

MAY BE SETTLED THIS AFTERNOON.

Council Committees Wrestled
With Conduit "Problem"
Last Night.

WANT \$75,000 FOR "EXTRAS."

Engineer Doremus Thinks the Proposed
Expenditure is Unwarranted—Kelsey Defended Moran.

The proposition of the present administration to spend the additional sum of \$75,000 on the Big Cottonwood conduit for extras was considered for about three hours last night by the council committees on engineering and sewerage, and at the end of that time it was decided to hold another meeting this afternoon at 3 o'clock for the further consideration of the matter.

On last Monday night City Engineer Kelsey recommended to the council the expenditure of \$17,513.59 for plastering the conduit, \$24,186 for covering the conduit its entire distance with dirt, and \$33,993 for increasing the thickness of the walls from six to eight inches.

DOREMUS NOT IN FAVOR OF IT.
Engineer A. F. Doremus, who was consulting engineer on the conduit during the last administration, was present at the committee meeting last night, and gave a very exhaustive talk in relation to the matter, during which he stated that in his judgment the only expenditure recommended by Engineer Kelsey which would be warranted at all was covering the conduit with earth and even that might be considered expensive, especially where the conduit crosses ravines on trestles.

KELSEY WANTS THE MONEY.
City Engineer Kelsey was the first speaker before the committee. He told the members what was desired in the way of betterments for the conduit and stated that a test had been made of 2,700 feet of the conduit which is completed and that it leaked badly, and that it would be necessary to cover it with dirt in order to protect it from the weather and thus have better water. As to making the walls thicker, he stated that that was a better job than plastering the inside of the conduit, and that it would be necessary to cover it with dirt in order to protect it from the weather and thus have better water.

QUESTION OF LOCATION.
He stated that he had not fixed the location of the conduit, but that he had agreed with the other engineers as to the general principles upon which it should be located. In his judgment the conduit should have been located entirely in the side of the mountain instead of being partly exposed. He concurred with Mr. Kelsey in regard to covering the conduit with dirt although there were some portions of it which would be practically impossible to cover and at any rate it would be decidedly expensive. Although he had borne the title of consulting engineer he stated that he had been nothing more than an assistant engineer on the construction of the conduit.

Mr. Doremus did not agree with the city engineer in regard to increasing the thickness of the walls and he argued that the same result would be obtained at much less expense by putting in more steel reinforcement bars where it was deemed necessary to strengthen the walls of the conduit. In regard to that matter he said further:

"Mr. Kelsey's proposition to increase the thickness two inches leaves us in exactly the same dilemma as when we started. Six inches probably is not thick enough in all places, in many places six inches would be ample. If we are to have a uniform thickness, why eight inches any more than six? Who is to determine how thick the walls should be, and how is it to be determined? It may be that at some places the walls should be twelve inches thick. You ought to have a man on the ground constantly to determine that question."

ALL LEAK MORE OR LESS.
As to the leakage in the conduit Engineer Doremus declared that every conduit ever constructed leaked more or less and in his opinion plastering the conduit would not stop the leakage entirely. He called attention to the fact that there is a heavy leakage in the water mains of the city and stated that the leakage from that source is greater than it would be from the conduit whether plastered or not. As to the leakage he said:

"There never was a conduit of any description that wouldn't leak some, but conceals, properly proportioned and skillfully laid, should convey water without any considerable loss. The tendency of porous concrete is to close up with use. Especially is this true where it conveys water full of mineral substances and all such as our Utah water. The conduit is bound to leak more when it is new; it will always leak some, even if you plaster the inside of it. It comes down, therefore, to a financial question, as to whether you want to plaster it."

OPINIONS WITHOUT FACTS.
He was asked by Councilman Black if he thought it would be advisable to plaster the conduit if by so doing the city could save 1,000,000 gallons of water per day. In reply to that he stated that that would depend upon whether or not plastering would be the best and cheapest way to obtain that saving. In his judgment it would not. He admonished the members of the committee against taking hasty action in the matter and stated that it should do more than merely get opinions from some one in regard to the proposed work. Opinions without facts, he said, were not worth anything in his estimation. He said that the Parley's canyon conduit was plastered on the inside, yet it leaked, and he thought that a thorough test of the work on the conduit should be made before definite action is taken.

George Roddy, one of the inspectors employed by the city on the conduit, made a few remarks in which he recommended that the conduit be plastered. At the conclusion of his remarks, the committee decided to hold another meeting this afternoon, as it was intimated by Contractor Moran that work on the conduit would be closed down unless the matter was determined by Monday night.

THEATERS VS. SERMONS.

Former Salt Lake Actress Strongly Advocates Sunday Performances.

Chicago, Feb. 24.—In an address before the Actors' Church alliance at its annual meeting yesterday Miss Sarah Truax, leading woman in a theatrical company appearing in Chicago, advocated the curtailment of Sunday religious services in churches to morning services only. As a substitute for evening services she proposed that church-goers attend a theatrical performance.

"There are many persons who can attend the theater only on Sunday," she said. "What can they do? The ministers expect them to come to church, but the church cannot offer the diversion to which they are entitled after a long hard week of work. Therefore let the people go to the church in the morning and to the theater at night."

OWEN'S CHARGES DENIED.

J. H. Scott Writes Facts Concerning Public Officers of Utah.

The following was received from Victor, Ida, under recent date:

"Editor Deseret News:

"In your 12th inst. issue of the Semi-Weekly News, I notice that Mr. C. M. Owen, marking of public officers of the State of Utah would indicate that all county superintendents of schools have been Mormons ever since Utah became a state.

"I wish to state that I have never been a Mormon, neither was I born of Mormon parents, but I do desire that a fair-minded person should have their just dues. Therefore, I will state that I am the office of county superintendent of schools in Emery county, Utah, for two years and seven months after Utah became a state. And the good people of Emery assured me another term if I would but remain and accept it.

"But I had the fever and did not stop. At that time I do not think there were more than 20 non-Mormon voters in the county. And now I was a staunch Republican, and the county was very strongly Democratic. All of the people knew that I was a non-Mormon, which shows to me very conclusively that the people voted for whom they pleased or desired.

"I was also a candidate for the constitutional convention, and came within seven votes of being elected. I have lived among the Mormons in different parts of Utah and Idaho for more than a quarter of a century, and can and will state truthfully that I never lived among a more kindly or better people.

"Yours for truth and honesty."

"J. H. SCOTT."

Y. W. C. A. ELECTION.

Question of Suitable Quarters Discussed by Executive Committee.

The executive committee of the Young Women's Christian association met yesterday afternoon, and discussed the question of quarters of the association, when the belief was expressed that by another week suitable apartments would be found. The following board of directors was elected: Mrs. C. J. McNeill, president; Mrs. J. B. Gresham, vice president; Mrs. A. B. Critchlow, treasurer, and the following: Mrs. J. B. Gresham, Mrs. George R. Hancock, Mrs. U. U. Hickey, Mrs. Benjamin Young, Mrs. Marcus Jones, Mrs. L. J. Lamb, Mrs. Maude Pittman.

FLAG IS GONE.

Valuable Trophy of Freshman Class Disappears From University.

Consternation reigned in the freshman class of the University of Utah yesterday when they discovered that their only trophy, the flag which they won at the last interclass rush, was gone. What puzzled them was the fact that they were unable to locate either the flag or any classmates who knew anything about the matter. After the rush last fall in which the freshmen bested the sophomores, the flag was given to the keeper of the class trophies, but at present, when class rivalry is so intense, the freshmen gathered to put their signatures on the previous year's flag was sent for and then the loss was discovered. No clue is yet furnished, and unless something develops within the next few days measures will be taken to locate the flag, for it is understood that all class trophies are to be left in the trophy hall of the gymnasium when that building is completed.

FIRST ORPHEUS CONCERT.

Program for the Event Was Completed Last Evening.

The program for the first Orpheus concert was completed last evening, and is as follows:

"The Long Day Closes".....Sullivan
Orpheus Club
"Auf Wiedersehen".....Schubert
Madame Lydia Sterling
"O Vision Entrancing".....from opera,
"Esmeralda".....Goring Thomas
Denn Hall
"Let Not Thine Eyes".....Nevin
"My Valentine".....Parker
"My Lady Thine".....Harris
Aria from the opera "Mignon".....Harris
Madame Lydia Sterling
"Phyllis has Such Charming Graces" (old English song).....Wilson
Two Little Girls (Scottish).....Lohr
"If All the Young Maidens".....Lohr
"The Little Irish Girl".....Lohr
Recitation and Aria, "Elizabet".....Mendelssohn
"Ye Fathered and Ye Sons".....Mendelssohn
"If With All Your Hearts".....Glenn Hall.

WARD ENTERTAINMENTS

Pioneer Stake Hall—The Pioneer Stake Sunday School Dramatic company will present "Hazel Kirke" at the stake hall, on Thursday afternoon, March 1, and in the evening. The matinee begins at 4 o'clock.

Fourth Ward—At the Fourth ward meetinghouse on Wednesday night next and at the Thirty-third ward meetinghouse on Friday night next, J. Frank Pickering's illustrated lecture, "Lights and Shadows of a Great City," will be given.

Sixth Ward—An entertainment of excellent quality will be given in the Sixth ward hall, on Third West between Fourth and Fifth South streets, next Wednesday and Thursday evenings, Feb. 28 and March 1, for the benefit of the Sunday school. A musical program, interspersed with recitations, will be followed by the pleasing two-act drama entitled "The Last Leaf" by the Sixth Ward Amusement company.

Sixteenth Ward—By special request the Sixteenth Ward Dramatic and Lyric association will again present the drama entitled "Miss Chester" on Wednesday evening, Feb. 28, at 8:15, in the new Social hall.

MARGARET TYREE MADE DEFENDANT.

Suit Filed in District Court to Set
Aside Deed to Little
Gem Claim.

FALSE REPRESENTATIONS.

Alleged to Have Been Made by John
Tyree in Behalf of His
Wife.

Suit was filed in the district court today by Albert Kattenhorn against Margaret Tyree to set aside a deed conveying to defendant the title to the Little Gem mining claim located in the Bullion district, Lander county, Nevada. The complaint alleges that by false representations made by John Tyree in behalf of defendant, his wife, plaintiff was induced to sell said claim to defendant for the sum of \$250. He now tenders said sum in court and asks that the deed executed on Dec. 12, 1905, be set aside and that defendant be compelled to transfer the claim back to plaintiff.

It is alleged that plaintiff executed a bond and lease on the property for the sum of \$5,000 to P. B. Lockyer, who assigned the lease to the Reliance Mining & Milling company. Prior to the time the property was deeded to defendant, her husband, claiming to represent her and also the Reliance Mining & Milling company, fraudulently represented that the company had given up its lease on the property and thereby induced him to sell the claim for \$250. The claim is now in the hands of the Reliance Mining & Milling company, who is now having his preliminary hearing upon the charge of filing a false report of the affairs of the company with the secretary of state.

TWO DECREES; NO DIVORCE.

Mr. and Mrs. Crooks Still Husband and
Wife Because of No Record.

Nearly Seven Years Ago Judge Ogden
Hiles made an order granting Mary A.

Crooks a divorce from Elmer E. Crooks,

and a little more than two years ago

Judge W. C. Hall made a similar order

in the case, but notwithstanding that

fact, Mr. and Mrs. Crooks are still

legally husband and wife, as no decree

of divorce has ever been filed for record

in the office of the clerk of the court.

Some time ago a Mrs. Mitchell of Seattle wrote to County Clerk Eldridge asking for a copy of the decree in the case, and upon a search of the records being made it was found that no decree had ever been filed, although it had twice been ordered by two different judges. A copy of the order for the divorce was forwarded to Mrs. Mitchell and the clerk then notified H. G. Twomey, the attorney for Mrs. Crooks, that no decree had ever been filed in his office.

Yesterday afternoon the decree signed by Judge Hiles was received from Attorney Twomey. It was dated Feb. 10, 1904, but inasmuch as the decree had not been filed while Judge Hall was on the bench, it was ruled by Judge Eldridge that it was of no effect and should not now be received and filed by the clerk. Hence Mr. and Mrs. Crooks are not legally divorced and in order to secure a legal decree it will be necessary for one of the present judges to hear the testimony in the case and render another decree.

The first decree ordered in the case by Judge Hiles was never drawn up by the attorney, and hence was never signed by the judge. So when the matter was brought up before Judge Hall he heard the testimony again and ordered another decree, but this one was signed by the judge, but not filed until after he retired from the bench, hence it is held to be void by Judge Morris. The whereabouts of either party to the action is not known at present, neither is it known whether or not either of them has again married. If they have married again greater complications will arise from the incident.

COURT NOTES.

A claim for damages in the sum of \$5,000 has been filed against the city by Attorney J. A. Large on account of a broken ankle received by him about three weeks ago by falling on an icy walk on the Kenyon hotel corner. The claim was filed with the city recorder and will be submitted to the city council for action on Monday night.

Hays Gann has filed suit for divorce in the district court, against Hattie Gann, on the grounds of cruelty and habitual drunkenness. It is alleged that the parties were married in this city on May 12, 1904, and that defendant has threatened the life of plaintiff, and has used vile language towards him. It is also charged that Mrs. Gann is a habitual drunkard, and that she frequents saloons and other vice resorts.

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MURRAY DEPARTMENT

The "News" is delivered in Murray and vicinity from the branch office

every night except Sunday. Branch

advertisements received. Office at D. B. Jones' Block.

Murray, Feb. 24.—The following

business was transacted at the

session of the city council last Tuesday

evening. The council accepted the

alarm gongs, one from the Utah In-

dependent Telephone company at \$5 a

year for rent, and the other from the

Bell Telephone company for \$4 per

year rent.

The marshal reported that the liquid

in the fire extinguishers was frozen up

and could not be used if needed. He

was instructed to employ some person

to put them in proper condition.

John Tripp put in a bid of \$145 to

repair the are lights and put them in

a first class condition.

The council offered its support in

doing all it could for the juvenile

sent in the Murray Opera House in

the near future. The eighth grade

students are practicing choruses for

the graduating class of Murray city schools.

DEATH OF MRS. JANE WOOD.

Mrs. Jane Lunn Wood, of Taylors-

ville, died yesterday, Feb. 23, of

dropsy, after several months' illness.

Mrs. Wood was 58 years of age and

was a devoted Latter-day Saint. Fun-

eral services were held in Taylorsville

last evening at 7 o'clock, and the

interment took place in the South

Cottonwood cemetery.

AMUSEMENTS.

Washington's birthday was general-

ly celebrated, all the business houses

closed in the afternoon and the day

closed with a grand ball in the Tro-

cadero. The neighboring wards also

spent the evening in dancing and a

lively spirit prevailed throughout.

Last evening the grand ward rendered

an exquisite program after which a

ball was tendered.

The bazaar committee met last

night and decided upon the arrange-

ment of the booths and the location

get up of the fair. A great deal of

enthusiasm was worked up and un-

solicited help offered. Energy is grow-

ing with the time and it is expected

by March 14, 15, 16 that the people

will be so wrought up that they will

turn out to make it the greatest affair

ever given in the ward.

NEWS BRIEFS.

Wm. Boam, N. W. Erickson and J.

W. McHenry spent Tuesday in Ogden

on business.

Isaac Hadley has moved west on

Seventeenth South. The house he

formerly occupied is being torn down

to give room for the Utah Implement

Co.'s new building.

R. E. Farris and family, living near

the Highland Boy, have moved to Salt

Lake City.

H. C. Atwood made a real estate

transfer this week of 26 acres, the con-

sideration being \$3,000. The farm was

owned by Wm. Wengren of Union.

Dr. Chas. Olson was made happy by

the appearance of a fine girl on Wash-

ington's birthday. This is his thir-

teenth child.

The three firms that consolidated un-

der the name of the Emporium, com-

menced business Wednesday.

The members of the Murray Business

Men's association are making arrange-

ments to accompany the brothers on

the north on the "get acquainted trip"

to the south, March 7. President F.

C. Howe said last evening that he was

positive that Murray would be repre-

sented by a number of young men, and

members, and would occupy a separate

car.

A fine baby girl arrived at the home

of Mr. James Dunster Feb. 15.

RUSSIAN PRISONERS.

Their Repatriation Will be Finished

During the Present Year.

Yokohama, Feb. 24.—The repatriation

of Russian prisoners, the number of

whom is estimated at 1,424 of-

ficers and 70,476 men, will be finished

during the present year.

Gen. Daniloff, the Russian com-

missioner sent to Japan to receive the

prisoners, has been ordered home to

St. Petersburg to receive promotion

for his efficient service.

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PRESIDENT IN GOOD SPIRITS.

Over Favorable Report of Senate
Committee on Hepburn
Rate Bill.

HEPBURN SAYS "DELIGHTED."

Roosevelt Regards Tillman as a Game
Fighter and an Honest
Man.

Washington, Feb. 24.—President Roosevelt is said to be in excellent spirits over the favorable report of the Hepburn railroad rate bill by the senate committee on interstate commerce.

"The president is delighted," is the way Representative Hepburn, the author of the measure, put it. "The president is greatly pleased," said Senator Dooliver, a member of the committee, after his conference with President Roosevelt.

Several members of the senate and house, who are particularly interested in rate legislation, had talks with the president today. Senators Dooliver and Clapp of the interstate commerce commission, and Speaker Cannon and Representative Hepburn discussed briefly the situation with the president.

"There is no gloom around here," remarked Senator Dooliver, as he was leaving the executive offices. "The president is greatly pleased and offers no criticism at all. Yes, I believe the bill will pass the senate, perhaps without amendment. It will go through in practically its present shape."

"Is Senator Tillman to have a conference with the president about the bill?"

"I don't know about that," replied Senator Dooliver, "but I do know what the president thinks about Tillman. He told me 16 days ago that he regarded Tillman as a game fighter and an honest man."

Representative Hepburn would not discuss the rate situation, but indicated that the president was gratified that the pending measure should have been reported favorably.

When an expression was sought from Speaker Cannon, he fancied cleverly.

"Like Paul of old," he remarked, "let these things move me not."

Representative Townsend of Michigan, who has been identified with rate legislation from the inception of the proposition, said, after talking to the president:

"The president is happy. I cannot say he is perfectly satisfied, for perhaps he might like to have had some points of the measure in different shape. Upon the whole, however, he is in fine spirits. In the selection of Senator Tillman, a Democrat, to make the report, it strikes me that some members of the committee, realizing they were defeated, took this means to slap those who were supporting the Hepburn bill. The prospect for the enactment of the measure is, I think, very good."

ACQUIT BANKER MCCUTCHEON.

Des Moines, Ia., Feb. 24.—Banker Fred McCutcheon, on trial at Ida Grove for receiving deposits after his bank at Hol-

stein, Ia., was insolvent, was today ac-

quitted of the charge. McCutcheon's

brother testified that he received the al-

leged unlawful deposits instead of the