POLICE AND FIRE BILL

Vetoed By the Governor and Again Referred.

AMENDMENTS SUGGESTED

THEY ARE ACCEPTED AND BILL PASSED AGAIN.

Several Measures Returned With Executive Approval—Salaries of State Officers—Many Measures Returned By Committees With Recommendations.

The house of representatives yesterday morning commenced the consideration of Evans' senate bill No. 56, for a new act relating to the powers and duties of the state board of land commissioners in the selection, sale, lease and management of the state lands, the investment of the proceeds thereof and the protection of the timber lands. The reading of the bill had not proceeded far before a snag was struck. Some senate amendments were so unintelligibly marked on the bill that it became necessary to send it back with a request for a key to the translation.

The bill was subsequently returned from the senate in proper form, and consideration of it was proceeded with up to the time of the joint assembly convening.

The senate bill contained a provision that any person may purchase not more than four sections of arid and grazing lands. It was amended to read not more than four sections of grazing land and not exceeding 320 acres of arid land shall be sold to any person.

Another amendment made in the house was that permitting settlers on government land who relinquish their holdings to the state to purchase title at the rate of $1, instead of $1.25, per acre. The minimum price of any lands selected by the state was fixed at $1, and a provision is also made for private sales, instead of by auction.

The afternoon session of the house did not commence till nearly 4 o'clock, owing to the inability of securing a quorum, the sixteen men supporting A. W. McCune for senator having been detained at a caucus. In the absence of Speaker Boyle, Representative Jackson was chosen speaker pro tem.

The Evans bill was taken up again and another amendment of importance was adopted giving the land board power to make investment loans on farm mortgages at the 5 per cent rate annually instead of 7 per cent, the rate heretofore in vogue.

Altogether the bill is a liberal and wise measure, such as the experience of the land board has taught should be in force.

After considering the bill for another hour it was passed by a vote of 38 ayes.

Pending the return of Evans' land bill from the senate, some other matters were disposed of.

In house bill No. 149, passed on Tuesday, the fiscal year for county auditors' financial reports was made to end in January. On being informed that this change disarranged the fiscal matters in the entire county government act, Representative Fisher yesterday morning asked for and obtained consent to insert July in place of January, as in the present law.

POLICE AND FIRE BILL.

The first order of business at the afternoon session was the consideration of the governor's disapproval of house bill No. 162, relating to the reorganization of the police and fire departments in cities of 12,000 and more inhabitants.

The executive's objections to the bill were stated as follows:

"The experience of cities in other states where a non-partisan fire and police board controls these departments is that the efficiency of the departments is greatly increased thereby. The experience in the cities of Salt Lake and Ogden has not been so favorable, yet the fault has perhaps been in the administration of the law rather than in any defects in the law itself. House bill No. 162 virtually puts the fire and police departments back into the control of the mayors and city councils, and in this respect may be regarded as a step backward. Yet the condition confronting these cities is that they now have no certain and specific law in force. Certain features of the non-partisan law of 1896 are said to be in effect in pursuance of decisions of courts, while other features of that law are repealed. So that it seems imperative that some law on the subject shall be enacted and put into effect at once.

"While house bill No. 162 is not satisfactory for many reasons, it is preferable to the present chaotic conditions, and it is therefore with some reluctance that I have returned the same without approval. I have done so only because no other course is open to me, but in the hope that you will amend the measure, repass the same and thereby comply with the wishes of the mayors and city councils of these cities. I respectfully submit the following suggestions:

"The word 'and' should be used in place of the word 'or' after the figures 12,000 in the title of the bill, and in sections 1, 2, 3, 4, 5, 11 and 12, for the reason that in the technical construction of the law the word 'or' as used may be construed to mean two or more classes of cities, while the word 'and' can, as used here, mean but one class.

"Sections 7 and 8 are ambiguous and indefinite in form and are susceptible of two constructions. There may be occasion for the mayor to take the initiative in removing officers in either of the departments, or it may be necessary for the city council to take the initiative. As the section now stands the mayor would not have the power to take the initiative toward the removal of any officer or member of either of the departments.

"In section 12 reference should be made to section 11 instead of section 9.

"Section 13 should be amended so that the terms of office of the present officers and members of the two departments of said cities shall expire thirty days after the act goes into effect, for the reason that as the bill now stands the cities would be without a police and fire department for a number of days after the taking effect of the act.

"The repealing clause of section 14 should be made more specific and definite.

"The law should go into effect at once, for the reason that the present officers and members of the police and fire departments are holding their office under the laws of 1896. The board appointing them has been abolished, and the situation at present is so uncertain that cities thus governed have been and are now put to great expense in litigation before the courts and unless the law goes into effect at once the city of Salt Lake may be compelled to pay a double set of officers. The supreme court has held that the present officers and policemen of the police department hold their office during good behavior, and as such, are entitled to the salaries incident to such office. The district court has held in a recent case that the firemen are bound by the same ruling as in the case of policemen. If the law, as contemplated in house bill No. 162, goes into effect as therein specified, it is represented to me that the city of Salt Lake will lose during the year 1899 the sum of $3,827.84 as additional salaries over and above the amount provided by the ordinances of said city, and will probably result in additional litigation and expense by suits instituted against said city."

MEASURE RECOMMITTED.

The bill and the veto message were referred to the sub-committee (Representatives Lloyd, Johnson and Stewart) of the special committee, with directions to present a bill amended in conformity with the governor's recommendations.

In a short time the committee reported a bill containing the amendments suggested by the governor. All went well until the section was reached making the bill effective thirty days after approval, instead of the first Monday in January next.

At this juncture Representative Lloyd characterized the governor's objections to the bill as absolutely trivial. The only purpose he could see in making the measure effective almost immediately was to build up a part of a political machine in the interest of the non-partisan administration, with the remote intent of disrupting the political parties, Republican as well as Democratic. If such were not the fact they would not want the law to become operative at once, but would take their chances with the incoming city administration, whatever political party may then ascend to power. After all, it was only a part of the plan of breaking down national political party lines in Salt Lake City and Ogden as well as throughout the state. As to the contention that this city would suffer to the amount of $3,827.84 in double salaries to be paid if the law does not become effective until next year, Mr. Lloyd declared that only $25 a month in the chief's salary would be saved.

Representative Stewart expressed the opinion from a legal standpoint that the governor's contentions are correct.

While the bill did not suit Mr. Jackson, he said he would vote for it rather than that no relief with hope long deferred, should be provided for the present unsatisfactory conditions.

On the motion to adopt the amendment making the act effective at the end of thirty days, only Hansen, Lloyd, Ivers and Shepard voted in the negative.

The bill in the form suggested by the governor was passed by a vote of 38 ayes to Representative Lloyd's no.

The house substitute for senate bill No. 28 and house bill No. 40, relating to the manner of instructing voters on constitutional amendments, and providing for the manner of certifying proposed constitutional amendments for printing on official ballots, was taken up and passed by a vote of 25 ayes.

Senate joint resolution No. 7, by Evans, to amend section 3 of article 13 of the state constitution, was passed by a vote of 39 ayes, the required two-thirds majority. The proposed amendment is to exempt irrigation reservoirs and pipe lines from taxation, and to authorize the abatement of the taxes of indigent poor persons. The resolution is similar to several others introduced in one form or another and rejected.

SHEPARD'S BILL KILLED.

Shepard's house bill No. 84, for an act relating to negotiable instruments uniform with the laws of other states on the subject, was killed, only fifteen voting in favor of its passage. The twenty-two voting against the bill admitted that it probably is a worthy measure, but since it contained thirty-nine pages, and no one had time to read it or hear it read by the clerk, they could not vote to pass a measure about which they knew nothing. The introducer of the bill pleaded for its passage, laying stress upon the fact that it was drawn by a committee of the American Bar association, whose approval was given, and, moreover, that it had been enacted in several states. But the plea was unavailing, very few of the members caring to vote for such a long, important bill before knowing something about its merits. Representative N. J. Harris gave notice of intention to move for reconsideration.

THE GOVERNOR'S APPROVAL.

A message from the governor announced the approval of the following bills:

House bill No. 2, by Shepard, to amend section 3198 of the revised statutes, by making the lien of a docketed judgment subsist for eight instead of five years.

House bill No. 64, by Stewart, to exempt city auditors from the requirement to publish detailed lists of warrants issued in connection with annual reports.

House bill No. 69, by McQuarrie, to amend section 3789 of the revised statutes, by making it optional with district judges or clerks to order notice of hearing petition for probate of will to be given either by publication in a newspaper or by posting.

A substitute for house bills 162 and 172, by Murdock and Jackson, respectively, was recommended for passage by the committee on fees and salaries. The substitute proposes to fix the annual salaries of state officers, after Jan. 1, 1901, at the following figures: Governor, $3,500; secretary of state, $2,400; state auditor, $1,800; state treasurer, $1,600; attorney general, $2,500; superintendent of public instruction, $1,600; justices of the supreme court, $3,500.

A majority of the committee on public health recommended rejection of house bill No. 168, by Parry, relating to the befouling of streams and water sources, while the minority of the committee favored passage with amendments. Action on the reports was deferred till this morning.

The adverse report on house bill No. 180, relating to exemption of wages from execution, was laid over until this morning, when Shepard, the author of the bill, will submit a recommendation for passage.

EIGHT-HOUR LAW LITIGATION.

Upon the petition of the Utah Federation of Labor for reimbursement in the sum of $2,802.50 for expenses incurred in defending the constitutionality of the eight-hour law and also house bill No. 171, for an appropriation therefor, the state board of examiners reported the disallowance of the claim for the reason that the claim is not a legal charge against the state, and moreover, its allowance would be an unprecedented action. The report was adopted and the bill and claim were rejected.

The committee on revenues and appropriations recommended allowance of the damage claim of the Logan & Richmond Canal company in the sum of $5,000 to compensate for losses sustained by reason of the seepage water from the Agricultural college farm having destroyed the company's canal flume. The report was adopted and the amount ordered placed in the appropriation list.

Representative Cummings requested that house bill No. 100, the educational bill, be set down for the special order for this morning at 9:30. Mrs. Horne objected because it would interfere with the consideration of her art bill, which has the right of way for that hour. An arrangement was effected whereby the school bill will be called up at 10 a. m., house bill No. 44, the district attorney bill, being the special order for 9:15.

Senate bill No. 51, by Smoot, to amend section 613 of the revised statutes relating to annual financial reports of county auditors, was referred to the judiciary committee.

RECOMMENDED FOR PASSAGE.

Passage of the following house bills was recommended:

No. 44, by Clyde, to create the office of district attorneys for the judicial districts, after amendment.

No. 63, by Bennion, to provide for local prohibition of the liquor traffic, after amendment.

No. 173, by Farr, relating to the duties of the state auditor in certifying amounts of state school tax funds for apportionment.

No. 174, by Farr, relating to the duties of the state treasurer.

No. 175, by Farr, relating to the duties of the state auditor.

No. 178, by Murdock, to appropriate $5,000 for half the cost of revising maps and plats in county assessor's offices.

No. 181, by Jackson, relating to mortgages on mining and other corporation property, after amending by inserting a provision prohibiting the re-enactment of any repealed by-law on the subject by boards of directors.

No. 183, by Stewart, relating to collection of poll tax.

Passage of the following senate bills was recommended by the committee to which the several measures had been referred:

Substitute for senate bill No. 34, relating to notices of sale of estrays.

No. 45, by Alder, relating to refusals to pay the authorized fees for use of toll roads, gates, bridges and ferries.

No. 55, by Smoot, to adjust the disputed boundary between Utah and Juab counties, after amendment of same.

No. 62, by Smoot, relating to the sale of dairy products.

Senate bill No. 64, by Smoot, to prevent the sale of milk from diseased cows.

Senate bill No. 68, by Nebeker, relating to the practice of dentistry.

No. 74, by Rideout, relating to the time granted a defendant outside the state personally served with a summons to answer a complaint.

No. 78, by Howell, relating to state institutions drawing their biennial appropriations.

No. 80, by Smoot, providing for the expense of assessing and collecting taxes for cities and towns by county officials.

No. 88, by Evans, relating to highways.

The engrossed copy of house bill No. 103, by Shepard, relating to examination of applicants for admission to practice law, was signed by the speaker and the chief clerk and transmitted to the senate.

The senate reported the passage of senate bill No. 86, by Peery, by request, to create the Utah art institute. This bill is the same as house bill No. 124, by Mrs. Horne, and was substituted for it, to be considered this morning.

BILLS REJECTED.

On recommendation of the several committees to which they had been referred, the following bills were rejected:

Senate bill No. 27, by Chambers, relating to injuries to railroads.

Senate bill No. 32, by Smoot, to release inchoate or statutory rights of insane wives in the real estate of their husbands.

House bill No. 109, by Murdock, to appropriate $500 to Beaver county for half the cost of maps and plats for the assessor, same being covered by house bill No. 178.

House bill No. 147, by Callister, to make the rate of annual interest for farm loans from the state land funds, 5 instead of 7 per cent, same being covered by senate bill No. 56, as passed.

House bill No. 151, by N. J. Harris, relating to disposition of dead animals and removal of unsanitary nuisances.

House bill No. 154, by Bennion, to appropriate $10,000 toward the salt palace project and intermountain exposition.

AVOID ALUM BAKING POWDERS.

Their Use Is Dangerous to Health.

The condemnation of alum as an unwholesome ingredient in baking powders by the government authorities as well as by the Iowa and Minnesota state boards of health and physicians generally, has not deterred manufacturers of such powders from foisting them on the public. Following is a partial list of the condemned alum powders found in the stores in this section:

Calumet.	Perfect.
Bee Hive.	Set-Fair.
Home.	U. S.
K. C.	

It is safe to reject all brands sold with a prize. All powders sold at twenty-five cents or less a pound are sure to be made of alum. Dr. Wiley, the government chemist, in his official examination of baking powders at the World's Fair, threw out all "alum powders," classing them as unfit for human food.

But the World's Fair could approve as well as condemn. After the most elaborate tests, it bestowed the highest award for purity, leavening power, keeping qualities and general excellence on Dr. Price's Cream Baking Powder.

HOTEL ARRIVALS.

Kenyon: W. H. Redway, Caldwell; R. H. Stevens, Syracuse; E. T. Parsons, Chicago; Mrs. L. C. Williams, Mrs. C. L. Edwards, Wisconsin; W. G. McClellan, Philadelphia; J. H. Shaw, Cincinnati; E. A. Tyler, Chicago; W. L. Reid, New York; Mrs. F. W. Linsley, Colorado; A. W. Thayer, Colorado Springs; J. S. Saunder, St. Louis; W. M. Gottschalk, Milwaukee; J. H. Dickey, Chicago; L. W. Payne, Meriden; Sterling Hughes, Chicago; John Rondall, Great Falls; George W. Currier, Denver; F. W. Levering, Baltimore; H. F. Brown, New York; A. E. Cronenweil, Seattle; F. C. Mahoney and wife, N. Nelsen, La Verne; E. W. Livesley, Kemmerer; H. P. Myton and wife, White Rock; C. A. Foster, Lowell.

* * *

Knutsford: Sam Goodman, Helena; J. H. Pierce, Greenfield; Thomas K. Kase, San Francisco; H. J. Woodward, Peoria; H. W. Logan, Keokuk; H. T. Merrill and wife, Toledo; Isaac Rubel, Chicago; Eugene Simons, W. Wright, W. S. Haynes, Chicago; S. P. Berthelob, Elko; R. J. Cory, Denver; D. P. McDonald, Denver; C. A. Foster, Lowell; W. H. Groat, New York.

* * *

Cullen: E. L. Hall, Dillon; F. H. Holzheimer, Eureka; M. G. Brevort, New York; James Hughes, Grand Junction; Mike Johnson, Spring City; R. H. Tucker, Aspen; G. H. Brimhall, J. W. Knight, Provo; E. C. Eppenstein, B. F. Nevins, Chicago; Simon Davis, Siegel; Thomas Reynolds, De Lamar; L. Holbrook, Provo; William Proberi, Provo; A. Y. Stephenson, Holden; T. D. Gardy, W. R. Gray, Denver; J. T. Ivey, Jackson, Tenn.; H. M. Dougall, Springville.

* * *

Walker: N. S. Neilson, John H. Seeley, Mt. Pleasant; C. M. Small, Clayton; J. B. Stephens, Bingham; N. G. Jarrard, Bingham; J. A. Simpson, Provo; George C. Whitmore, Nephi; W. E. Mitchell, Grand Junction; A. O. Maybee, San Francisco; F. B. Linfield, Logan; Ned O. Walker, Horse-shoe Ping; Percy P. Harvey, Denver; J. S. Salmon, Coalville; H. G. Caldwell, Payson.

Tabler's Buckeye Pile Ointment

cures blind, bleeding, itching and protruding piles. Allays inflammation, soothes inflamed surfaces and reduces swelling. No waiting for results. Relief comes at once and a cure promptly follows. Recommended by physicians because it is so safe, so sure, and is the only radical cure without operations. It contains the active principle of the buckeye, the newly discovered specific for piles, and is not an experiment, but a medical certainty. Price, 50 cents in bottles; 75 cents in tubes for handy application. Can be sent by mail.

Sold by Z. C. M. I. Drug Department.

Bamberger sells coal right.

GOVERNOR'S NOMINEES

Held Up By the Senate Until They Are All In.

FIVE MEASURES PASSED

ONE PROVIDES FOR A STATE ART SCHOOL.

Bill Providing That Title to Public Lands Cannot Be Obtained By Any Adverse Possession Goes Through—More Nominations From Governor Wells.

The senate yesterday passed three senate bills and two house bills, and they were passed in very short time, considering the few hours, comparatively, that body was in session.

Senate bill No. 74, by Rideout, extending the time in which summons may be answered when served outside of the state, from ten to thirty days, was the first bill passed, and senate bill No. 51, by Smoot, providing for the publication of the annual statement of county auditors, was the second.

Senate bill No. 86, introduced by Mr. Peery, by request, which creates a state art institute, successfully run the gauntlet of various amendments. The substitute for senate bill No. 38, providing for the instruction of voters when a constitutional amendment is to be considered, passed with no debate, as did house bill No. 95, preventing any person or corporation from acquiring title to public lands by adverse possession, no matter of what term.

The nominations made by Governor Wells for members of the state board were held up until all the nominations are made.

Immediately after the senate convened, notice was received from the house of the passage by that body of the substitute for house bill No. 149 and senate joint resolution No. 9.

Senate bill No. 74, by Rideout, amending section 2350, revised statutes, by extending the time to answer when summons are served out of the state from ten to thirty days, was taken up, put on its third reading and passed without debate.

Petitions in favor of the local option bill were presented by Mr. Evans from the W. C. T. U. of Salt Lake City, and by Mr. Rideout from the "Ladies of Ogden."

The board of examiners reported, recommending the payment of several small claims and then senate bill No. 51, by Smoot, was put on its third reading and passed. The bill provides for the publication of the annual statement of county auditors, but requires only the publication of the total expenditures for warrants and the accounts on which they are paid, instead of the name of each person to whom a warrant is issued.

Senate bill No. 54, by Bennion, was made the special order for this afternoon, and senate bill No. 79, by Bennion, was then taken up. The bill provides for the safety of railroad employees by requiring safety appliances on all cars and trains, but was laid over for further consideration after very little discussion.

Upon motion of Mr. Bennion the senate then went into executive session to consider the appointments of the governor for members of the various boards.

During the executive session there was considerable debate, which finally ended in the senate refusing to consider the nominations until all were in. A recess was then taken until after the meeting of the joint assembly, and when that had dissolved, until 3:30 o'clock.

It was pretty close to 5 o'clock when the senate met in the afternoon. The house reported the passage of the substitute for house bill No. 38, and the committee on education reported recommending the passage of senate bill No. 86, which provides for a state art institute.

The governor then sent in the following nominations:

To be members of the state board of agriculture for a term of four years:

J. A. Wright of Weber county, for the first horticultural district, and to be secretary of the board.

H. E. Carney of Utah county, for the second horticultural district.

Thomas Judd of Washington county, for the third horticultural district.

Senate bill No. 54, by Bennion, which was the special order of the afternoon, was then taken up. It provides for amending sections 2513, 2514, 2536, 2559, 2560, 2562, 2566, 2569, 2570, 2584, 2585, 2610, 2611, 2829 of the revised statutes in relation to taxation, and defining the powers and duties of the state board of equalization.

On motion of Senator Thomas the bill went over for further consideration without discussion.

Senate bill No. 86, providing for the establishment of a state art institute, was then taken up and under a suspension of the rules read the third time and passed.

The substitute for senate bill No. 38, providing for instructing voters upon constitutional amendments, was then passed.

The substitute for house bill No. 95, providing that title to public lands cannot be obtained by adverse possession for any length of time whatsoever, was passed unanimously under a suspension of the rules.

The senate then adjourned.

Volunteers From Honolulu.

San Francisco, March 8.—The steamer Alameda brought a large number of convalescent sick and discharged soldiers from Honolulu. The soldiers who returned are as follows: First Colorado—James R. Cooper, G. A. Backer, William Davison, William Elk, Frank Grissitty, Ed D. Lewis, Hampton Skinner, Von Fall Wagner; P. Baker; First Nebraska—Louis Fries, William A. Coon, Jesse Fardus, Ed Schopp, George W. Wilson, James Anderson, Louis M. Gable. Engineer Corps—Norman Griffith, William Johnson, C. P. Ranyer, George M. Thompson, H. Westbrook, Herbert H. Haws.

Acker's Dyspepsia Tablets are sold on a positive guarantee. Cures heartburn, raising of the food, distress after eating or any form of dyspepsia. One little tablet gives immediate relief. 25 cts. and 50 cts. For sale by Z. C. M. I. Drug Dept.

A PURE GRAPE CREAM OF TARTAR POWDER

·DR· PRICE'S CREAM BAKING POWDER

Highest Honors, World's Fair
Gold Medal, Midwinter Fair

Avoid Baking Powders containing alum. They are injurious to health

ROYAL BAKING POWDER
ABSOLUTELY PURE
Makes the food more delicious and wholesome
ROYAL BAKING POWDER CO., NEW YORK.

GRIFFIN'S TROUBLES

Hearing On Petition For Writ of Prohibition.

GRIFFIN AND BERKMAN

CELEBRATED SMITH-AMY ESTATE IN COURT AGAIN.

President Joseph F. Smith Claims to Be An Heir as the Husband of the Deceased—Peter Rasmussen, jr., Sues For Divorce — Supreme Court Opinion.

The petition of Mrs. Griffin for a writ of prohibition to prevent her former husband, Jacob H. Griffin, from removing his property from this state, and for Griffin to show cause why he should not be punished for contempt of court for having failed to pay Mrs. Griffin $2,500 alimony, according to the terms of the decree of divorce, as modified by the supreme court, came up before Judge Norrell yesterday for argument. Messrs. John M. Zane and O. W. Moyle appeared for Mrs. Griffin, and Messrs. F. S. Richards and Lootbourow & Loofbourow for the defendant. Mr. and Mrs. Griffin were both in court.

A GOOD DEAL OF PROPERTY.

Mr. Zane said Griffin, in his answer to his wife's cross-complaint, and at the trial, admitted that he was possessed of property in this city, Omaha, Great Falls and elsewhere. The decree of Judge Hiles provided that Griffin should give his wife the homestead on Eleventh East, without any provision when he should turn it over to her. An appeal was taken and the supreme court held that Griffin had been guilty of misconduct with the co-respondent, Miss Cora E. Berkman; awarding Mrs. Griffin the custody of the boy, Harvey, $2,500 alimony, and $1,400 towards the maintenance of the child. Mrs. Griffin had not received any money and the defendant was about to move into Nevada, to escape the proceedings.

Mr. Richards said Griffin had made every effort to pay Mrs. Griffin the money. He found he had to do something. Fifty horses were on his hands "eating their heads off." The court could not make the defendant do an impossibility. To keep Griffin here, when he had work in Nevada, meant the sacrifice of everything he had. He thought his client was entitled to a dismissal upon the answer.

Griffin took the stand in his own defense and said that he had earned no money from any source since his sprinkling contract with the city came to an end on Dec. 31, 1898, and had been obliged to borrow from his friends to get along. He could not get work for his teams in Utah, but had succeeded in doing so at Humboldt, Nev., hence his desire to remove them to that place. Had offered to sell his sprinkling carts to the city, but didn't yet know whether or not his offer would be accepted. His overdraft from McCornick & Co. at the present time was $2,500. He was willing to pay the alimony just as quickly as he could.

RELATIONS WITH MISS BERKMAN

Cross-examined by Mr. Zane, the witness gave details of his account with the city. He had deeded to John Stahl's wife his Omaha property to cover indebtedness to Stahl, witness' foreman. Stahl was the man whom witness had accused Mrs. Griffin of having improper relations with. Stahl was at present working for witness in Nevada.

Witness further stated that he sold the other piece of Omaha property to Miss Berkman for $1,000, and had given her a deed to the same. Did not know where Miss Berkman had received the $1,000. He did not give it to her. It was a vacant lot he sold to Miss Berkman. His indebtedness to Stahl was on a note four or five years old. The note of D. T. Mount's for $1,500 he had transferred to an Omaha attorney named Pritchard. He had understood it was not collectable. His property in Great Falls he had sold to J. S. Franken for $1,000. His ranch property he mortgaged to Judge Loofbourow. Couldn't remember the date when the mortgage transfers and sales occurred. It was since the divorce action commenced, but before the decision of the supreme court. Witness further admitted mortgaging some cattle on his farm for $200 to Mr. Lee, a blacksmith on State street. The cattle belonged to him and was not the property of his boy, Harvey. He was owing Lee for work performed. The mortgage to McCornick did not include his riding horse. That animal he sold recently to the Salt Lake Saddlery company for about $130. Since the trial of his divorce suit he had not given money to Miss Berkman. He had probably loaned her a little. What if he had? Possibly he paid a few of her bills at different times. If he had she always paid him back. Never paid her room rent. Denied having bought Miss Berkman a snake dancing outfit. Mr. Zane produced photographs of Miss Berkman in scanty attire and asked him if he recognized her. Witness said he did, but denied that he had bought her any costumes. His teams had started for Nevada before the temporary injunction was issued. They were driven all the way, and witness could not locate them to stop them.

MRS. GRIFFIN EXAMINED.

Mrs. Griffin was then called and testified that all the money she had received from Griffin since the divorce was granted was $20 a month for the support of their boy, Harvey P. She had to depend on her parents for support. She further said that her former husband's property was worth much more than he had represented it to be.

Somewhat lengthy arguments were made by counsel, after which his honor took it under advisement.

PRESIDENT SMITH TESTIFIES.

Claims to Be One of Levira A. Smith's Heirs.

In the probate court yesterday afternoon Judge Hiles was occupied in the hearing of a petition for distribution in the matter of the estate of Levira A. Smith, deceased. The property is a lot on State street, near the Consolidated Implement company's place of business, valued at about $30,000. This is another branch of the celebrated Amy case, which, after being in the courts here for years, finally reached the United States supreme court, the question being the validity of Mormon church divorces. The supreme tribunal decreed that the entire estate of Mrs. Smith was inherited by Jennie Amy, widow of the late Oscar Amy.

Jennie Amy now came into the probate court with a petition for distribution of the whole estate to her. Mrs. Smith also left a half brother, S. H. B. Smith, who, with Mary R. Gatewood and Susan B. Hunt, claimed a right to inherit equally with Mrs. Amy. Another claimant to half the estate appeared, in the person of President Joseph F. Smith of the Mormon church. He based his right to inherit on the fact that at one time the deceased, Mrs. Levina A. Smith, had been his wife. Mr. Smith was examined and it appeared that he obtained a church divorce from Levina A. Smith in 1887, and also that she had obtained a decree of divorce against Mr. Smith in the courts of California. Since he got the church divorce he had been living with his wife, Juliana Lampson Smith, and had not lived with or supported Levina since that time.

The attorneys were given five days to file briefs, and the court took the matter under advisement.

Attorney S. P. Armstrong represented Mrs. Jennie Amy in the proceedings, and the various other claimants were represented by Messrs. Loofbourow, Adams and Waddell.

AGAINST THE CITY.

Hobson & Wilkerson Bring Suit Before Justice Sommer.

Before Justice Sommer yesterday A. T. Hobson and L. G. Wilkerson filed a suit against the Salt Lake City corporation for $200, as the balance due on a paving contract.

The plaintiffs allege that on July 17, 1894, they entered into a contract to construct asphaltum sidewalks on both sides of Second South street between Sixth West and Jordan river; that they performed all the conditions on their part under the contract; that the work was, by the contract, to be completed on or before Oct. 15, 1894, but an extension of time was granted till Nov. 1, 1894, by the defendant, and that on said last-named date the work was completed by plaintiffs and accepted by defendant, through the board of public works; that under section 34 of the specifications, 10 per cent of the contract price was to be retained by the defendant until the expiration of two years from the completion of the work, the 10 per cent amounting to $537, which was retained by the city; that on Nov. 1, 1896, the two years expired, and the plaintiffs were not notified in writing to make any repairs on the work; that $337 has been paid to the plaintiffs, leaving due $200, for which amount judgment against the defendant is asked, with interest at 8 per cent from Nov. 1, 1896.

A HUSBAND'S PLAINT.

Says His Wife Abused Him and Called Him Names.

Peter Rasmussen, jr., has filed suit for divorce from Crissie Rasmussen, alleging that the marriage took place at Granger in March, 1893, and that Mrs. Rasmussen has repeatedly and against the expressed wish of the plaintiff, attended balls and parties at the invitation of and in company with other men; that she is of an irritable, quarrelsome and ungovernable temper, and when plaintiff has remonstrated with her regarding her conduct she called him most vile and opprobious names, and has on several occasions taken a knife and attempted to do him bodily injury therewith; also that she attempted to beat his head with a beer bottle and threatened to poison him.

There are two children of the marriage, but plaintiff makes no request regarding them.

Supreme Court Opinion.

The supreme court yesterday handed down an opinion in the case of Patrick J. Holland, appellant, vs. Elizabeth Buchman, affirming the judgment of the trial court.

The proceeding was a contest between claimants by right of occupancy to determine who is entitled to a deed for a certain parcel of land on the Eureka townsite. The trial court found the issues for the defendant upon a report of a special master in chancery appointed to take proof of occupancy. The supreme court opinion affirming that judgment was written by Chief Justice Bartch and concurred in by Justice Baskin and District Judge McCarty.

Dispute On a Promissory Note.

The case of Hannah R. Wells against J. A. Livingston Smith was called for trial before Judge Cherry and a jury yesterday, Messrs. M. Ritchie and H. E. Booth representing the plaintiff and Messrs. Frank Pierce and Barrette representing the defendant.

The suit was to recover $676.82 balance alleged to be due on an assigned promissory note.

The defense was that an abatement of $400 had been made on the note and that same was endorsed upon it and the said endorsement was afterwards fraudulently canceled. The trial was in progress when court adjourned until today.

Reform School Candidates.

Ernest Fullmer and Willie Robinson, two youths charged with burglary and housebreaking, respectively, were brought before Judge Norrell yesterday with a view to their being committed to the reform school. The evidence introduced went to show that both were bad boys, but on their promise to amend their ways Fullmer was released on the understanding that he be taken care of by an aunt in Ogden and Robinson was released also upon promise that he be sent to Heber City within one week.

Verdict For Plaintiff.

In the case of the American Zinc-Lead Smelting company vs. M. J. O'Meara, which went to the jury yesterday forenoon a verdict for the plaintiff for $284 was returned.

Probate Rulings.

Estate of Benjamin Hough, deceased; order of sale of real estate made.

Estate of Richard Earls, deceased; L. E. Hall appointed administrator under $200 bond.

Estate of J. W. Heath, deceased; order reforming decree made.

Short Orders and Notes.

Mutual Benefit Life Insurance company vs. F. Haight; dismissed without prejudice.

Edwin Southam, a native of England, now a resident of Salt Lake, was admitted to citizenship.

The suit of Sarah A. Heath vs. Mary E. Armstrong was dismissed without prejudice.

A Miss Stewart of Mill Creek was taken into custody yesterday on the allegation that she is insane and ought to be put under restraint. She will be examined by the county physician this morning.

Sarah M. Heath has filed suit against Mary E. Armstrong et al. to recover possession of certain premises described as lot 19, and the west half of lot 18, block 1, Main street and State road addition.

Red Hot From the Gun

Was the ball that hit G. B. Steadman of Newark, Mich., in the civil war. It caused horrible Ulcers that no treatment helped for 20 years. Then Bucklen's Arnica Salve cured him. Cures Cuts, Bruises, Burns, Boils, Felons, Corns, Skin Eruptions. Best Pile cure on earth. 25c a box. Cure guaranteed. Sold by Z. C. M. I. drug department.

ORDERS AT FORT DOUGLAS

THREE COMPANIES FOR GARRISON DUTY IN NORTHWEST.

Captain Wygant, Captain Ducat and Captain Batchelor to Go—Lieut. Kerwin Leaves Tonight.

General Merriam, commanding the department of Colorado, wired the commanding officer of Fort Douglas, to designate three companies for duty in compliance with orders from the war department for the Twenty-fourth infantry to garrison a number of posts in the northwest.

Company B, Captain Henry Wygant, First Lieutenant J. H. Wholly and Second Lieutenant William L. Murphy go to Vancouver barracks, Washington. Company D, Captain A. C. Ducat, First Lieutenant H. G. Lyon, Second Lieutenant D. F. Keller, go to Fort Harrison, Montana. Company M, Captain J. B. Batchelor, jr., First Lieutenant W. R. Dashiell and Second Lieutenant S. A. Baldwin go to Fort Spokane.

Company K, now at Camp Pilot Butte, Wyoming, goes by assignment of the war department, to Fort Assiniboine, Montana. The captain, William Black, of this company, is absent on detached service. First Lieutenant A. A. Cabaniss, now on duty with company A, at this post, will join his regiment en route. First Lieutenant G. H. McMaster, now in command of the company, will return to this post.

Nothing has been received concerning other companies for duty in Honolulu. The relieving of these companies here will make quite a change in the administrative departments of the post, as quite a number of men are on special and extra duty.

Fort Douglas Notes.

Lieutenant D. F. Keller, who was on duty with company L, was relieved and returned to his proper company, D.

Cadet Frederick W. Van Duyne has been commissioned second lieutenant, and assigned to the Twenty-fourth infantry. It is not known to what company he will be assigned, as there are three vacancies in the regiment. He graduated forty-eight in a class of seventy-two.

Captain J. B. Batchelor, jr., was the host at a delightful box party on Monday evening at the opera "Said Pasha." His guests were: Major and Mrs. Thompson, Mrs. Leitch and Lieutenant and Mrs. Nelson.

A number of the ladies of the garrison have formed themselves into a sewing society to make clothes for the charity hospital at Hoquiam, Washington. The society meets every Tuesday at the home of one of the ladies.

Lieutenant A. R. Kerwin, who was recently promoted from the grade of second lieutenant to that of first lieutenant in the Thirteenth infantry, leaves tonight to join his regiment now stationed at Governor's Island, N. Y. It was hoped that he would be able to effect a transfer and remain with the regiment. Mrs. Kerwin will remain and join him later.

Mrs. Augur, who has been east visiting her mother, is expected home this afternoon.

Harry S. Austin and Harry A. Dennis, having been discharged from battery C, California heavy artillery, enlisted yesterday for the Third cavalry, now stationed at Jefferson barracks, Missouri.

Police Court Notes.

Thomas Hurley, who was arrested Tuesday and held on three charges, will be brought into police court for arraignment today. The complaints embody the charges of exhibiting a deadly weapon and having burglar tools in his possession. As to his obtaining money under false pretenses in passing a bogus check on Brig Davis at Lake Point in December last, the prosecution will have to be made in Tooele county, where the offense was committed. Hurley is held at the city jail.

* * *

Jim Lee, the Chinaman who paraded Plum alley flourishing a butcher-knife, in an intoxicated manner, and terrorizing the Celestial population Tuesday night, was discharged yesterday by Judge Timmony on promising to be a good China boy in the future.

Have You Ever Noticed the Amount of Sediment There Is In City Water?

DO SO!

Then get a gallon of our CHEMICALLY PURE DISTILLED WATER and note how free it is from sediment.

Is this sediment injurious? Ask your doctor.

The Salt Lake City Soda Water Co.
Telephone 155.
34 West Third South Street.

COMMERCIAL NATIONAL BANK
CAPITAL PAID IN, $200,000.
General Banking In All Its Branches.
Directors—Dr. Theodore Meyer, John J. Daly, O. J. Salisbury, Moylan C. Fox, Thomas Marshall, W. P. Noble, George M. Downey, John Donnellan, Newell Beeman.

Dr. J. B. Keyser.
DENTAL PARLORS,
240 S. Main St.
Good Set of Teeth for $8.00.

DRUNKENNESS!

STRONG DRINK IS DEATH | WHO HESITATES IS LOST | CHARCOT'S TONIC TABLETS IS LIFE.

Dr. CHARCOT'S TONIC TABLETS
are the only positively guaranteed remedy for the Drink Habit, Nervousness and Melancholy caused by strong drink.
WE GUARANTEE FOUR BOXES
to cure any case with a positive written guarantee or refund the money, and to destroy the appetite for intoxicating liquors.
THE TABLETS CAN BE GIVEN WITHOUT KNOWLEDGE OF THE PATIENT.
STRONG DRINK causes Misery, Poverty and Death. Do not hesitate; you take no risk. Upon receipt of $10.00 we will mail you four (4) boxes and positive written guarantee to cure or refund your money. Single boxes $3.00. At Store or by mail.
F. C. Schramm, prescription druggist, McCornick block, corner Main and First South street, Salt Lake City.

"Two Heads Are Better Than One."

One, however, is the portion allotted to the average mortal. If this one aches and will not work properly, it is worse than none. When this condition is present, the stomach is blamed, the kidneys come in for censure and the liver is sure not to escape. As a fact, the blood is solely responsible for the condition of these organs.

Let your one head dwell on this fact, because it is the le