

## ROGERS WINS IN SUPREME COURT

Judgment in Suit Against Ogden Building Association is Confirmed.

HIS WAS PREFERRED CLAIM.

Court Holds that Collision Was Entered Into to "Stand Off Rogers' Suit."

The supreme court has affirmed the judgment of the lower court in the case of L. R. Rogers vs. the Ogden Building & Savings Association, J. J. Driver, appellant, W. W. Crossman, intervenor and appellant. The action was brought in Weber county to recover \$2,500 alleged to be due plaintiff on 35 shares of stock in the association which had matured.

It appears from the record that plaintiff bought the shares in 1890, and that they were of the fifteenth series. He paid them up and they matured on Sept. 20, 1898. They were regularly declared matured by the company which recognized its indebtedness to Rogers in the total sum of \$5,750.

Rogers commenced paying off such indebtedness and on June 26, 1903, a balance of \$2,500 was still due on the same. Payments were then stopped and in the following October Rogers commenced suit.

In November, Driver filed his suit and asked that a receiver be appointed for the association. Crossman, the president of the association, admitted the insolvency of the institution and consented to having a receiver appointed. He also filed a complaint in intervention to recover on some stock subsequent to the fifteenth series and also on some stock in that series. It appears that the association, Driver and Crossman were all represented in the various actions by the same attorneys.

The question raised at the trial was whether or not Rogers was a creditor or simply a stockholder and whether or not his claim should be preferred and paid before subsequent series. The lower court held that when the stock matured the company agreed to purchase it from the holder, and that the holder was treated as a creditor of the association. Judgment was rendered in favor of Rogers for the sum of \$2,500 and interest as it was held that his claim was a preferred one. Judgment was also rendered in favor of one of Crossman's assigned claims for \$900 which was in the same series as the Rogers claim.

This judgment is affirmed by the supreme court in an opinion written by Justice Straup, concurred in by Chief Justice Hatch but dissented from by Justice McFadyen. Justice Straup holds that from the evidence it is clear that the association and appellants colluded together to throw the association into the hands of a receiver in order to "stand off Rogers' suit," and that Rogers became a creditor of the association in 1898 when his claim became due and payable and is therefore entitled to recover the amount granted by the court below together with interest.

### SHORT SESSION HELD.

Supreme Court Holds Arguments in Injunction Suit Against Hackmen.

The supreme court held a short session today and listened to arguments in the case of the Oregon Short Line Railroad company against F. T. Davison et al., appellants. The action was brought by the company to enjoin defendants, hackmen and expressmen, from entering upon the inclosed grounds of plaintiff excepting when they are unloading passengers or baggage on the depot platform. The defendants claimed that defendant had no right to exclude them and then permit the Salt Lake Livestock & Transfer company to enter said grounds. The lower court decided the case in favor of plaintiff and granted it an injunction. An appeal was taken to the supreme court. This appeal was heard today. Judge Powers

## Scrofula

It is commonly inherited. Few are entirely free from it. Pale, weak, puny children are afflicted with it in nine cases out of ten, and many adults suffer from it. Common indications are bunces in the neck, abscesses, cutaneous eruptions, inflamed eyelids, sore ears, rickets, catarrh, wasting, and general debility.

### Hood's Sarsaparilla and Pills

Eradicate it, positively and absolutely. This statement is based on the thousands of permanent cures these medicines have wrought.

"My daughter had scrofula, with eleven sores on her neck and about her ears. Hood's Sarsaparilla was highly recommended and she took it and was cured. She is now in good health." Mrs. J. H. Jones, Parker City, Ind.

Hood's Sarsaparilla promises to cure and keep the promise.

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## STRONG PROTEST IN ESTATE CASE

M. E. Mulvey Objects to Appointment of John H. Lovejoy, Jr., As Administrator.

LOVEJOY ANSWERS DEMURRER

Alleges Collusion Between Mulvey and Miss Lorraine to Collect Fraudulent Claim.

The protest of M. E. Mulvey against the appointment of John H. Lovejoy, Jr., as administrator of the estate of his brother, Emory W. Lovejoy, deceased, was heard in part by Judge Armstrong on Saturday and will be taken up again on next Friday. Mr. Mulvey objects to Lovejoy, who is now acting as special administrator of the estate, on the grounds that he is not a resident of the state, that his appointment was not requested by any of the relatives or heirs of deceased, and that he represents interests adverse to the estate.

Lovejoy filed a demurrer and answer to the protest, and in the answer he alleged that D. B. Hempstead, who is attorney for Mr. Mulvey, is also attorney for a Miss Lorraine, who, it is claimed, has a false and fraudulent claim against the estate for \$7,000 or \$8,000. It is understood that Miss Lorraine was housekeeper for Mr. Lovejoy for a number of years prior to his death, and she claims the above amount to be due her for services rendered in nursing and caring for Mr. Lovejoy, who was afflicted with rheumatism for several years.

It was stated during the hearing that Mr. Mulvey's interest in the matter was due to the fact that he can still be held liable for indebtedness of the partnership between himself and Mr. Lovejoy, which is about \$6,000, and that the estate owes him \$1,500.

Petitions from the mother and father and from a number of the creditors of the estate asking that Lovejoy be appointed as administrator were filed by his attorney. Lovejoy was placed on the stand and stated that he was a bona fide resident of the state; that he came here on Oct. 9, 1905, with the intention of remaining, and that his family had arrived here within the past week. Other testimony will be introduced at the hearing on next Friday.

### AMUSEMENTS.

The advance sale for "When Johnny Comes Marching Home," the American military opera, which the Carleton Opera company is to render at the Theater Thursday night, will begin at the box office tomorrow morning. W. P. Carleton, son of the once famous W. T., is the baritone who heads the company.

At the Grand, tonight's bill will be Richards & Pringle's Georgia Minstrels.

With songs that have sung themselves to death, vaudeville stunts that are mouldy, and a chorus more or less venerable that can't sing, "The Utopians" are trying to live up to the good reputation of their predecessors at the Lyric and are having a hard time doing it. There was some pretty tall talking done for them by the advance man, but he either hadn't seen them work or they have left their art behind. O'Hana-San was the big feature of the show, according to the promises, but when the Japanese pictures were produced, there was too strong a resemblance between the Japanese lady in the case and one of the chorus girls to carry out the "O'Hana-San" delusion. Her work was ordinary American posing of the kind that became trite a decade ago. The engagement of "The Utopians" runs till Friday evening, after which a change of bill will occur.

### IN JUDGE DIEHL'S COURT.

Absence of Complaining Witness May Save Alleged Thieves.

The case of the State vs. Dolly Moore and Pauline Johnson, the two colored women charged with robbing one R. Rodas, was to have been heard before Judge Diehl this morning in preliminary examination, but owing to the absence of the complaining witness, the matter went over until tomorrow morning. Judge Diehl stated that if the complainant was not present at the hearing, the case would be set for the case without the formality of a motion from either the prosecution or the defense.

William Gilroy, the man arrested several days ago on the charge of attempting to rob one H. W. Eldridge, pleaded not guilty to the charge and the case was set for next Monday morning.

W. A. Gleason, accused of assault with a deadly weapon upon a man named D. Blanco, will enter his plea tomorrow morning at 10 o'clock.

### NEXT YEAR AT PROVO.

Sunday School Association Elects Officers and Adjourns.

The following officers were chosen Saturday afternoon by the Utah State Sunday School association:

President—Rev. Wildman Murphy of Salt Lake.

Vice President—R. H. Johnston of Provo.

General Secretary and Treasurer—L. M. Gilliam of Salt Lake, re-elected.

Member Executive Committee—Miss Ella M. Andrews of Salt Lake.

Member Executive Committee—Miss Maud Dittmars of Salt Lake.

Primary Superintendent—Mrs. E. E. Shepard of Salt Lake, re-elected.

Member International Executive Committee—Thomas Weir of Salt Lake, re-elected.

International Vice President—Prof. J. A. Smith of Ogden, re-elected.

It was decided to hold the next annual convention at Provo.

A GUARANTEED CURE FOR PILES. Itching, Blind Bleeding, Protruding Piles. Pringle's Ointment. Guaranteed to cure in 6 to 14 days. No.

### WEATHER REPORT

Record at the local office of the weather bureau for the 24 hours ending at 6 a. m. today:

Barometer reading at 6 a. m., 29.80 inches; temperature at 6 a. m., 37 degrees; maximum, 38; minimum, 24; mean, 32, which is 4 degrees below normal. Precipitation since the first of the month, .18 inch, which is .18 inch above the normal.

Efficiency in precipitation since Jan. 1, 1.24 inch.

Relative humidity 78 per cent.

FORECAST TILL 6 P. M. TUESDAY.

Local forecast for Salt Lake City and vicinity:

Fair tonight, Tuesday partly cloudy.

R. J. HYATT, Local Forecaster.

TODAY'S TEMPERATURES.

6 a. m. .... 37  
7 a. m. .... 38  
8 a. m. .... 39  
9 a. m. .... 40  
10 a. m. .... 41  
11 a. m. .... 42  
12 m. .... 43  
1 p. m. .... 44  
2 p. m. .... 45  
3 p. m. .... 46  
4 p. m. .... 47  
5 p. m. .... 48  
6 p. m. .... 49

### NEW YORK CLOSING STOCKS.

Monday, Dec. 4, 1905.

Atchafalpa	107 1/2
Baltimore & Ohio	111 1/2
Canadian Pacific	112 1/2
Chicago & Alton	112 1/2
Chicago & Northwestern	112 1/2
Colorado Southern	112 1/2
Denver & Rio Grande	112 1/2
Illinois Central	112 1/2
Louisville & Nashville	112 1/2
Metropolitan St. Ry.	112 1/2
Mexican Central	112 1/2
Missouri Pacific	112 1/2
New York Central	112 1/2
Pennsylvania	112 1/2
Reading	112 1/2
Rock Island	112 1/2
Salt Lake City	112 1/2
Southern Pacific	112 1/2

### LATE LOCALS.

Wallace P. Vail is home after two and a half months absence as steward of the Bear River Duck club.

The \$25,000 Swan building on west Third South street is well under way, with the foundations nearly all in.

Earl Elspray, a Knutsford hotel bell boy, and Miss Ella Williams of this city, are to be married Jan. 10 next, and the friends of the couple are extending congratulations.

John Herman, formerly assistant manager of the Brown Palace hotel at Denver, is at the Knutsford, on route to Coronado beach, where he has accepted an important position there.

Contractor West began work this morning, excavating for the foundation of the new J. X. L. building, on east Third South street, as the old Methodist seminary building has been entirely torn down.

The coal situation continues very tight, and coal is not easy to get. But dealers said today that the railroad companies were supplying more cars and it would be not long now before the shortage was relieved.

### BUSINESS NOTES.

Today's local bank clearings amounted to \$1,106,871.98 as against \$880,213.49 for the same day last year.

A copy of the articles of incorporation of the Lake Bottom Irrigation company of Lake View precinct, Utah county, was filed in the secretary of state's office today. Its capital stock is \$25,000, divided into shares of the par value of \$50 each. G. O. Scott, Jr., is president; William Blake, vice president; J. J. Dilatush, secretary and treasurer.

The Smedley Wakeling Insurance company have made settlement of the insurance on the Carstensen-Anson music stock, damaged recently by fire. The insurance was in the Scotch Underwriters' company, of which the Smedley Wakeling Co. are the agents in this city.

DIED.

NEWTON.—At 609 north First West street, this city, Dec. 3, 1905, of pneumonia, Sarah E. Barker, widow of Samuel Newton, born April 3, 1845, in London, England.

Notice of funeral later.

WILSON.—In this city, Dec. 4, 1905, of

Always Remember the Full Name **Laxative Bromo Quinine** on every box. 25c

Cures a Cold in One Day, Croup in 2 Days

KEITH-O'BRIEN

Fine Coat Suits

Exquisite Furs

We are showing the very latest

moder in velvet Eton and blouse

coat suits. Some

are made up in

chiffon velvet with

short, dressy coat,

blouse style, broad

girdle and a hand-

some vest embroi-

dered in silk. All

the standard colors

and new shades,

such as sapphire

blue, amethyst and

damson. The prices range from

\$47.50 to \$95.00.

Girls' Coats

Brown, red, green and blue;

fancy mixtures. Inspection of

these coats will convince you

that they are splendid values.

Sizes 8 to 14 years.

\$5 to \$6 Coats.

\$3.95

\$3.50 Coats \$2.95

School Clothes

for Boys

Smart Suits—made to wear—to

hold their shapes—made especially

for boys who romp and play.

We pay more to have these suits

better than other suits at equal

prices.

\$2.45, \$2.95

\$3.50

# Inventory Sale For Cash Only!

We are overstocked, need room and want to sell all the goods we now have, because we have so many more coming. You give us the hard, hard cash and we will give you a piano which cost us the same amount. An even exchange is no robbery. This sale lasts this week only, come early and look around

Chickering, Hazelton,  
Kranich & Bach  
Lester, Haines,  
Marshall & Wendell,  
and Werner,  
Pianos

\$275 Pianos for \$162.50  
325 Pianos for 190.00  
400 Pianos for 250.00  
450 Pianos for 290.00  
\$500 Pianos for \$340.00  
\$300 Pianos for \$175  
350 Pianos for 200  
425 Pianos for 270  
475 Pianos for 325

YOUR  
MONEY BACK  
IF NOT  
PERFECTLY  
SATISFIED

# Daynes & Romney Piano Co.

25-27 East First South Street.

H. S. DAYNES, Manager.