fficial count, as this they claim
ly matter left open for litiga-
er the remittitur; that the re-
herein is a limitation upon the
f the respondents to make a
n this action.

aises the question of the func-
uo warranto proceedings in an
case—to what extent it may
in placing a party into office
he ouster of the incumbent in

the following principles may
down as being fully established
uthorities in this state:
hat in an election case the writ
warranto is concurrent with
est proceeding under the stat-
etermining an unlawful intru-
office and the ousting of the
nt thereof from office.
That in cases in which there is
cting statute, under the code,
27, the function of the writ has
enlarged as to permit the ad-
n of claimants' right to the
on of office as well as the in-
s title thereto.
That in cases where the right
the office is to be determined
on the face of the returns, the
quo warranto will go to the
ot only of ousting the insum-
office but of placing the claim-
ing the right of possession of
fice in the possession of the

That in no event will quo war-
behind the face of the returns
a claimant in office, but is
n such cases to the ousting of
mbent from office.
principles are fully enunciated
down by the authorities of this
the Londoner case, 13th and 15th
he Booth case, 18th Colo.; the
case, 23rd Colo., and numerous
cisions reported, together with
decision by the supreme court
published.
under the principles herein-
nnounced, the action herein
e petition being for the sole
of determining who upon the
the returns is entitled to the
certificates and to the offices,
law giving the right by quo
o to determine who upon the
the returns is entitled to such
te and the office, the effect and
of the remititur is to limit the
to the determination of that
and that question alone, and
acing in office the parties en-
ereto to relegate to the parties
ing the majority of the votes
face of the returns to their
ither by contest or by quo war-
then oust the incumbents, that
r this remititur, as the court
nds it, the action is here lim-
utting the parties who have the
office into possession thereof
gate the other parties to their
nder the law, and not compel
who upon the face of the re-
as the right to the office to the
y of conducting a contest in
have himself seated in office.
with this conclusion, the court

Gladden Elliott of Pueblo, who has been attending the Columbia university of law, has returned home for the summer vacation.

Miss Irene Smith will leave today for Los Angeles, where she will spend several months visiting friends.

Michael Hogan has returned from a year's sojourn in California.

MARRIED

FRANE-HARRIS—Saturday, June 9, 1906, at the parsonage of the First Congregational church, 220 west Evans avenue, Miss Fannie Frane and Hugh C. Harris, Rev A. E. Holt officiating.

The bride has been a teacher at the Bradford school and the groom is a mail clerk, running between Pueblo and Silverton. The couple left yesterday for Glenwood Springs where they will spend their honeymoon.

DIED

BARTHOLOMEW—Saturday, June 9, 1906, James Bartholomew, aged 82 years, at the home of Mrs. Crowder, 12 block H.

Funeral will be held this afternoon at 3 o'clock.

DAN—Saturday, June 9, 1906, in this city, Yee Dan.

Remains at West Brothers and Whiton's awaiting instructions from relatives.

Funeral Notices.

The funeral of Charles Mobry was held yesterday afternoon from McMahon and Collier's undertaking parlors at 2:30 o'clock.

DOLLAR PACKAGE FREE
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You can now obtain a large dollar size free package of Man Medicine free on request.

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All we want to know is that you are

just now there will be standing room only in the big park, and if the attractions and entertainment features continue to pile in as they have during the last twenty-four hours there will be more doing than the length of the day will stand. That the occasion will be a record breaker in the way of juvenile crowds in Pueblo there is no doubt.

And everything will be free. Coupons printed in The Chieftain will admit to everything. Children who do not receive coupons in the regular manner, by clipping them from The Chieftain, can procure coupons by calling at the business office of The Chieftain Monday morning. These coupons include those calling for a free ride on the Rio Grande special trains that will run at regular intervals between Bessemer, the Union depot and Mineral Palace park.

Great interest is being taken in the fishing contest, which will be pulled off at Lake Clara. Although some bait will be provided, the children are requested to supply themselves with bait as much as possible. J. F. Jenner will be present to assist the youthful anglers, while members of the committee on safety and their numerous assistants will be on hand to see that no one falls into the lake during the excitement.

Morris' Military band of twenty pieces will discourse music all day, while the unique organization composed entirely of small boys and known as Herendeen's Drum corps will furnish rousing martial music at stated intervals.

The refreshment feature will be attractive. Ice cold lemonade will be served to all children holding coupons. The Crystal Ice company has donated 200 pounds of ice for the booth. Harry Harris has generously tendered the use of a part of the refreshment pavilion, and Watkins Bros. are furnishing the glasses for the thirsty occasion.

Not only has The Chieftain children's day preparations attracted unusual local interest, but people in other parts of the state are taking notice of this now celebrated annual juvenile holiday, many articles have been offered which will be used as special prizes in addition to the cash prizes hung up by The Chieftain. Some of the specials are as follows and will be distributed by the committee on awards:

Governor McDonald offers a baseball to the boy under 10 years of age who wins the foot race.

Governor McDonald offers a doll to the girl under 10 years of age who wins the girls' foot race.

Harry Casaday of Boulder offers a handsome fishpole to the boy catching the most fish.

Harry Casaday of Boulder offers a gold ring to the girl catching the most fish.

The H. C. Scott Book and Stationery company of Denver offers a morocco pocketbook to the boy between 10 and 12 years of age winning the 100-yard race.

The H. C. Scott Book and Stationery company of Denver offers a morocco hand purse to the girl between 10 and 12 years of age winning the girls' 75