

## REVERSAL BY SUPREME COURT.

Judgment Changed in the Case Of K. P. Mining Company Vs. Tony Jacobson.

### WAS NO BREACH OF CONTRACT

Suit Over Proposed Purchase of Group Of Copper Claims in Little Cottonwood.

The supreme court today handed down an opinion in the case of the K. P. Mining company against Tony Jacobson, appellant, reversing the judgment of the lower court and ordering the action dismissed. The action was brought by plaintiff to recover \$1,500 damages for an alleged breach of contract on the part of defendant in connection with his agreement to purchase from plaintiff the Native Copper group of claims in Little Cottonwood district for the total sum of \$40,000.

The plaintiff contended that defendant failed to comply with the terms of the contract in that he did not perform the required development work on the claims from Feb. 23, 1903, until Oct. 5, 1903, the date upon which it was alleged that he surrendered his option. The lower court rendered judgment in favor of plaintiff and was discharged. The supreme court reverses this judgment on the ground that the evidence did not show that defendant surrendered his option on the date mentioned, and for the further reason that the contract stated specifically what acts would be constituted a breach of the contract and also fixed the damages for any breach. Inasmuch as it does not appear that an action against defendant would lie under the terms of the contract under the action dismissed, Justice McCarry wrote the opinion of the court, which is concurred in by Chief Justice Barish and Justice Straup.

### JURY DISAGREES.

The jury in the case of the State of Utah against Lewis Norton, charged with forgery, was unable to agree on a verdict and was discharged. Further consideration of the case by Judge Armstrong. Norton was charged with forging a check on Walker Bros. bank for \$140 on July 1, 1905. The trial of the case was concluded shortly before 6 o'clock yesterday afternoon and the jury came in about midnight and reported that it could not agree upon a verdict.

### PRESENT FROM BUTTE.

Gov. Cutler Gets Engraved Paper Knife of Solid Copper.

Gov. Cutler was today presented with a handsomely engraved paper knife made of solid copper from the Butte mines. The knife was sent to the governor by the Haight & Fairfield company of Butte, and was delivered by W. W. Latham, who is in the city as a delegate to the "See America First" conference. The handle of the knife contains an engraving of a mine scene, and miners with their instruments while the blade contains the words "Butte, Montana," on one side, and the name, "John C. Cutler," on the other.

### AMUSEMENTS.

The big choir and organ concert at the Tabernacle tonight occurs at 8:15 sharp and will last about one hour. It will be in honor of the delegates to the "See America First" conference, who will occupy the east end of the gallery. All other portions of the house will be free to the public.

Chas. B. Hanford presented three widely varying characters at the Tabernacle yesterday afternoon and evening. Shylock in "The Merchant of Venice," "The Old Guard" in the play of that name, and "Ingomar" of the three renditions. "The Old Guard" is far and away the best. It is a favorite part

with many actors of the school that is past and gone, but few of them play it with more care, virility and intelligence than Hanford. As a delineator of Shakespeare he cannot be said to be in the highest class. No actor with a high tenor speaking voice can ever become an ideal reader of the tragic roles, but Mr. Hanford has a clientele of his own, one not inclined to be over critical. He plays, in fact, to the masses, and his renditions might be called a sort of People's Shakespeare. His "Merchant of Venice," for which popular prizes were made to all the schools, drew an immense throng, and one that was so greatly pleased that it forced Mr. Hanford to come out of the character of the Jew and render a speech, which he did with great felicity. "Ingomar" at night drew a fair house.

Miss Blanche Kendall Thomas, a well known Salt Lake actress, had a charming reception in the part of Jessica in the afternoon, and in the leading lady's role in "The Old Guard" at night. She was specially good in the latter, her little French accent being thoroughly in keeping with her part. She was applauded most heartily for her sweet renditions in both the performances, and in the afternoon some handsome floral offerings were thrown at her feet. Miss Thomas does not appear in tonight's bill, but will spend the time visiting her parents before leaving with the company.

Prof. Pedersen led the orchestra, and the work was excellent throughout.

The fine old play of "Hazel Kirke" goes on at the Grand tonight. A special matinee will be given tomorrow complimentary to the orphans and old folks of the infirmaries, and the regular matinee will be given Saturday.

### APPOINTMENT APPROVED.

Mayor Thompson today approved the appointments made by Chief of Police Sheets at Monday night's meeting of the city council and also approved the ordinance naming the number of employees in the land and water commissioner's department and fixing their salaries.

### PERSONALS.

Dr. W. L. Bishop left last night on a professional trip to Butte. W. S. McCormick has gone to California on a 10 days' business trip.

Alfred Christensen has returned from a business trip to the Atlantic coast.

Supt. W. P. Read of the street railway service is ill and confined to his house.

Manager Campbell of the Light & Railway company is in Logan today on business.

Secy. J. J. Thomas of the state board of equalization has returned from a trip to Caliente.

Mrs. Florence Craig and Mrs. M. Donohue have returned from a three months' visit in the south.

Manager Fred Wood of the Wilson hotel has been quite ill with the grip, but is now able to be about again.

General Manager Murray and General Superintendent Summers of the Bell Telephone company, are in Montana on a business trip.

Thomas H. Rodgett of Chicago, representing the Outing and Bohemian magazines, is in town to attend the "See America First" conference.

G. G. Wright, manager of the C. W. & M. company at Idaho Falls, is in town today for the purpose of attending the meeting of the company's board of directors this afternoon.

Sixteenth Ward.—A dancing party will be given by the Hall committee of the Sixteenth ward in their new social hall tomorrow evening. Good music has been engaged for the occasion and an enjoyable time is anticipated.

Clarence E. Edwards, chief of the publicity bureau of the California Promotion committee, is at the Knutsford from San Francisco. He says the "See America First" movement is a mark of progressiveness in Salt Lake, as it originated here.

Sixth Ward.—Tonight and tomorrow night the Sixth Ward Dramatic association will present in the ward hall the four-act comedy-drama, "A Woman's Honor." The cast is made up of young people of recognized ability, and a finished performance is assured.

L. M. Earl, manager for the Salisbury Investment company at St. Anthony, arrived in Salt Lake yesterday, and returned today. Mr. Earl is enthusiastic over the general business outlook for the growing Idaho town. When he arrived at his hotel he was inquired after his name: "See America First, if you will, but take in St. Anthony first."

## SHERIDAN GETS CAPITAL NEWS.

Court Decides in His Favor in Long Drawn Out Judicial and Newspaper Controversy.

### SEQUEL TO SENSATIONAL SUIT

Decision Was Handed Down Today at Boise by Judge Stewart—The Points in Dispute.

(Special to the "News.")

Boise, Jan. 25.—Judge Stewart this morning handed down a decision in the case of R. S. Sheridan vs. J. H. Brady, in favor of plaintiff, and ordering Brady to turn over to Sheridan, proxies to vote the stock which, it was alleged, had been secured by defendant.

This is the sequel to a sensational case which has been aired in the courts at Boise and which was brought to decision by Judge Stewart. Sheridan, who is business manager and principal stockholder of the News, assigned a big block of stock as collateral for a loan made to improve the paper. The case developed a number of ramifications which involved Editor Fisher and Mr. Brady, both interested in and employees of the Capital News. Sheridan accused these two of endeavoring to wreck the paper and entering into a conspiracy with Brady to do so. Land suits and counter charges were filed and three weeks ago there was considerable dirty linen washed in consequence in the courts.

### WILL BE BROUGHT BACK.

Asst. County Atty. Lyon today drew up requisition papers for the return to this state of Oswald Ferris, the 15-year-old boy who escaped from the Reform school at Ogden on Nov. 15, 1905, and who was arrested recently at Omaha.

### WARD ENTERTAINMENTS

Fourth Ward.—The people of the Fourth ward will hold their annual reunion tomorrow night, in the ward house, the affair being under the auspices of the amusement committee and the Relief society. A splendid program has been prepared, which will include speeches, musical numbers and possibly dancing. In addition delicious refreshments will be served. All members of the ward over 14 years of age are cordially invited.

### LATE LOCALS.

The infant child of George D. Bennett of this city, who has been dangerously ill for a week, is convalescent.

The First Regiment band will give a social hop Friday evening, in the state armory, for the benefit of the band fund.

Judge Armstrong today dismissed the case of the state against Pete Ferreri de Sallo on motion of Dist. Atty. Loofbourrow on the ground of insufficiency of the evidence. The man was charged with forgery alleged to have been committed on Aug. 30, 1905.

There was a fire scare in the basement of the Scott-Sirewell building just before noon today, caused by some one stepping on a match and setting fire to some oakum. The fire department was called out, but there was no blaze to fight, and no damage was done.

Mattie Matney of Roseburg, Or., writes the postmaster inquiring as to the possible whereabouts of Mrs. R. L. Nellis, who was wanted. Frank Thomas of 140 Broadway, New York city, writes inquiring about his brother, Joseph M. Thomas, formerly of the Twenty-second light battery at Fort Douglas. Joseph's mother has worried herself sick over his whereabouts.

The ancient wooden kitchen annex of the old Valley House on west South Temple street is being demolished to

make way for the 40x100-foot, one-story office room and storehouse to be erected at an expense of \$4,000 by the Hubbard Investment company for the Sharnaut-Ottenger Automobile company. The investment company owns the Valley House, and before long will tear it down, as the building is too old for any permanent business use.

### SPIKE AND RAIL.

Supt. Frank S. Elliott has returned from his inspection trip over the Rio Grande Western.

Traveling Freight Agent Mandenfield of the Salt Lake Route returned yesterday from Milford, where he went in connection with the sheep shearing corral. While there he picked up six tickets for the Elks' excursion to Los Angeles.

H. A. Johnson, general freight agent of the Colorado & Southern, is due to arrive in this city today on his return from Los Angeles, where he went to attend the meeting of the Western classification committee.

### MIDSHIPMAN DECATUR.

Is Dismissed From U. S. Naval Academy for Hazing.

Washington, Jan. 25.—Stephen Decatur, great grandson of Commodore Decatur, first class United States naval academy, was today dismissed from the academy by Secy. Bonaparte, in conformity with the sentence of the court-martial in his case on the charge of hazing.

### GENERAL WHEELER IS SINKING RAPIDLY.

New York, Jan. 25.—Gen. Wheeler was very low and sinking rapidly shortly after 2 p. m. today.

### HOUSE PASSES STATEHOOD BILL BY VOTE OF 194 TO 150.

Washington, Jan. 25.—By a vote of 194 yeas and 150 nays, the statehood bill was passed by the house at 2:22 p. m. today.

### SCIENTIFIC MISCELLANY.

The electric arc has been explained by Prof. J. J. Thompson on the assumption that the positive and negative electrodes emit electrified corpuscles or ions which, under the influence of electric repulsion, travel across the space of the arc, and bombard the opposite electrode. The electric current itself is supposed to be conveyed by these ions, and their bombardment produces the high temperature of the electrodes. In a British Royal society paper, Mr. A. A. C. Swinton describes experiments with a magnet showing that positively and negatively charged particles actually do cross in the arc, proving, as he believes, the absolute correctness of the theory.

Gas pipes of paper as tried in Europe are reported to have advantages, and are very light and cheaper than metal. In making them, Manila paper is first cut into strips having a width equal to the length of the section. The strips are dipped into molten asphalt, tightly wound to the right thickness around a core of iron rod or pipe, and coated with a layer of lead. The core being then removed, the outside of the pipe is waterproofed.

The height of the aurora borealis seems to vary greatly. The spectral light has been seen touching the earth in Arctic regions, but measurements made during a recent aurora near London show that the red could not be more than less than 600 miles high, the green being much nearer the earth's surface.

Late observation has suggested that the disintegration products of radioactive elements do not always yield helium, and that silver is formed by the disintegration of lead.

An engineering surprise is the wariness of city subways. It was expected that these, like cellars, would be warmer than the outer air in winter and cooler in summer, but experience has shown that they are always warmer unless artificially cooled. This is partly due to the heat from the respiration of passengers and partly to that from the transformation of the energies brought into use for lighting and for traction. The air of the tunnel of the Paris Metropolitan and the New York subway is found to be about 6 deg. F. warmer in summer than that outside, and it is estimated that to keep the variation down to this limit in the New York subway, the air must be renewed about 200 times every twenty-four hours. Forced ventilation by fans seems necessary to make such tunnels endurable in the hottest weather.

About five fires per week were set in

## Friday and Saturday "The Paris." Friday and Saturday

# One Thousand Skirts at Fifty Cents on The Dollar!

OUR buyer, who is now in New York, had the good fortune of having presented to him the GOLDEN OPPORTUNITY of BUYING a large WHOLESALE MANUFACTURERS' entire SAMPLE line of High Grade Skirts at fifty cents on the dollar, in fact at less than cost of material alone. The transaction was spot cash—"as he had to have the money"—OUR BUYER being on the spot, the deal was closed, instructions were wired to place on sale at once and give the public full benefit of the purchase, thus passing the same saving to the customer, as is our rule, and in addition to this all of our regular line skirts go right in with this lot, thus, giving you a double benefit.

The line consists of all styles and materials—Plain full circular and pleated effect—In-step length and semi-lengths and fine dress lengths, fancy stitched and fancy braid trimmings, in fact every style and material is represented in this enormous lot. Read the items below and give us an early call.

\$2.75 and \$3.00 Skirts, all sizes and colors at this sale \$1.19  
3.50 and 4.00 Skirts, all sizes and colors at this sale \$1.69  
4.50 and 5.50 Skirts, all sizes and colors at this sale \$2.69  
6.00 and 6.50 Skirts, all sizes and colors at this sale \$3.69  
7.50 and 8.50 Skirts, all sizes and colors at this sale \$4.39  
9.00 and 10.00 Skirts, all sizes and colors at this sale \$5.39  
10.50 and 11.00 Skirts, all sizes and colors at this sale \$6.39

This is but a partial list, time and space not permitting a more fuller description.

GIVE US AN EARLY CALL.

200 Girls Coats, \$4.50 and \$5.00 Values for \$1.95 300 Furs at One-Half and Less.

London last year by petroleum lamps. This gives importance to the problem of producing a cheap safety lamp, and an association of the leading English grocers have offered a handsome prize for a lamp, costing not more than fifty cents, that shall be as safe as a common candle under all conditions of ignorance or carelessness. Though this is the fifth time the prize has been offered, no satisfactory invention has been found.

A Japanese beetle, of a species as yet undetermined, lately came into the possession of Prof. Smythe, a Topeka entomologist, in a singular way. Hearing a faint gnawing sound in a Japanese flower-stand, the owner bored into the wood, when he discovered the beetle larva, which had been there several years. Since reaching the open air, the worm has developed wings and grown into a fine specimen.

The present decay of the land is sufficient, even should it not be accelerated, to reduce the dry land to the level of the sea, and threaten another flood, in a comparatively short time.

Invisible platinum wire is stated to

have been drawn by the late Henry P. Read a third of a century ago. Several yards were made, in lengths of three feet or less, and when wound upon a white card it could be felt but ordinarily could not be seen, although its shadow was visible. The wire was drawn through as fine a hole as could be conveniently drilled. When the platinum was reduced to this size, it was coated with silver and again drawn through the die. This was repeated as many times as necessary, when the silver was dissolved away, leaving the fine platinum wire. The product was intended for the cross-threads of optical instruments. The animal hairs employed were affected by dampness, but the brightness of the metal proved an even more serious disadvantage, so it never came into use.

The "blazing beach" which attracted such attention at Kittery Point, Me., one evening last September, has been investigated by Prof. D. P. Penhalow. Beneath an inch of sand he has found a six-inch layer of black organic debris, including marine plants and fragments of wood and bones, and the carburetted and phosphuretted hydrogen from this material undoubtedly ignited spontaneously, as in the well known will-o'-the-wisp of marsh lands. The flames, ex-

tending 200 feet along the beach and 30 or 40 feet out over the water, rose to a height of a foot, burning three-quarters of an hour with a sharp crackling sound.

Reinforced glass, produced by rolling two plates of glass with a metallic grating between them, promises to be some of great importance as a building material. In a recent French test, a sheet four feet long by 18 inches wide and less than a quarter of an inch thick easily supported 1647 pounds, and under heavy weight or exposed to fire it bent and cracked without breaking. Its strength, resistance to fire and passage of light admirably fit it for roofs, shop windows, partitions and stair cases.

### NOTICE OF DISSOLUTION OF PARTNERSHIP.

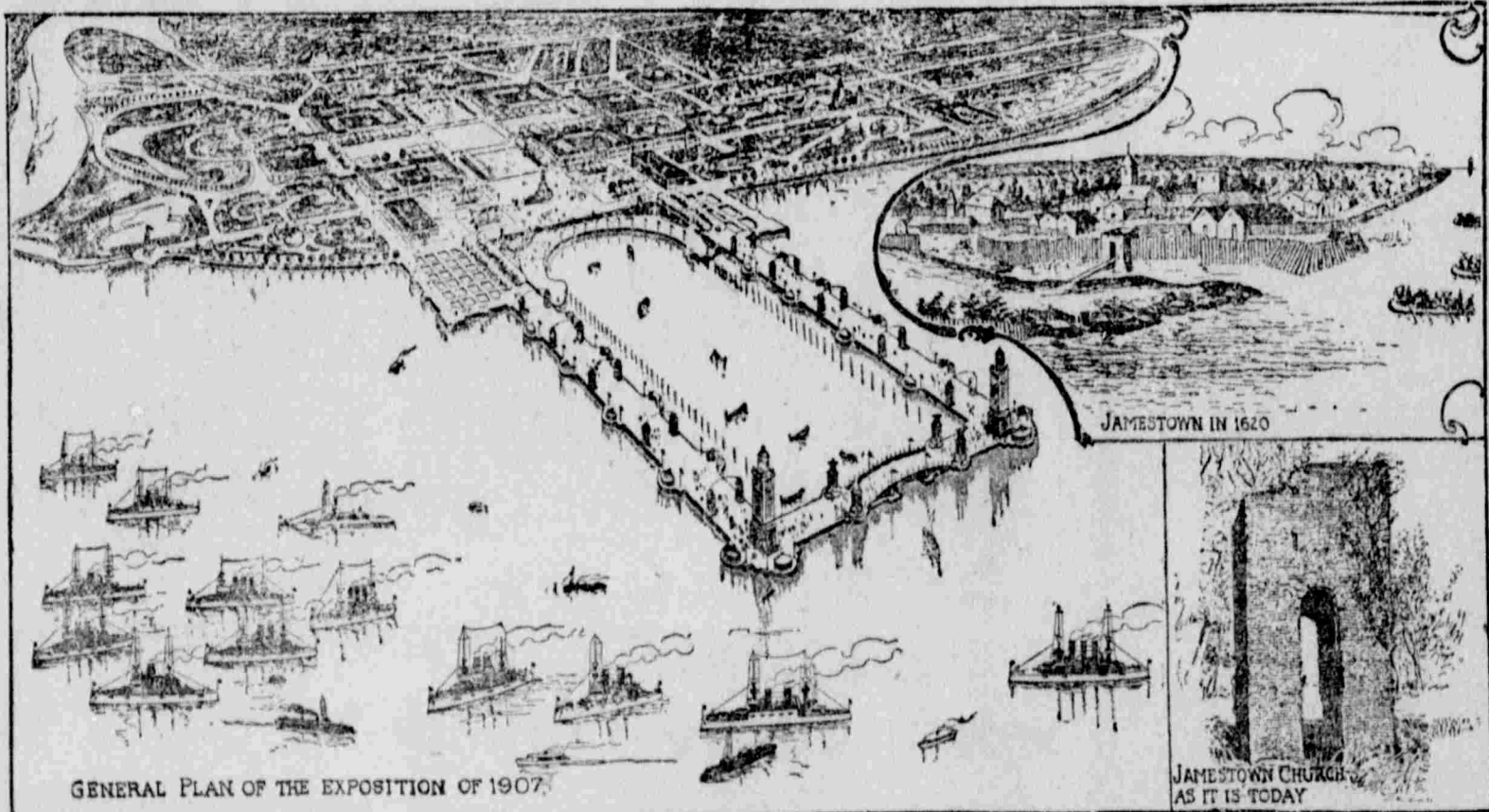
The co-partnership heretofore existing under the firm name of O'Neil & Knight, doing business at No. 16 and 17 East First South Street, Salt Lake City, Utah, this day dissolved by mutual consent. All parties having accounts against said firm will present same for payment on or before February 1st, 1906. JOHN A. KNIGHT, JOHN P. O'NEIL, Dated this 25th day of January, 1906.

# Tercentenary of the English Settlement of Virginia; The International Exposition to Be Held at Jamestown

THE three hundredth anniversary of the settlement of Jamestown, Va., which dates from May 14, 1607, will be celebrated in the summer of 1907 by a public commemoration in which all the nations of the earth have been invited to participate. The congress of the United States passed an act on March 3, 1905, providing for the demonstration, and on the 29th of the same month the president made proclamation to the same effect.

That congress realized fully the deep significance of the anniversary is apparent from the title of the act, "An act to provide for celebrating the birth of the American nation, the first permanent settlement of English speaking people on the western hemisphere, by holding an international naval, marine and military celebration in the vicinity of Jamestown on the waters of Hampton Roads in the state of Virginia, to provide for the suitable and permanent commemoration of said events and to authorize an appropriation in aid thereof and for other purposes."

The president in his proclamation was equally alive to the importance of the occasion. He declares that there shall be inaugurated in the year 1907 an international naval, marine and military celebration, beginning May 13 and ending not later than Nov. 1, for the purpose of commemorating in a fit and appropriate manner the birth of the American nation, the first permanent settlement of English speaking people on the continent, and in order that the great events of American history which have resulted therefrom may be accentuated to the present and future generations of American citizens.



GENERAL PLAN OF THE EXPOSITION OF 1907.

be held contemporaneously and in close concert with the government celebration in 1907. There is little probability that the invitation will pass unheeded. On the contrary, there is every reason to expect that the coming naval and military displays will be the most imposing ever seen in this country or in any other. A statistician of the navy department has calculated that the vessels which will ride at anchor in the roads will represent a value of no less than \$250,000,000. Among them will be bat-

leships of the latest construction, cruisers, monitors, destroyers, torpedo boats and submarines representative of the flags of every nation.

The leading land feature of the government display will be an international military encampment. It is expected that crack regiments from all nations will participate. International drills and maneuvers will be held at frequent intervals, and prizes will be offered for competing bodies of troops. The army and navy in combination will execute

movements of much interest to the beholder, and that remarkable naval duel of the civil war, the contest between the Merrimack and Monitor, will be reenacted several times.

Previous to England's attempt to colonize Virginia America had been a treasure trove to the Spanish crown. That country had long been an object of the most burning envy to England, who saw her hated rival made opulent by the galleons of treasure gathered in the new world. After the destruction of the

armada and the consequent crippling of Spain's maritime power England resolved to appropriate for her own benefit some of the riches that had made Spain the greatest power in Europe. As early as 1584 Sir Walter Raleigh, who was as shrewd as he was adventurous, obtained a charter from the crown to colonize America. As a preliminary he sent his two trusty captains, Amadas and Barlowe, to explore the coast and make charts of the rivers which flowed into the sea.

After the return of the captains to England Raleigh sent out the first company of colonists under Sir Ralph Lee, a harum scarum young baronet, who was ready for any proposition. This party had a sorry time of it. Most of the adventurers died from fever or were slain by the Indians. They did not succeed in making any permanent settlement. In about a year Sir Francis Drake rescued the survivors and took them home to England. The sad experience of this expedition did not prevent another from sailing in the following year and one every year for six consecutive years thereafter. None of them was able to do anything to accelerate England's permanent entry into America. After ten years of this sort of thing matters remained about as they were in the beginning.

In 1602 Gosnold organized a company bent on colonization. By the time these would be colonists reached America they had changed their minds and declined to land. They took a few observations and did a little surveying and then returned to England. At this time the colonization of Virginia was the most prominent subject of discussion in England. Even the pulpit took a hand in it, pro and con. Companies were organized and abandoned, and dates for sailing were fixed and forgotten, and the whole country did nothing much in the matter but talk incessantly.

Finally three of Raleigh's captains set sail in three small frigates determined to conquer or perish in the attempt. They left England early in December, 1606, and they were on the sea until the

following April 26. On that day they sailed in between the two Virginia capes, which they named after the two sons of the king. The next morning Spain the greatest power in Europe, they anchored in Hampton Roads. Some days later they proceeded up the James river and landed on a peninsula—which long ago became an island—about thirty miles from its mouth. They made a camp and called it Fort James in honor of their sovereign. Later it was called Jamestown and then Jamestown. The first tent erected at Jamestown was used as a chapel. In it Rev. Robert Hunt, the chaplain of the expedition, read the first service and preached the first sermon in the English language ever heard on American soil. The pioneers set to work to build log houses and palisades, but it was an uphill detaching from the first. The region was malarial, food was scarce and the Indians were unfriendly. There had been 105 men in the company when the landing was made, but in a few months only thirty-eight survived. Their captain Christopher Newport came to their rescue, with a hundred men and a supply of provisions.

After that several additions were made to the colony. According to the most authentic tradition, those who came were not ideal pathfinders. It has been suggested that too many savages should not be attributed to them. Massacre, starvation and sickness made sad havoc with them. When Smith sailed to England for relief 600 men were living at the fort, but when relief came only sixty remained.

That indeed was a critical moment for Jamestown. All agreed that the experiment must be abandoned. It was so decided by popular vote. With drums rolling a huge and with tears in their eyes the survivors loaded their few belongings and boarded the pinnaces that were to take them home. When they had proceeded as far as Hampton Roads they met Lord Delaware, the new governor, and his fleet, and they realized that their opportune coming had saved Virginia.

E. J. POLLARD.