SHEEP CASE IS ON AT TOOELE

Inspector Sued for Damages.

Many of the Flock Died While Held in Quarantine.

Owners Claim That Stock Was Poisoned by Eating Greasewood and Drinking Water.

COURT CALENDAR.

Cases Set for Today.
DISTRICT COURT.
Division No. 1—Judge Hall.
No court.
Division No. 2—Judge Stewart.
Law and motion call.
Division No. 2—Judge Morse.
Law and motion call.
Division No. 3—Judge Lewis.
Lester H. Murdock vs. Peter N. Rourke et al.
CITY COURT.
Civil division—Judge Tanner.
No court.

A case of much interest to the sheepmen of Utah, as well as the public at large, is that now on trial at Tooele, in which Peter N. Garff, Royal B. Garff and Samuel Gines are the plaintiffs and James P. Sharp, Jesse M. Smith and his bondsmen are made the defendants. Damages in the sum of $9000 are asked by the plaintiffs for the death of a large number of sheep, alleged to have lost their lives through the negligence of Deputy Sheep Inspector James P. Sharp.

Inspected by Sharp.

In April, 1903, a band of sheep numbering nearly 3000, belonging to the plaintiffs, was inspecteed, according to law, by James P. Sharp. A large portion of them was found to be infected with scab. The sheep were immediately quarantined, the limits of the quarantine defined, and the sheep kept within the limits. During the night and the following day a large number of the sheep sickened and died. The owners claimed and now claim that their death was due to the negligence of the sheep inspector, alleging that he quarantined them where no weed could be obtained but greaswood; that they ate the greasewood, drank the water within the quarantine limits, and their death was due to poison contained within the greasewood and water.

Attributed to Exposure.

On the other hand, Inspector Sharp claims that the sheep had been sheared on the day previous to their being quarantined; that on the night of the quarantine a severe snow and rainstorm set in and that the sheep died from exposure instead of from poison.

Attorney-General M. A. Breeden and Lindsay R. Rogers are the attorneys for the defense and H. C. Edwards and H. A. Smith are for the plaintiffs. The case has been on trial before Judge Morse for the past three days at Tooele and will probably consume three more days. An adjournment was taken yesterday afternoon until Monday morning, the attorneys in the case and Judge Morse returning to this city last evening.

NEEDS NO GUARDIAN.

Court Finds Mary Carrington Capable of Attending to Her Affairs.

Mary A. R. Carrington, according to the decision of Judge Hall yesterday, needs no guardian. Her daughter, Irene I. Carrington, had petitioned for letters of guardianship of her estate and person, on the ground that her mother, because of her extreme age, was unable to take care of herself. She stated that her mother was liable to be imposed upon for that reason, but the court denied the petition and dismissed the case.

Motives of jealousy are attributed to the petitioner, because Mrs. Carrington's property, which is valued at about $7500, has been looked after for some time past by her son, H. R. Carrington. It seems that the daughter did not like the influence which he was having over her mother, thinking that he was getting an undue share of favors.

Quite a story of the family's affairs was given in the court. The petition was vigorously contested, as Mrs. Carrington denied that she was in need of having any one to look after her. Her son and another daughter, Mary Hosick, also disputed the assertions of the petitioner, and they won their case.

INJUNCTION SET ASIDE.

Judge Hall Will Hear What Railroad Attorney Has to Say.

Judge Hall yesterday morning set aside his judgment of the previous day in the case of Sarah Gibbs vs. the Rio Grande Western railway, the Oregon Short Line, Salt Lake City Council and others. That was the judgment granting the plaintiffs an injunction restraining the defendants from closing up Fourth West street from First North to Fifth North. The judgment was set aside by the court upon the motion of Waldemar Van Cott, the attorney for the Rio Grande, in order that he might propose amendments to the findings of fact and the decree as found by the court on Thursday. If this move of the railroad company is not successful, it will be necessary for the railroads to buy up the property on the west side of the street. That upon the east side already has been bought up by the Oregon Short Line.

Children in Orphans' Home.

Because she had to send four of her children to the Orphan's Home, Amy A. Wilcox has filed a suit in the District court against her husband, Ralph A. Wilcox, for a divorce. They were married at Salt Lake City on November 28, 1890, and the plaintiff alleges that ever since the 6th of May, 1904, Wilcox has refused to provide for her or any of her five minor children. During the latter part of May, she says that she was obliged to sell part of their furniture, and afterward had to take refuge with her own relatives and send four of the children to the Orphans' home.

Court Notes.

Hirdie Anderson was granted a divorce from her husband, Fred Anderson, by Judge Hall for failure to support.

Ella E. Oswald was appointed by Judge Hall administratrix of the estate of F. L. Oswald. The will, which was admitted to probate, provided that the executrix should be appointed without bond.

In the case of Harris vs. Chipman in the United States court yesterday, the greater part of the time was occupied by Attorney R. N. Breckenridge, who resumed his argument for the plaintiff at the opening of the morning session. Mr. Breckenridge finished the opening argument late in the afternoon, when Mr. Van Cott began the opening argument for the defense.

Annie A. Jay has applied for a divorce from William P. Jay, her husband, on the ground of failure to support. They were married in Salt Lake City on April 8, 1902. Plaintiff asks that she may resume her maiden name of Annie Arrowsmith.

Frederick W. Mowman, formerly of Finland, now of Bingham, was naturalized by Judge Hall yesterday.

Millie Sanderson was granted a divorce yesterday by Judge Hall on the ground that her husband, James Sanderson, failed to support her ever since the 1st of July, 1903. The plaintiff is allowed to resume her maiden name of Millie Pender. They were married at Sioux City, Ia., on March 5, 1900.

Judge Morse returned from Tooele last night, where he has been holding court this week. He will hold court today and call his law and motion calendar.

Judge Stewart returned from Summit county, where he has been holding court, yesterday, and will hold court in Judge Hall's courtroom today. There will be no court in the first division of the District court.

On the ground of her husband, Axel Oscar Ubrastrom's, idleness, profligacy and dissipation, Anna Louisa Ubrastrom was granted a decree of divorce by Judge Hall yesterday. The plaintiff had been compelled to do hard manual labor in order to support herself and their two minor children. They were married in Salt Lake City on January 28, 1898.

Judgment for $175.73 and costs was awarded Joseph Hartley against Aaron Garside by Judge Lewis yesterday. This suit was to recover on a promissory note for $150 and interest. It went by default in the City court and was appealed.

C. K. Dubois was arraigned before Judge Lewis yesterday on the charge of burglary. Attorney Carl Evans was appointed to defend the prisoner, and he entered a plea of not guilty for him. Dubois, it is charged, broke into the Nebraska furniture store on East Second South on the night of September 30. His case is set for November 15.

Daniel Spencer Wallace has filed suit in the District court against W. L. Johnson to recover $500 for money owing to him on some goods for the defendant's drug store. The plaintiff states that the goods were delivered on October 10 and that Johnson has not paid any part of the purchase money as yet.

E. W. Townsend has applied for a divorce from his wife, Emily Townsend, on the ground of desertion. They were married in Denver on January 8, 1896, and the plaintiff says that his wife left him on the 8th of October in the same year and has lived apart from him ever since.

Do Ants Think?

Lord Avebury, the naturalist, insists that ants possess minds and display a high order of intelligence. "The social habits of ants afford arguments which seem conclusive," he says. "Take first their relations with other insects. Those between ants and aphides, which have been called ant cows, are indeed most remarkable. It is not merely that the ants milk them, tend them, defend them from attack, sometimes protect them by earthen inclosures from too great summer heat, but over and above all this they collect the eggs in autumn, keep them through the winter and plant them out of their proper plant in the spring. Some of the roof aphides may always be found in ants' nests, but I was much puzzled years ago by finding in ants' nests some black eggs, which obviously were not those of ants. Eventually I ascertained that they belonged to a species of aphis which lives on the leaves and leaf stalks of plants.

"These eggs are laid early in October on the food plant of the insect. They are of no direct use to the ants, yet they are not left where they are laid, exposed to the severity of the weather and to innumerable dangers, but are brought into their nests by the ants and tended by them with the utmost care through the long winter months until the following March, when the young ones are brought out and again placed on the young shoots of the daisy. This seems to me a most remarkable case of prudence. Our ants may not, perhaps, lay up food for the winter, but they do more, for they keep during six months the eggs which will enable them to procure food during the following summer, a case of prudence unexampled in the animal kingdom."

Dr. Forel gives these examples of the mental processes of ants: "While success visibly heightens both the audacity and tenacity of the ant, it is possible to observe, after repeated failure or in consequence of the sudden and unexpected attacks of powerful enemies, a form of dejection which may lead to a neglect of the most important instincts, to cowardly flight, to the devouring or casting away of offspring, to neglect of work and similar conditions. There is acute discouragement when a combat is stlo."—Chicago News.

Suicide

What Drives so Many People to This Dark Path, and Why.

If a man—before taking a step made possible only by brooding and despair—would consider that his feeling of darkness is only a question of nerves—he would be saved.

For, the depression leading to self destruction is truly a disease of the nerves.

This nerve depression or melancholy is often accompained or preceded by severe or constant Headache, Dizziness, Dullness, Loss of Memory, Sleeplessness, Muscular Twitchings, Nervous Prostration, Spasms, Brain Fag, and other signs of serious nerve trouble.

The cure is Dr. Miles' Nervine.

It is a nerve medicine for weak nerves and can be depended upon to make you well.

No matter what form of nerve trouble you may be suffering from, you can depend on Dr. Miles' Nervine.

It will do what no other medicine or treatment may be able to do for you—save you from that black hour of brooding, which so many of us dread.

"I had several attacks of nervous spasms, and for a long time could get no relief. I saw Dr. Miles' Nervine advertised and bought a bottle. After using the first bottle, I was much better, and when I had taken six bottles was entirely cured. I have never been troubled since."—MRS. W. A. BIRD, Stillmore, Ga.

The first bottle is guaranteed to benefit you, or druggist will refund your money.

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

RESERVOIR FOR HUNTINGTON

State Engineer Will Investigate.

May Serve Same Purpose as Proposed Buckhorn Flat Site.

Examination to Be Made Under the Law Passed by the Last Legislature.

State Engineer Doremus yesterday sent a deputy to Carbon county to make surveys and estimates on the proposed Huntington reservoir site, for the State land board. The site is contemplated to serve the same purpose as was the proposed Buckhorn Flat site, which the State Engineer investigated some time ago and found impracticable on account of the large channel required to carry the volume of flood water during the thirty or forty days of the year that the flood discharge would be on. It is thought now that canyons by the headwaters of the stream may be utilized to store the waters in the natural channel, to be released as required. It is to determine the feasibility of this plan that the present investigation is to be made.

Using an Appropriation.

The investigation is being carried on in pursuance of the provisions of the law passed by the last Legislature, which placed at the command of the State land board an appropriation of $3000 from the fund derived from the sale of State lands, to be used in locating in the State two reservoirs for the benefit of land owners and prospective land owners under the proposed reservoirs. The work of the board under this law is to end when the State Engineer makes his report on two feasible reservoir sites, with estimates of their cost and benefits, the findings to become a matter of record in the office of the State board for the information of the public, and any citizens being at liberty to carry out the projects outlined if they choose to do so. The sections of the State in which the sites were to be sought out were left to the discretion of the land board.

One Site Is Chosen.

One of these sites authorized by the Legislature has already been located by the State Engineer. This is the Strawberry valley reservoir site, the exploitation of which gave Mr. Doremus the idea for the great Utah irrigation project, upon which the Government is now working. The proposed reservoir site was found to be feasible as a unit in a project too large in scope to be undertaken by private enterprise, but with the Government behind it promises to operate to more than treble the amount of land under cultivation in Utah's largest three valleys.

State Act Proposed.

State Engineer Doremus is now of the opinion that the Utah Legislature should pass a reclamation act patterned after the act of the National Government, which promises to prove such a great benefit to the arid West. As is generally known, the Government presented to the State of Utah a half million acres of the public domain to be used exclusively for the development of irrigation sites. The sale of these lands at $1.50 an acre will give the State a large fund to work on. It would not be large enough, however, to build outright all of the reservoir sites that would be demanded, and then would come up the sectional interests to interfere with an unbiased selection by the Legislature of the most meritorious projects. But by adopting the plan of the National Government, that of building the irrigation works and permitting the land owners to repay their actual cost in ten annual payments without interest, as good service could be rendered, and as the money was paid back it could be used over and over again for the same purpose until every available reservoir site in the State was utilized. In this way the State could take up the projects that are too small for the National reclamation service to handle, and, as there would be no profits to be made, it could develop projects that private capital would not undertake and serve the people better.

Condition of Treasury.

WASHINGTON, Oct. 21.—Today's statement of the treasury balances in the general fund, exclusive of the $150,000,000 gold in the division of redemption, shows available cash balance, $147,836,430; gold, $76,932,152.

There will be a special car service to and from Calder's park for the accommodation of those going to the automobile races on Sunday, Oct. 23, 1904. The special service will consist of open cars only. Utah Light & R. R. Co.

Sleepy Notes.

The pajamas, and night robes are shown in a variety of news cloths and patterns. Wake up and inspect the lines.
BROWN, TERRY & WOODRUFF CO., 166 Main St.

Japs Accused of Murder.

SAN FRANCISCO, Oct. 21.—The bark Servia, from Karluk, brings news of the murder of a Japanese who was in charge of a gang of fishermen employed by the Alaska Packers' association. Twenty Japanese, accused of complicity in the crime, will be taken to Valdez for trial.

Cold Snap Underwear

Proper weights in wool and balbriggan for comfort.
BROWN, TERRY & WOODRUFF CO., 166 Main St.

Try Council Liquor House for wine and liquor. Lowest prices and first-class goods. 10 E. 1st So. St.
C. BONETTI, Propr.

OUR MANHATTAN SHIRTS

FOR THIS SEASON represents a variety of all the latest effects in coat shirts, plain fronts and pleated bosoms. The most harmonious color effects, tastiest designs and newest textures are here in a glorious fashion display. Their beauty will win your fancy—

$1.50, $2, $2.50 and $3.

Fall and Winter neckties are large shapes and rich colorings. The proper collar to wear them with is the wing or poke collar.

J. WILL GRAY & BRO.

153 EAST SIDE MAIN,

UNDER ELECTRIC SIGN "GRAY'S"

AGAINST FREE TEXT BOOKS.

Archbishop Glennon of St. Louis Diocese Protests Against Amendment.

ST. LOUIS, Oct. 21.—Archbishop Glennon of the Catholic diocese of St. Louis today issued a circular letter protesting against the passage of an amendment to be voted at the coming election, providing for free text-books for public school children. The letter states in part:

"Such an act, if put into operation, is extravagant, because all unnecessary taxation is extravagant. Neither is it based on equity, because it will not apply to all the children that are being educated, but only to those who attend schools. It is dangerous because it is another step toward Socialism, implying, as a logical sequence, the giving later on of free clothes and free food.

"Now, I submit that such an order of things might be proper for a penitentiary, but not for a free people, especially one whose antecedents who have made for the building up of a healthy individuality and who deemed taxation without necessity and representation as unjustifiable and criminal. It is my opinion that for this and many other reasons the amendment ought to be rejected."

In speaking of his letter Archbishop Glennon said today: "The sooner a consistent and determined stand is taken against measures whose cloak of patriotism covers their real oppressive character, the better it will be for the taxpaying public. This is not a political issue, nor is it one of religion, it is simply one of justice."

If You Are in a Hurry

To talk to Ogden you will do well to patronize the new Toll Line.
UTAH INDEPENDENT TELEPHONE CO.

Pretty as Autumn Leaves.

The varied colors in our neckwear.
BROWN, TERRY & WOODRUFF CO., 166 Main St.

Fruit in Peat Ripened to Maturity.

What is considered a highly important discovery has just been made in the matter of the shipment of fruits. It is believed that a solution has finally been found of the problem of transporting delicate tropical fruits long distances.

The experiments have been made by a French company, under the auspices of the French Government. The shipments have been made from Guiana and the Island of Guadeloupe, in the Lesser Antilles, to France, and the outcome is declared most satisfactory.

The secret of the new process is the envelopment of the fruit in a particular kind of peat or turf, that, namely, which is known as yellow Dutch peat. Pineapples, bananas, mangoes, sapotas and other delicate fruits have been taken when in perfectly ripe condition, enveloped in the fibrous substance, and after several weeks spent in transportation have arrived at their destination in a perfectly fresh and sound condition.

Peat, as is known, is vegetable matter more or less decomposed, which passes by insensible degrees into lignite. The less perfectly decomposed peat is generally of a brown color, that which is perfectly decomposed is often black. Now, moist peat, it has for some time been known, possesses a decided and powerful antiseptic property. This is ascribed to the presence of gillic acid and tannin. It is manifested not only in the perfect preservation of ancient trees, and of leaves, fruits and the like, but sometimes even in animal bodies. Thus, in some instances, human bodies have been found perfectly preserved in peat, after the lapse of centuries.—Mexican Herald.

TEA

Why isn't everything moneyback?

Everything isn't good enough.

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

SALT LAKE THEATRE GEO. D. PYPER MANAGER CURTAIN 8:15

Matinee Today, 2:15 P. M.

TONIGHT LAST TIME.

Arthur C. Alston and J. Emmett Baxter Present

JANE CORCORAN

Supported by ANDREW ROBSON

And a Company of Recognized Excellence in Frances Aymar Mathews' Picturesque Romance,

"Pretty Peggy"

The Greatest Dramatic Triumph in Recent Years.

Lavish display of the unique and beautiful costumes of the Eighteenth century.

Five Months in New York City at the Herald Square and Madison Square Theaters.

Prices—25c to $1.50; Matinee, 25c to 75c; Children, 25c anywhere.

A Most Remarkable Shoe Offering

No other shoe store in the West has equal facilities for procuring footwear—with headquarters established in New York city and Boston under the personal supervision of our Mr. Ben Davis. It enables us to purchase well-known and reputable shoes from manufacturers who are in need of cash at a BIG REDUCTION.

To facilitate the disposal of these Bargain purchases we have opened our

BASEMENT SALES ROOM

Where you will always be able to obtain shoes and footwear of all kinds at prices LESS (in most instances) than the MANUFACTURER'S COST.

The first of these shipments have arrived and will be placed on sale this (Saturday) morning.

600 Pairs of Men's Walk-Over Shoes.

$2.65 a Pair.

These shoes are sold all over the country at $3.50 and $4.00 a pair; but "as they come to us so they go to you"—a Bargain. Besides the Walk-over shoes, we have 1000 pairs men's shoes, standard $3.50 to $5.00 values; all go at $2.65 the pair.

400 Pairs Ladies' Shoes

$2.50 and $3.00 values go at, a pair—

$1.65

All sizes.

520 Pairs Ladies' Shoes

$3.50 up to $7.50 values go at—

$2.65

This lot includes "FOSTERS" and other standard makes in all leathers, styles and lasts.

DOZENS of OTHER BIG SHOE VALUES are in this shipment, but as they arrived late it is impossible to enumerate them here. Come to our basement salesroom and save 25 to 50 PER CENT ON EVERY PAIR.

BEN DAVIS, President.
AARON LEVITT, Secy. and Tres.

Davis SHOE CO. ALWAYS RELIABLE MONEY BACK SHOE ISTS

238 and 240 Main St.
Both Phones 695

OLD CAMBRIDGE RYE ABSOLUTELY PURE SIMON BROS. DISTILLERS. LOUISVILLE, KY.

Good Whisky Needs No Praise.
Sold by
ROPER & MAYER.
"The Zang," 26-28 W. 2nd So.

$10.00 puts a piano in your home.

$10 is all we ask as the first payment on a $250 Piano, and $8 per month thereafter pays the balance. This Piano, the Rembrandt, is a beautiful instrument, fully guaranteed for ten years.

EVERETT DEALERS.

Carstensen & Anson Co.
(Incorporated.)
Temple of Music.
..74 MAIN STREET..
Successors to Daynes Music Co.

GARDNER DAILY STORE NEWS.

The Boy who plays football and the other school games, simply must have a Sweater, and will not be satisfied till he gets it. If you are too busy to come and select one, let him come alone and choose for himself. Boys often do their own buying in this store, subject to parental approval.

So if you are not pleased with the Sweater he brings home, you may exchange or return it and have the money refunded.

We've new lines in plain colors and pretty stripe effects at 50c, 75c, $1.00, $1.50 and $2.50. Boys' Caps and Gloves of all kinds.

ONE PRICE **J. P. GARDNER** 136-138 MAIN STREET
THE QUALITY STORE