BEFORE JUDGE ZANE.

A Pointer For Witnesses Who Neglect to Speak the Truth.

AN EJECTMENT SUIT ARGUED.

Small Matters Which Come Under the Head of Miscellaneous.—Marcellus Nelson's Bond.

When Chief Justice Zane took his seat in the Third district court this morning he gave his opinion on the motion for a new trial in the case of V. M. C. Silva vs W. L. Pickard et al, argued and submitted one day last week. It was an accounting transaction.

His Honor made some rather pointed remarks in overruling the motion. He said—The testimony is very conflicting as to some of the essential facts, and it is unfortunate in such cases that the human mind cannot see beyond the mere statements of the witnesses and know the truth. The evidence, as it appears in this statement, is very unsatisfactory to my mind, and while I am not thoroughly sure, or satisfied, that the referee has reached the right conclusion as to the facts, in view of the testimony under the rules governing motions for a new trial, I do not feel authorized to now grant a new trial, though if the case had been submitted to me originally, I am not sure that I would have reached the same conclusion. The motion is therefore overruled.

Attorney Thomas Marshall took an exception to his honor's ruling, on behalf of the defendants, by whom the application for a new trial had been made.

(The referee in the case was Attorney Waldemar Van Cott.)

MISCELLANEOUS.

In the case of Guy C. Royce vs Salt Lake City, the defendant was allowed till June 15th to answer.

Henry Dinwoodey vs J. F. Mitchell et al. Default. Decree for Frank Hinck on the cross complaint.

Alf Lambourne, administrator, vs Joseph Rogers et al. Default and decree entered for plaintiff.

Joseph M. Olcott vs H. H. Edgar et al. Dismissed as against the defendant Osborne without prejudice. Decree of foreclosure in favor of plaintiff.

Richard T. Pettingill, administrator, vs the United States Mutual Accident Association. Motion for a stay of proceedings set for hearing on Saturday.

Lillian Trimmer vs Blackburn et al. Motion set for hearing June 1st.

E. E. Rich vs Wm. Fallman et al. Dismissed as to the defendant Wm. Fallman. Judgment for plaintiff for $1947.10 as against the other defendants.

The divorce suit of Robert Philpot vs Elizabeth Philpot was dismissed by consent.

Benj. Firman vs W. J. Pace et al. Allowed until Saturday to file motion to vacate dismissal and making showing and stay.

Adolph Appelbaum et al vs C. M. Brown. Leave given to amend complaint instanter and twenty days in which to answer.

AN EJECTMENT SUIT.

The first case argued was that of Ames H. Fielding vs Thos. McEvoy et al, Attorney T. Adams appearing for the plaintiff and Attorney Frank Pierce for the defendant. A jury was waived and the case argued on the statement of facts filed. It was a suit in ejectment, plaintiff praying for a decree of the court for the recovery of the possession of the west half of lot 8, block 7, plat "A," Salt Lake City survey, on the ground that on or about June 11th, 1888, the defendants without any right or authority entered upon such premises and ousted plaintiff therefrom and have since held possession. It was also asked that any supposed lien which certain of the defendants might have upon the property be declared null and void, and that plaintiff recover $1500 as damages, together with costs of suit. His honor, after listening to the legal arguments till the hour of adjournment at noon, found for the defendants.

THE PARLEY'S CANYON CONDUIT.

Another day has been occupied before Referee P. L. Williams with the taking of testimony in the Parley's canyon conduit suit.

FOR MONEY PAID OUT.

The case of Tom Ferguson vs. George Nicholson came on for hearing before Chief Justice Zane and a jury this afternoon. The claim is for $607, alleged to be due as the ammount paid out by plaintiff while acting as defendant in the stead of Nicholson, in liquidation of a judgment obtained in an action commenced Nov. 20th, 1892, by one W. D. Wilson against plaintiff. Interest is also asked at the rate of eight per cent. per annum and costs of suit.

Attorney John M. Zane appeared for the plaintiff and Sutherland and Hall for the defendant.

THE GRAND JURY.

This body of inquisitors have reached the end of their labors and their final report is to be presented at a late period of the afternoon, just prior to the rising of the court. Although, of course, the contents of the report are not yet known outside the grand jury room, yet it is understood that the city jail will come in for its periodical "scouring"—this time with more force than ever.

COURT NOTES.

On Saturday afternoon M. Marcellus Nelson, the Salt Lake attorney who has got himself into so much trouble by his alleged dishonest practices, and who is awaiting trial on three indictments for embezzlement, has given a $750 bond in Commissioner Norrell's court and is once more free.

THE CREATION.

A Grand Rendering of a Grand Oratorio.

It must have been with a feeling of discouragement that Mr. Stephens and the Choral society looked out on a three hundred and fifty dollar audience at the Theater Saturday night; the Salt Lake public, and particularly that part of it which is boosting the Deep Creek railway, ought to blush for the patronage it bestowed on a notable musical entertainment like this, and one too having such an aim in view. The boomer was conspicuous by his absence and the grand strains of harmony floated out over yawning gaps of empty chairs. Hard times, a plethora of attractions, the fag end of the season, and the lack of interest in oratorio—all these are reasons for the poor patronage bestowed on the Creation. As we have said before numberless times, the only way to make money out of a concert in the theatre, is to sell the seats in advance. The Choral Society failed to do that, and thus far it is responsible for the financial failure. By the time all the expenses of rent, advertising and orchestra are paid, it is doubtful whether there will be ten dollars left to invest in Deep Creek stocks.

But turning from the box office view of the presentation, nothing but the highest words of praise can be said, nothing but an instantaneous verdict of success can be rendered. The society has made another great hit, second only to that made by its rendering of the Light of Asia, and its performance Saturday night shared decided more than over the question of its permanency as one of the foremost of our institutions. Indeed, we have no other musical institution that sings with as much zest, spirit and force—in short, that sings so much like it "sings because it loves to sing," as the Choral Society. The Tyrol was specially noticeable in those grand choruses, Awake the Harp and the Heavens are Telling—they went with a dash and an enthusiasm, and their difficulties were conquered with an ease—that spoke volumes for the proficiency of the chorus and of the training it has had. All the parts were admirably sustained, but the trebles and basses rather took the palm from the altos and tenors. The fine soloists did evenly excellent work. Of the soprani Mrs. Plummer is probably entitled to first mention for the admirable purity and taste of her execution—the Adam and Eve duet being specially fine. Miss Winston sang the treble solos in part second in good style, her most charming portion being the dainty air, On Mighty Pens Uplifted Soars, where the lark and nightingale's notes are prettily imitated. Mrs. Green sang part one with true feeling and correct expression. All the ladies were heartily applauded. Mr. Raven sang all the tenor solos, and had a very heavy and responsible task; he acquitted himself with the utmost credit, and might have had an encore after his air, In Native Worth, had he chosen. Mr. Raven is so good an artist, that it is a pity he does not take pains to correct one or two faults, which occasionally impair his work. We refer to his habit of pronouncing such words as "day" and "day;" he makes them mostly "rise" and "rises;" he has a habit, too, of trilling on his "r,s" which could be left off to advantage. Mr. Ensign had some tremendous work to do as the bass soloist, and considering his age and experience, he did it very well. He sang the difficult airs in good tune and time and won some hearty plaudits. But he was overweighted and should have had the work divided. Mr. Ensign's voice is of excellent quality, but he needs some instruction in the art of forming his upper notes. The orchestra did some noble work, and Mr. Pederson is to be complimented and congratulated on the way it went through the work. There were one or two little quavers and breaks, but generally the work was surprisingly efficient.

Mr. Stephens may start off on his journ to his old home in Wales with the entire consciousness of having given himself a most valuable and memorable "send off."

OTHER PROFESSIONAL NOTES.

The Sea of Ice by the Taylor Dramatic company and Margaret Lavine will be rendered at the Theater tomorrow night. As the occasion is a holiday the play ought to draw well.

The Howard Athenaeum company play at the Theater Friday and Saturday. They have been doing an enormous business in the West.

Messrs. Stephens and Ensign will soon leave for Chicago and before they return, run over to England, Wales, France and probably Italy. During Mr. Stephens's absence the Tabernacle choir will be led by the organist, Mr. Daynes; one of his several pupils at the pipe organ will preside as accompanist.

Finally Got There.

Last fall Councilman Rich introduced a resolution into the Council authorizing and instructing the street superiror to have the intersection of First South and East Temple streets cut down to grade. The order was adopted and Mr. Hines instructed accordingly. For months a patient public rode and walked over the miniature mountain, wondering when the work would be done. This morning they were rather surprised to see a gang of men and teams commencing what was ordered to be done "immediately" months ago.

A Correction.

In an article which appeared in the News last week it was stated that Bishop Ishmael Phillips, at the time of entering the Church was a member of the organization of United Brethren, in Herefordshire, England, at the time when President Woodruff baptized the majority of them. Our informant was in error on this point, as Brother Phillips was not a member of the sect, but only an attendant at their meetings.

A Patent For His Invention.

Mr. Henry W. Hooton, machinist of east Fifth South street, this city, has received notice from Washington that a patent has been issued to him for a skilful invention in regard to street car mechanism. By means of hydra oilic pressure on spiral springs and a system of cog wheels running underneath and around the car, the latter is propelled at a fast rate of speed. He says it can be used as a substitute for the electric system, thereby doing away with the present cumbersome method of poles and overhead wires. The inventor is well known in Salt Lake.

JACOB COULTER KILLED.

A Carpenter Falls Sixty Feet and Strikes on His Head.

The Utah Loan and Trust Company Building at Ogden the Scene of a Fatality

OGDEN, May 29.—A frightful accident occurred at 3:30 o'clock this afternoon, resulting in the death of Jacob Coulter, a carpenter engaged on the Utah Loan & Trust Company's building in this city. Mr. Coulter, who was sixty years of age and a resident of the Fourth ward, was working at one of the windows in the fifth story. The sash fitted rather tightly, and he gave it a sharp pull, caused it to give way, and fell headlong into the street below. He alighted on his head and was instantly killed. He leaves a wife. Mr. Coulter was an old and respected resident of Ogden.

FIREARMS WERE BRANDISHED.

Railroaders Take Possession of a Ranch and Proceed to Throw Up a Roadbed.

A lively and somewhat dramatic scene, says Sunday's Boise *Statesman*, occurred early yesterday morning on the ranch of M. F. Eby, near this city, when the railroad graders attempted to enter the place.

The officials of the Union Pacific have been trying for some time to make arrangements whereby they could secure a portion of Mr. Eby's land for a right of way for the Boise extension.

Appraisers were appointed and Friday they reported, a majority of them fixing the damage at $1000. Mr. Eby was tendered that amount but refused it.

Yesterday morning about 5 o'clock Eby saw a crowd of graders, with their horses and scrapers, coming towards his place. He immediately picked up his revolver and, with his son, who shouldered a rifle, went over to where the graders were about to tear down the fence and enter, and ordered them off the place, threatening personal injury to any and all trespassers.

The graders beat a hasty retreat and in a few minutes H. F. Hill, the engineer in charge, came along. He eyed the formidable looking weapon in Eby's hand, and when told by Mr. Eby to keep off, he did so.

Mr. Eby returned to the house, relishing in his bloodless victory, but he soon saw the crowd approaching again. Mr. Hill headed them and planted his surveying instrument firmly on Mr. Eby's soil.

The latter went out, this time unarmed, and remonstrated with Mr. Hill, when the latter suddenly produced a rifle and, leveling it at Eby, told him not to interfere unless he desired to be blown to kingdom come on short notice. At the same time he ordered the men to enter the place and go to work. They did so.

The tables were turned and Eby was mad. He rushed to the house and secured his rifle, but before he could get it, Mr. McKinzy, his attorney, wrested it away.

The graders, about 75 in number, worked with a will and in a short time Mr. Eby's 40-acre ranch was completely transformed, a substantial grade being constructed diagonally across it.

The graders were compelled to unceremoniously remove Mr. Eby's barn and his chicken house and pigpen, and while the pigs and hens and little chicks were running wildly about, scared at the unusual commotion, their owner, mad as a hornet, was on his way to town to swear out a warrant of arrest.

Steamers for Salt Lake.

It was learned from a prominent railway official today that an old and experienced steamship operator was figuring on the running of a line of excursion steamers on the Salt Lake this season between Saltair and Garfield. Negotiations are well under way and at least two neat, modern steamers will ply the waters of America's Dead Sea between the resorts indicated, before very long.

WITHIN OUR GATES.

J. E. Booth, ex-mayor of Provo, attorney at law and Republican politician, is in the metropolis looking as well preserved as before the campaign.

B. Cluff jr., principal of the B. Y. academy at Provo, is a guest at the Hotel Morgan. So is Tim Kinney of Rock Springs, Wyoming, and others.

Bingham canyon yesterday contributed to Salt Lake's temporary population the following: E. P. Lynch, R. D. McDonald, H. N. Standish and wife, and some others.

P. H. Lannan, who as Utah's commissioner at the World's Fair has added to the designation that of a judge of music—not perhaps as "one is" but as "she ought to be"—is home again from the White city and its urban attachments.

James Quayle of Logan dropped down from his northern abode this morning and dropped back this afternoon. The gentleman is mayor of that city, but has enough confidence in its ability to run itself to let it do so occasionally.

Ray L. Davis of Ogden dropped in long enough this morning to be seen and say that a relaxation of the prevailing financial stringency in his town is imminent. He bases this conclusion upon the fact that he met a man with $1.75 loose cash on his person going there to invest.

HOTEL ARRIVALS.

THE CULLEN—Mrs M H Fisher, St Thomas, Ontario; A Cullen, Deer Lodge; Jabez John, Spring City; C E Dyckman, Kansas City; R Lawson, Spokane; O F Clark, G W Snyder.

SAVINGS BANK.

100 MAIN STREET.

Open Saturday evenings from 7 to 8 o'clock. Your money interest paid on deposits of $1.00 or more, and compounded four times a year.

Utah Title Insurance & Trust Co.

CAPITAL $100,000. FULL PAID.

J. E. BOOTH, President; H. S. McCORNICK, Vice-President. A. L. THOMAS, Secy. E. D. WILCOX, Cashier.

COMMERCIAL.

REAL ESTATE.

Transfers filed in the office of the county recorder of Salt Lake county, May 29, 1893, for nominal consideration, unless otherwise stated.

Sylvia Lewis Jensen to Rosina Jensen, part of lot 3, block 57, Salt Lake City survey, 20 feet in front on Second street south by 132 feet in depth. $50 00

Marion Jones and wife to Frederick Armstrong, part of lot 1, block 62, Salt Lake City survey, 10 feet in front on Second street south by 132 feet in depth. 10,000 00

Elizabeth Armstrong et al to Marion Jones, part of lot 1, block 62, Salt Lake City survey, 10 feet in front on Second street south by 132 feet in depth. 500 00

Wm. M. Tanner to Frank A. Fitch, undivided ½ interest in the south half of lot 3, block 47, Salt Lake City survey. 350 00

Benjamin F. Savage et al to Wm. M. Tanner, undivided ½ interest in the south half of lot 3, block 47, Salt Lake City survey. 350 00

Antonio J. Pedro et al to John W. Ashton, lot 3, block 1, Pedro's subdivision in Salt Lake City. 1 00

Antonio J. Pedro et al to John W. Ashton, lot 4, block 1, Pedro's subdivision in Salt Lake City. 1 00

Antonio J. Pedro et al to John W. Ashton, lot 5, block 1, Pedro's subdivision in Salt Lake City. 1 00

Lorenzo Pedro et al to Frank Pedro, lot 6, block 1, Pedro's subdivision in Salt Lake City. 1 00

Chas. and Ada Pedro et al to Jacob Pedro, part of lot 1, block 1, Pedro's subdivision. 1 00

Wm. Jennings et al to Rosa Allen, part of lot 1, block 4, Jennings' Place subdivision. 1 00

A. S. Ferguson et al to Wm. Jennings, part of lot 1, block 4, Jennings' Place subdivision. 1 00

Total, 11 transfers. $11,819 00

STOCKS AND MARKETS.

NEW YORK STOCKS.

New York, May 29th, 1893.

Louisville	52½	North American	5
Pacific Mail	31	New York Central	98
Adams	160	Or. Navigation	40
Central Pacific	34½	Pacific Express	80
Canada Southern	56½	Rock Island	75½
Denver & R. G.	14	St. Paul & Omaha	40½
Illinois Central	98	Texas Pacific	6½
Northern Pacific	14½	Union Pacific	43½
Preferred	35	Wabash	12½
Norfolk & Western	17	Western Union	84½

Money closed firm 2@3. Bar Silver, 87c. Mexican dollars 69c. Bonds mixed firm.

CHICAGO MARKET.

May 29th, 1893.

Wheat—July	74½	Pork—July	12 20
Wheat—Sept	75½	Lard—July	7 05
Corn—July	47	Lard—Sept	7 17½
Corn—Sept	47½	Ribs—July	6 37½
Oats—July	29½	Ribs—Sept	6 45
Oats—Sept	29	Flour—Winter	
Pork—July	12 20	Flour—Spring	

Hogs—Packing, $5 00@5 20. Cattle—Steers, $3 75@5 25. Sheers—Strong, $4 00@5 50. Receipts—Hogs, 15,000. Cattle, 8,000. Sheep, 4,000.

DEATHS.

PEARSON—In the Twenty-first ward of this city, May 26, 1893, Catherine Elliot Pearson, wife of Henry Pearson. The deceased was born February 25, 1805, in St. Cuthbert's parish, Kirkcudbrightshire, Scotland. The interment took place in the ward burial plot, and conducted by Uriah Gibbs. Besides her husband she leaves to mourn her loss, five children, the eldest of whom is over 70 years of age.

The funeral services will be held in the Twenty-first ward meeting house tomorrow, Tuesday, at 11 a. m. Friends are invited.

Millennial Star, please copy.

THORLEY—At the residence of his son Robert at Mountain View county, Utah, on Thursday, May 18th, of old age, John Thorley, in the advanced age of 87 years. He was born March 1, 1806, at Ulverston, Lancashire, England, emigrated from there in the year 1847, and arrived in Utah in the fall of the same year. He was blessed the year following by Thomas Bullock and ordained an Elder soon afterward. While in England he traveled three years always made welcome at his home and held regular weekly meetings there for over twenty years. His wife died three weeks after they arrived in the valley. He had seven children, thirty-seven grandchildren, thirty-nine great-grandchildren and a number of great great-grandchildren. His eldest children are still in England.

The funeral services were held from the residence of his daughter, the 21st inst., and were attended by a large number of relatives and friends. The interment was performed by Peter Sorensen, the presiding Teacher. The speakers were John Amos, Dennis Connor, Thomas Hyland and George R. Farrell, Bishop of his ward. They all bore testimony that the deceased was a good man.

Tomorrow, Decoration Day, will be the opening of the Season at Wagner's Grove.

MANTLES, GRATES AND TILES.

A very large stock to select from. Do not buy until you have seen our fine PORTLAND CEMENT, CEMENT PIPING, FIRE BRICKS, ETC.

ELIAS MORRIS

Show Room and Office No. 22-23 W. South Temple.

FASHIONABLE and HEALTHFUL

THE GENUINE

Jackson Corset Waist

SUPERB FORM. PERFECT FIT.

Equipoise Corset and Waist combined. Promotes health, graceful symmetry, and healthful equilibrium. Unbreakable Steels, 25c. Sold by leading retailers everywhere. Should not be confounded with worthless imitations.

TAKE NO OTHER. Made only by the JACKSON CORSET CO., Jackson, Mich.

IF YOUR DEALER HASN'T IT, WRITE TO US.

AMERICAN NATIONAL BANK,

OF SALT LAKE CITY.

Capital $200,000. Surplus $50,000. Organized October, 1890.

INTEREST PAID ON SAVINGS AND TIME DEPOSITS.

DIRECTORS.—James H. Dixon, President; H. M. Dixon, Vice-President; P. L. Hollister, Cashier; W. S. Holland, Assistant Cashier; A. M. Cunningham, E. J. Ottinger, S. R. Jarvis, J. W. Judd, C. F. Loofbourow, F. W. Rose, Elijah Sells, D. C. Tomlinson, T. A. Davis.

BARKER & KNOWLES,

PRACTICAL GUNSMITHS.

Re-Stocking, Boring and General Repairing.

Models and Keys of all Kinds Made. Safes Repaired.

55 COMMERCIAL STREET, SALT LAKE CITY.

SIGN OF BIG GUN.

Mr. D. W. Pearson, formerly with Walker Bros. & Tyler Co., is now the manager of H. Dinwoodey Furniture Co's drapery department.

Tomorrow, Decoration Day, will be the opening of the Season at Wagner's Grove.

LOST.

SUNDAY AFTERNOON, on FIRST STREET, between I and F, a lady's gold watch and bracelet. Return to N. Money, 61 So. E. Street and receive reward.

Proposals for a School Building.

SEALED PROPOSALS WILL BE RECEIVED at office of the Salt Lake Business College, on the 27th day of June, 1893, at 7 o'clock p.m., for the masonry, carpenter work and materials. Plans and specifications may be seen at the residence of A. W. Ross, Temple City, and at the office of H. G. Allphin, architect, Joy Carpet Hall, Salt Lake City.

An Indian Outbreak

is a dreadful thing—

undoubtedly caused by the irritating effects of dirt.

Outbreaks, and crime generally, are never possible among people who are addicted to the use of

KIRK'S AMERICAN FAMILY SOAP

The great soother of angry passions—the promoter of health and good-feeling. Cleans everything—injures nothing—don't be afraid to use KIRK'S Soap on the most delicate fabrics.

JAS. S. KIRK & CO., Chicago

Dusky Diamond Tar Soap

R. K. THOMAS.

SPECIAL SALE!

Monday AND Tuesday May 15th, 16th.

POSITIVELY AT COST, WITHOUT RESERVE.

The greatest opportunity yet offered. My Entire Spring Purchase of Ladies' Jackets and Capes, all stylish and New.

My entire Spring Purchase Novelty Dress Goods and Bolero Jackets at Cost also.

200 Silk Waists at cost.
500 Blouse Waists, 25c.
500 Boys' Waists, 25c.
500 Men's Shirts, 25c.
500 Boys' Shirts, 25c.
500 Embroidered Hats, 25c.
500 Embroidered Caps, 25c.

Shoes. ~ Shoes.

FINE KID AND GOAT SHOES, PRICES CUT IN TWO

Embroidery Flouncing,

ALL NEW, AT COST.

1000 PIECES TORCHON LACES

At Special Prices.

R. K. THOMAS