GIVE UP THE LAND!

That is the Legal Demand Made on the Copper Plant.

ALLEGED BREACH OF CONTRACT.

Suit to Recover the Money Offered by Chicago for Establishing a Copper Plant Here.

Thomas W. Jennings this afternoon instituted legal proceedings in the Third district court against S. M. Green, the Salt Lake City Copper Manufacturing company et al, praying that the defendant S. M. Green be restrained from transferring or conveying to any person or corporation, or in any way incumbering, eighty acres of land, the title to which now stands in his name, and deeded to him in the year 1889 by residents of Salt Lake City constituted upon the erection of a large and complete copper refining and ore smelting plant. But Mr. Green, it is set forth, has wholly failed to perform his undertaking, the time limited for him—January 7, 1895—having fully elapsed. It is also stated that said real estate is now a subject to be the property of the Ninth Salt Lake Association and those persons who contributed for the purchase thereof, including the plaintiff, and that he (Jennings) is adjudged to have an equitable lien thereon for the sum of $2,000 and interest, to reimburse him for the purchase money which he advanced. Further, it is prayed that the defendant Green be decreed to convey said land to the Ninth Salt Lake Association and the general body of contributors, and that an accounting and partition be had as between the parties aforesaid.

Wm. C. Jennings is the plaintiff's attorney.

SHERIFF TURNER DEAD.

He Passes Away After an Illness of Two Months.

At 5:30 a. m. Sunday, John W. Turner died at his home in Provo City, after an illness lasting for about two months.

Mr. Turner was an old settler of Provo and was well and favorably known and highly respected throughout Utah. He was sheriff of Utah county for fourteen years and acquitted himself as a most efficient officer. The deceased was beloved by everybody who knew him. During his last sickness he had been tenderly cared for at the home of his only living son, Charles. Everything was done that human skill and kindness could suggest, but he gradually sank, and for several days the family had been preparing for the worst. He leaves a wife and six children. He was prevailed to the spirit world by five sons and daughters. He was a kind and loving husband and indulgent father. The deceased was a member of the Church of Jesus Christ of Latter-day Saints, and was in his 66th year. During his life he has suffered a great many hardships and exposures. The sorrow of the family is shared by the entire community, who extend their deep sympathy.

Miss Watkins's Case Continued.

The case of Lizzie Watkins, charged with keeping a house of prostitution, on being called for hearing in the police court this afternoon was continued until Wednesday afternoon next at 2 o'clock at the request of the defense.

Selling Meat Without a License.

Lee Hemminski senior and junior were before the police court this afternoon charged with selling meat without a license. Both father and son were very poor, and on being found guilty Justice Smith imposed the light fine of $5, saying that if the offense was repeated he would make the fine $50 next time.

High Council.

The High Council of the Salt Lake Stake of Zion will meet next Wednesday, January 23rd, at 7:30 p.m.

JAMES D. STERLING, Clerk.

Ward Sociable.

The Y. L. M. I. A. of the Second ward will give a sociable entertainment in the meeting house tonight at 7:30 o'clock. An interesting program, consisting of songs, recitations, readings, etc., will be rendered. Mr. Thomas S. Ashworth and Mr. John Robinson will take part in the program.

Mining Co. Elections.

The stockholders of the Cumberland Mining Co. met and elected the following officers: Wm. Laughlin, president; T. J. Anderson, vice president; George H. Hodgers, secretary; John A. Lawrence, Oscar W. Lawrence, D. A. Fosland, Martin Jensen, Angus Lund, directors.

Judge Bartch's Decision.

There has been some severe criticism of the action of Judge Bartch in granting a writ of prohibition in the Weber county election case on Saturday evening, the alleged ground for the criticism being that the interlocutory was not in accordance with the law. In order that the NEWS readers may understand clearly that there is no disagreement between the two or claimed it is merely necessary to call attention to the rulings which followed the deciding of the decision by the maximum court. Those who do the criticizing stop at the written decision itself, omitting the further explanation which the court gave verbally at the time, and which makes plain the attitude of the court on the question. Judge Bartch granted the writ of mandate, but denied the writ of prohibition in the Sampson case, for the reason, he he stated, that he did not deem it necessary, as he accepted in good faith the statement made on behalf of the Utah Commission. In his explanation he said that the grants of peremptory would have been proper but if it had been presented unnecessarily in the case on trial. In the Weber county case, however, there was no writ of mandate, therefore the former agreement could not cover it, and the writ of prohibition was proper under the ruling and was issued, both sides of the case being in perfect harmony with each other.

One of the chief reasons given by the court WAS the writ of prohibition was not issued in the Sampson county and similar cases was that it would cause unnecessarily expensive a trial transcript granting it, but proceeding to action in the Weber county and similar cases, also was to save extra trouble and expense by having the Territorial Supreme court pass upon the questions of law involved, and thus save expensive litigation which would follow if the case were decided in the Supreme court had prejudiced. The later action, as Judge Bartch explained, was in the interest of economy in time and expense, and to secure an early adjudication of the whole question, it was in line with what had since as the time the first decision was rendered.

SALT LAKE CANVASSERS.

Protest Against Their Going Behind the Returns.

The Third Precinct Judges Summoned to Appear at 10 o'clock This Morning Morning.

At 10:30 this morning the board of canvassers for Salt Lake county met and a protest from Judge Miner was immediately received and filed as follows:

On behalf of John Henry Smith and George R. Emery, we object to the jurisdiction of this board to go into the boxes of the Third precinct, Salt Lake City, or to count the vote therein, and to the jurisdiction of the board to go behind the returns in any manner. The Third district court has issued writs of mandate and of prohibition against the Utah Commission, prohibiting that board and its appointees from going into said boxes or counting the votes therein, and said court has not finally decided those cases, but they are still pending and the board is concerned thereby. Said ballot boxes and ballots therein have been forged and stuffed with ballots for the purpose of changing the result of the election, announced by the judges of election; the will of the electors is attempted to be set aside.

The ballot boxes and ballots have not been kept as required by law, but have been locked and unlocked and divers persons have had control thereof who were not authorized to do so by law. Said ballots in the Third precinct have been counterfeited and illegally and corruptly inserted by persons not authorized to handle them. And said registration books and poll lists have been forged and changed since the vote was announced by the judges of election. Said ballots have no legal standing as evidence. For this and other reasons we object to the jurisdiction or power of this board to act in the premises, and enter our protest against doing the same.

A resolution was offered by Pope by which it was unanimously decided to say over the Third precinct poll for morrow morning at 10 o'clock, and then to have the judges of election of said precinct to appear before the board and be examined as to the returns from said precinct. The Fourth precinct returns were then taken up and will probably be finished today.

Held to Answer.

J. H. Walker, the alleged forger, whose arrest is mentioned in another column, was taken before Commissioner Pratt this morning. He waived examination and was held to await the grand jury's action in a bond of $500. This he was unable to furnish, so will go to the penitentiary.

Suit to Foreclose.

In the Third district court this afternoon Agnes Poland brought suit against Bertha A. Cook to foreclose a trust deed involving the sum of $5,000.

Land Office.

The following filings were made in the local land office under date of Jan. 19:

David Lewis, of Beaver, Beaver county, desert entry of the northeast quarter of the southeast quarter of section 4, and the north half of the southwest quarter of section 3, township 30 south, range 7 west, 120 acres.

Hyde Hawes Tooele, of Cache county, final proof of homestead entry of the south half of southwest quarter, the southeast quarter of the southwest quarter, the southwest quarter of the southeast quarter of section 19, township 8 north, range 4 west.

Benjamin Pomeroy, of Tooele county, final proof of homestead entry of the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter and the south half of the southwest quarter of section 25, township 3 south, range 4 west, containing 160 acres.

FROM PROVO.

Ex-Sheriff Turner Dead—Suit Against the U. P.—Order to Show Cause.

(Correspondence of the Deseret Evening News.)

PROVO, UTAH, JAN. 20.—EX-SHERIFF John W. Turner died Sunday morning of nervous prostration after two months' illness. Funeral tomorrow at 12 o'clock from the Tabernacle.

W. H. Rudolph, administrator, has commenced suit in the First district court against the Union Pacific for $50,000 damages for injuries sustained by W. H. Rudolph, being run over by the Union Pacific Railway company's cars at American Fork on Oct. 1st, 1893, from which he died October 10th.

Order has been made for Sheriff Summerville, of Utah county, to appear before the court on February 2nd and show cause why he should not be punished for contempt in failing to produce the body of the late lamented W. Lee at order of the court directing Mr. E. Davis, attorney of Milwaukee, Washington, to be produced at the trial county jail. Davis has been followed to have his liberty by the sheriff and his predecessor, ex-Sheriff Barlow.

(Continued from Page One.)

THE SUPREME COURT.

In the Territorial Supreme Court and a New Trial Granted, and the Rehearing in Both Cases Is a Certain Fact by Attorney Varian on the Respondent's Behalf.

A CRIMINAL APPEAL.

In the case of the People vs Hyrum Farrell, the defendant appeared in court for sentencing, Judge L. H. Hoyt, against a sentence in the Fourth district court at Ogden, asking for a new trial, which the lower court had declined to grant him. The prosecution was represented by Judge W. S. Maginnis, and the defendant's attorney Farrell was convicted on an indictment charging him with stealing one cow and one steer, the property of John Carver. The trial took place in April, 1894, and the defendant was sentenced to five years in the penitentiary. Numerous errors, etc., are assigned as grounds for a reversal of the verdict and judgment.

The court took the matter under advisement.

AMUSEMENTS.

THE GRAND opened its fourth week tonight with a double bill, modelled of the farce comedy of the Three Hats and a certain relor called The Fairies, described as a military operetta.

HERMANN closed Saturday evening to a full house. His matinee was also very well attended.

THE GRAND opened on Saturday night with Jack o' Diamonds to a good audience, which showed the appreciation in the way of certain calls and encores. The Atlanta Quintette made quite a hit, as also did Miss Dorothy with her black shoes. Manager Murray feels confident that he will make the new vaudeville a "go."

Is It Another Scheme?

Editor Evening News:

We have had so many schemes sprung upon us during the last year or two by our municipal and county officers, that the present "fathering of the city by night" seems to some people in the nature of a scheme to assist some private corporation, though on its face it looks like an economical move on the part of the city officers. It appears to me that someone within the city officers is become scared and demands that the city furnish the light to save others, so that a contract—a long one at that—may be given for furnishing light to the people before the prospective electric light, power and heat companies are into operation.

SALT LAKE CITY, JAN. 21. TAXP.

Electricity on a Tangent.

There was a sudden burst in excitement and activity at fire department headquarters at station No. 1 soon after last midnight, caused by a crossing of wires of the electric light company and the department, and as a result a part of both systems was rendered temporarily useless.

At the fire station there was a great spluttering of electric sparks that brought the firemen into the house to their posts in short order, thinking that there had been a fire alarm sounded. All damage will be repaired immediately.

It Created a Stir.

The discovery of a bundle of lady's wearing apparel—outer clothing—tightly wrapped and carefully hidden and saturated with blood, on the Sixth Ward square, on Saturday night, gave rise to a series of wild and sensational rumors among the people in the neighborhood, it being alleged that some women had probably been murdered. An official investigation resulted in throwing no light on the mystery.

COUNTY COURT.

An Expert Accountant to be Employed—The State Road.

At the session of the county court held this morning all the members were present. The following communication was received from W. F. Noble, president of the Liberty Museum company:

To the Honorable County Court.

Gentlemen—If you contemplate the completion of Main road it is necessary that the work be done at once, before the spring thaw, as the road will be impassable for heavy hauling during the spring months.

We respectfully submit for your consideration the following proposition:

In consideration of the road we find there is about 1,100 feet that will require eight inches of macadam, which we find that will require 200 cubic yards of material five inches in depth, and 1,100 feet that will require a top dressing of three and one-half inches.

We will do the entire work, furnish the macadam broken to the proper size, spread it and thoroughly roll it, the county to furnish the steam roller, free of charge, we to pay it we pay all expenses. In fact we will complete the entire distance given above, 24 feet wide, and guarantee it to be first class work, for the sum of $6,175. Or if you prefer we will turn in the macadam at a price per rod, or yard, to be agreed upon.

The proposition was filed.

A communication was received from Joseph H. Rust protesting against the action of the court in the appointment of Mr. Pitts as local tax expert. Filed.

A communication was received from Mr. C. C. Shurtz, of Bevier, requesting assistance in the funeral expenses of Franklin Chidsey, drowned on account of being a pauper and orphan, directed to Poorhouse trustee with power to act.

A presentation from the Fifty-third school district, asking that $150, the amount of bond due on land sold to Salt Lake county, be paid to the school district, was referred to the county attorney.

The following resolution was unanimously adopted:

Resolved, That financial welfare of the county seems to demand a careful consideration of all the expenditures and receipts of the county court for the years 1893, 1894 and

Whereas, the current expenditure of the county court, requires the services of an expert accountant, therefore, be it

Resolved, by this court, that the chairman of commissioners on Wednesday evening. This will be the initial number of a series of lectures to be delivered under the auspices of the commission, by specialists. The mandolin and guitar club will add divine harmony to the other attractions offered.

But little is heard lately of any of the mines in Cache county, but in several the work of development is being steadily prosecuted. Among these may be mentioned the "Hidden Treasure," in the Paradise mining district, which is making a good showing. A promising vein has been uncovered from which a rich assay has been obtained. Shipments of ore will be made as soon as the snow will permit.

Members of the city council visited the Agricultural College on Thursday afternoon, upon invitation of President Cart. They found the College in a flourishing condition, and weak in terms of praise of its management and progress. Not so many persons are taking advantage of the special course as there should be, but interest in it is increasing, and those in attendance are receiving incontestable benefit. In local circles the people generally are pleased, it would pay them to make a meeting an intelligent move to take the course, who could afterward impart the information acquired to his neighbors.

COMMERCIAL.

SALT LAKE CHAMBER OF COMMERCE.

Today's clearing house exchanges amounted to $111,284. Same day last year, $255,045.

MONEY QUOTATIONS.

New York—Silver, 59c; bid, $1.02; London—Silver, 31 3-4.

BIDS AND SALES.

Wells, Fargo & Co. received today: Press bulletin, $4,417.

McCornick & Co., received today: Hanover bulletin, $6,195.

T. R. Jones & Co. received today: Bank bulletin, $11,800.

REAL ESTATE.

[illegible]

STOCKS AND BONDS.

[illegible]

SPECIAL DISPATCHES.

[illegible]

TRADE REVIEW.

Mr. W. O. Tarrell, traveling representative of the Page Manufacturing Co., will exhibit the 1895 Universal objects at the premises of the Coop. Wagon & Machine Co., State street, between 3 and 5 p. m., tomorrow (Tuesday). Everybody interested in spring stock see this beautiful line claims and examine its novelty combinations.

Dr. Price's Cream Baking Powder
World's Fair Highest Award and Diploma.

A Handsome Complexion
is one of the greatest blessings which can be conferred upon any woman. Pozzoni's Complexion Powder gives it.

What is
CASTORIA

Castoria is Dr. Samuel Pitcher's prescription for Infants and Children. It contains neither Opium, Morphine nor other Narcotic substance. It is a harmless substitute for Paregoric, Drops, Soothing Syrups, and Castor Oil. It is Pleasant. Its guarantee is thirty years' use by Millions of Mothers. Castoria destroys Worms and allays Feverishness. Castoria prevents vomiting Sour Curd, cures Diarrhœa and Wind Colic. Castoria relieves teething troubles, cures constipation and flatulency. Castoria assimilates the food, regulates the stomach and bowels, giving healthy and natural sleep. Castoria is the Children's Panacea—the Mother's Friend.

Castoria.

"Castoria is so excellent a medicine for children that I can recommend it as superior to any prescription known to me."
H. A. ARCHER, M. D.,
111 So. Oxford St., Brooklyn, N. Y.

"Our experience is so entirely in favor of Castoria that it seems a matter of wonder to us that it should be so long before it was given to the world."
DR. J. F. KINCHELOE,
Conway, Ark.

Castoria.

"Castoria is the best and most efficient medicine for children I have ever used, and I shall continue to use it in my family as long as I need a medicine for children."
DR. G. C. OSGOOD,
Lowell, Mass.

"Our experience in the children's hospital has been uniformly favorable to Castoria, and we shall continue to use it in preference to any other form of medicine for children."
ALLEN C. SMITH, PRES.,
Hospital for Women and Children,
Boston, Mass.

The Centaur Company, 77 Murray Street, New York City.

R. K. THOMAS,
26, 28, 30, 32, East First South Street,
Salt Lake City.

767 19/36 YARDS of
Black Silks,

Taken from the Shelves, Measured and Marked at Below Rate for any Piece just as it is Advertised, and we Will send it to you provided it is not already Sold when you send.

10½	Yards of	$1 00	Taffeta	Fro	$ 7 50
12½	"	1 00	"	"	9 00
12	"	1 00	"	"	8 00
8	"	1 00	"	"	6 00
11½	"	1 10	"	"	9 05
10	"	1 10	"	"	8 00
6½	"	1 00	"	"	5 00
6½	"	65	"	"	4 00
10½	"	1 35	Surah	"	10 00
5½	"	1 25	"	"	5 00
10½	"	1 10	" wide	"	9 00
5½	"	1 12½	"	"	5 00
5½	"	1 25	Peau de Soie	"	6 00
8	"	1 65	"	"	9 00
10½	"	1 00	"	"	12 00
4½	"	1 00	"	"	4 00
15	"	1 00	"	"	12 00
6½	"	1 05	"	"	8 00
7½	"	1 05	"	"	8 00
11	"	1 00	"	"	11 00
11½	"	1 00	"	"	12 00
12	"	1 05	"	"	14 00
7½	"	1 05	"	"	8 00
12	"	60	Glace	"	7 00
30	"	9 00	Faille	"	5 00
7½	"	1 50	"	"	9 00
7½	"	1 70	"	"	8 00
11	"	1 75	" wide	"	14 00
10½	"	1 25	"	"	13 00
7½	"	1 00	"	"	7 75
7	"	1 50	Etamine	"	7 00
9½	"	2 00	Bengaline	"	14 00
6½	"	1 00	"	"	7 50
6½	"	1 75	Gros Grain	"	9 00
7½	"	1 50	"	"	8 00
11	"	2 00	" wide	"	14 00
11½	"	1 40	"	"	11 00
5½	"	1 40	"	"	5 00
14½	"	2 00	"	"	24 00
6	"	1 40	"	"	5 00
9½	"	1 35	"	"	10 00
6½	"	1 50	"	"	6 00
8	"	1 50	"	"	8 00
5½	"	60	"	"	2 25
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9½	"	1 22½	"	"	1 75
7½	"	1 75	"	"	8 00
9½	"	1 75	" wide	"	10 00
10½	"	1 40	"	"	10 00
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14	"	1 50	"	"	10 00
5½	"	1 50	"	"	6 00
11½	"	1 25	"	"	12 50
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12½	"	1 30	"	"	14 00
12½	"	1 35	"	"	13 00
7½	"	1 07½	"	"	9 00
6	"	2 00	"	"	8 50
4½	"	1 75	"	"	6 00
10½	"	1 65	"	"	15 00
7½	"	1 15	"	"	6 50
10½	"	1 75	"	"	15 00
5	"	1 35	"	"	5 50
12½	"	1 10	"	"	14 00
8½	"	1 20	"	"	10 50
14	"	1 65	"	"	16 00
5½	"	1 35	"	"	6 00
3½	"	1 50	"	"	4 50
11	"	1 75	"	"	15 00
11	"	1 75	"	"	15 00
10½	"	1 50	"	"	16 00
9	"	1 50	Jersey	"	9 00
11½	"	1 37½	"	"	11 00
10	"	1 50	"	"	15 00
10	"	1 50	"	"	16 00
11	"	1 40	"	"	11 00
7½	"	1 00	"	"	7 00
10½	"	1 40	"	"	10 50
14½	"	2 10	Brocade	"	20 00
5	"	60	"	"	2 50
12	"	2 10	"	"	17 50
11½	"	2 00	"	"	14 00
11½	"	1 50	Crystal	"	14 25

767 19/36 Yards
ACTUAL COUNT.
NO FICTICIOUS FIGURES.

R. K. THOMAS.