

BOARD TO MAKE A STIFF FIGHT.

Mandamus Proceedings of Anti-Vaccinationists to be Contested.

EMPLOY SPECIAL COUNSEL.

At a Meeting of the Board of Education This Afternoon This Was Authorized—In the Schools.

If the anti-vaccinationists are successful in their mandamus proceedings brought against the board of education, it will not be because that body has not put forth every effort to maintain itself in the position taken.

Special counsel is to be employed to represent the board, and it is understood that however the case is decided, it will be carried up to the supreme court.

A SPECIAL MEETING.

A special meeting of the board of education was held up town this afternoon and on motion it was decided to immediately secure counsel to defend the board in the courts. On motion of E. B. Critchlow, the employment of Richards and Varian was decided upon.

IN THE SCHOOLS.

There was practically no change in the situation at the public schools today. The attendance was as small as on Tuesday, and in some rooms a little smaller.

At the Jordan school there were only two pupils in attendance, and one teacher, Miss Lynberg.

At the larger schools where the students board, the attendance is generally as large as usual. At All Saints, the pupils were all vaccinated some days ago, and, as the students and faculty make up a little community by themselves, of course there is no danger. The same precautions have been taken at St. Mary's academy.

QUIET AT L. D. S. COLLEGE.

The Latter-day Saints' college continues with the attendance somewhat below the normal, quite a number of students from places outside of the city having returned to their homes because of the fear of smallpox on the part of their parents upon hearing of the action taken by the board of health. Few students living in the city have discontinued, however, and everything is proceeding in a satisfactory condition.

STILL VACCINATING.

At the board of health office today, vaccination was still going on, although there was hardly the rush noticed yesterday. Not a new case of smallpox has been reported.

BOARD IS MANDAMUSED.

Arguments on the Petition of John E. Cox Set for Friday.

Counsel on Both Sides Will be Ready at That Time—Early Decision Looked for.

The mandamus suit of John E. Cox against the board of education, referred to in last evening's "News," was filed in the Third district court late yesterday afternoon by Attorney Daniel Harrington, of counsel for the petitioner.

Judge Cherry intended leaving for Mant today to visit with his son, James W., but at the earnest solicitation of the attorneys in the case, his honor postponed the trip, and said he would hear arguments at 10 o'clock Friday morning.

The court wanted to take up the matter right away; this with the approval of counsel for petitioner, but it was learned the attorneys on the other side were not yet ready to proceed, and Friday was then agreed on.

The hearing of arguments will consume the entire day, and a decision may be looked for Saturday.

ANDREW BRIXEN'S COMPLAINT.

He Proposes to Hold the Board of Education Responsible.

Andrew C. Brixen has, through Attorney D. H. Wells, served a notice on the board of education, setting out that on Monday his son, Martin Brixen, presented himself at the Lowell school to resume his studies, and was "turned away." The boy, says the notice, "was vaccinated by Dr. Wright, of this city, and every precaution was taken to insure the reaping of whatever benefit is supposed to result from such inoculation; he has not been exposed to any contagion, and is a healthy child, mentally and physically, so that his attendance at school can neither be inexpedient nor impracticable, nor fraught with any danger or fear of contagion to his associates. The excuse given for refusing the boy admission was that the vaccination had not taken, and he was informed that he must be vaccinated again."

Mr. A. C. Brixen has complied with the law and with the orders of the boards of education and health. He pays a large sum annually for school tax, and under section 1882 of the revised statutes of this State, is compelled to send his child to school. It is his belief, and he has been advised by competent physicians, that when a careful vaccination does not "take," the subject's system does not need the preventive virus to render it free from contagion, and he refuses to experiment upon his child to see how many inoculations of poison he may be able, by reason of his healthy condition, to resist; nor does he wish to endanger his son's health by forcing into his system that which it has given unmistakable evidence of not requiring.

Mr. Brixen concludes his notice with a demand that his son be permitted to attend his classes at the Lowell, or he would hold the board liable for any damages sustained by his son on account of non-attendance and will resist to the utmost the payment of taxes.

FLAGS ARE COMING DOWN.

Belief that the Malady Will Soon be Stamped Out at Eureka.

(SPECIAL TO THE "NEWS.")

Eureka, Jan. 24.—Twelve smallpox flags have been taken down here the last few days and no new cases have broken out, all of which leads people to the belief that the disease will soon be stamped out. It is a singular fact, but one that is emphatically true—that the afflicted people do not get sick. Only in two cases have the patients been sufficiently indisposed to take to their beds. The others have simply remained

prisoners within their own homes until the quarantine has been raised. It was reported here that Quarantine Officer Brinton, who is an immunized man, from the fact that he had smallpox years ago and therefore could not now take it, was down with the disease. Investigation, however, disproves the correctness of the report.

THE UNIVERSITY CLOSING.

Chronicle Refers to It as a Farceful Proceeding—What It Says.

The decision of the board of regents to open the University on Monday last may or may not have been advisedly reached; but the rounding up of students on the opening day for the purpose of subjecting them to a formal health catechism was, from the most charitable point of view, a farceful proceeding. It was given probably for the purpose of satisfying the board of health. Farces, however, are usually harmless, but in this case we may find an exception. It is possible that the students had been accidentally provided with a supply of smallpox germs, the jam in the halls provided an excellent opportunity for a wide and equitable distribution of the same. We favor precaution, but we question the wisdom of the action of the board of regents. We have a direct concern in the public health. Yet we fail to see wherein the public good is served by the formal proceeding referred to, even though it meet the requirement of a State board of health.—University Chronicle.

"Witcher," Not "Beatty."

"Dr. Odell, quarantine physician, today stated that the board of health refused to arbitrate the differences between himself and Dr. Witcher regarding the case of Bubbs as to whether he has small-pox or not. The board of health, however, seems to view the case negatively, as does Dr. Odell. No new cases were reported today."

This statement was written for last evening's "News." An error in proof reading, however, permitted the name of Dr. Beatty to take the name of Dr. Witcher, which placed the former in an improper attitude, so far as this matter is concerned. The "News" hastened to make the correction and trusts that it will be satisfactory to all concerned.

NOT SO BAD NOW.

An Ex-Kansan Objects to Tribune's Criticism of Fort Dodge.

To the Editor:

A few days since the Tribune, on its editorial page, spoke of "Fort Dodge, Kansas, as being the most lawless town on earth," etc.—this in connection with the recent lynching at Fort Scott, Kansas. Inasmuch as Fort Scott is 200 miles east of Fort Dodge, and as Fort Dodge is an old abandoned military post, a few miles from Dodge City, I thought possibly you might set this journal right.

Twenty years ago when Dodge City was the end of the cattle trail, it was the lawless town on earth, but now both it and Fort Scott will compare favorably with any towns of similar size anywhere. The prohibitory liquor laws, of course, are evaded the same as in other prohibition States.

AN EX-KANSAN.

JUDGE TIMMONY'S COURT.

James Wilson pleaded guilty to robbing a clothing store dummy of an overcoat, and when asked why he did it, replied: "I needed it, Judge." "Have you conscientious scruples against performing manual labor?" asked the court looking severely at Jamesie.

"No sir."

"Fifty days" was the sentence.

"Bob" Fortune, or "Natty Bob," was on hand again but his case went over until tomorrow. "Bob" is accused of stealing a wagon from an expressman.

The star case was that of Henry Mander, charged with blacking the eye and otherwise maltreating his wife, Mrs. Hill. Henry said not guilty. Mrs. Hill's story was that Mander came over to her place and proceeded to help himself to things that did not belong to him. When he entered her bedroom and took a pillow she protested and then she said Henry punched her in the eye. Mander's version was different. He stated that the sister struck his mother in the face and he interfered, thus striking her in the eye accidentally. "As for the pillow case," said he, "I had three on one and now I only have one." The court then took a hand and said: "This court tried to get you people over a year ago to move far, far away from each other. If there was any assault it was justifiable and the defendant is discharged; it is evident that Mrs. Hill slapped her mother and the case did right in interfering."

LATE LOCAL NEWS.

A marriage license has been issued to Elmer Decker, 23, of Sherman, New York, and Miss Edith Taylor, 19, of Granger.

A marriage license was this afternoon issued to Welly J. Phillips, 21, and Rose Lawless, 20, both of Salt Lake City.

"Evil Dispositions Are Early Shown."

Just so evil in the blood comes out in shape of scrofula, pimples, etc., in children and young people. Taken in time it can be eradicated by using Hood's Sarsaparilla. In older people, the aftermath of irregular living shows itself in bilious conditions, a heavy head, a foul mouth, a general bad feeling. It is the blood, the impure blood, friends, which is the real cause. Purify that with Hood's Sarsaparilla and happiness will reign in your family.

Bladder Trouble—"Was a long time getting over the grip, which was followed by severe bladder trouble. Nothing helped until I used Hood's Sarsaparilla. Two bottles made me sound and well." Mrs. Lois Wurtz, Beant, Tex.

Poor Health—"I was not feeling well, took Hood's Sarsaparilla with quick and satisfactory effects. Have been in good health ever since." P. I. McLaughlin, 445 Hale St., Augusta, Ga.

Hood's Sarsaparilla NEVER DISAPPOINTS.

Body's little cure liver with the non-irritating and only cathartic that Hood's Sarsaparilla.

We Just Sell

Good, honest shoes at good, honest prices—give every customer his or her money's worth—that's the way we're building this solid shoe business—occasionally we want to clean up our odd lots as instance—These women's and children's shoes—that we used to sell for

\$1.00 to \$2.50

Are going at 50c and \$1.00. Not many left—better hurry

ROBINSON BROS. CO.,
SHOE BUILDERS, 124 Main St.

JUDGE MARSHALL'S COURT.

Verdict in the Case of McKendrick vs. De Lamar Company.

Plaintiff is Awarded \$1,400 Damages for Personal Injuries—Suit of Negligent vs. Garland on Trial Today.

In the damage suit of Alexander McKendrick vs. De La Mar's Mercantile Company, the jury this morning brought in a verdict for the plaintiff for \$1,400.

The defendant in this action was employed at the Golden Gate mine and while pushing a car, fell down a shaft and was injured. He sued to recover \$25,000 damages, and on the first trial the jury disagreed.

Plaintiff was represented by Powers, Straup and Lippman and defendant by Rawlins, Thurman, Wedgewood and Hurd.

The case of F. J. Nugent vs. Wm. Garland, the Bear River canal contractor, was called up this afternoon. The amount involved is \$3,000, which was originally in favor of Judge Maginnis for legal services, and who assigned it to Nugent.

WARD ENTERTAINMENTS.

Tonight at the Sixteenth ward meeting house the Harmony Glee club will give a splendid entertainment under the auspices of the ward choir. Following is the fine program for the occasion:

Selection, "The Crusaders".....

Harmony Glee Club.....

Prof. J. J. Daynes.....

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FIREMEN SING FOR LIBERTY.

Serenade the Newspapers and Public Officials by Telephone.

WANT QUARANTINE LIFTED

Declare There is Not and Has Not Been Any Necessity for Their Detention.

A serenade by telephone is a rare treat. Yet such was the novel entertainment to which the three local newspaper offices—"News," Herald and Tribune, and a number of public officials listened this afternoon at three o'clock. The officials whose ears were pressed to the several receivers during the rendition of the program were: Mayor Thompson, Chief Devine, and Councilmen Robertson and Whittemore. That President Buckie did not enjoy the dulcet tones of the fire-fighting music makers was due to the fact that he could not be found in time. The residence of Mr. P. H. Lannan was also connected with the department and that gentleman was singularly quiet but subsequently pronounced the music "good."

The program was in the nature of a surprise and came about in this wise: The fire department is under quarantine and has been for nearly two weeks. The boys have ever been good natured about it, but are now pinning for their liberty particularly as they see no reason for it being denied them. They desired to make no demand for it, but happily concluded if they could but sing for it that victory would speedily be theirs; and right splendidly did they make the appeal.

By arrangements with the telephone company, promptly at three o'clock the fire department transmitter was thrown open and connection made with all of the offices and persons named. A moment later the fire department quartet, consisting of Byron Crosby, John Corless, T. Ayland Jr. and Captain Wood, had commenced their campaign, the really sweet sounds of which were heard as distinctly in every part of the city, as though the listeners were giving his attention at the fire station itself. The voices of the singers blended in a surprisingly artistic manner, and when the notes of their last song—they gave two, "A Mother's Appeal to Her Boy," and "Daring Alene"—had died away, applause went up in generous fashion from the widely separated audience. Then a catch-as-catch-can, rough and tumble conversation ensued, part of which ran as follows:

"Say, is that you, chief?"

"Yes."

"Where are you?"

"I am at home."

"But you like it?"

"But the chief was cut off at this point and Councilman Robertson cried out: "Is that you Whittemore?"

"Right you are," said Robertson; I'm "O, come off, I'm not talking about fruit, what I want to know is, have you been vaccinated?"

"Ouch, you hurt my arm."

"Cut loose, you scab, I don't want to talk to you."

"But I'm m' mother's baby and I've got a right."

"Hold on there, your franchise is not valid."

"Say, where's Buckie?" cried Whittemore in despair, while Robertson et al roared with laughter.

"Come, now, gentlemen, we are serious; we want to get out of this; we have been here for seven days, and we want to have our liberty, and see our families," interrupted Secretary Earl.

"What do you think of it, Mr. Mayor?"

"I sympathize with you," said Mayor Thompson.

"That's all right, Mr. Mayor, but we want something besides sympathy."

Then the curtain fell suddenly by Whittemore, saying: "I move we adjourn to meet down town at—"

And in a twinkling every voice was hushed and the serenade was over.

TO CURE A COLD IN ONE DAY.

Take Laxative Bromine Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

DIED.

WORKMAN—At Parker, Fremont Co., Idaho, Lucy Caroline, wife of James L. and Lucy Workman, born Dec. 24, 1883, died Dec. 19, 1899, of diphtheria, aged 15 years, 11 months and 25 days.

HARMON—At Parker, Fremont Co., Idaho, Eliza Lovina, daughter of Henry M. and Margaret L. Harmon, born Nov. 19,