

LOVER FILED TO KEEP HIS PROMISE

Accordingly Sevier County Girl is
Awarded \$2,500 Damages by
The Supreme Court.

APPEAL WAS OF NO AVAIL.

District Court Gave Judgment by De-
fault Which A. S. Crozier, Defend-
ant, Appealed From.

The supreme court today affirmed the judgment of the lower court in the case of Hannah Peterson against A. S. Crozier, appellant. In the district court in Sevier County judgment was awarded plaintiff for \$2,500 as damages for breach of promise. From this judgment an appeal was taken.

The plaintiff claimed that defendant failed to appear and a default judgment was rendered against him. He later attempted to have the judgment set aside but the lower court denied his motion for the reason that a proper showing was not made in support of the motion.

The supreme court, in its opinion, written by Justice McCarthy and concurred in by Chief Justice Hatch and Justice Stroup, affirms the judgment and the action of the lower court in refusing to set aside the judgment.

MRS. MURPHY'S SIDE.

Denies Husband's Allegations and
Charges Extreme Cruelty.

Mrs. Louise T. Murphy, in her answer filed in the district court today, denies that she deserted her husband, Charles T. Murphy, who is suing her for divorce. She not only denies the allegation, but she comes back at her husband with some serious charges of cruelty and infidelity. She alleges that shortly after their marriage in 1897 her husband began using cruel and abusive language towards her and has kept up this cruel treatment ever since.

His treatment of her, she claims, made her a nervous wreck, and she was compelled to seek a lower climate for the benefit of her health. She accordingly went to California in January, 1903. She returned in April of the same year, and found that her husband had been untrue to her. When she charged him with infidelity she claims that he threatened to shoot her.

She alleges that her husband is a liquor dealer and has property and money of the value of \$15,000, and that she furnished him the money with which to go into business, and also loaned him \$750 at different times, which he expended in paying back to her but failed to do so. She also claims that he has been drinking and that she is a nervous wreck, and she was compelled to seek a lower climate for the benefit of her health. She accordingly went to California in January, 1903. She returned in April of the same year, and found that her husband had been untrue to her. When she charged him with infidelity she claims that he threatened to shoot her.

JUDGMENT REVERSED.

Action of Supreme Court in Case of
Cotter v. Metcalf.

An opinion reversing the judgment of the lower court and remanding the case for a new trial was handed down today by the supreme court in the case of William M. Cotter vs. C. E. Metcalf et al. The case was brought to recover a balance of \$45,000 alleged to be due on a wool transaction between plaintiff and defendants. Judgment was rendered in the lower court in favor of defendants and remanding the case for a new trial. The action was brought to recover \$1,500 for a house alleged to have been unlawfully removed from plaintiff's premises by defendants and also for \$5,000 damages for removing the same. Judgment was rendered in favor of defendants in the lower court and it is reversed by the supreme court.

Another Reversal.

In the case of Mark Kunkel appellant
vs. the Utah Lumber Company and C. E. Murphy the supreme court today re-
versed an opinion reversing the judg-
ment of the lower court and remanding
the case for a new trial. The action
was brought to recover \$1,500 for a
house alleged to have been unlawfully
removed from plaintiff's premises by
defendants and also for \$5,000 damages
for removing the same. Judgment was
rendered in favor of defendants in the
lower court and it is reversed by the
supreme court.

Criminal Conduct Charged.

Mary E. Jensen filed suit for divorce in the district court today against Andrew A. Jensen on the grounds of non-support and criminal conduct with Flora Olson, Plaintiff and defendant were married in this city on Sept. 22, 1901, and have three children. Plaintiff asks for the custody of the children and for a reasonable sum as suit money and alimony and that defendant be restrained from molesting or communicating with her property pending the determination of this action.

Suit Against Redman.

Suit was filed in the district court today by K. A. Pennington against the Redman Van & Storage company to recover the sum of \$1,500, alleged to be the value of certain household goods belonging to plaintiff and unlawfully converted by defendant to its own use. It is alleged that the property was stored with defendant company on Aug. 8, 1903, and that on March 25, 1904, defendant unlawfully sold the same and pocketed the money.

COURT NOTES.

The motion for a new trial and the time for passing sentence in the case of the State of Utah against Frank Colyer was today continued until Aug. 8 by Judge Armstrong. Colyer was convicted of robbery.

Judge Armstrong today dismissed the case of Salt Lake City against Frank Dagnan, upon stipulation. The defendant was charged with assault and battery, alleged to have been committed upon Mary Stringham on Oct. 8, 1904. The case was never brought to trial, and is now dismissed for want of prosecution.

Sheriff J. N. Corey of St. Anthony, Ia., was in the city today and presented requisition papers for the return to Idaho of John Alfred, who is wanted for grand larceny. Gov. Cutler held the papers and Sheriff Corey left this afternoon for Moab to get his prisoner. Alfred is charged with stealing a horse from Hiram Edwards at Lewisville, Ia., on May 15, 1905.

PREST. HARRIMAN VISITS SALT LAKE

Trip is Regarded as Significant
Despite Gentleman's An-
nouncement.

HIS STAY HERE VERY BRIEF

Believed He Will Take Up Matters
At Present in Conflict With
Western Lines.

E. H. Harriman is a visitor in Salt Lake this afternoon. His special train of seven cars pulled in to the Oregon Short Line depot at 12:55 o'clock. It passed Ogden without stopping at 12:02 o'clock, and made a rapid run to Salt Lake.

Mr. Harriman will not remain long in the city. He stated his proposed visit to be "about two hours long" when seen at the depot, and his train is ordered to be ready for departure at 3:30 o'clock.

The party was met at Green River by Wm. H. Bancroft, vice president of the Oregon Short Line road, and he is in charge of the local entertainment. Division Supt. H. W. Hilliker rode the cab into Salt Lake and took personal charge of the train and its movements in the yard. Dan S. Spencer, assistant general passenger agent, met the party at the train with two automobiles, and escorted them to the Oregon Short Line offices, after which the program included an organ recital in the Tabernacle and an automobile ride about the city.

In the baggage car of the special a large number of automobiles were carried all ready to roll out for action on the streets, but it was not called for.

MR. HARRIMAN APPEARS.

The program originally included a lunch at the Alta club, but on account of the late arrival the party lunched on the train between Salt Lake and Ogden. They were still in the diner when the train pulled in, but soon Mr. Harriman emerged, hatless and in a light summer suit, after a report had been taken in to him regarding the trains for Los Angeles over the San Pedro route.

"Looks like a cyclone had struck this town," he remarked to Mr. Bancroft as he glanced over at the wreck of the overhouse, which is now being demolished.

NO MORE EQUITABLE.

"What do you think of the Equitable trouble," said the interviewing reporter, after the local "news" had been enough. "I have already said all I am going to on that subject."

Questioned as to the significance of his visit, he reiterated that it was purely for pleasure, and that with his family he was going through Yellowstone park after leaving Salt Lake and then on to Japan. He did not contemplate a trip for Los Angeles, and he was not concerned with the freight and other controversies, which would be settled by the heads of the proper departments. His coming, too, he declared, was not fought with any significance to the west, as he was merely passing through on a pleasure trip.

With him is J. Kruttschnitt, superintendent of maintenance and operation of the Harriman roads.

HIS VAST INTERESTS.

Mr. Harriman is president of the Oregon Short Line, the Union Pacific, the Southern Pacific, the Oregon Railroad & Navigation company, and is heavily interested in the Salt Lake & San Pedro road. Despite the announcement that the trip is for pleasure only, it is generally believed that Mr. Harriman will take up the matter at present in conflict between the San Pedro and other Harriman roads in California, and that a solution of their problems will soon be announced.

PAY DAY FOR CITY OFFICIALS.

Today is pay day for the city officials, councilmen and members of the fire and police departments and Auditor Felt is distributing warrants for the payment of the same. The amounts are as follows: Officials, \$4,680.71; council, \$525; fire department, \$3,979.25; police department \$1,985.80, total, \$11,160.95.

WEATHER REPORT.

Record at the local office of the weather bureau for the 24 hours ending at 9 a. m. today:

Barometer reading at 9 a. m. 30.66 inches; temperature at 9 a. m. 66 degrees; maximum, minimum, 61, mean, 55, which is 3 degrees below normal.

FORECAST TILL 5 P. M. TUESDAY.

Local forecast for Salt Lake City and vicinity:

Partly cloudy and warmer tonight and Tuesday; variable winds.

WEATHER CONDITIONS.

Precipitation occurred over portions of nearly all districts save the Pacific states, and Canadian provinces. Thunderstorms prevailed over the west. Rain was falling this morning at Rapid City, Buffalo, Northfield and Searsville.

TODAY'S TEMPERATURES.

6 a. m.	60
7 a. m.	62
8 a. m.	64
9 a. m.	66
10 a. m.	68
11 a. m.	70
12 m.	72
1 p. m.	74
2 p. m.	76
3 p. m.	78
4 p. m.	80
5 p. m.	82

YESTERDAY'S RECORD.

Highest	85
Lowest	55

YESTERDAY'S MAXIMUM TEMPERATURES.

Albino, Tex.	100
Albuquerque	90
Atlanta	80
Bismarck	70
Boston	60
Buffalo	50
Chicago	40
Cincinnati	30
Cleveland	20
Denver	10
Detroit	0
Duluth	-10
Elkins	-20
Galveston	-30
Grand Junction	-40
Harlem	-50
Houston	-60
Knoxville	-70
Little Rock	-80
Los Angeles	-90
Minneapolis	-100
Mobile	-110
Nome	-120
Yuma	-130

RAILROAD TO PASS BY GRAND TETONS

Chicago and Northwestern Surveying Through Wind River Valley to Teton Pass.

WILL FOLLOW SNAKE RIVER.

Extension Carried on in Name of
Wyoming Central, Capital Stock
Which Has Been Increased.

Special Correspondence.
Cheyenne, Wyo., July 29.—The Chicago & Northwestern Railway company today filed amended articles of incorporation with the secretary of state in which the capital stock is increased from \$7,500,000 to \$13,500,000.

This increase in capital stock, which was made in the name of the Wyoming Central Railway, under which name the Northwestern's extension from Casper to Lander is being built, is necessitated, it is reported on excellent authority, owing to the changed plans of the Northwestern, which company now contemplates the extension of the Casper-Lander line on across the state into Idaho and thence to Salt Lake City, and possibly to the Pacific coast.

When contracts were let a month ago for the extension from Casper, the plans called for the building of a road only as far as Poison Spring creek, at the eastern edge of the Indian reservation. A few days ago General Manager Hildred visited Lander and in a public speech there stated that the company would build on to Lander, or a distance of 35 miles beyond Poison Spring creek.

Now the information comes from a reliable source that the Northwestern has ordered survey of the field beyond Lander, and that the line will be constructed further west as rapidly as possible. From Lander the Wind River valley will be followed to Teton pass, then the line will run down the Snake river into Idaho and on to Salt Lake.

PERSONALS.

Don H. Porter is at Coronado Beach.

Senior Jones leaves this evening, on a short Pacific coast trip.

Dr. A. C. Ewing has returned from an extended visit to the Portland fair.

T. C. Wattenbuhl has returned from an extended trip along the Pacific coast.

WAS COOL LAST NIGHT.

But Temperature Has Been Climbing
Again Today.

The heated spell received a radical set back yesterday afternoon, if its backbone was not broken altogether. Towards 4 p. m. a strong breeze set in from the east, which immediately reduced the temperature, and by 6 o'clock the fall in the thermometer was noticeable.

For yesterday, and today, the maximum was 87 at 2:15 p. m., and the local weather bureau looks for local thunderstorms tonight and tomorrow. It has been raining over the Wasatch hills, and the breeze from that quarter have been correspondingly cool. The gratefulness of the change is being widely commented upon.

TRUE TO THE FAITH.

Report That Lucas Hongland Left the
Church Incorrect.

The sudden death of Lucas Hongland, who for the past 40 years has been a resident of California, gave rise to the report in certain circles that Mr. Hongland had left the Church. This is not true. The gentleman was one of those called to open the Las Vegas mission, where he continued to live in full fellowship with the Church. That he was in hearty sympathy with the pioneer movement is evident from the fact that he came here especially to attend the Pioneer celebration July 24, and to mingle with old-time friends whom he had not seen for many years. His brother-in-law, E. H. Hale of Graniteville, visited with him only a few hours before his death and he conversed freely about the pilgrimage of the Pioneers in this valley and the persecutions of the Saints in early days. Mr. Hale is now 77 years of age, is something of a Pioneer himself, having arrived here in 1840, and having been a resident of Tooele county for upwards of 47 years.

CONVENTION AT PROVO.

Christian Endeavors Will Meet in Gar-
den City September 9.

The executive committee of the State Union of Christian Endeavor met yesterday, in this city, with President H. H. Smith in the chair. It was decided to hold the next annual convention of state Christian Endeavor at Provo, on Saturday, Sept. 9, with a preliminary rally the previous evening in one of the Salt Lake churches, probably the First Presbyterian. The orator of the convention will be General Secretary Ogden Van Vocht of the American society at Boston, who will stop over in Utah en route to the Pacific coast.

AMUSEMENTS.

The last week of the Blitzer company's drama at the Grand theater opens tonight with the beautiful domestic drama, "The Peace Maker." The next attraction at the Theater will be Madge Carr Cooke in "Mrs. Wiggs of the Cabbage Patch."

AFTERNOON ON EXCHANGE.

This afternoon's sales on the mining exchange were:

Lower Mammoth, 35 at 24; 200 at 27; 200 at 28; 100 at 27 1/2; 200 at 28 1/2; 100 at 27 1/2.

POLICE COURT NEWS.

Three cases were temporarily disposed of by Judge Diehl this morning. The first case called was that of the State vs. J. L. Thompson, a superintendent of construction, was superior officer of the Montana division of the Bell company. His ability has always been unquestioned and appreciated by his superior officers. Mr. Thompson assumes his new duties tomorrow. His many friends are warmly congratulating him.

PHONE CHANGES.

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perintendent of the Bell Co.

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PRICE OF THE DEAL \$32,500

Property Has 295 Feet Frontage on
Fifth East Street and Comprises
A Tract of 34 Lots.

The largest deal in residence property which the local market has known of late took place today in the transfer of the locally famous De Golyer residence on the east drive, 2000 south Fifth East. The property passed from the possession of Hon. David Evans, who is understood to be closing out his Utah interests prior to locating in California, into that of T. R. Cutler, general manager of the several sugar companies. The consideration was \$32,500, which includes a part of the furnishings, and Mr. Cutler will take possession in the near future.

The DeGolyer residence was originally built by the well known mining man, Mr. DeGolyer, who sold it to John Beck. From time to time it has been sold, but it struck me most forcibly. One afternoon last week my son Charles and I visited in that little street known as Wall street, where so many fortunes have been made, the greatest of all gambling houses—the stock exchange. The howling pandemonium to be seen in the pit of the exchange during its hours of operation, the shouting and the shouting of the outside or curb broker, who in a lesser degree copies his more fortunate brother who occupies a seat in the pit, the young Elders and their constructed muscles, he is forcibly reminded of a pack of dogs fighting for a bone. Only in this case, there is no blood, and the dogs are not fighting for a bone, but for a fortune.

So much, however, has taken place during my visit to the stock exchange, that I have not time to tell you of the many interesting incidents which I have witnessed. But before passing the sights of New York, I cannot refrain from speaking of the stock exchange, which I found to be a most interesting place. One afternoon last week my son Charles and I visited in that little street known as Wall street, where so many fortunes have been made, the greatest of all gambling houses—the stock exchange. The howling pandemonium to be seen in the pit of the exchange during its hours of operation, the shouting and the shouting of the outside or curb broker, who in a lesser degree copies his more fortunate brother who occupies a seat in the pit, the young Elders and their constructed muscles, he is forcibly reminded of a pack of dogs fighting for a bone. Only in this case, there is no blood, and the dogs are not fighting for a bone, but for a fortune.

DE GOLYER HOUSE CHANGES HANDS.

Hon. Thomas R. Cutler Buys It
From Hon. David
Evans.

WHERE FORTUNES ARE WON AND LOST

New York Herald Assails "Mormon-
ism"—Pays Unwitting Tribute
To Missionaries.

Special Correspondence.
New York, July 22.—I had intended in this letter to give the readers of the "News" a general description of New York City, as seen by me on a New York automobile touring car, from which vantage ground I obtained a fair idea of New York as a whole from the residential portions in Harlem to the business districts extending down to the battery. Of equal interest also were the specific points such as libraries, art galleries, churches and cemeteries.

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OTHER INTERESTING SIGHTS.

Many malicious mischief has been
and is being done by a so-called Chris-
tian minister, the Rev. Duncan McMillan,
whose name figures in the article
above referred to. This minister, who
is a native of Utah, and is pastor of
a fine church in this city, makes his
prejudices seem like truth, for in this
very article the gentleman abuses the
"Mormons" and their faith in saying:
"It would not be a dignified proceed-
ing for us as organized bodies of
Christians to oppose the Mormons."
It is not good for the "Mormons" to
do anything about it, but it is good
for the church to fight a church." Then
he goes on to appeal to the citizenship
of New York, stating that the
"Mormons" are a "people" and not a
religious institution and that a well
directed popular movement would
effectually strangle "Mormonism,"
and a direct appeal is made to a duty.

TRIBUTE TO MISSIONARIES.

"Which does most seriously affect
our national health and happiness?"
The reverend gentleman is evidently
concerned about the people of Utah,
and is not content with a general
tribute to the missionaries, but is
thinking that young missionaries, un-
tutored and unskilled in preaching and
teaching, are doing much to bring
science and change our national affairs.
What a safeguard it is for the Rev.
Dr. McMillan that the "Mormons"
church does not believe in "teaching"
the young Elders and their constructed
muscles, he is forcibly reminded of a
pack of dogs fighting for a bone. Only
in this case, there is no blood, and the
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SPLENDID ART GALLERY.

Among the many beautiful interesting
sights to be seen in New York, per-
haps the one place that could be visited
again and again with both pleasure
and profit, is the Metropolitan art gal-
lery, situated at the Fifth avenue en-
trance to Central park, near Eighth
street. Here is collected together
under one great roof wonderful art
treasures of modern Europe and Amer-
ica, side by side with those of the old
masters. It would take a month to see
this gallery properly. After a hurried
glance at the pictures, I spent most of
the afternoon in the gallery devoted to
statuary. So life-like these silent mar-
bles appear, one can almost in fancy
endow them with speech, and I can
easily understand the pretty conceit of
Galatea in which Mr. Gilbert made
the graven image, a living, breathing
woman. Many of these figures will
live forever.

BUT TEMPERATURE HAS BEEN CLIMBING AGAIN TODAY.

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