THIRD DISTRICT COURT

Cases Submitted to Judge Anderson Have to be Re-tried.

ANOTHER CITY SURVEY DIFFICULTY

A Jury Comes In with a Sealed Verdict.—Stay of Proceedings.—A Divorce Suit.

The jury in the case of Thomas Homer vs. the Inter-Mountain Abstract Company, tried yesterday, this morning brought in a sealed verdict, finding for the plaintiff in the sum of $242.33.

There were two cases involved, but they were consolidated and tried as one case. They were appeals from Commissioner Booth's court and the sums alleged to be due from the defendants ($224) were for salary. In the court below judgment was given in one case for $75 and in the other for $48. From that the defendant now appealed, with the result on the re-parting above stated.

STAY OF PROCEEDINGS.

In the case of Wm. H. Cromer vs. Arthur Meade, the court (upon application of Attorney F. E. Barker) granted a stay of proceedings for thirty days.

THROUGH ANDERSON'S RESIGNATION.

The case of F. E. Barker vs. Territorial Auditor Pratt was mentioned by Attorney Varian, who stated that the mandamus proceedings thereon were argued before Judge Anderson some time ago and submitted, but a decision had never been given. The record showed, however, the submission of the case, and counsel now asked for an order vacating the same, in order that the matter might be reinstated on the calendar and taken up at the proper time.

Judge Zane—Let the order be made.

THE BOUNDARY QUESTION AGAIN.

The first case called on for hearing was that of Martha Presler vs. Ella E. Hennessey, the plaintiff being represented by Attorney M. M. Kaighn, while Attorney W. C. Hall appeared for the defendant.

It was tried before the court (a jury having been waived), and was an action arising out of a conflict between the old surveys and boundaries of city lines and the new surveys established by the present city surveyor, Mr. Doremus. The facts are similar to those in a case of the same kind tried the early part of this week, and in which the News gave a verbatim report of Judge Zane's important opinion.

Plaintiff has been the owner of a portion of lot 3, block 51, plat A, Salt Lake City survey, ever since May, 1882, and she claims that in November, 1890, the defendant wrongfully appropriated to herself, and ousted her from, a strip of the land on the south side twelve rods in length from east to west and twenty-seven inches in width from north to south. For this damage are claimed in the sum of $100, also $5 per month during the period of withholding, as value of the rent and profits of the land so held; and a decree of the court is asked, adjudging the restitution of the strip in question to plaintiff.

The defence entered a general denial of the plaintiff's allegations. The case was on trial at noon.

GENERAL.

In the case of the Pacific Lumber Co. vs. Frank Monroe et al. the demurrer to complaint was overruled, ten days being allowed to answer.

The hearing of the demurrer in the suit of the Utah National Bank vs. J. J. Starbuck et al. was set down for tomorrow.

SHE DESERTED HER.

And still they come! Another wife, filled with domestic woe, has decided to lay her sorrows before the judge of the Third District court with the object of getting rid of a neglectful husband.

The latest complaint filed in this channel is that of Fannie B. Billing vs. Edward H. Billing. It saw the light this morning. The parties were married at Quincy, Illinois, in October, 1884, but it seems that in May, 1891, the defendant became tired of his wife and abandoned her without, as she declares, the faintest cause. For more than a year past, she further alleges, he has neglected to provide for herself and minor child—Blanche, aged 4 years—the common necessaries of life. Plaintiff, besides praying for the divorce, asks for the custody of the little girl.

Bresee and Harris are Mrs. Billing's attorneys.

SAWYER HELD

To Await the Action of the Grand Jury For His Alleged Assault on Mrs. Adams.

The examination into the attempted murder case against F. M. Sawyer, charged with assaulting Mrs. Adams, wife of the colored boot black Adams, came to a close before Justice Gee, last night. The arguments lasted two hours and were opened by Mr. Coad for the prosecution. Attorney F. E. Barker followed for the defense and Mr. Zirkner closed for the prosecution.

When the arguments had been concluded the court reviewed the testimony and held the defendant in $500 bonds to await the action of the grand jury.

World's Fair and Mass Meeting.

The Board of Directors of the Salt Lake County World's Fair association held the regular meeting yesterday in the Union Club rooms at the Templeton hotel and transacted some important business pertaining to the work in hand. It was decided to hold the mass meeting of the women of this county in the Salt Lake theater on Thursday, November 3rd, at 2 p.m., at which time it is hoped the house will be filled, as it is important that an interest should be awakened in the representation of the women of Utah at the Exposition in Chicago in 1893.

The speeches will be short and there will be several able speakers well known in the community, so the subjects will be of special interest to the women of the Territory. There will be music of the finest quality and some of the very best singers in the city will be on the programme, which will be published very soon. Professor H. S. Krouse has charge of the music, which assures its success.

Among the speakers are Mrs. C. E. Allen, Territorial president; Mrs. Emily S. Richards, who is expected home from Chicago, Mrs. Alice Merrill Horne, Dr. Mattie P. Hughes, Mrs. M. Isabella Horne, Dr. Romania B. Pratt, Mrs. E. B. Wells and others.

The next regular meeting of the board of directors will be held on Wednesday, November 2, in room 8, 3rd floor, at the Templeton Hotel. The directors will please take notice.

IN POLITICAL CIRCLES.

What Local Parties and Partisans are Doing.

There will be a Democratic "round-up" at Draper on Saturday evening.

***

Ogden is threatened with an independent ticket in addition to the four it already has.

***

Mrs. Gordon and Hon. F.S. Richards spoke at Mount Pleasant on Wednesday evening to a large Democratic audience.

***

What about that joint debate between Candidates Cannon and Rawlins? Both speakers are said to be ready and champing on the bit.

***

The county Republicans proudly point to their ticket as put in fine ticks by the unpurchasable and unterrified.... Straight Republicanism And so [illegible] to their music.

***

Mr. Allen is still engaged in his pardonical campaign, asking the people by word of mouth to vote for him while saying on paper that he would rather they did not.

***

Ex-Mayor I. D. Haines of Logan was in town today. He is a Democrat from the beginning, and is confident that Cache is not troubled with anything like flies upon her.

***

The Ogden Standard heads some (alleged) poetry, "A Great Flood of Democratic Loss." There ought to be more poetry in the lines than there really is, to make up for the lack of it in the heading.

***

Both the Democratic and Republican candidates for Delegate to Congress are flitting around from point to point with such rapidity that it is a difficult matter to locate them. This will not outlast the campaign, however.

***

W. C. A. Smoot, Jr., took enough time from his arduous duties of looking after the political welfare of Sugar House precinct and seeing that "the usual Democratic majority is recorded," to run in today and see how things are going at this end of the line.

***

The Republicans of the second precinct had a big time in the Sixth ward last night. Speeches were made by Scott Anderson, John T. Lynch, George W. Moyer, Barlow Ferguson and Judge Bowman. There was a large attendance and considerable interest manifested.

***

We hear of some heavy Democrats "fixing" themselves financially for the occasion, then going out on the streets here and betting in a standstill all Republicans who cared to make a venture on the Presidency. There are better uses for both Democratic and Republican money.

***

Hon. C. W. Penrose's "Plain Talk—Reasons why the People of Utah should be Democrats," drew from Hon. Jos. F. Smith "More Plain Talk—Reasons why the People of Utah should be Republicans;" and this in turn has now drawn from a writer signing himself "Jonathan" a lengthy rejoinder, headed "The Reviewer Reviewed," occupying nearly a page in this morning's Herald.

***

Those who are beginning to experience "that tired feeling" because of the political campaign, doubtless derive some comfort from the contemplation of the fact that there is but one more week of it. The week following that will be given up mainly to the hurly-burly of the election, the incoming returns, the charges and counter-charges of fraud and slippery conduct, and so on. We ought to know how both the Presidential and Delegate elections have gone before noon of the day following them; certainly we will be advised as to the latter.

COST HIM $25.

The Cases Heard in Police Justice Gee's Court Today.

Peter Nystrom, a well known saloon keeper, appeared before Justice Gee today and plead guilty to selling liquor on Sunday and was fined $25.

Olof Nostrom, a lad charged with stealing a suit of clothes, was found not guilty and was discharged.

Charles Blake, accused of petit larceny, will be tried tomorrow at 10 o'clock a.m.

The case against Mr. and Mrs. Burnsides, arrested for the alleged offense of allowing chickens to trespass, was dismissed on motion of the prosecution.

Al. Graham, an alleged vagrant, will be given a hearing tomorrow at 10 o'clock.

Twenty dollars was collected from four individuals who had been indiscreet enough to get drunk and then admit it before the court.

An Unresponsive Maid.

"About as bad as a sullen maid," said a housekeeper, "is an overcautious one. I am rarely tired at times with my girl, who is cook and housemaid in one, and who is too capable to lose. But she hunts up praise if I even suggest a word of criticism. A request to salt the soup more makes her eyes red, and an intimation that the potatoes are underdone converts her into a Niobe. I've reasoned with her on this state of things only to provoke a fresh deluge, and now I've given it up. I approach her with the greatest cheerfulness and gayety, only occasionally permitting myself the small sarcasm in beginning, 'Don't cry, Mary, but your bread is not quite as good as usual this baking.' She does cry invariably, but at least she knows I am prepared for it."—Her Point of View in New York Times.

THE GRAVITY OF THE SITUATION.

A Negro Who Understood It Only After He Had Been Up in a Balloon.

About two years ago I was billed for a balloon ascension in a Louisiana town. I was to go up and at a height of 5,000 feet I was to make the [illegible] ... [illegible]

Well, after considerable dickering I got a big negro to agree to go along and help the balloon attain... [illegible] ... He didn't realize the gravity of his situation at all.

The afternoon we were to go up was a pretty one, and thousands came to see the ascension. My companion was there all right enough, and when it was explained we had agreed to go along, the people patted him, and said that he hadn't nerve enough. This made him furious, and he swore that he'd go and show them that he had more pluck than any white man there.

So when the time came I saw that my parachute hung all right, that my line had been taken off so the negro wouldn't grab it and yank the balloon wide open and dash himself to pieces, and then we sat on the bar (I use a trapeze instead of a basket because of the weight), and I gave the signal to turn us loose. Up we went with a jerk, and as the earth dropped away my negro's eyes bulged out, and he spat out about a quart of tobacco juice. Now that mouthful of juice spread out like a soup plate, and it sailed down to the ground like a big brown bird.

Mr. Negro watched it and said: "Professor, does you reckon dat I'd fill up wid wind like dat if I'd drop offen dis yer bar? ... [illegible] ... "I told him that he'd be all right, and as we were now up about 5,000 feet I climbed down to my parachute and told him to get ready. Then that fellow looked around, and as I hung down by my knees to hit the shock of the drop when I cut loose he yelled: 'Doan' leave me up here alone, white man! I'se de[illegible] ... But I jerked my line and was 300 feet below him before you could bat your eye. The old parachute opened with a jerk, and then sailed down to the earth like a huge bird. There had been no breeze at all, and I came down within half a mile from where I started.

The crowd had rushed to help me if I should need help, and we soon secured and rolled up the parachute. Then we watched the balloon. Down it came—the negro scared nearly to death. The crowd yelled and cheered, and [illegible] him up considerably. He struck the ground all in a heap and started to run, but some one tripped him up and he tumbled down. Before he could get up the negroes had him on their shoulders, and he was a lion, I can tell you. We paired the bar around and got thirty dollars for him.

Well, sir, that negro actually thought himself superior to every person in the parish after that—spoiled him, did that trip.

I was back there about six months later to give another ascension, and I thought I'd get that fellow to go up with me again. So I hunted him up and told him what I wanted. He looked like he'd drop and said:

"Mr. Balloon Man, does ye [illegible] I [illegible] ..."

And with that he broke out for the woods, and we couldn't find him until after I had made the jump. Then he came back into town grinning, and said: "For no fule, mister, you heah me!"—Galveston News.

A Wearing Life.

The lord of the manor slept, although the baby had the colic and was in no wise disposed to suffer in silence.

"Wah—wop—ap—ah—wah!" wailed the infant.

Distracted at the child's distress the mother rushed wildly to the cradle.

"Hush-a-by, hush-a-by," cooed she.

"Goo—oo—goo," raised the lord of the manor.

The woman made her quick laps around the room, danced the suffering babe vigorously and performed a great variety of exhaustive antics popularly supposed to make young children forget their troubles.

"Woopp!" yelled the little one.

"Hush-a-by baby on the tree—"

"Gr-r-r-r—ah—goo—oo!"

The lord of the manor slept.

One by one the sands of time flowed through the hourglass. Minutes grew into hours. Just as the rising sun was painting the eastern horizon with a delicate glow the baby fell asleep. With a smile of tender radiance the mother placed her darling in the cradle, and imprinting a soft kiss upon its brow turned to her own couch.

The lord of the manor stirred and opened his eyes.

"Can I help you, Maria?" he feebly asked, with a yawn.

The wife and mother sighed.

"No, John," she wearily rejoined.

There days.

"I shouldn't be surprised"—

It was the lord of the manor talking to a friend next day.

—"if I looked mighty haggard. This being up nights"—

He yawned prodigiously.

—"with the baby is mighty wearing on a man."

The lord of the manor looked decidedly dissatisfied with life.—Detroit Tribune.

Wagner's Distaste for Music.

Wagner's stepfather, Ludwig Geyer, who died when the boy was seven years old, was very fond of him, and on the evening before his death, we are told, asked the little fellow to play on the piano two operatic airs which he had been taught. Richard played them not so very badly, and the sick man said to his wife in a feeble voice: "Do you think he might have a taste for music?"

The next morning the mother talked to the children about their dead father's affection, and said to Richard: "He would have liked to make something of you." The boy never forgot the words.

At that time, however, no one would have dreamed of making him a professional musician. When he was nine years old his mother wanted him to have a classical education. He is described as a hot-tempered, "fantastic" child, who would fly into a passion at anything, but who nevertheless gave himself up to an enthusiastic study of Greek and soon became his master's favorite pupil.

He took lessons upon the piano, but had little taste for the mechanism, and found the technic of it a bore. His teacher after awhile dismissed him as incorrigible.

For all that, the boy even then had dreams of being a composer, and a few years later, at his own request, he was put under an instructor in harmony.

The poor man had a hard time with his pupil, but headstrong pupil, and before long he, too, was concerned to give him up in disgust, saying, like the professor of the piano, "Nothing can ever be made of the boy."

And yet the boy was to become, if present judgments are to be trusted, one of the few great musicians of the world.—Youth's Companion.

Star Dust.

The brightness of shooting stars is due to the heat engendered by the energy of their motion. Their speed is enormous—namely, forty-two and a half kilometers a second, while the speed of the earth on its orbit is only twenty-five kilometers forward. Consequently when a shower of them approaches the earth in the direction opposite to its course the initial speed is seventy-two kilometers a second; when they follow on its course they gain sixteen and a half kilometers a second on it, their mean rate of approach being thirty to forty kilometers a second.

The friction engenders a temperature of 3,000 degs. Celsius, or more, to which they burst into flame. If under these conditions their substance is not vaporized they pass through and beyond the upper strata of our atmosphere and pursue their proper course around the sun, but as a rule they are vaporized, in which case the vapor mingles with the atmosphere, to fall later as meteoric dust. In this manner we receive considerable annually with [illegible] shooting stars, which add considerably to the earth's substance.—Public Opinion.

Affection Among Elderly Men.

Elderly scholars are [illegible] to the proverb that order of men [illegible] ly inside to affections, [illegible] its fooler of necessity. The "old buck," so common and so [illegible], is another sort of instance. It is reported, of your millionaire, Jenny [illegible] however, that he—that he had [illegible] an abnormal gayety, an [illegible] frankness of address, such as [illegible] all hearty and simple folk; but how long and with what assiduity must he have cultivated his vivid to [illegible] it with such coast.—National [illegible].

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