

ANOTHER CASE OF DRIVER'S ON TRIAL

Action Is to Recover Salt Lake & Ogden Co's Electric Light Plant.

ALSO FOR \$25,000 DAMAGES.

Utah Light & Power Company Consents Plaintiff and Asks to Have the Cloud to Its Title Quoted.

Judge Cherry today took up the case of H. L. Driver et al vs the Utah Light and Power company et al. Attorneys W. C. Hall, G. F. Goodwin, E. D. Hoge and H. P. Henderson appeared for plaintiffs and Young and Moyle for the defendants.

This action was brought by plaintiffs to recover possession of all the electric light poles owned by the Salt Lake and Ogden Gas and Electric Light company, about 12,000 in number, together with the lamps, wire lateral, gas pipes, gas meters and a six-inch gas pipe extending from Salt Lake to Davis county, which were transferred by the last named company last December at the time of the consolidation. The plaintiffs attempted to sell the property referred to under certain judgments and claim that the mortgage held by defendants do not cover these particular goods and chattels. In case a delivery can not be had plaintiffs pray to be awarded the sum of \$25,000 and for the further sum of \$25,000 damages.

There is another action pending between the same parties in interest to quiet title to the property in dispute. In their answer defendants set up a counter claim praying that they be adjudged the owners.

The case was originally set down to be tried by a jury, but the attorneys for defendants contend that it belongs to the equity division of the court. Judge Cherry consented to sit as chancellor. Should his honor conclude that the issues should go to a jury, one will be impeached to try the case.

JUDGE BASKIN WINS.

Jury in the Driver Attorney's Fee Suit Returns a Verdict for \$1,720.

The case of R. N. Baskin vs H. L. Driver and company involving an attorney's fee of \$1,900 was submitted to the jury last evening and this morning a sealed verdict was handed in which the jury returned a verdict for \$1,720. The judgment is against H. L. Driver, J. L. Woodman and J. K. Judd, three of the officers and directors of the old Driver company. Messrs. E. G. Garn and A. E. Heller, were not served and consequently are not within the jurisdiction of the court.

ANOTHER MARRIAGE FAILURE.

Mrs. Nellie Smith Seeks Release From Her Matrimonial Obligations.

Nellie Smith instituted divorce proceedings against James T. Smith in the Third district court today, praying for an annulment of the marriage lies existing between herself and the defendant on the grounds of desertion and failure to provide. The complaint alleges that the parties were married at Farmington, Davis county, Utah, on September 11, 1890; that on July 24, 1890 the defendant deserted the plaintiff and for four years prior failed to support his wife. The issue of the marriage is a son, Clinton Smith, now six years old. In addition to a decree of divorce and the custody of the child, Mrs. Smith prays that the defendant be required to pay to her, for the support of their son, the sum of \$1,000, payable in monthly installments of \$12 each.

N. J. Schekel is plaintiff's attorney.

Arguments Tomorrow.

The case of John F. Scheib, by his guardian, Susanna Scheib, vs James Thompson, executor of the will of Morris Livingston, deceased, et al, reported in Thursday's "News," was concluded before Judge Hiles late yesterday afternoon and arguments will be made tomorrow.

AMUSEMENTS.

Stuart Robson and most of the members of his company attended the organ recital at the Tabernacle this morning. Mr. Robson will be greeted by a fine audience in Thomas' new play of "Oliver Goldsmith" tonight.

It is an absolute pleasure to chronicle a success for Stuart Robson, for no player of our time has done more for the advancement of his art. Every year Mr. Robson makes an earnest endeavor to satisfy his public by presenting a new play, and while sometimes he may fall short of his public expectations, the effort is none the less deserving, for none of our present stars surround themselves with more capable players than this splendid comedian, who has given us many truly artistic characterizations to the American stage as any native player.

The Texas Steer company closed its Salt Lake engagement to a very good house last night.

The box office opened this morning at the Theater for next week's engagement of Mr. James Neill. Indications point to the presence of a most fashionable audience on Monday evening. The plays to be given are: Monday and Saturday evenings and Saturday matinee, "A Bachelor's Romance," Tuesday and Thursday evenings, "An American Citizen," Wednesday matinee and evening, "Arctostaphylos," Friday evening, "A Parlor Romance." This is the organization of which Miss Julia Dean, formerly of this city, is a member.

The attraction at the Grand next week will be vaudeville and stock company. "Under Sealed Orders," will be seen again tonight.

CLEARING HOUSE REPORT.

Today's clearings, \$472,172.32 Same day last year, \$462,216.84

ORE AND BULLION REPORTS.

MCCORMICK & CO.

Mingo bullion, \$4,200 Silver and lead, \$2,000 Gold bars, \$2,400

BAMBERGER & McILLAN.

Bullion, \$3,485

LICENSE TO MARRY.

A marriage license was today granted to John H. Woodbury, 27, and Alice M. Grant, 18, both of Salt Lake county.



MADDICK CASE GOES TO JURY.

Both Sides Rested This Afternoon When Arguments Were Begun.

DEFENDANT TELLS STORY.

Told of the Circumstances that Led Up to the Shooting, and Claims He Was First Assaulted.

The case of William Maddick charged with shooting Willis Peares II, a colored man, with intent to kill, which has been on trial before Judge Booth and jury the whole of the present week, came to a conclusion this afternoon. At press time arguments to the jury were in progress.

The defendant took the stand yesterday afternoon and was under cross-examination when court adjourned. This morning he was further cross-examined by Mr. Van Cott and after the examination of two more witnesses, both sides rested and arguments were immediately commenced.

Young Maddick made a good witness. He told a straightforward story of the trouble on the night of the shooting. He declared he would not have shot had it not been that he believed his life was in danger. He had no intention, he said, of shooting anyone but his assailants and he claimed the shooting of Peares was purely accidental.

POLITICAL POINTERS.

The big ball and bazar to be held under the auspices of the Women's Democratic club in Christensen's hall this evening will be upon the lines of a mammoth affair. The ladies are hard at work today decorating the hall for this evening. Fortune telling, refreshment stands and other attractions will be the feature, while the guests will be entertained with a musical program followed by dancing.

Judge Henderson, David Evans and a quartet will be the attraction at the Democratic rally in the Sixth ward meeting house tonight.

Speeches were delivered by Hon. David Evans, Frank B. Stephens, and Hon. John T. Caine at a Democratic rally held in the Eighteenth ward hall last night. Graphophone selections and music by the lady members of the district were also a feature of the occasion.

Mrs. Alice M. Horne speaks to the Democratic women at Nephi tonight and to the ladies of Provo tomorrow night.

Judge Powers was unable to speak at Layton last night, and as the consequence Henry W. Lawrence was the speaker at the Democratic rally. He took for his text Free Silver and Imperialism.

Hon. B. F. Clayton of Iowa, president and chairman of the executive committee of the Farmer's National congress, addressed a fair sized audience in Tassart's hall last night upon the principles of Republicanism. Presenting Mr. Clayton's address remarks were made by W. R. Hutchinson, who presided on the occasion. Hon. M. A. Broeden of Ogden, candidate for attorney general; Judge L. M. Ritchie, candidate for district judge; Lieut. E. T. Hines, candidate for county auditor; L. M. Earl, candidate for county recorder; and John T. Axton, candidate for the Legislature.

George L. Nye and D. H. Wells Jr. will address the citizens of West Jordan on the evening of November 5th.

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