

BREEDEN'S VIEW OF THE DAY CASE

Files Dissenting Opinion With Board of Pardons Which Commuted Sentence.

REGARDS CRIME AS A DELIBERATE ACT

Majority Gives Reasons for Changing Death Sentence to Life Imprisonment.

Four members of the State Board of Pardons, Gov. John C. Cutler, Chief Justice W. M. McCarty and Justices D. N. Straup and J. E. Frick of the Supreme court, filed their reasons Saturday with the Secretary of State for commuting the sentence of Albert T. Day, murderer of Horace H. Voss, to imprisonment for life instead of allowing him to be shot according to his sentence in the Third District court.

The report of the majority was drawn up by Justice Frick. It is set out that the shooting of Voss occurred from three to five minutes after Day and Voss had some words, and although sufficient time had elapsed to enable Day to deliberate upon his act and make it one of premeditation, the majority considers that when viewed in the light of all the circumstances, it lacked the element of cool deliberation and premeditation which the law requires for the infliction of the death penalty.

Juror Walker's Story.

Reference also is made to the testimony of J. H. Walker, one of the jurors, who testified before the board that he only voted for murder in the first degree because it was his duty and he felt that it was his duty against him. This is a matter, the majority says, which the policy of the law wisely forbids a court of justice from entertaining because it is in direct impeachment of the verdict of the jury, yet it does not follow that it should not be entertained at any time and place, for any purpose. The high standing of Mr. Walker is the comment upon, and the majority says that in the eyes of the law is not affected thereby, it still leaves a taint on both in fact, and that the people of the State can not afford to have the death penalty imposed on a man based upon a verdict or judgment against which there is some well-founded suspicion in fact or upon which rests some taint of serious irregularity.

Attorney-General Dissents.

In conclusion, the majority cites the testimony as to Day's good character, which was not a vicious man, nor one of a depraved and malignant heart or disposition.

Attorney-General Breeden in his dissent says:

"I regret that I am compelled to withhold my assent to the decision reached by my brothers of the pardoning board, for the reason that I am unalterably convinced that Day had a just, fair and impartial trial, and that the verdict returned by the jury was the only verdict that could have been returned under the evidence; that Day on the morning of the killing, about five or six minutes after a brief but heated conversation wherein the verdict had passed between Voss and himself, had occurred, he deliberately followed him into Ware's house and without notes or warning, through a partially open door, shot his victim to death. I can see no extenuating circumstances in this case, and I am firmly of the opinion that the sentence of death ought to be carried out, and therefore, without further discussion, I must dissent from the decision of the board.

THE BUSINESS HEART

We have moved into our new building, No. 235 Main street, Salt Lake City. We respectfully invite you to open a new account with us. We accept deposits subject to check, and have launched upon a thorough, commercial banking business. We also continue to pay 4 per cent per annum upon savings deposits—accepting them as low as one dollar, and welcoming to the small depositor as well as to the large. We also continue to do a general business, which includes acting as administrator, executor, guardian, trustee, receiver, and in any fiduciary capacity at a minimum cost. We also continue to issue surety bonds for any legitimate purpose. We have our own abstract records and continue to make the most accurate and complete abstracts in the city. We invite special attention to our safety deposit vaults, and solicit the patronage of those desiring perfect security for their valuables. These vaults are the best protected from fire and burglars of any in the West.

UTAH SAVINGS AND TRUST COMPANY

No. 235 Main street. In the Business Heart of the City.

There's Comfort

These cold nights in our "Last-for-ever" Hot Water Bottles. Never leak, guaranteed for five years.

F. J. HILL DRUG CO., "The Never-Substitutors."

Blank Book Making.

Tribune-Reporter Ptg. Co., 66 W. 2nd St. St.

Vienna Bakery.

Makers all kinds of Bread. Ask your grocer for it.

Salt Lake Photo Supply Co.

Kodaks and kodak finishing. 142 Main.

ARCHAEOLOGISTS HEAR REPORT OF EXPLORERS

Summer Trip to the Cliff Dwellers' Homes in San Juan County.

Dean and Mrs. Byron Cummings entertained the members of the Utah Archeological society Saturday evening in the reception room of the library building at the university. The reception was made the occasion of a report on the summer excursion which the Archeological society sent to the San Juan country during last July and August. Papers on features of the trip were given by Neil Judd and Burl Armstrong, two of the members of the party. Samples of the pottery collected were exhibited by Professor Cummings, and as far as possible their use was explained.

A SCHOOL FOR GIRLS.

Out of the hum of Salt Lake City's business life, but still located in a most convenient place in the beautiful and well-ordered St. Mary's academy. It is an institution that represents over thirty years' growth, and this growth has not only been in academic facilities, but in popularity and educational success. The school is one of the pioneer academies of the Sisters of the Holy Cross and was instituted from the mother house at Notre Dame, Ind., and has been chartered by the state since 1875. It is really a municipal institution for these noble women, under obligations of servitude to the education of the young, have no interest in the property, their educational uses, but in popularity and educational success. The school is one of the pioneer academies of the Sisters of the Holy Cross and was instituted from the mother house at Notre Dame, Ind., and has been chartered by the state since 1875. It is really a municipal institution for these noble women, under obligations of servitude to the education of the young, have no interest in the property, their educational uses, but in popularity and educational success.

The building and its environs are inviting. They invite happiness and conduce to study. Standing in the midst of a rolling lot of large area and with beautiful lawns and shaded promenades is the beautiful building and its annexes that make the academy. Its lower floors are devoted to scholastic uses and its upper rooms to study. Its upper floor is used for dormitories. There is satisfying method in the whole institution as revealed by a visit. Its departments are well located and its classrooms and dormitories orderly, clean and well provided. Provision for the safety and comfort of the pupils are the best everywhere abundant. Exits and fire escapes are readily reached by broad stairs. Ample recreation may be found in the large wooded area. The building is heated by a steam plant in a new building detached from the main.

The education at St. Mary's is practical and comprehensive, well calculated to fit young women for their sphere in life in point of usefulness to themselves and others. Character is the point in mind and the classes are specially attended. Harmoniously the system of the academy develops the mental, moral and physical of the young women, following the grades from minimum, junior and senior with intelligent courses. The system is a distinctive aim to supplement the artistic and intellectual training, whose scope is indicated by their thorough and extensive curriculum, by assiduous attendance in every department, and above all, by unremitting efforts to reach the sound moral principles that form the basis of a Christian character. Knowing that the charm of what is termed good breeding is but the result of habits acquired in youth, the academy employs every possible means of forming their pupils to the highest standard of gentle and refined manners. Propriety of speech and elegance of expression are acquired in youth, the academy employs every possible means of forming their pupils to the highest standard of gentle and refined manners.

While philanthropists are being praised for many worthy benefactions these noble men are required to toil and suffer in advancing their educational institutions largely without compensation of financial nature. The academy excels in its music department and it is this department that really maintains the institution which is under heavy gratuitous obligations. Its art department also is a contribution to the maintenance, but really the academy strives mostly on the economy and industry of the students. It is a model institution for the education and refinement of young girls is palpable to any one who will visit it. Its roster includes pupils from the whole mountain region and many of the best women in the region who are now sending their daughters there are themselves beneficiaries of its Christian education.

Quarters Selling in New York City for 12 and 13 Cents Each.

The season of sensations is now on in full blast, especially so at the Owl Drug Company, where Palmer's Perfume in many numbers steals through the glass to greet the senses. The Postoffice is next door south.

Blank Book Making.

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This Waterworks System of Ours

Did you ever consider what Salt Lake's water system is worth in dollars and cents? If you have ever made a calculation, did you take into consideration that it has cost about \$3,000,000 and is one of the most easily operated systems in the entire country? Had you thought about it as a gravity system, requiring no pumping stations, only a few inexpensive settling pools, and an almost inexhaustible supply of the purest water to be had in the entire country? If you have reflected on these, did you also consider that the value of a water system is not only measured by the investment and the cost of maintenance, but by the population of the city, the requirements of its people, the city's future, etc?

If you have thought on all these things, have considered that this is a desert country, where water is necessarily more valuable than elsewhere and where it is necessary for the people and corporations to depend absolutely on the public supply, when every man, woman, child and animal is a water user, what do you calculate that Salt Lake's splendid water system is worth?

Some say \$10,000,000; others, \$7,500,000, and still others \$5,000,000. We have heard of no estimate lower than \$5,000,000.

One of the wealthiest and most enterprising citizens of Salt Lake stated to the Tribune recently that he would be willing to take a considerable share of the city's water system at \$6,000,000; another stated that if the city desired to sell its system that he would guarantee to dispose of it for better than \$6,000,000 within thirty days. If it could be sold for \$6,000,000, it is worth that sum of money, and as a plain business proposition, should produce a revenue equal to at least 5 per cent per annum, net, on \$6,000,000, or \$300,000.

Most men will concede that if the system were properly managed, it would earn a very large sum of money, that would go a long way toward bearing the public burden. It would produce a sum exceeding the total city expenses.

What do you think it produced last year, after all expenses of maintenance and interest had been paid? Just \$5874.91, or LESS THAN ONE-TENTH OF ONE PER CENT ON A CONSERVATIVE VALUATION.

Some men say the system has been managed in a business-like manner. Do YOU believe it? The records show that the receipts last year amounted to \$139,374.91. The disbursements, on account of salaries, maintenance, etc., were \$89,500. The interest on bonds, \$44,000, or a balance of \$5874.91, which the city was to the good. This does not take into consideration the very large sum of money which was paid out of the water bond fund to complete the Cottonwood project.

After a man has studied in detail the figures pertaining to this department, covering a period of six or eight years; has examined the meter records, expense bills, mysterious charges, and the inexplicable system of bookkeeping, will feel very much like venting his indignation in Spanish, there being no cuss words known to the American vocabulary that are sufficiently comforting. To be very plain, it's rotten. And it doesn't get any better.

There are in Salt Lake at this time 14,231 water users. Four hundred and ten of these have had meters established at their property. The remainder pay on what is known as the "flat rate" basis. It will be seen from this that the water users contribute to the city but an average of about \$10 per annum. This would include all of the railroads, the breweries, the bottling works, ice plants, the butchers, the bakers, the barbers, hotels and restaurants, apartment houses and saloons, clubs, laundries and public buildings—the larger water users.

The meter rates vary from 10 cents per one thousand gallons to 3 1/2 cents per one thousand gallons. The meter register is a scandal. On the face of it it reeks with fraud. The discriminations, irregularities and apparent lack of system would astonish any one who examines it. It is remarkable how many times certain water meters, according to the record, have stopped on certain figures. Some of these figures The Tribune intends to reproduce, but they cannot be intelligibly presented today.

The Tribune began an investigation of the cause of the lack of profit in this magnificent water system several weeks ago, and has found it a tremendous task. But when the public has become apprised of the manner in which the system has been managed for many years, it is believed that there will be a demand for reorganization of the department and revision and adjustment of rates, and that a perfect organization and an equitable and satisfactory adjustment will follow.

One illustration may be made in this connection that will give the public some idea of the loose methods that have been employed. The Rio Grande Railway system uses a tremendous amount of water, as all will agree, when it is taken into consideration that hundreds of engines visit Salt Lake City weekly, scores of them daily, and many are constantly filling and refilling in the local yards. There are cars to be cleaned, reservoirs to be filled, and hundreds of demands for water by this great system.

Until four years and a half ago the Rio Grande paid by the meter system. At that time, it is explained, the meter became unsatisfactory, owing to the fact that an ice plant was located near the meter, and that when the ice plant's demands from the mains was greater than the pressure would maintain, that water which had once passed through the Rio Grande's meter would be drawn back through it again. This is the claim.

The complaint which followed resulted in placing the Rio Grande on a flat rate basis, presumably until the difficulty could be overcome. To the surprise of The Tribune, that difficulty of four and one-half years ago WAS ONLY CORRECTED A FEW DAYS AGO, AND SINCE THE TRIBUNE BEGAN ITS INVESTIGATION!

What did the Rio Grande pay per month on the flat rate basis? ONLY A LITTLE OLD \$219.35, or a fraction over four times as much as Mayor Bradford pays on his Brigham street apartments!

What does the Harriman system pay? Now, that's another story. The water which The Tribune uses costs it almost one-fourth as much as the Rio Grande railway, and as a matter of fact, the filling of one engine in that big railway system would require as much water as The Tribune would consume in a day.

A meter was put in a certain establishment in Salt Lake City, on which there is owing a deposit of \$68.50. The revenue which the city gets on an average from this water user is so small that it would require fifteen years and seven months to pay for that meter itself. The city is not supposed to install meters and turn water through them until they are paid for, and yet there is now owing on this account \$5757.25. The largest charge on account of meter installation is \$462. There are several exceeding \$100. It would seem that any man who desired a meter could persuade the water department to install one, though the installation cost the city a sum larger than the water charge would be for several years!

Salt Lake City needs an investigation and general shaking up and reorganizing of the water department.

ELIZABETH TAYLOR DIES AT AGE OF 74

Mother-in-Law of Governor Cutler and Pioneer Dies From Old Age.

After a brief confinement, Mrs. Elizabeth Romney Taylor, widow of Thomas Taylor, died of general debility incident to old age at the home of her daughter, Mrs. William J. Lynch, on South Fifth East street, Saturday. She was seventy-four years old.

Mrs. Taylor was the daughter of Miles Romney of Dalton, England, and with her brother, Bishop George Romney, was brought to Nauvoo, Ill., by her parents soon after their conversion to Mormonism, and later journeyed overland to the Salt Lake valley with the immigrant train. She leaves one brother, Bishop Romney, of the Twentieth ward, and two sisters, Mrs. R. C. Lund of St. George, and Mrs. Sarah Cahoon of Rexburg, Idaho, and the following children: Mrs. John C. Cutler, wife of Utah's Governor, Mrs. Jennie Crimmon, Mrs. William C. Winder, Mrs. William J. Lynch, Mrs. Fred A. Sledge, Mrs. G. C. Garber, Mrs. R. Taylor and Joseph S. Taylor, all of this city, and Walter J. Taylor of Spokane, Wash. Arrangements for the funeral have not been made.

BOOK SALE.

10 per cent reduction on all books at Moon's Book store, 260 Main street.

Y. M. C. A. Cafe—best in Salt Lake.

SAYS EMPLOYER IS PERPETRATOR OF FRAUD

Peter Droubay recently filed an action against J. E. Caine in the Third District court to recover \$500, which he alleged he had overpaid Mr. Caine on a commission for the sale of 5000 acres of land to the American Smelting and Refining company. The suit was filed Saturday. Mr. Caine filed his answer to the complaint, and he not only denies that he was not overpaid, but he charges Droubay with fraudulently misrepresenting matters to him, and asks for judgment against Droubay for \$4500.

Mr. Caine says that he and Droubay entered into an agreement, whereby Droubay was to give him 20 per cent of the amount which he should receive from the American Smelting and Refining company for Droubay's 5000 acres of land in Tooele county. Later, Mr. Caine says, Droubay falsely and fraudulently represented to him that another man had great influence with the company, and that he could make the sale, and Caine was asked to reduce his commission from 20 to 10 per cent, which he did. He now alleges, however, that this was simply a scheme on Droubay's part to escape payment of the entire commission, and he asks the court to give him judgment for the full amount due under the original agreement.

McCoy's Stables.

Carriages and light livery. Phone 81.

Vienna Bread is made in a hygienic bakery. Our place is always open for inspection to the public.

SAYS WANTLAND WAS FISHING FOR KNOWLEDGE

J. H. Richards, who has been cited by the Third District court to show cause why he should not be punished for contempt for refusing to answer certain questions put to him by Justice Daus T. Smith, in the case of W. Brockman et al. against E. T. Brockman et al., has filed an answer. Mr. Richards contends that Justice Smith did not have any jurisdiction or authority to take the deposition sought to be taken, upon the ground that E. T. Brockman and C. E. Gamble, whom the questions put to Richards involved, are not residents of Utah and had not been given notice of the taking of the deposition.

Professor Chamberlain further claims that the attempt to take the deposition was simply a fishing expedition, in which Wantland was endeavoring to ascertain facts to which he was not entitled, and that the questions put to him were irrelevant and immaterial. Also that he was acting upon the advice of his counsel in his refusal to answer.

Cardiff Sues Brother Instructor for Alleged Difference of Salary.

Judge Whitaker of the City court heard an interesting case Saturday, in which the plaintiff is Ira D. Cardiff and the defendant R. V. Chamberlain, both employed as professors at the University of Utah. Professor Cardiff complains that in August, 1906, he was a professor at Columbia university and that he entered into correspondence with Professor Chamberlain, who was dean of the medical department of the University of Utah, respecting a position here.

WOMAN ASKS SUPPORT FOR HER STEPCHILDREN

Annie Okaden asks the Third District court to grant her a decree of divorce from Robert Okaden, upon the ground of failure to support. Mrs. Okaden says she was married to Okaden in March, 1901, and that he has two children by a former marriage, which are dependent upon her for support. She alleges that Okaden has failed to provide for the family since last May. Mrs. Okaden not only asks for a divorce, but also prays that she have judgment against her husband for \$2000 for the support of her and the children, to be paid in monthly installments of \$50.

Card of Thanks.

I wish to thank all my friends who so kindly assisted me in the hour of my deepest sorrow, the loss of my dear brother, John Hanhauser, especially the Eagles, and the Organmakers' union; also for flowers.

HELEN BARNHORN, Sister.

Covington, Ky.

DR. G. A. GAMBLE, OSTEOPATH.

Has removed to 126 South Main street, Dart Block, rooms 207-8. Office hours 9 a. m. to 5 p. m.

Error in Indictment.

One indictment was returned by the grand jury Saturday, but this will have to go back to that body for correction. The indictment charges R. D. Gammon with having embezzled \$352.70 from the Third District Detective Service company in this city December 22, 1907. It should have read December 22, 1906. Gammon formerly worked for the company, and is alleged to have collected the money from a client and reported that it had not been paid. Gammon severed his connection with the company last May.

Burglary Is Charge.

"Friday, the 13th," may prove a very unlucky day for Tom Thompson and John Johnson of Bingham. County Attorney Hansen has issued complaints against the men, charging them with burglary in the second degree. They are accused of entering a saloon at Bingham and stealing wet goods to the value of \$21 on December 13.

From the Viewpoint

of value, equally excellent garments have never been offered at such strikingly attractive prices as we are offering this week. Meahy, the furrier, Kautsford hotel.

Century Printing Co.

Salt Lake's printers, 165-167 South West Temple. Best work at fair prices.

An Appreciated Convenience

is shopping over our telephone. This with our quick delivery, places any item in our stock within your reach promptly. Let us send for your prescriptions. F. J. HILL DRUG CO., "The Never-Substitutor."

MARKET IS RELIEF FROM FOOD TRUST

Grand Jury Recommends One for the People of Salt Lake.

WOULD HAVE CITY SET ASIDE GROUND

Report Is Voluminous, and Abounds in Excuses for the Ugly Situation.

The grand jury which has been considering the alleged combination among the dealers in foodstuffs in Salt Lake to compel members of various associations to maintain certain prices, which it was claimed were higher than they should be, filed a report in Judge Armstrong's division of the Third District court Saturday. The only ray of light on the entire instrument for the grand jury is with regard to the produce of the farm, and upon this matter the grand jury agrees, with what has been advocated by The Tribune—the establishment of a public market, which will enable residents of the city to purchase direct from the producer. Upon this point the report, with regard to vegetables, potatoes, poultry and eggs, says:

For Public Market.

As to these articles, the retail dealer does not have an opportunity to reduce prices, and it is as to the high prices of these articles that there has recently been the most complaint. The merchandise is brought into the city by a center of forces, and is sold to the farmer who comes to the city, twenty miles around. No matter whatever is made by the city for a public market, it will stand while the produce is being sold.

The peddlers' license now imposed by the city upon persons who are permitted to peddle produce through the residence part of the city, is a burden upon the quarter, or \$50 per year, and is 142 per cent of the value of the produce. This license should not be levied on the peddler, but should be levied on the early date make some provision for a farmers' market. About half a mile should be set aside at some point near the center of the city, and the city should not only for merchants, but for housekeepers, who desire to go to the market, and place the farmers about the city, to take their produce when they bring it in the morning and where, if they are desired, they can be sold to the city. The dealers, they can remain through the day and sell out to persons who come to the city to buy simply the produce. This is a certain space in this area to be used by numbers, which space could be used by a farmer, and the city should be required to pay a reasonable amount and a certain nominal fee should be charged each wagonload of produce to the market. The funds derived from this source would be necessary for maintaining the market in a sanitary condition. Farmers' access to the city should be allowed to pay a plan is simply a return to first principles, for it brings the consumer in direct contact with the producer. With this market established, the price of produce in this class could not be regulated by the dealer, because there would always be a large number of producers, and a way of getting together. If this market is not established, then the peddlers' license should be reduced so that farmers are not obliged to come to the city from house to house with their wares.

What the Jury Found.

After citing the increases in price in soap, English walnuts, jams, raisins, oysters and rice, the report very gravely concludes this feature of the report by saying that this explains why living is high in Salt Lake. The jury also found out, it says, that the cost of living in Zion is no higher than elsewhere.

The jury found out that the Inland Crystal Salt company sells in Salt Lake City for \$2 a bushel. The same salt, sold after 65 cents freight charge are paid, at \$1.75 a bushel. The same article, with 45 cents freight added, is sold in Denver at \$1.50 and in Portland, Ore., at \$1.70.

The jury also found that the Utah Idaho sugar is selling sugar at \$5.55 in Salt Lake, but in Chicago it brings only \$4.71 and in Kansas City \$4.79. The jury finds that the reason for this is that if the company cannot meet competition in the Salt Lake market, it will induce a price on all other companies. Which seemed all right to the jury.

The jury also cited a table of better prices, quoting those of San Francisco, Elgin, Ill., and Salt Lake. The table taken were between May and November of this year and showed the following averages: San Francisco, 24 1/2 cents a pound; Elgin, 25.46; Salt Lake, 26.65.

The jury's conclusion, after several pages of typewriting, is:

The articles of agreement of the different associations above mentioned, and the conduct of the members of the different associations, do not justify us in returning any indictments for violation of the chapter of the laws of Utah relating to "pools and trusts."

No Contagion.

The danger from contagion from disease is lessened 50 per cent if you live up in the pure air of the north beach on Ninth avenue, for instance. If you can look down on the city streets, where you are above the possibility of any bad drainage, and where every condition for the preservation of the health of yourself and of that of your family is ideal.

That is one of the chief recommendations we can make for the houses we have recently built on that street, though the other advantages are too numerous to mention here. There are these houses have been sold to a number of people, and are contemplating the purchase of the remaining homes. For the houses themselves are most attractive in every way, the prices are very reasonable, much more so than the street, which is the best to be found anywhere. If you haven't a home of your own you should get one immediately. Get the keys to these new homes at 458 C street and come in and tell us how you like them.

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PAYS NO ATTENTION TO BREEDEN'S DEAL

Tingey Will Prepare List of Delinquents and Collect All Fines.

Secretary of State Tingey does not take kindly to the agreement entered into between Attorney-General Breeden and Lawrence & Robertson, whereby Mr. Breeden agrees that no prosecution under the corporation tax act shall be instituted, while the action brought to declare the act unconstitutional is pending. Secretary Tingey said, Saturday:

"On January 15 I will prepare a list of delinquents and turn the same over to the Attorney-General for the enforcement of the provisions of the act. On that date every corporation which has not paid the State license will be liable to a fine of \$100, and I will not accept payments of the tax without the \$100 fine be added. So far as the Attorney-General is concerned, I have nothing to do with any agreements he may make, but this office will proceed to do its duty in the matter, irrespective of the agreement."

Lawrence & Robertson, on behalf of the Black Rock Copper Mining and Milling company, filed the suit, Saturday, to contest the constitutionality of the act, and it is announced the Attorney-General, Breeden, has agreed that no attempt shall be made to enforce the penalty against any company until the case is determined. Lawrence & Robertson represent 168 corporations. There are 6400 corporations in the State, and only 1150 of the number had paid the tax up to the time the Secretary of State's office was closed Saturday afternoon. Should penalties be collected in all delinquent cases, the fines would amount to about \$535,000.

A REAL ART.

The art of bread baking has reached the height of perfection in our bakery—the cleanest bakery that we know anything about, and we've seen a lot of them at home and abroad.

We make Royal bread in a dozen varieties, each one the best of its kind to be had, our latest product being ROYALNUT, which you can give any gender and which is gaining daily in popular favor. The Royal label is on every loaf, but the taste of the bread will tell you where it comes from without the label.

ROYAL BAKING COMPANY.

Special sale Framed Pictures, Midgley-Bodel Co., 33 East First South.

Kodak Finishing.

Salt Lake Photo Supply Co.,