FLAGS ACCEPTED BY CITY SCHOOLS

Most Pleasing and Patriotic Program Carried Out at Liberty Park.

ADDRESS BY MAYOR MORRIS.

Speeches by Governor Cutler, Supt. Christensen, Colonel Kaighn And Others.

Patriotic and beautiful in the extreme was the picture witnessed in Liberty Park yesterday afternoon on the occasion of the presentation of 200 flags to the city schools by the G. A. R. veterans of Salt Lake. Several thousand persons were present and the program outlined in the "News" was carried out. The speakers' stand was a blaze of bunting and the starry banner was everywhere witnessed. Among those present were Gov. John C. Cutler, Mayor Richard P. Morris, Superintendent of Schools D. H. Christensen, Mathonihah Thomas of the board of education, Department Commander Colonel H. P. Burns of the G. A. R., Dr. Henry J. Talbot, Colonel M. M. Kaighn, N. D. Corser, Dr. T W Pinkerton and Dr. Union Worthington, and many of the old war heroes whose organization made possible the presentation of the flags.

COLONEL BURNS PRESIDED.

Col. H. P. Burns, as department commander of the Grand Army of the Republic for Utah, presided, and in opening his address he read the following telegram:

New York City, June 5, 1905.

Shipping 200 flags today, prepaid, American express. Fift Lafayette Post No. 140.

ALLAN C. BAKEWELL.

"That telegram tells us something we should appreciate," said Colonel Burns. "It tells us that far away in New York City there is a post of the Grand Army that is watching our efforts here to inspire among the children of Utah a wholesome respect for the flag for which we fought when the nation was in peril. The flags have arrived. Each is two and one half by five feet in size and they will be distributed among the public schools of the state, and from this time forward they will float in the breezes of our beloved commonwealth as a symbol of the greatness of our nation, and thereby will be an incentive to the youth of the land to emulate those qualities and virtues which have contributed so much to arouse that high spirit of patriotism throughout the Union, without which I fear we would not be here today."

MAYOR MORRIS SPEAKS.

Mayor Morris delivered the opening address, which was received with applause. He said:

Ladies and Gentlemen, Boys and Girls: I am not going to tell you the old, old story today of the birth of the flag. You know all about that already. Nor am I going to make a speech. I simply want to call your attention to a few facts.

You have assembled in this beautiful park this afternoon to witness the presentation of our country's banner to the schools of the city. The giving of them is a gracious act. The men who inaugurated the custom and who brought about the establishment of Flag day, are men who know almost better than anyone else what the flag stands for. They have fought for and upheld it in the dark days of our nation's history. They have seen it assailed with frightful fury. They have, many of them, given their lives for its preservation. They love it with all their souls. They ask you to do the same, and I can read in the face of every child present the answer that he will.

We now have 45 stars upon our flag. All of them shine brightly and honorably. Each one represents a state of happy, prosperous people. Our own star was the last one to be placed among the others. If it is not the greatest it should be the dearest to us and I believe it is, and that the boys and girls of Utah will always cherish it as such and help to keep it "The Flag Without a Stain." The sons of Utah have given ample proof of their willingness to uphold it. When our country has called for them they have responded promptly and ably. On the field of battle in foreign lands there were no braver soldiers than they. In times of peace their love for it is just as strong. It is the emblem of a mighty nation. It will ever be thus. The oppressed of every land look to it as a symbol of liberty, as an ensign

That will always wave,
O'er the land of the free
And the home of the brave.

After a well-rendered chorus by students selected from several of the public schools, Gov. John C. Cutler spoke as follows:

GOVERNOR CUTLER'S SPEECH.

It is a rarely beautiful and pleasing occasion that calls us together today. It is inspiring to look on the faces of the veterans who have followed our flag in defense of the nation, and the children who are yet to be called upon to do their duty by it. And to see them showing respect and reverence for the emblem of our liberty and our Union, is a promise that the future has rich gift for our nation, in the devotion and loyalty of its citizens.

The flag has a beautiful and significant symbolism. As we see its broad stripes, we are reminded of the 13 colonies which, in poverty, weakness and sacrifice, but with a sublime faith in the God of battles, fought for the freedom which has been handed down to us. The field of blue proclaims the unity—the oneness—of the sovereign states, held together, "one and inseparable," in more than the bonds of federation, in the bonds of love and perfect harmony.

The individual stars, which blazon this field as the stars of heaven bespangle the blue of the firmament, tell us that each of the states so banded together had its own individuality, its own destiny, in a way, to work out; that it may be strong, and the nation strong by reason of its strength. And we are all proud to know that our own state, represented by the forty-fifth star in this splendid group, shines none the less brightly because the last admitted to the galaxy. Indeed, in the intelligence of its citizens and their loyalty and devotion to their country, Utah acknowledges no superior.

This nationality and this individuality, then, is what our flag represents, and that is the reason we show it reverence. It is not the flag alone, but chiefly its significance as the emblem of our nation, that we love and teach our children to revere. It is a meaningless and barren loyalty, indeed, which goes no farther than merely to stand with uncovered heads in the presence of the flag, or raise our voices in shouts and plaudits as it is borne past us, if behind this show there is no appreciation of what the flag means to us, and no devotion to that meaning.

I look with pride and gratitude today on the gray-haired veterans who, in the hour of our country's greatest trial, followed the flag, and faced death on many a battlefield, in order that the nation might remain what it had always been, and, please God, will always be, an indissoluble Union. Theirs was no loyalty of the lips or of the bowed body alone, but of noble deeds prompted by love of country.

It may not be—we hope it will not be—that you, the children for whose benefit this impressive scene is being enacted today, will be called upon to defend the flag on the field of battle. We hope that you will not find it necessary to take your lives in your hands and defend your homes and liberties against a foreign foe, or to cement again the Union with your blood. Yet if this kind of loyalty and devotion is not required at your hands, there is another kind, broader and more effectual even than this, which you are called upon to show. It is the loyalty manifested in your daily lives, by your devotion to the Constitution of your state and nation, by your reverence for and obedience to their laws. It is manifested, as well, in your activity in building up the state, and therefore the nation, along the lines of martial, intellectual and moral progress and greatness. This duty, greater even than carrying sword or gun, or shouting the praises of "Old Glory," is required of all citizens.

I would not wish to minimize the work of these noble veterans. They had their baptism of fire, and the blood of their countrymen was sprinkled upon them, as if in expiation of the sin of misguided zeal. And bravely and well did they endure their trials, for the sake of the millions who should live after them. But for them, some of the brightest stars would have been blotted from the azure field; and hence we do well to revere their deeds of bravery. But to you the greater and the more important duty is to live every day in such way as to show honor to the state and to the nation, and to purify them from any blight which may threaten them from within or from without.

Speaking for the state, I wish to say that it requires the active labors and loyal support of all its citizens. Not one person should be lost to it or become its active enemy. You citizens and future citizens are the state. You make it what it is. Your life is its life; your work its work. What you do, or what you neglect to do, is the state's gain or irreparable loss. Whether Utah shall shine undimmed and resplendent among its companion stars, or lose its lustre, is for you to determine by your acts. And I wish you to remember, too, that as you are loyal or disloyal to your state, so will it be to the nation. The loyalty of the state to the Union is measured by the true loyalty of its citizens to the state. It can be measured by no other standard.

Looking upon the inspiring scene before me, I am convinced that there is no great cause for anxiety as to the future of our state, with reference to the question of loyalty. Seeing the remnants of a past generation who fought and bled for the flag and for what it represents, and viewing the coming generation who, I am confident, will live nobly and well for its sake, I feel sure that the future holds no great menace for our beloved standard.

And now, as we witness the transfer of the flag, the emblem of our liberties, from the passing generation who have defended it to the coming generation who will love and protect it, let us take to our souls the lesson of the occasion—the duty of unfailing loyalty to the Stars and Stripes.

FLAG PRESENTATION.

Col. H. P. Burns, representing the local G. A. R., then presented to the public schools of this city 200 large flags. These flags were donated by post No. 140 of the G. A. R. of New York City. This post is composed of some wealthy New Yorkers who are doing active work throughout the entire country along this line. In presenting the flags Col. Burns said: "Children, all we ask of you is that you take these flags and, every time you look at them, think of what the boys went through from '61 to '65 to preserve the Stars and Stripes.

CHRISTENSEN ACCEPTS.

The acceptance was acknowledged by Supt. Christensen in a happy speech that aroused much enthusiasm and which concluded as follows: "We gratefully accept these flags, and our presence here in such numbers indicates how we appreciate what has been done."

DR. TALBOT'S REMINDER.

Dr. Henry J. Talbot of the McKean post urged the children to always stand by Old Glory. "It is the most beautiful flag on earth," he said. "From the time that it was first thrown to the breeze until now it has always stood for truth and justice toward the weak and oppressed. Some people have hinted that wars are necessary to rouse and keep alive American patriotism. I do not believe it. Could a better method be found, if one is necessary, than this?"

COL. KAIGHN SPEAKS.

Mildred Brown of the Oquirrh school recited "The Mantle of John De Martha," after which Col. M. M. Kaighn of the Maxwell post delivered an address. He spoke as follows:

Ladies, Gentlemen and Children: You have heard the story of the origin, history and glory of our flag, of the growth, the power, the justness and the dignity of the mighty nation of which it is the symbol; of the freedom and the benefits we enjoy under its protecting folds.

Let me in the few minutes allotted to me say a word on the dangers that threaten both flag and nation and the duties and responsibilities of American citizenship to ward off these dangers. In a monarchy the sovereign ruler—be he king, emperor, or czar—feels the duty resting upon him to guard and defend the interests and welfare of his nation and people. In free America, where the people are sovereigh, these duties rest on them—on you and on me. Where a sovereign is ignorant or weak or indifferent, his nation and people must suffer the result of his ignorance and weakness, or of his neglect of his high duties.

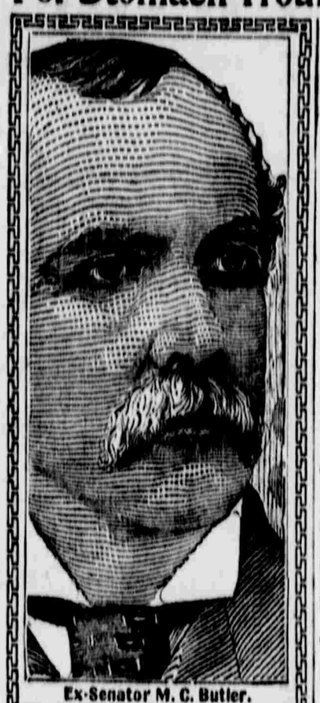
So in our republic of America, if the sovereign people lack the ability or inclination to fully discharge the high duties of citizenship the nation must suffer the evil consequence. It becomes us therefore to consider well the evils that threaten our country and the remedies that may be applied to cure and prevent those evils. The evil of greatest portent that threatens us is corruption in politics—defeating the will of honest voters and making our governmental machinery subservient to the money power and great industrial trusts and combinations.

The remedy is for the citizens and all the citizens to take an active part in practical politics from primary and convention to the voting booth, carrying with them their high morality and sense of justice; see to it that no unfit or unworthy man is nominated for or elected to office. Then hold every public official under a watchful scrutiny, to a faithful, honest and patriotic discharge of duty. Make him feel that a lapse from zeal and honesty sounds his political and social death knell. Then will the interests of the people be served and protected and dishonest money and grasping trusts and combinations be shorn of their evil power to oppress and rob the people.

Another evil is the enormous immigration, amounting now to over 1,000,000 a year, of people from the old world across the sea, a large proportion of whom are from jails, asylums, and poor houses; densely ignorant, criminal in instinct and life and lacking all the elements out of which true American citizenship can be builded. The remedy is a modification of our immigration laws to exclude all undesirable persons, and a careful conscientious and thorough execution of those laws.

And then the encouraging, fostering, building up and extending our nonsectarian free public school system, where every child shall be trained in morals, to a business education, an understanding of the principles of our free government, and a love of country and our beautiful flag and of all for which they stand on the high duties and responsibilities of citizenship. Let us all here and now dedicate ourselves anew to a burning devotion to pure politics; to the protection of our country from pollution from the criminal, ignorant, and pauper hordes of Europe and Asia; to the progress and prosperity of free schools; to love of country and flag and a willingness to offer our lives—all that we have or are, if need be, in their defence. God bless America and her starry banner.

U. S. SENATOR FROM SOUTH CAROLINA
Recommends Pe-ru-na
For Stomach Trouble and Dyspepsia.



Ex-Senator M. C. Butler.

Hon. M. C. Butler, Ex-U. S. Senator from South Carolina, two terms, in a letter from Washington, D. C., writes to the Peruna Medicine Co., as follows:

"I can recommend Peruna for dyspepsia and stomach trouble. I have been using your medicine for a short period and I feel very much relieved. It is indeed a wonderful medicine, besides a good tonic."

Dyspepsia Is Notning More Nor Less Than Catarrh of the Stomach.

Dyspepsia Remedies Are Useless. Remove the Cause—This Is the Only Rational Means of Cure.

Pe-ru-na Cures Catarrh—Whether of the Stomach or Any Other Organ. Therefore Pe-ru-na Cures Dyspepsia.

CATARRH of the stomach is the correct name for most cases of dyspepsia.

To undertake to treat dyspepsia by the use of palliatives is only to temporize without any permanent results.

In order to cure catarrh of the stomach the catarrh must be eradicated.

To eradicate the catarrh, a catarrh remedy must be used.

Manifestly, a local catarrh remedy cannot be used in such cases.

Only an internal catarrh remedy, such as Peruna, is available.

Peruna exactly meets the indications.

Do Not Delay.

If you suffer from indigestion or dyspepsia, and have tried ordinary remedies without relief, it is safe to assume that your case is one of catarrh of the stomach.

Do not neglect this condition. Delays are dangerous.

A bottle of Peruna taken now will save you much needless suffering and expense.

The Perfume of Japan

Is brought right to your table in every cup of

Tree Tea

Its glorious aroma and delicious flavor is unequaled. Ask for the package with the tea tree on it.

Imported and packed only by M. J. BRANDENSTEIN & CO. SAN FRANCISCO.

Change the Vibration.

IT MAKES FOR HEALTH.

Use

Grape-Nuts

"There's a Reason."

CITY'S ANSWER IN BONDS CASE.

A Clear and Conclusive Statement Of the Issuance of the Securities.

TO SUPPLY MUNICIPAL NEEDS.

Court is Asked to Invoke Rule Applying to Constitution that Will Affirm Legality of Issue.

The answer of Salt Lake City to the action instituted in the supreme court by George E. Ellerbeck to prohibit the issuance and sale of the special water and sewer bonds amounting to $1,000,000, has been filed by City Attorney Dey and Attorney F. S. Richards. The brief, containing the points relied upon by the city in establishing the legality of the bonds, follows in full:

MUNICIPALITY'S NEEDS.

At the beginning of the present administration of the municipal government the mayor called the attention of the city council to the necessity of formulating and carrying out a plan for increasing the city's water supply. A special committee was appointed, consisting of the mayor and five members of the city council, who, with the assistance of the city engineer and legal counsel, commenced a careful and thorough investigation of the subject. It was ascertained that the city owned an abundance of water, but that only a comparatively small part of it was fit for domestic and culinary use. Its potable water is derived from City creek, Emigration creek and Parley's creek, and the aggregate daily supply from these sources, at the season of minimum flow, is about 10,000,000 gallons. The remaining 43,000,000 gallons belonging to the city consists of Utah lake water, which is good for irrigation purposes, but is wholly unfit for domestic and culinary use. It was also ascertained that the available sources from which an increase in the supply of potable water could be obtained are Mill Creek, Big Cottonwood creek and Little Cottonwood creek, which, in the season of lowest flow, furnish an aggregate daily supply of about 32,000,000 gallons.

The city was without money to purchase water rights and construct waterworks, and under the law, its power to borrow, for the purposes of obtaining water, artificial lights and sewers, was limited to about $1,250,000. It was ascertained that, to bring water from Cottonwood creek into the city and improve the distributing works so as to render them available for use through the waterworks system would cost about half a million dollars. As the water rights in Mill creek, Big Cottonwood and Little Cottonwood creeks are very valuable, it was evident that the city could not obtain the money with which to purchase the waters of these streams, but would have to acquire them, if at all, by exchange for Utah lake water, of which it has an abundant available supply and for which it has no present use. It was found that two-thirds of the land upon which the waters of Mill creek, Big Cottonwood and Little Cottonwood creeks were used for irrigation lies below the city's canal, which brings water from the Jordan river and Utah lake, and that said land could be irrigated from said canal.

LEGALITY OF ISSUE.

The question of issuing water bonds, amounting to $850,000, and sewer bonds amounting to $150,000, for the purposes stated, was submitted to the qualified voters and taxpayers of the city on the 3rd day of January, 1905, and a majority of the votes cast were in favor of the issuance of the bonds. It is contended by the relator that the issuance of the proposed bonds would be illegal, and five grounds of objection are assigned, which we will now proceed to discuss.

The relator contends that the water rights, which will be obtained by the city under the options held by it, are not absolute rights, but are subject to forfeiture in certain contingencies, and that the interest which the city will acquire by virtue of the option contracts, is not such an ownership and control as is contemplated by section 4, article 14 of the Constitution of the State of Utah.

It is provided in section 3, article 14 of the Constitution that no debt in excess of the taxes for the current year shall be created by any city "unless the proposition to create such debt shall have been submitted to a vote of such qualified electors as shall have paid a property tax there in the year preceding such election, and a majority of those voting thereon shall have voted in favor of incurring such debt."

Section 4, article 14 of the Constitution says:

"Provided, further, That any city or town, when authorized as provided in section 3 of this article, may be allowed to incur a larger indebtedness, not exceeding 4 per centum additional, for supplying such city or town with water, artificial lights or sewers, when the work for supplying such water, light and sewers shall be owned and controlled by the municipality."

Revised Statutes of Utah, 1898, page 64.

It is proposed, in the optional contracts, to "grant, bargain and sell" to the city all the rights of the present owners to the perpetual use of the waters of Big Cottonwood creek, reserving the right to the grantors, in case default is made by the city in furnishing the exchange, to use the Cottonwood water during the time that the default continues, and if the city's failure to furnish the exchange water continues for a period of six months, it shall then be optional with the farmers whether the contract shall be terminated or not.

WATER RIGHTS' TRANSFER.

The defendants contend that inasmuch as the granting words of the contract purport to transfer the water rights, including the entire interests of the owners therein, the city takes the property and rights in absolute ownership; that the condition for forfeiture is a condition subsequent, which operates on the estate already vested and renders it liable to be defeated only on the happening of the contingencies named and upon re-entry.

The grantor's right of re-entry for breach of conditions subsequent by a grantee in fee is not an estate or interest in real property. At common law it is only a possibility of reverter and not reversion.

It seems to be well settled that the right of re-entry for condition broken "is not reversion; nor is it the possibility of reversion; nor is it any estate in the land. It is a mere right to chose in action, and if enforced, the grantor would be in by the forfeiture of condition, and not by a reverter."

"Owner is word of common parlance and is therefore liberally construed, the precise meaning depending upon the nature of the subject matter and the connection in which it is used."

28 Am. and Eng. of Law, p. 234 and cases cited.

Where property is conveyed from one party to another, subject to a mortgage or trust deed, the grantee undoubtedly becomes the owner of the property, although he may afterwards lose his title by making default in the payment of the encumbrance upon the property.

The city charter of San Diego authorized the appointment of a water commissioner only when the city shall "be the owner of any water supply or shall decide to construct a system of water supply."

Statutes 1889, sec. 1, page 694.

In the case of Higgins vs. City of San Diego, 131 Cal., 306-7, where the water was leased by the city, it was claimed that the payment of the salaries of the water commissioner and other expenses of the office, were illegal and void. The court, on page 307, says:

"But it is objected that this could only be done upon the city becoming the 'owner of any water supply, or shall decide to construct a system of water supply,' etc.; and it is contended that inasmuch as the city never became the 'owner' of any water supply, the water fund and the water department had no legal existence. 'The ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others.' (Civ. Code, sec. 654.) 'The ownership of property is either: 1. Absolute; or 2. qualified.' (Civ. Code, sec. 678.) We do not think the word 'owner' occurring in the charter was based in the sense that the city must be the holder of the title, but rather in the sense that it should have the control of a water supply. The term 'owner' includes any person having a claim or interest in real property, though less than an absolute fee. (Lozo v. Sutherland, 38 Mich., 171.) Anderson's dictionary cites numerous cases in illustration of the principle that the term may designate the person in actual possession and occupancy of premises."

Higgins v. San Diego, 63 Pac. 476.

It thus appears that if the options in question are exercised, the city will become the owner of the water rights purchased, and that the vendors will have no title or ownership remaining in them. The right of the city under the contracts is perpetual. Tel. Co. v. Ry. Co., 129 Fed. 849.

TITLE BY EXCHANGE.

After referring to section 6, article XI, of the Constitution, prohibiting municipal corporations from directly or indirectly leasing, selling or disposing of any of its waterworks or water rights or sources of water supply, with the proviso, however, that they may exchange water rights or sources of water supply for other water rights or sources of water supply of equal value, it is stated in the relator's brief that what the city propoes to do in the present case is within the prohibition of the Constitution against leasing its water rights and sources of water supply and is not such an exchange of water rights or sources of water supply as is contained in the proviso.

The only reason assigned for this contention is that no absolute title to the water acquired by exchange will be held by the city.

We are unable to see how the proposed exchanges can be construed to be in violation of the provisions of the Constitution prohibiting a municipality from leasing, selling or disposing of its waterworks or water rights or sources of water supply. This point seems so far-fetched and intangible that we do not know how to discuss it.

As showing the extreme remoteness of the contingency upon which a forfeture of the city's rights could occur, we will remind the court that it appears from the address to the voters, which is made a part of the relator's affidavit, that the city then had over 43,000,000 gallons, daily available supply, of Utah lake water, and that 44,631,000 gallons was all that would be required in exchange for all of the waters of Parley's creek, Mill creek, Big Cottonwood creek and Little Cottonwood creek, including 25 per cent bonus. It appears from the defendant's answer that the city has since acquired an additional daily supply of 12,000,000 gallons from Utah lake, which leaves it with over 11,000,000 gallons daily supply in excess of what would be required for all of these exchanges, besides its reserve of stored water in Utah lake. It is therefore clear that any forfeiture, or even default or interruption in the use of the water acquired by the exchange, would be not only extremely improbable, but practically impossible.

As we understand the relator's second contention, it is that, in order to carry out the plan for increasing the water supply it will be necessary for the city to acquire certain water rights claimed by the Utah Light & Railway company, which it refuses to convey to the city except upon terms not acceptable to the city, and that the same cannot be acquired by the city through the exercise of the power of eminent domain, because the rights of the company are superior, or at least equal, to the rights of the city.

ABOUT POWER PURPOSES.

It is alleged by the defendants in their answer and admitted by the relator that the water rights claimed by the Utah Light & Railway company consist of water rights for power purposes only; that one of said rights was used prior to the 1st day of April, 1893, for the purpose of furnishing power for operating a paper mill; that the said mill was destroyed on that day and has never been rebuilt and the power right has never since been used for any purpose whatever; that several years ago a small sawmill was operated by power furnished from the waters of Big Cottonwood creek and the said Utah Light & Railway company has since acquired the ownership of said water right and mill and has continued from time to time to operate the same in a very limited way; that both of these alleged water rights claimed by the Utah Light & Railway company are situated below the power plants which have heretofore been and are now being operated by said company; that the only interference with these alleged rights which could possibly occur in carrying out the proposed plan for increasing the city's water supply would be in changing the point of diversion of the waters secured under the contracts for exchange, and would not in any way interfere with the operation of any of the existing power plants of said company; that the waters of Big Cottonwood creek, which the city proposes to acquire by exchange, are now diverted from the natural channel of said stream at a point below the site of the old paper mill, and it is desired by the city to divert the waters of said creek from the natural channel at a point above said saw mill and paper mill site and below the lower power plant of said company.

It is also alleged in said answer and admitted that the plan which was submitted to the voters, as appears from the relator's exhibit "A," was for "increasing the water supply of the city by laying pipes and establishing a water system to conduct water from Big Cottonwood creek and Mill creek and their tributaries to Salt Lake City, and acquiring water and water rights in said streams and in Utah lake, and by improving and extending the present system of water distribution by which water is now distributed throughout said city;" that the carrying out of this plan is not dependent upon diverting the waters of Big Cottonwood creek at any point which would interfere with any of the water rights claimed by the Utah Light & Railway company, because said waters can be diverted from their natural channel below the old paper mill site, which is the lowest right claimed by the company, and said waters can be conducted by gravity into Salt Lake City at a point above the Thirteenth East street reservoir, so that they can be utilized from said reservoir and distributed through the present waterworks system of the city.

EMINENT DOMAIN.

The right of eminent domain is granted to the city by chapter 65 of the Revised Statutes of Utah of 1898, as amended by chapter 25 of the laws of Utah of 1901. Subdivision 3 of section 3,588 of said chapter, as amended, reads as follows:

"3. Public buildings and grounds for the use of any county, incorporated city or town, or school district; reservoirs, canals, aqueducts, dumes, ditches or pipes for conducting water for the use of the inhabitants of any county, or incorporated city or town, or for drainage any county, or incorporated city or town; for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels; for roads, streets and alleys, and all other public uses for the benefit of any county, incorporated city or town, or the inhabitants thereof."

The relator's third contention is that the city cannot issue bonds exceeding a 4 per centum additional indebtedness, because the water rights and works for supplying the water are not owned and controlled by the city at the time of the issuance of said bonds.

Section 4, article 14 of the Constitution provides:

"That any city or town, when authorized as provided in section 3 of this article, may be allowed to incur a larger indebtedness, not exceeding 4 per centum additional, for supplying such city or town with water, artificial lights or sewers, when the works for supplying such water, light and sewer shall be owned and controlled by the municipality."

Revised Statutes, 1898, page 64.

In the case of state vs city council, 23 Utah, 14, this court says:

"Constitutions are not to be interpreted alone by their words abstractly considered but by their words read in the light of the conditions and necessities in which the provisions originated and in view of the purposes sought to be attained and secured."

We invoke this rule and ask the court to apply it in this case. "In the light of the conditions and necessities in which the provisions of the Constitution originated and in view of the purposes sought to be attained and secured" by it, we do not see how any other construction than the one for which we contend can possibly be adopted.

The real purpose and object of this constitutional provision was to encourage the municipal ownership of works for supplying cities with water, artificial light and sewers, by affording the necessary means through which a city could purchase, construct and extend such works.

LEA

Moneyback lubricates business; makes it go easy and quick.

Your grocer returns your money if you don't like Schilling's Best.

It's Easier

To Cure, Than Endure Pain.

It is needless to suffer pain. It is easier to take a Pain Pill and be cured.

If you will provide yourself with a 25c package of Dr. Miles' Anti-Pain Pills you have the means of preventing attacks of pain, as well as a positive cure.

If you are subject to nervous or sick headaches, neuralgia, backache, menstrual pains, stomach ache, indigestion, nervousness; if you have dizzy spells, sick stomach or headache while traveling—car-sickness—all that is necessary is to take one of Dr. Miles' Anti-Pain Pills when first symptoms appear, or just before starting out to visit or travel, and they will soothe the irritated nerves, and free you from all these disagreeable affections.

In doing this you take no risks, because they are perfectly harmless, and you will have no other evidence of having taken them than the knowledge that you are free from pain.

They relieve and cure by reinvigorating and allaying the irritation of the nerves, and by stimulating the secretions.

"I am glad to find the relief that comes with the knowledge that I am freed from those terrible headaches that I have had all my life. All I have to do when I feel the approach of pain is to take one or two of Dr. Miles' Anti-Pain Pills, and I am free from my sufferings of three, six or twelve hours duration."—J. B. DAVIS, Prof. Nurse, and Health Officer, Turtle Lake, Wis.

25c a package. Never sold in bulk.

FREE Write to us for Free Trial Package of Dr. Miles' Anti-Pain Pills, the New Scientific Remedy for Pain. Also Symptom Blank. Our Specialist will diagnose your case, tell you what is wrong, and how to right it, Free. DR. MILES MEDICAL CO., LABORATORIES, ELKHART, IND.

Asthma Sufferers Should Know This.

Foley's Honey and Tar has cured many cases of asthma that were considered hopeless. Mrs. Adolph Buesing, 701 West Third St., Davenport, Ia., writes: "A severe cold contracted twelve years ago was neglected until it finally grew into asthma. The best medical skill available could not give me more than temporary relief. Foley's Honey and Tar was recommended and one fifty cent bottle entirely cured me of asthma which had been growing on me for twelve years, and if I had taken it at the start I would have been saved years of suffering." For sale by F. J. Hill Drug Co.

New Chicago and New York Train

Beginning with Sunday, June 11th, the Pennsylvania will place in service a new train from Chicago, to be known as "The New York Special."

It will run daily, leaving Chicago at 8 o'clock a. m., reaching Pittsburgh at 8:30 p. m., and New York the next morning at 8:15. A 23-hour train to New York, with $5.00 extra fare from Chicago.

"The New York Special" will carry a parlor car, a dining car, and coaches from Chicago to Pittsburg and a sleeping car from Chicago to New York.

For full information address Geo. T. Hull, D. A., 819 17th St., Denver.

EXCURSIONS EAST.

In May and June one fare plus $2.00 Round Trip. Enquire at Ticket Office, 77 W. 2nd South St., for information and scenic books. The Midland Route.

GREAT BOOK SALE.

For two weeks every book at a discount. Ten per cent to half off. See display advertisement in this issue.

DESERET NEWS BOOK STORE, 6 Main St.

THE MODEL STEAM LAUNDRY.

START WITH A DIME

and open a savings account with us. small and large accounts are welcomed alike.

SALT LAKE SECURITY & TRUST CO., Security & Trust Bldg.

Walker's June White Carnival

EVERY WHITE ARTICLE IN THE HOUSE REDUCED.

FRIDAY WILL BE CHILDREN'S DAY.

WE DON'T want to forget the children—So we give them one of the twelve days of the Great Carnival. Everything pertaining to the rigging up of the "little ones" will have special prominence. Every white article of Children's wear will be greatly underpriced. Also many excellent values in colored wearables will go at reduced figures. Come Friday. Bring the children. Join the happy throng at the June White Carnival at Walker's.

CHILDREN'S AND MISSES' WHITE DRESSES
JUNE WHITE CARNIVAL—25 PER CENT OFF

These in white lawns and Swisses, Paris Muslins, trimmed with Val laces and embroidery. Skirts trimmed with insertion, flounces and tucks. Sizes 2 to 16. The prices regularly are up to $27.50, but they all go at ..... ¼ Off

Misses' Linen Suits (with blouse jackets, worth $4.50 up to $11.00, June White Carnival ..... 25% Off

Boys' Blouses and Shirts. All kinds and sizes, June White Carnival. 20% Off

Boys' Wash Suits. These in white pique and linen, June White Carnival ..... 20% Off

All Hats, Caps, etc., in our children's department, June White Carnival 10% Off

All children's white hats and infants' bonnets in the millinery section, June White Carnival ..... 10% Off

All infants' underwear and dresses in the Undermuslin section, June White Carnival ..... 20% Off

Children's White Gloves, worth 65c pair, June White Carnival, pair 33c

Children's white canvas and duck Oxfords, June White Carnival reduced to pair... 95c

Many other things for the little tots, will be underpriced. But come and bring them. They will enjoy it and so will you.

Walker Brothers Dry Goods Co.