

WILLS BROKEN BY A MARRIAGE

Judge Holds English Law Not Applicable Here.

SECOND WIFE GETS ESTATE

SUBSEQUENT MARRIAGE SETS ASIDE INSTRUMENT.

The common or English law that marriage and male issue are necessary to revoke a will was yesterday declared not to be a good law in the United States by Judge William C. Hall, in the probate division of the district court.

In 1895 Mr. Leifer made a will leaving all his property to his wife, excepting \$3,000, which he divided equally between three brothers and sisters of Mrs. Leifer.

Widow Contest Will. A few months ago Mr. Leifer passed away. When his will was filed for probate the second Mrs. Leifer discovered that the estate, excepting the \$3,000 mentioned, had been left to the first Mrs. Leifer.

Judge Hall decided that the common law is that marriage and male issue are necessary to revoke a will in England because a female cannot inherit, hence subsequent marriage in England, without male issue, is not sufficient to change the conditions of the testator.

SUPREME COURT DOCKET.

Setting of Cases to be Heard During the February Term.

Lilburn P. Palmer, clerk of the state supreme court, yesterday reported the following cases on the court's docket for hearing during the February term, which begins Tuesday, Feb. 2.

DAIRYMEN'S ASSOCIATION.

Interesting Programme Prepared For Annual Meeting.

Logan, Jan. 29. The following programme has been arranged for the annual meeting of the State Dairymen's association, which convenes here on Feb. 17 and 18.

WEDNESDAY, FEB. 17-10 A. M. Prayer. Address by Rev. Robinson. Response. Members of the Association President's annual address.

THURSDAY-1:30 P. M. Address. Prof. W. L. Carlyle, Ft. Collins, Colo. Music. Question box.

WEDNESDAY-7:30 P. M. A Few Points on Butter Making. Cheese Making. Wm. Kirkup, Franklin, Ida.

THURSDAY, FEB. 18-10 A. M. The Hand Separator. Salt Lake City Condensed Milk. Lorenzen Hansen, Logan. Music.

THURSDAY-1:30 P. M. Sugar Beet. Sugar Beet as a Food for Dairy Cows. Dr. J. A. Whitson, Logan. Music.

THURSDAY-7:30 P. M. Milk as a Food and Carrier of Disease. Dr. D. C. Budge, Logan. A Few Dairy Troubles. General discussion. Music.

Miscellaneous business. The following prizes are offered: On butter scoring above 35 points, \$50.

On cheese scoring above 88 points, \$25. SPECIAL PERMITS. Highest scoring butter, colored with AL daisy butter color, gold watch suitably engraved and \$5 cash.

DAIRY. All butter in this class must be colored with Alderney butter color. Highest scoring butter, \$5.

Second highest scoring butter, \$3. Sweetest milk, \$2. Best tub of butter suited with Ashton, Eureka or Mountain's Cadillac salt, \$5.

Highest scoring butter made from cream separated with improved U. S. separator, \$5.

Second highest, \$3. The highest, \$2. No person will be awarded two entries in the same class.

In the district court today the case of W. H. De Witt vs. Jacob James was concluded. The suit involved the title to the waters of Spring creek in Providence precinct, is now before the court of trial.

SCHOOL STATISTICS.

For Month Ending Jan. 8, There Were 12,692 Pupils Attending.

There were 12,692 pupils in attendance upon the public schools during the month ending Jan. 8, according to the report issued yesterday by D. H. Christensen, city superintendent. The number of teachers was 216, making an average of forty-two pupils for each instructor.

The report shows that during the month there were 1,235 cases of lateness. The percentage of attendance was 83, and the percentage of punctuality 84. It was found necessary during the four weeks to administer corporal punishment in six instances, one each in the Grant, Jackson, Training and Whittier schools.

There were twenty-nine cases of truancy, 1,250 visits by patrons, and 22 visits by patrons by principals and teachers. The enrollment includes forty-five colored pupils.

ABOLISH BARNES AS EX. OF STATE

Helen Watson, appellant, Third district.

Feb. 16-George H. Barnes, respondent, vs. Oregon Short Line Railway company, appellants, Second district.

Feb. 17-The Corporation of the Church of Jesus Christ of Latter-day Saints et al, respondents, vs. Helen Watson, appellant, Third district.

Feb. 15-Ogden City, appellant, vs. the Bear Lake & River Waterworks & Irrigation company et al, respondents, Third district.

VOTED THEMSELVES MONEY.

City Attorney Haight After the Old Council of Murray.

The courts will probably be resorted to by City Attorney D. M. Haight of Murray to determine by what right and authority the old council had to vote \$25 to each of its members and several peace officers, for incidental expenses, the day they went out of office.

DON'T GET STATE PRIZE.

Nonsuit Entered in Favor of Utah Art Institute.

Edwin Evans and John B. Fairbanks yesterday lost their suit against the Utah Art institute to compel the committee on awards of the 1903 exhibition of that association to give to either one of them the \$200 state prize offered for the best painting by a state artist.

DISTRICT COURT NOTES.

Frank Ewing was arraigned before Judge Charles W. Morse in the criminal division of the district court yesterday, charged with an assault upon William Berragay at Bingham Junction Jan. 10, with a deadly weapon with intent to do bodily harm.

Two divorces were yesterday granted by Judge William C. Hall in the civil division of the court. Leonard Mackelburg accused her husband of non-support and John Beisel proved that Ellen Beisel had deserted him.

REDEEMING CITY WARRANTS.

City Treasurer Harris is Paying All Municipal Claims.

All outstanding warrants against city funds are being redeemed by City Treasurer Harris. They amount to \$106,801.06. Of that sum, \$5,581.88 represents warrants issued during the month of December, 1903.

Contingent expense, \$32,196.65. Irrigation and water supply, \$2,549.48. Sewers and drains, \$12.25. Streets and sidewalks, \$3,766.57. Special warrants, \$3,839.59. Waterworks fund, \$106,528.20. Public library, \$692.12. Total, \$106,801.06.

STAR PAVILION COMPANY.

The Star Pavilion company of Richfield, Sevier county, yesterday filed its articles of incorporation with Secretary of State James T. Hammond.

Plenty of those stylish Winter Suits and Overcoats for Boys are still here.

With a fourth or more clipped from our regular low prices.

\$5.00 kinds are going at \$3.75; \$6.00 kinds for \$4.50, and the higher priced and less expensive kinds are reduced in like proportion.

All of our Winter Suits, except Blues and Blacks, and all of our Overcoats, included.

It's a saving chance seldom to be had.

One which you can't afford to pass.

The Better the Food More sunny the mood.

There's something about Peery Bros. Wheat Flakes

That starts you right. Begin the day with it.

MCCORNICK & CO BANKERS, SALT LAKE CITY, UTAH.

DIEHL BELIEVES JOHNSON GUILTY

Judge Holds Negro Politician to the District Court.

HIS BONDS FIXED AT \$200

THINK BURNS WAS STRUCK BY GUN INSTEAD OF BULLET.

Bruce Johnson, the negro Republican politician, was yesterday bound over to the district court by Judge Diehl on the charge of assault with a deadly weapon with intent to do bodily harm. His bonds were fixed in the sum of \$200, the same amount that was required at the time of his arrest.

In giving his decision, Judge Diehl said that he was convinced from the evidence that Pat J. Burns, the victim of the assault, was struck over the head with the gun and not injured by the bullet. This, however, made no material difference, said the judge, for striking a man on the head with a revolver is an assault with a deadly weapon just the same.

Judge Diehl further said that Johnson was unfortunate in having a gun, inasmuch as it was evident from the testimony that Burns had provoked the assault and gone so far as to threaten to strike Johnson. The judge was of the opinion that Bruce Johnson did not point the weapon at Burns, as claimed by a number of witnesses, but merely intended to use it as a club.

His honor called attention to the fact that several witnesses had evidently perjured themselves when placed upon the witness stand. However, he said there was sufficient evidence to prove beyond a reasonable doubt that Johnson was guilty of an assault with a deadly weapon, and therefore held him to answer before the Third district court.

The crime for which Bruce Johnson was bound over was committed in the Red Onion saloon about ten days ago. Pat J. Burns, an old soldier, was wounded in the head in an attack made upon him by Johnson with a revolver.

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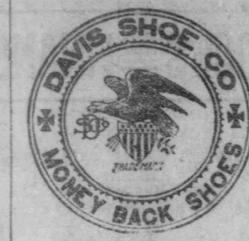
That starts you right. Begin the day with it.

MCCORNICK & CO BANKERS, SALT LAKE CITY, UTAH.

There is no Substitute for ROYAL BAKING POWDER Absolutely Pure It is a Matter of Health

STOP THAT COUGH. Put an Alcock's Plaster high up on the chest. It won't cure you in a minute, but keep it on a reasonable length of time and you will feel the beneficial results.

GARDNER DAILY STORE NEWS. Plenty of those stylish Winter Suits and Overcoats for Boys are still here. With a fourth or more clipped from our regular low prices.



Last Day of the SHOE SALE \$1.00 \$2.00 \$2.65 Specials

Consultation about the eyes, and thorough examination, always free. Glasses made and fitted with scientific exactness.

LANGHAM HOTEL. S. E. Cor. Main and Ellis Sts., San Francisco, Cal.

The Better the Food More sunny the mood. There's something about Peery Bros. Wheat Flakes

The burgundies, clarets, sauternes, and other wines produced by the leaders of the industry in California are more in demand than ever before.

FIRST CHURCH OF CHRIST, SCIENTISTS, Excursion to Provo Account Lecture by JUDGE SEPTIMUS J. HANNA.

CALL FOR THE FAMOUS HANNIS WHISKEY. FRED J. KIESEL, & CO., Ogden, Utah.

IMPERIAL CREAM. This is the time of the year when you need this excellent preparation, Good for chapped hands, exposure to cold, wind and sun, only 15c a bottle.

Diamonds Watches Jewelry. For card party prizes, come to us. We have an abundance of the proper articles, at right prices.

FIRE ACCIDENT SICKNESS INSURANCE. SMEDLEY-WAKELING CO. 142 South Main Street (Upstairs).

Cummings Commission Co. DEALERS IN New York Stocks, Bonds, Grain and Provisions.

THAT PAIN. in the temples—those dull aches across the forehead—and the frequent sick or nervous headaches are the result of eye-strain—a serious impairment that only properly fitted glasses will remedy.

TEARFUL OR CHEERFUL?

Whether a woman is tearful or cheerful depends not on what she has materially, but what she is physically. Many an intelligent husband is driven almost to despair by the tearful outbreak of a wife who has "everything she wants."

\$500 REWARD FOR WOMEN WHO CANNOT BE CURED.

Backed up by over a third of a century of remarkable and uniform cures, a record such as no other remedy for the diseases and weaknesses peculiar to women can attain, the proprietors of Dr. Pierce's Favorite Prescription now feel fully warranted in offering to pay \$500 in legal money of the United States, for any case of Leucorrhoea, Female Weakness, Protrusion, or Falling of Womb which they cannot cure.

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MONSTER AUCTION SALE! OF THE ENTIRE STOCK OF W. W. HALL, 227 Main St. Commencing Saturday, January 30 At 2:30 and 7:30 p. m., and to Continue Daily Until the Desired Amount is Realized.