THIRD DISTRICT COURT.

A Short Married Life, and not Altogether a Merry One.

THAT DAILY STUMBLING BLOCK

Bookkeeping Order in a Divorce Case.—Miscellaneous Matters Before Judge Zane.—Hearing Before a Referee.

Following in the wake of yesterday, Chief Justice Zane began his morning's work today with the hearing of a divorce suit. The parties were Effie M. Shuttle (a well-dressed, attractive woman, about 27 years of age) vs. Chas. E. Shuttle.

The plaintiff was represented by Colonel M. M. Kaighn.

Plaintiff and defendant were married at American Fork as recently as April 15th in the present year, the latter having been employed as the superintendent of a mine at Tintic. His salary was said to average $90 per month, but plaintiff informed the Court that he had not contributed anything whatever towards her support from the day of their marriage. She had some money of her own when she married the defendant, but he "borrowed" it all from her and she had not seen a single dollar of it since.

Colonel Kaighn asked Mrs. Shuttle if she knew the defendant's reason for refusing to provide for her.

Plaintiff—I suppose it is his disposition; he cannot help himself, and he says he will not provide for me for the future.

It transpired that Mrs. Shuttle, who is a well educated woman, was prior to her marriage assistant bookkeeper at one of the mines in Tintic.

Corroborative evidence as to the defendant's neglect of his wife having been adduced, the court granted the decree as prayed.

A RESTRAINING ORDER.

In the pending divorce suit of Elias J. Smith vs. Samuel R. Smith, Attorney F. L. Barzee applied to the court for an order to restrain the defendant from disposing of his property pendente lite, and the application was granted.

The plaintiff's complaint is based on the grounds of cruelty and habitual drunkenness.

IN A DILEMMA.

Once more the case of the American Publishing company vs. the Fisher Brewing company was called up in vain. It was reported that the sick juryman (Mr. Hinman) was today confined to his bed, and that the chances were he would not be able to attend court for a week or more.

Judge Zane therefore suggested that perhaps it would be well, if counsel would agree to it, to refer the case to some competent lawyer to try.

Attorney Day (of plaintiff's counsel) said they were willing either that the trial should proceed with the eleven remaining jurors, be tried by the court, or referred as suggested by his honor.

But Attorney J. L. Rawlins, on the part of the defendants, was not now prepared to assent to either of those propositions. He preferred, he said, to have a trial of the case before a full jury.

The Judge—You are not willing to refer it in any way?

Mr. Rawlins answered in the negative.

Eventually Judge Zane said he would postpone the matter until tomorrow morning, and if it was then found that there was no possibility of the parties coming to some sort of an arrangement, the case had better go over for the term.

GENERAL.

In the case of George J. Brennan, charged with perjury, the motion to quash indictment submitted yesterday by Attorney Reilly, was overruled.

The case of John Anderson et al. vs. Chas. Klambeck et al. was continued by consent.

Charles L. Hoffman vs. Edwin Doust et al. Motion to retax costs of defendant as to attorney's fee of $20 was agreed and submitted.

In the matter of H. M. Wilson vs. A. L. Wildman et al., the defendant withdrew his answer except on the contest as to attorney's fees to be allowed.

Geo. L. Bliss vs. Emma Whiting. By consent judgment was entered for the plaintiff, as prayed, $25 attorney's fee being allowed.

OVER PROMISSORY NOTES.

Judge Anderson, as referee, this morning sat in the Supreme Court room and commenced to hear the testimony in a case in which Louis Hrom and John A. Ervin are the plaintiffs and Simon Bamberger and O. J. Salisbury are defendants.

Plaintiffs allege that on November 19th, 1891, they were the owners of three promissory notes signed by John Beck—two for $1000 each and the other for $1819.20, secured by 2000 shares of stock in the Bullion-Beck & Champion Mining company. On the date mentioned, they say, the defendants had possession of the notes and unlawfully converted the same to their own use.

The defendants deny all the material allegations in the complaint and aver that the three notes which they had had been given them to secure another debt.

Jones and Schroeder are attorneys for the plaintiffs; Rawlins and Critchlow represent the defendants.

UNDERGROUND WIRES.

The System Strongly Advocated by Councilmen Hardy, Pollard and Rich.

The great and unimposing not work of wires which almost obscures the rays of the sun on the principal streets of this city is, if certain city fathers are able to carry their point, about to become a question of municipal legislation.

At the meeting of the City Council last night Mr. Hardy offered a resolution, which was referred to the committee on improvements, which urges the abolishment of the overhead wire system now in use by the electric light and telephone companies, and recommends that these companies be immediately notified to at once prepare for to commence the work of placing all their wires under ground on the streets that are now paved and on all streets within the paving district.

Councilmen Pollard and Rich are both strong advocates of the measure and will give it all the support in their power. Several others of the council are also in favor of the adoption of the resolution though some of them are of the opinion that it should not go into effect for some time. As an argument against postponement Mr. Hardy says the work can be done much cheaper today than a year or a number of years hence. Also that the wires are now a common one that with the heavy storms of winter they are liable to break at any time and cause considerable damage to both persons and property.

A BREEZY BURGLAR.

An Incendiary Intruder Who Succumbed to Whistle and Blow.

The other morning Mr. Burton, who resides on Fourth West street, in the Sixth Ward, had a rather entertaining time. Just before daylight his wife was rudely awakened by hearing a sharp noise at one of the windows. She immediately awoke her husband and informed him of what she had heard. He sprang out of bed and rushed for a revolver, his mind being filled with visions of a burglarious assault upon his home. Pointing his weapon toward the window whence the sound had proceeded, he fired a shot which crashed a hole in the glass. Four others followed in quick succession, and if the burglar had stood waiting to see the effect of the disturbance he had made, he would have got it sure.

The fusillade from the revolver aroused the neighbors some of whom were in a state of anxiety lest a terrible tragedy had been enacted. As it was, however, an investigation revealed the fact that the only damage was some badly shattered window panes. The position of the sash revealed the cause of all the flurry. The day before the windows had been cleaned, and in putting them back care had not been taken to properly and securely fasten an upper sash. A sharp wind had shaken and loosened it so that at the time stated it came down with a bang. The burglarious breeze was neither injured nor frightened away by Mr. Burton's bullets, but continued to blow on, whistling through apertures and around corners as though nothing unusual had happened.

"A CITY OF DARKNESS."

That is the Title Given to Salt Lake by One of Her Comedians.

The appropriation bill was defeated in the City Council meeting last night because it contained a claim of nearly $2000 against the city by the Salt Lake Power, Light and Heating company for street lighting for the month of November. Several of the councilmen declared that portions of the city had been left in total darkness for from seven to eleven consecutive nights, and still the company had the supreme cheek to send in an undeducted bill. Three or four of the members declared that they were in favor of giving the contract for street lighting to a new firm on the beginning of the new year believing that the contract with the Salt Lake Power Light and Heating company expired on the last of the present month. Investigation today revealed the fact, however, that the Council previous to the present one had made a contract with the last named company for certain lights to be governed by the Philadelphia Moon Schedule until February, 1893. This promptly put an end to proceedings in this direction. Councilman Rich said "the Philadelphia Moon Schedule business" was too much for him and he made his way to the nearest book store and purchased a little volume which he says will make the mystery plain to his heretofore puzzled brain.

A councilman stated this afternoon that we had recently been living in a city of darkness but that light must be had at all hazards.

AMUSEMENTS.

There was a big rush at the box office this morning when the sale for the Duff opera season opened. The principal "take" of course was for the opening night when Hyley appears in "Fox and Cox," (Morton's farce set to music by Sullivan) and when the famed "Cavaliera Rusticana" will be done for the first time in this city. Salvini did the dramatic version and it created a deep impression. The music is by Pietro Mascagni, an Italian boy of 25. It is of the advanced school of his native land, with Wagnerian touches of singular gratefulness. Its superb melodies are described as original and indescribably beautiful and its instrumentation is something marvelous.

HERE'S ANOTHER.

Mrs. Ella J. Smith Seeks a Divorce From Her Erring Husband.

Ella J. Smith this afternoon, through her attorney, F. L. Barzee, filed a suit for divorce against her husband, Samuel R. Smith. The parties were married at Logan eight years ago, and there are two children issue, Aurora, aged five and a half, and Lawrence, aged two. Plaintiff says that for seven years past her husband has been a habitual drunkard, and during that time has cruelly neglected her. On several occasions he has threatened to shoot her with a revolver. She declares, therefore, that she is afraid to live with him, and has been compelled to seek refuge elsewhere. Defendant is a dairyman, and the wife puts down his weekly income from this and other sources at $40 per week. Plaintiff states that she is entirely destitute of means for the support of herself and children, for whose custody she asks. She also prays for such a portion of the joint property of herself and husband as to the court may seem equitable and just, and for a suitable allowance for her support pending this action, for the necessary costs of the action, and $100 attorney's fees.

Judge Zane this morning granted an order restraining Smith from disposing of his property.

THE SHOP'S REMOVAL.

A Local Morning Contemporary Confesses that the "News" Was Right.

Several nights ago the News published an apparently well grounded rumor to the effect that the Rio Grande Western had covertly signed articles of agreement to remove its roundhouse and machine shops from this city to Ogden. The announcement caused considerable excitement and comment in railway and business circles at the time. The following morning a contemporary made rather light of the matter and credited the Rio Grande Western officials with unqualifedly denying the truthfulness of the report. This morning the same paper proclaims in glaring head lines that the contract for the removal of the shops was signed more than a week ago. It then leads up to the question in this manner:

According to the terms of the contract entered into by the Southern Pacific company and the managers of the Union Depot company at Ogden the shops of the Brownwood company now at Fremont and Carlin must be removed and be in operation by February 15th. A similar contract has also been signed whereby the shops of the Rio Grande Western in this city are to be removed to Ogden, although the law has been repeatedly declared by those who are in a position to authority. For the benefit of those who persist in declaring that the report is a canard the information is given that the contract was signed on the 20th ultimo.

The News aims to get its information at first hands and by its own reporters, not after the syndicate plan. Its chief aim is accuracy, so that all may feel, "When you see it in the News it's so."

The Mother-in-Law's Turn.

In the case of Edward W. Hodgkins vs. Frances Clark, wherein the plaintiff sued his mother-in-law for $10,000 for alienating his wife's affection, the defendant has filed her answer in the Third district court as follows: Comes now Frances Clark, defendant, in answer to complaint filed against her on the 26th day of November, whereby she is wrongfully and wickedly accused of alienating the affections of her daughter from plaintiff, as also seriously accused of other willful acts, whereby her good character has been laid liable to infamy, and she hereby, this 6th day of December, 1892, denies every and all charges in the said complaint made against her, alleging it to be false and a gross insult offered her in return for her generosity to plaintiff and her daughter while they lived as man and wife. And also offers the truthful testimony of her daughter as evidence, who now becomes intervenor in the case.

(Signed) FRANCES CLARK.

AN OLD AFFLICTION.

Short Weight in Coal Complained of Twenty Years Ago.—The Writer's Suggestions Now Adopted.

The following communication, reminiscent of twenty years ago, affords proof that the "short weight coal" is by no means a new disease in this locality. The letter is taken from the back files of this paper:

SALT LAKE CITY, March 6, 1872.

Editor Deseret Evening News:

I have seen several allusions in your paper at different times to the necessity that exists for public weighing scales and an ordinance to regulate the operations of the same, and it is a matter of surprise, not only to myself but to many others, that the suggestion has not long since been acted upon. Circumstances of daily occurrence point to the absolute necessity for public weighing scales. It is neither my design nor my desire to make any charge against coal dealers as a class, believing as I do, that, as a body, they are as honest as the rest of mankind. But mistakes are not of rare occurrence in other institutions besides ours, and that they frequently creep into the question of how many hundred weight of coal it takes to constitute a ton of the article is too frequently disagreeable to admit of denial. There is a certain peculiarity, too, in connection with mistakes of this nature—they are almost invariably one-sided.

I could cite a number of instances if it were deemed advisable to do so, but in writing this note I do not wish to assume the role either of an accuser or dictator, but rather to stand in the position of a suggester. It does not make a person feel in a very good humor, however, when, after suspecting that he was receiving short weight of fuel all winter, he should take the trouble or satisfying himself by having a supposed ton of coal weighed, and find it to be nearly one-sixth short of weight, especially when that individual had been using a very large amount of coal during the cold season, yet such things have occurred.

Errors of this kind would probably be avoided by the establishment, at or near the railroad depot, by the city, of public weighing scales, and the passage of an ordinance requiring coal dealers to have their loads weighed, and that they should present to the purchaser a certificate of weight, receipt of at those scales. The consumption of coal is becoming, and is even now extensive enough, I should think, to enable the city, by charging a small amount for each load weighed, to conduct an affair of this kind without any expense, and I am of opinion that the outlay incurred by the first establishment would soon be refunded. I do not doubt that all respectable coal dealers would be gratified at the establishment of public weighing scales, as it would be the means of securing and maintaining confidence between themselves and the public.

SCOBLESTER.

Within Our Gates.

Dr. W. W. Snow's signature is on the Walker House register. He is still attached to Logan, and no one can give a reason why he should not be.

***

Deputy U. S. Marshal Grace, of Portland, Oregon, who came from that region with a prisoner, left for home last evening with a goodly share of Salt Lake real estate clinging to his sandals. He doubtless thinks this the most Liberal place he said he ever got into.

***

Dan Maeutze, in charge of our mineral and anthropological department at the World's Fair, and who has been collecting specimens in Southern Utah for a short time past, wheeled through the metropolis on little to his country residence in Ogden yesterday afternoon, and was to go back today. He is doing a good work.

***

A goodly number of long-time friends were pleased to receive Junior F. Wells back among them yesterday. Mr. Wells has been pitching Buffalo Bill and party through the wind and woolly southwest for a little more than a month past. He has been away from home in the East the major part of a year, during which time he seems to have done well physically and otherwise.

***

"Buffalo Bill" came to us as per announcement yesterday, reaching the Templeton about the time the News' last issue went to press. He had his Gowing troupe with him, besides a party consisting of Colonel Stockman and Major Mildenay, of the English military service; Colonel Prentice Ingraham, representing the New York Herald, the Brothers Rusch, photographic artists of Hallenstein, Neb., and Junius F. Wells, Esq., of this city. The object of the visit is understood to be the location, stocking and keeping up of a vast natural park for sporting purposes. All are feeling remarkably well.

***

C. M. Hall, who occupies the intensely conspicuous position of countman in this city, accompanied by his wife, returned from a visit of five weeks duration to the East yesterday. He was in Chicago during the presidential election, and is positive that both parties were surprised at what they found in their stockings the next morning; in fact, he is just as positive that the Democrats haven't recovered yet from the shock they received. Mr. Hall brought with him a genuine Australian ballot, which has been turned over to the News, and which might prove useful during the winter as a blanket if it were of different material.

A NEW DUMPING GROUND.

The Health of Citizens Endangered by Depositing Filth in Front of Their Dooryards.

"North Temple street seems to be a favorite dumping ground with the present administration," said a well-known business man today. "That portion of it immediately north of the Temple block was used for that purpose by Street Supervisor Hiles a couple of weeks ago. Now another department of the city has practically peopled the same thoroughfare near the corner of Seventh West and is daily dumping all kinds of refuse into the street until even during this cold weather the stench is almost unendurable." "Unless this is stopped soon," said another resident of the vicinity, "the citizens of that locality will be compelled to unite in enjoining the city from depositing its filth in front of our dooryards to the endangering of the health and lives of ourselves and families."

Seeking Executive Clemency.

Governor Thomas has received a petition, bearing the signatures of a number of Ogden's chief citizens, asking for the pardon of Edward McCaffrey, now serving a sentence in the penitentiary. The offender was convicted in the First district court of assaulting with intent to kill Cole Noel on June 28th, 1890, and ordered to be imprisoned for seven years. The petition states that the trouble arose over a dice game and that in an excited moment McCaffrey drew his pistol and fired, the ball taking effect in the fleshy part of Noel's abdomen. The prisoner is a workingman with a family and had always borne a good reputation up to the time of the affair which landed him in trouble. He has already served two years, and the petitioners are of the opinion that he has now been sufficiently punished.

Here's a New Theory of Comets.

Editor Deseret News:

ST. JOHN, Apache county, Dec. 5, 1892.—As there is a good deal of speculation at the present time in relation to comets, I propose the theory that comets are vast trains of meteors traveling in space describing orbits around some definite centers. To illustrate: There is one comet belonging to the solar system, making a period of revolution in its orbit of about thirty years, whose orbit intersects that of the earth. The earth passes through the tail of this comet about the 9th of October of each year, shown by the fact that at that time meteors are seen more frequently than at any other time, and approaches to its head of nucleus nearer each year which is finally entered and passed through. This occurrence took place once in the year 1833, when the Saints were driven out of Missouri, when history relates that a great meteoric exhibition took place. Thirty years before Baron Humbolt relates a similar event as occurring when he was traveling in the Andes of South America. Thirty years after the same phenomenon was witnessed in Europe but not in this hemisphere. And now, thirty years from the last event we have been able to witness a similar occurrence. Is it possible that the luminous ring around the planet Saturn are two trains of meteors describing their orbits around that planet. Yours truly,

S. G. LAND.

LEGAL NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

In the Matter of the Estate of Clarence Arnold, Deceased.

Notice of time and place for the hearing of petition for admission to Probate of Will.

PURSUANT TO AN ORDER OF SAID Court, notice is hereby given that Tuesday, the 13th day of December, A. D. 1892, at 10 o'clock a.m., at the Council Chamber in Salt Lake City, Utah, Territory, is the time and place of said hearing, has been appointed for the time and place for the hearing of a petition of Hyrum Arnold, praying for the admission to probate of a certain instrument purporting to be the testament and last will and testament of said Clarence Arnold, deceased, when and where all persons who expect to contest said will must appear and contest the probate of said will, and all persons interested in said instrument may be present and be heard thereon, and said will be proved for the said testator.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 6th day of December, A. D. 1892.

T. E. ALLEN,
(SEAL.) Clerk of the Probate Court.
By CLARENCE HOWELL, Jr., Deputy Clerk.

Founded in 1848. Incorporated Apr. 6, 1889.

TUBBS CORDAGE COMPANY,
MANUFACTURERS OF ALL KINDS OF
MANILA AND SISAL ROPE.
SIGNAL TWINE. BUTCHERS' CORDAGE. WALL ROPE.
411 & 413 Front St. SAN FRANCISCO.
J. Chatham, Resident Agent.

SCROFULOUS BABY.
Our Family Physician Recommends Cuticura Remedies, and Says They Cured Our Child.
Father Went 25 Miles to Get Cuticura, and Feels Thankful and Wants Others to Do as He Did.
My third child was born with scrofula when two months old, and we tried everything that the doctors could do. It broke out on her face and neck in one mass of sores. If we lifted her from her cradle the skin would come off in pieces. Our family physician was recommending to our friends who adopted him, and to our other friends, The Doctor and Cuticura Remedies. Our child was recommended to us by our family physician, and I gave her Cuticura Resolvent, Cuticura and Cuticura Soap. I have no words to express my thanks for the benefit received from the Cuticura Remedies. I went twenty-five miles to get them. My child is well and has a fine head of hair as she has, for which I feel thankful to you, for my little one is in good health. I have recommended Cuticura Remedies to others. Please use if you think it will do any good, and proceed to do as I did.
D. F. EVANSON, Lagrange, Fairfax, Ark.
I am the doctor that recommended Cuticura Remedies to D. F. Evanson. I have known them to cure several bad cases of skin and blood diseases, and I say they are good.
MRS. MARY E. HUGHES, M. D.
Cuticura Resolvent.
The new Blood and Skin Purifier, and greatest of Humor Remedies, cleanses the blood of all impurities and poisonous elements, and thus removes the cause, while Cuticura, the great skin cure, and Cuticura Soap, an exquisite skin beautifier, cure the skin and scalp, and restore the hair, when all else fails. Cuticura Remedies are sold everywhere. Price, Cuticura, 50c.; Soap, 35c.; Resolvent, $1. Prepared by the Potter Drug and Chemical Corporation, Boston.
Send for "How to Cure Skin Diseases," 64 pages, 50 illustrations, and 100 testimonials.
BABY'S own skin and scalp purified and beautified by Cuticura Soap. Another pain.

IT STOPS THE RUN.
Black eyes, bruises, cuts, scalds, sores, chilblains, and all other pains relieved in one minute by Cuticura Anti-Pain Plaster. 25c.

SAPONIFIER
Pure, Soft, Inodorous Saponifier. Superior to Any Other Saponifier. Ask Your Grocer for It. Take No Other. Manufactured only by the Penna. Salt Manufacturing Co., Philadelphia.

Unlike the Dutch Process
No Alkalies
or
Other Chemicals
are used in the preparation of
W. BAKER & CO.'S
Breakfast Cocoa
which is absolutely pure and soluble.
It has more than three times the strength of Cocoa mixed with Starch, Arrowroot or Sugar, and is far more delicious, nutritious, and economical than any of these, and does not cost more than one cent a cup.
Sold by Grocers everywhere.
W. BAKER & CO., Dorchester, Mass.

AT
WONDERLAND
ed 2d South Nat'l Cutgut Harp
THIS WEEK
WEEK OF DECEMBER 5TH.
Our Star Company in
MURDOCH'S PIONIC.
First Appearance of the Popular
LANG'S COMIQUES.
10c.—ADMISSION—10c.

HENRY WAGNER
SALT LAKE CITY
CALIFORNIA BREWERY.
LAGER BEER, ALE AND PORTER.
Wholesale and Retail.
A 36 EAST FIRST SOUTH STREET.

THE
Thomson & Taylor Spice Co.,
Importers and Manufacturers of the
FINEST SPICES
AND
FLAVORING EXTRACTS
KNOWN TO THE TRADE.
Proprietors of the Famous Brand of
RED CROSS LYE.
Michigan Avenue, Cor. Lake,
CHICAGO.

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R. K. THOMAS
THE SILK HOUSE
26, 28, 30, 32 EAST FIRST SOUTH STREET.

UNPRECEDENTED SALE
OF
BLACK SILKS
AND
PRIESTLEY'S
CELEBRATED
BLACK GOODS
For One Week Commencing Monday.

We want to turn Every Piece of Black Silk we have into Money This Week; to do this we will make these
Sweeping Reductions

BLACK SILKS.
$1.75 Peau de Sole for $1.25
2.00 Peau de Sole for 1.50
2.25 Peau de Sole for 1.60
2.00 Cord de Armures for $1.45
2.00 Satin de Armures for $1.45
1.75 Gros Grain for $1.25.
2.25 Gros Grain for 1.65
$2.65 Gros Grain for $1.85.
3.00 Gros Grain for 2.20.
1.75 Rhadame for 1.25.
1.75 Faille for $1.25.
1.75 Brocade for $1.25
Ten Pieces of Brocade at 75c, worth $1.00.
Black and all Colors of Satin at 95c.

We are Overstocked with Black Goods. We'll Sell them for One Week at
WHAT IT COST TO MANUFACTURE THEM

BLACK GOODS.
Priestley's $1.50 Black Melrose for $1.05.
Priestley's $1.50 Black Railway for $1.05.
Priestley's $1.50 Black Satin Twill for $1.05.
Priestley's $1.50 Black Crepe Cloth for $1.05.
Priestley's $1.25 Black Brocade for 90c.
Ten Pieces Fancy Black Armures, $1.00 goods, for 75c
Our $1.50 Black Storm Serge for $1.25.
Priestley's $1.50 Silk Warp, Black and White, for $1.05
Priestley's $1.25, Black and White, for 90c.
44 inch All Wool 75c., Black and White, for 55c.
Our Real English $1.75 Black Broadcloth for $1.25.
Heavy All Wool Black Storm Serge, 50 in. wide, for 80c.

These Prices will Hold Good for One Week Only

R. K. THOMAS.