Leave Salt Lake 10:25 a. m. and 3:00 p. m. Returning leave Ogden 7:00 p. m. and 10:30 p. m. Big meeting of the Unitarian Society. Everybody invited.

Late Models From Paris.

In extra fine broad tail. Persian lamb novelties. Mehesy the Furrier.

PARK CITY AND RETURN \$1.50

Via D & R G Sunday Nov. 25

Knights of Columbus excursion.

Trains leave 8:15 a. m. and 10:00 a. m. Returning leave Park City 3:20 p. m. and 9:00 p. m. Everybody invited.

M. L. LECTURE BUREAU

FAMOUS

Bostonia Sextette

AND

Shanna Cumming

SOPRANO

Assembly Hall

November 26th, 1906

Tickets 50c & \$1. Season tickets \$2.50

For sale at bookstores and drugstores

THANKSGIVING SALE.

Carving Sets. Roller Skates

\$3.50 Sets \$2.80
4.00 " 3.20
5.00 " 4.00
7.00 " 5.60
10.00 " 8.00

Any Roller Skate in the house \$1.25 value up to \$2.00.

Chafeing Dishes.

\$6.00 Set \$4.80
7.00 " 5.60
8.00 " 6.40
10.00 " 8.00

Lisk Roasters

Sold on approval. Use it. If not satisfactory, return it. \$2.25 to \$4.00. Other Roasters 50c up.

25 High Grade Heaters.

Garland and Peninsula, at 20 per cent Discount

MONARCH HARDWARE CO.

27-29 W. Third South.

A Wearing Sick Headache

is usually the painful penalty of over-eating, but is sometimes caused by fatigue, heat, nervousness, or through neglect to be regular in habits. No matter how brought on, Beecham's Pills will bring speedy relief to most severe and obstinate cases. After a dose or two, sick headache entirely

Disappears

because this famous remedy goes directly to the seat of the trouble and passes it out of the system. Beecham's Pills are not a makeshift; they combine certain vegetable properties in exact proportions, which act gently on the stomach, liver and bowels and restore the natural functions of the body. They are as carefully compounded as a doctor's prescription and as standard as a gold dollar.

You can relieve sick headache, constipation, indigestion and sleeplessness

With a Dose or Two of

BEECHAM'S PILLS

Sold Everywhere in Boxes 10c and 25c.

THANKSGIVING SILVER.
Everything You Want in Knives, Forks, Spoons, Carving Set, in the Best Quality Ware and a Fine Variety of Patterns.
Silver-Plated Salts and Peppers, Nut-Crackers and Picks, 25 Cents a Pair. 25 Cents a Set.

26 MAIN ST.
J. D. Danner Sons.
JEWELERS
ESTABLISHED 1862

\$486.07
We collected \$486.07 from Bad Accounts for A. Swenson & Co., General Merchandise Merchants of Mercur. We can collect some for you if you turn them in. Christmas is coming.

MERCHANTS' PROTECTIVE ASSOCIATION
Scientific Collectors of Honest Debts,
5th Floor Commercial Nat'l. Bank Bld'g, Salt Lake City, Utah
FRANCIS Q. LUKE, Gen'l Manager.
'SOME PEOPLE DON'T LIKE US.'

SI-DURING NOVEMBER-SI
DRS. SHORES & SHORES WILL TREAT ALL CATARRHAL DISEASES, INCLUDING DEAFNESS, ARTERIAL DISEASE, AND LUNG TROUBLE DURING NOVEMBER FOR THE LOW FEE OF ONE DOLLAR PER TREATMENT, OR \$15 FOR A CURE. MEDICINES FREE. By means of Drs. Shores' Wonderful New Treatment they are enabled to cure many mild or recent cases in a very few treatments—even the old and chronic cases may be cured.

HOME CURES BY MAIL. IF YOU LIVE OUT OF TOWN WRITE for their new symptom list and get their advice free.

OFFICE HOURS. Daily, 9 a. m. to 5 p. m. Evenings, 7 to 9. Sundays and holidays 10 a. m. to 12.

Drs. Shores & Shores, Expert Specialists.
HOUSTON BLOCK, 24 SOUTH MAIN STREET. SALT LAKE CITY, UTAH.

Where Men Get Cured
This well known and reliable curative institution, the COOK MEDICAL CO., is a permanent fixture of Salt Lake City. It has stood the test of time and will continue to stand as a Mecca of hope for afflicted men hereabouts. From time to time it has been remodeled in all its departments which are thoroughly equipped with every scientific instrument, apparatus and device essential to our modern methods of specialty practice. Its financial responsibility is as solid as gold, while the treatment it administers, as lessons of its cured patients know, is skillful, scientific and successful. We invite all afflicted men who really desire a cure to inspect our offices, and to honestly investigate us. A private consultation, a careful personal examination, together with a scientific and honest opinion of your case, will cost you nothing; and a perfect cure, if you decide to take it, will not be more than you will be willing to pay for the benefits conferred.

We treat and cure by the latest and best methods known to medical science, VARICOCELE, SPECIFIC BLOOD POISON, NERVO-VITAL DEBILITY, BLADDER AND KIDNEY troubles, and all associate diseases and reflex complications.

CONSULTATION FREE. CONFIDENTIAL AND INVITED. A person desiring thorough examination is required, though if inconvenient to call, write me a full description of your trouble. Office hours, 9 a. m. to 9 p. m., except Sundays, from 9 to 12:30. Address or call

COOK MEDICAL CO., 116 S. MAIN

Reduced Rates from Utah and Idaho to all Points East and Return

VIA Santa Fe

FROM OGDEN AND SALT LAKE CITY TO MISSOURI RIVER POINTS..... \$33.00
CHICAGO..... \$44.50
ST. LOUIS..... \$49.50

PROPORTIONATE RATES FROM IDAHO AND OTHER POINTS. DATE OF SALE NOVEMBER 20TH AND DECEMBER 10, 1906. RETURN LIMIT 60 DAYS. SEND FOR LITERATURE.

C. F. WARREN.
AGENT A. T. & S. F. RY., 411 DOOLY BLK., SALT LAKE CITY, UTAH.

PIANOS.
High grade and medium, easy payments, one price only, cash discounts, delivery on piano repairing, etc.; NEW YORK & WESTERN PIANO CO., 102 Market St., near Fortunes.

"The Lagoon Road"
Salt Lake & Ogden Railway.
Sims, Bamberger, President, and General Manager.
Time Table in effect Sept. 1, 1906.
Salt Lake—5:30 and 7:30 a. m.; 1:30, 4:30 and 6:30 p. m.
Leave Ogden for Salt Lake—7:00 and 10:15 a. m.; 2:45, 4:00 and 7:45 p. m.

OREGON SHORT LINE
IN EFFECT Nov. 19, 1906

Time Table
No. 4—From OGDEN, Chicago, Omaha, St. Louis, Kansas City, Denver, Salt Lake City, Butte, Portland, and intermediate points..... 6:15 a. m.
No. 5—From OGDEN, Portland, Butte, Salt Lake City, Denver, Kansas City, Omaha, St. Louis, Chicago, and intermediate points..... 6:30 a. m.
No. 12—From OGDEN, Cache Valley, Malad, Park City, and intermediate points..... 9:20 a. m.
No. 13—From OGDEN, Denver, Kansas City, Omaha, St. Louis, Chicago, and intermediate points..... 10:45 a. m.
No. 14—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 11:45 a. m.
No. 15—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 12:45 p. m.
No. 16—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 1:45 p. m.
No. 17—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 2:45 p. m.
No. 18—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 3:45 p. m.
No. 19—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 4:45 p. m.
No. 20—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 5:45 p. m.
No. 21—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 6:45 p. m.
No. 22—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 7:45 p. m.
No. 23—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 8:45 p. m.
No. 24—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 9:45 p. m.
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No. 27—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 12:45 a. m.
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No. 49—From OGDEN, Salt Lake City, Butte, Portland, and intermediate points..... 10:45 p. m.
No. 50—From OGDEN, Salt Lake City, Butte, Portland