

In the real estate business, mining, etc. When the tempting offer was made him (a few more dollars monthly) he gave up teaching "the young idea how to shoot," readily accepted an engagement as clerk for some wealthy miner or broker and very soon drifted into Utah politics which has and is making him so famous. Had it not been for this good fortune who knows but that the Honorable C. E. Allen of today might not now be a college professor or possibly a preacher of a sectarian gospel? OBSERVER.

SALT LAKE CITY, Oct. 24, 1892.

### CONDON'S WILL.

Having taken the matter under advisement for several days, Probate Judge Barch today gave his decision in the will contest case in regard to the estate of Matthew Condon, deceased. The facts were reported in the columns of the News at the recent hearing in the probate court.

The testator was about fifty years of age, unmarried, and formerly resided in this city, his place of abode being the Valley House. He had been engaged in mining pursuits, and in this and in other ways amassed a snug fortune, which amounted to somewhere about \$75,000. The whole of this he left to one of his sisters, a Mrs. Gillie, of Eureka, cutting off his father (who is upwards of eighty years of age), his brother and another sister without a cent, and this without any apparent reason. It was on that account—on the ground that undue influence had been brought to bear upon the testator by Mrs. Gillie, and that he was insane at the time the will was executed—that these relatives opposed its admission to probate.

His Honor remarked that this will was contested on the ground that undue influence had been exercised upon the testator, and that he was not of sound mind at the time of making his will. He was of opinion, however, that the proponents had made out a strong prima facie case. The evidence of the attesting witnesses was clear on all material points covered by the statute. It showed that the will was written in the presence of the testator, at his request, and that he dictated a large portion of it; also that he assented to the various items contained therein. It further appeared that the will was first signed by the deceased himself and then by the two attesting witnesses, at his request, and in his presence. Those witnesses swore that at the time of the execution of the will the testator was of sound mind—as much so as ever he was, that he knew his relatives, and that, so far as they could see, no undue influence was used. As to his condition for some time previous to the making of the will, it was shown that he had been weak, that he drank heavily, and was nearly always under the influence of liquor while he resided in this city. His sister (who lived at Eureka) was sent for, and the testimony went to show that from the time she arrived here she endeavored to keep the drink from her brother and have him sober. Finally she took him to her home, and it would appear that after his arrival there he received no stimulants, except

such as were administered by direction of his physician.

The contestants introduced some evidence to indicate the extreme feebleness of the testator both in mind and body. As to the fact of his drunkenness previous to the making of the will, if it were shown that at the time he signed that instrument he was of sound mind or had lucid intervals, so that he knew the person whom he intended to be the object of his bounty, and if he had a clear knowledge of his property, he could still make a valid disposition of it. In his opinion, the contestants had failed to prove that the testator was not of sound mind at the time of the execution of the will.

He had carefully listened to the testimony in the case, and while the will seemed rather unnatural in some respects—for it was a great hardship that a son should entirely disinherit his aged and decrepit father who was in need of support—yet, under the law, if he desired to do so, and if he was sane at the time he signed his will, there was nothing to prevent him. So far as the evidence went, respecting the man's brother as having stood over the dead body and using the epithets he did—and that evidence was not contradicted—his Honor thought such conduct must have been the outpouring of a depraved nature. He could not look upon it in any other light. As far as the brother was concerned, therefore, his Honor's judgment was that the testator exercised "the discretion that he had without reserve." The dead man seemed to have had confidence in the sister (Mrs. Gillie) to whom he left all his possessions—that she would provide for the father and other sister. There certainly were some things which threw some suspicion on this matter, and his own mind was not altogether free therefrom as to influence having been used by Mrs. Gillie. There was, however, no proof that she actually used undue influence. It only became such when the influence was carried to such an extent that the testator himself was not his own free agent in making his will. If such a state of affairs did exist in this case it was in evidence, and under all the circumstances, therefore, he held that the will should be admitted to probate.

### A SCHEME TO SELL THE CITY WATERWORKS.

The citizens of Salt Lake will doubtless be startled to learn that the largest and by far the most important business deal—to them—ever consummated in the history of the city is quietly and seriously talked of.

It is no less a matter than the disposition of the entire city waterworks system to a wealthy syndicate of eastern and local capitalists.

The scheme has been contemplated for some time, and if reliance can be attached to apparently authoritative rumors it is now pretty well matured.

The utmost secrecy has been maintained regarding it, but there has also been a gradual "leakage" going on from sources that were supposed to be tightly sealed.

If the present plan of procedure is followed as outlined for future action the matter will come up before the

City Council for consideration at a date not far distant. What the result will be can only be guessed at, though it is said that a majority of the councilmen will probably use their influence in carrying the deal through. It is further said that the argument will be made in favor of the sale that the city needs the money and must get it from some source. Improvements, it is said, of different kinds are contemplated. To carry them on a good deal of cash is required. The bonding power of the municipality is nearly exhausted, most of the negotiable city property has been sold, and the treasury's contents are still very low.

This is about the status of affairs and taxpayers are becoming alarmed and are asking each other what the end will be.

It was learned last night from a prominent city official that a representative of the syndicate referred to had made an informal offer of \$1,200,000 for the waterworks system.

A prominent and able attorney was asked by a NEWS representative today as to whether or not the city could legally sell the system. He responded that so far as the works proper were concerned he did not doubt but what it could. But the title to the water was vested in the people and could only be taken from them by fraudulent procedure. The claim that the citizens had forfeited their right to the water by allowing it to be diverted from its original channels into a distributing system owned by the city was very weak and would not hold good in the courts. The water takers paid so much per annum for the use of the mains for domestic and other purposes and not for the water itself. That belonged to them. He knew it could not be wrested from them. If the attempt was made the people's recourse and duty would be to promptly enjoin the city and he had no doubt but what the courts would decide in their favor. It was a desperate deal and required heroic measures on the part of all citizens without reference to political or other views.

Further developments will be awaited and watched with the most intense interest.

A large number of business men talked the matter over today and were considerably alarmed, and declared that if the deal was forced to an issue they would use every legitimate means to defeat it.

### DEATH OF SUSIE S. JACOBS.

Information has been received that Sister Susie Stringam Jacobs, wife of H. C. Jacobs of Ogden, died this morning at 8:30 o'clock. She was taken with severe vomiting on Monday about noon, and the straining caused the rupture of a blood vessel. Paralysis was the result. She never spoke after being stricken.

She was born in Salt Lake City, December 25, 1850.

The foregoing is an utter falsehood, as every reader of the DESERET NEWS knows. The Journal is either immensely stupid, which is a misfortune, or maliciously untruthful, which is a crime.