### DESERET EVENING NEWS: THURSDAY, FEBRUARY 14, 1901.

time and taking the oath of alleglance, but it amounts to very little after they have taken the oath. There are some 39,009 who have already sworn alle-RUPTURED glance, but many of them have gone back to the insurgents, especially prom-Dr. W. S. Rice, the Well-Known Author inent men and leaders in the Philippine army. However, there is a feeling among the better classes, the merchants army. and rich men, that the war has gone on long enough, and that it is time it was ended. They realize that it is to their own interests that it should end. Adams, N. Y., will send free to anyone who is ruptured or knows of any person "The war is practically ended, but there will be guerrilla warfare for years ruptured, whether a man, woman or to come. It is hard to get around, When you are in one part of the island with a detachment of men it is almost im possible to know what is going on in

other part, and for that matter, what is going on in your immediate vicinity. The fighting in the southern part of Luzon is much harder than in the northern part.

WILL NEVER BE CAPTURED.

"Aguinaldo dead? Not much. He is no more dead than I am, and what is more, he will never be captured. "About the best plan that General MacArthur has hit upon to bring the insurgents to time and stop those who have taken the oath of alleglance from going back to the insurgents, is his plan of deporting them to the island of Guam. The very thought of being de-Guam ported strikes terror to their souls. Reently expeditions have been sent out to capture guerrillas, and all that are captured are hung. It is the way they should be treated. MacArthur is all right; he is the man for the place, and the way he is pushing things is fine. He is as level-headed as they make them,

and knows what he is doing. "While on the island L met several Utah boys. Dick Young is doing fine and making lots of friends. He is well well liked. He is doing good work and has a good position. I was very glad that he went back. Among others from this State I met Lieutenant Hard of the Thirty-second infantry, Captain Andy Burt of the Thirty-ninth and George Downey, who is now a major and pay-master. All are in very good health and doing well."

## VARIOUS COURT CASES.

A suit was commenced in the district court yesterday afternoon by Frances E. Johnson against Thomas M. Surbaugh and Sadie M. Surbaugh to recover \$1,100, alleged to be due from defendants on a promissory note of date January 2, 1900, payable six years after date, with interest at six per cent from and after January 1st, 1901. The plaintiff sets up in her complaint that she is aged and infirm, both physically and mentally, and defendants taking advantage of her condition, about a year ago obtained \$1,600 from her, giving her only the note for \$1,100 without any security. Since the money was obtained, however, \$500 has been paid to plaintiff. Plaintiff further states in her com plaint that Mrs. Surbaugh gave her Christian Science treatment, and while doing so influenced plaintiff and persuaded her to part with her money. Mrs. Johnson asks that, the defendants be compelled to pay her the \$1,100, with interest, and also interest on the \$500 for the time same was retained,

In the divorce suit of Theresa Wilkinson vs R. M. Wilkinson, yesterday afternoon Judge Hall gave his decision upon defendant's application to have order made on Dec. 21st, 1900, requiring him to pay plaintiff \$50 per month for alimony, and \$100 attorney's fees, modi-The order as now made requires fied. the defendant to pay to the clerk of tha

date. If it is ever going to be tried it should be done at once. The sheep are all dead, and the lawyers are all dying, therefore we wish to dispose of the matter without further delay."

Ethel Herst has filed a suit for divorce the district court against Hyrum Herse, alleging for cause of action H, desertion and failure to provide since August 12, 1900. The parties married in Davis county on the 3rd day of August, 1900, having lived together only about six days.

in the district court to renew a judg-ment for \$5,847.57, including interest, against J. H. and M. J. Clark. The judgment referred to was first obtained by Betty Meller and Meller by Peter Malloy, who afterwards died, whereupon the probate court distributed it to above plaintiff, who now desires to renew the same against the defendants.

Katerina Dora C. Voss Ellason has filed a petition in the probate division of the district court, asking that she be apointed administratrix of the es-tate of Hans H. Christian Voss, de-ceased. The petition states that the de-cedent died on January 11, 1901, in this city, leaving an estate consisting of personal property as follows; cash in Zion's Saving's bank, \$506, and two promissory notes aggregating \$500, with a few personal effects.

The heirs of the deceased are set forth as being five children including the petitioner, and the widow of a son of the decedent, the ages of whom range from 26 to 42 years.

case yesterday, which was that of L. A. Scott Elliott, appellant, vs George C. Whitmore et al, defendants; appealed from the decision of Jacob Johnson, judge of the Seventh judicial district. The suit is over water rights, which both parties claim to have in the waters flowing in Grassy Trail creek. Emery county. It appears that the defendants appropriated all the waters flowing in the creek above named, about 1879, and 1880. Later the plaintiff, or appellant took up some land below defendants property and appropriated the balance of the water in question, and claimed a secondary right. After this, however, he defendants undertook to use all of the creek's water on their land, where-upon plaintiff began suit to compel defendants to allow him to continue using the water he had appropriated. The lower court decreed the defendants to be the owners of all the water controversy, from which judgment Elliott appealed to the Supreme court. Zane & Rogers appeared for the ap-

ase was argued and submitted. The case of the State against B. H. Roberts.

or the term. The same was done with the follow-

ng cases: The Crown Point Mining company, appollant, vs the Barrios Consolidated

Grande Western Rallway company, appellant. Kaysville City vs E. P. Ellison, appel-

## PENSION FOR REBECCA HARVEY.

[SPECIAL TO THE "NEWS."] Washington, D. C., Feb. 13 .- A pension has been granted Rebecca Harvey of Salt Lake, at \$12.





6 00 p m

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Method Free to All.

Rice, 826 W. Main St.

H. Forbes, of the Agricultural Experiment station, came over from Tucson to visit the legislature and to carry out his plans of further explaining the workings of the Experiment station, the office of which, as before related, is in the university and the farm is situated out about three miles from Phœnix. Uncle Sam appropriates \$25,000 for the university proper and an additional \$15,000 for the station. There are sixtytwo acres of choice land in the farm and is situated in what might be called a happy medium of conditions generally. It was a pleasant drive out on Grand avenue, and as we entered the gate we first saw the date palms. There are nine trees in all, six of which are male and three female and bearers of fruit. The largest of these beautiful ever green trees stands twenty-five feet high and extends in the earth thirty feet, while the fibers of the roots reach out forty feet from the trunk of the tree, showing how well they are adapted to a dry country. Last year the three female trees bore 500 pounds of choice fruit, which brought in Phoenix market 25 cents a pound. The trees come from Egypt and have names given them characteristic of that country. One named "Leewah" bears yellow fruit. "Hamari" has red dates, while "Amhot" has a light blue fruit. Date palm culture is the coming in-dustry of this section. They seem to be hearty, are wonderful bearers and for among the most beautiful of the are among the most beautiful of trees.

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FRUIT CROWING

The Date Growing Industry is One

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IN ARIZONA.

#### WINTER IRRIGATION.

In the matter of tests made in irrigation, it has been proven by a peach and apricot orchard that winter irrigation is a success. The water was permitted to run freely during the time of plenty in the winter, taken off in the spring and kept dry for eight months from March 1 to November.

The trees did well, passing through the hot dry weather. By investigation it was proven that the roots went down twenty feet to water. This experiment is proving a success with alfalfa also in some instances the first crop is cut before the first watering, aside from that given during the winter.

As the water enters the farm it is measured, and every crop has a record of the amount of water consumed and



when by the greatest of good luck, he tried the Dr. Rice method. He is now ured Mr. Yourex says: "I tried Dr. Rice's method and it cured me. I did not lose a day on the road. Hundreds of mer-chants and friends in Illinois, Wisconsin, Minnesota and Iowa know the won derful fact that this remarkable method cured me and I certainly feel thank ful enough to tell other ruptured people how they may profit by my experience. Mr. Yourex lives in Cedar Rapids, Iowa, at 32216 First avenue.

Every ruptured person ought to send once and make a trial of this method that cures without pain, danger, operation or an hour's loss of time. Be gin now and in a short time you will know you had been ruptured. Write today sure.

back to the Rio Grande special waiting them at the depot.

To say that the solons were not disappointed is to put it mildly. The hand-some and spacious pile of modern buildings is really one of the show places of the State and would be a credit to any city in the Union, and the visitors were duly impressed with the thoroughness of the internal arrangements and their eminent suitability to the purposes for which they had been erected.

The president made a short address, briefly outlining the work and aims of the academy, and Governor Wells, President Evans, Speaker Glasmann and Representative Axton responded to calls made on them to address the students. One of the students, Mr. Kirkham, was chosen to talk on academic matters from the students' point of view, and did it well.

# MAJOR PENROSE HOME. Had a Trying Voyage-Says Aguinaldo

### is Not Dead. Major George H. Penrose, brigadler

surgeon of the United States army, has | court within five days \$50 for attorneys'

James Malloy has commenced suit

The Supreme court took up only one pellant, and the defendants were rep resented by Brown & Henderson, The

appellant, was continued

Mining company. George C. Whitmore vs the Rio

lant

TROUBLE OVER TRUST FUND

has done them, while others are seeking advice about their cases. All letters receive prompt and careful attention. Our physicians have made a life-long study of Blood and Skin Diseases, and better understand such cases



you to write as if you have any blood or skin trouble. We make no charge



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Man wants but little here be. Nor wants that little long, But if the place where the food doth go Does not feel well and strong. A little R.I.P.A.N.S. he should take. 'Twill keep away the stomach

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You see Johnson nil over the world

in improving what what the track in the West, RESULT, \*\*\*\*\*

the necessary labor to produce 1 The farm is divided into two fields, thirty-five acres is fenced off for animal husbandry and the remaining twentyseven acres for horticulture and agriculture.

An effort to find a wheat that will do best in the warm climate is one of in-terest, as that article of food naturally feels more at home in a colder country. The varieties which we saw growing beautifully, comes from Australia, South Poland, Turkastan, Asia, and South America. Among this wheat we find a variety with which they make Macaroni, an experiment is also being made in the method of irrigation, some of this is laid off in lands with raised borders and others drilled. The old Mexican plan is to border and flood. The more progressive grain raisers, mostly in the Gila valley, prefer drilling, but the test will prove the better plan.

### COTTON BEING TRIED.

There are three varieties of Egyptian cotton on trial.

Forty varieties of grapes, ripening all the way from July to Christmas, Sour clover or the yellow flower clover is used as a fertilizer among trees, the seeds are procured from the flour mills, where it drops through the screens where it drops through the screens. This plant grows two feet high and when in its best is turned under the soil. We saw one peach tree with over sitteen varieties of plums grafted in it and all doing well. The potato crop is in, but it is too warm for them to do well, but by careful manipulation the read is preserved by sending some to seed is preserved by sending some to the mountains, after harvest, in May, where they grow again and in the win-ter brought back to the valley farm.

Vegetable gardening is always laid off to prove what can be done, a large patch of watermelons will be planted to find how much water they will consume, of course the good people won't consume them in return. Of the many varieties of fruit trees the almond is of much interest, several varieties are grown to advantage. Of the ornamental trees among the most intersting to the writer is the Eucalyptus, or Australian gum tree, for which southern California is so famed, of this they have many varieties, a few only, however, are doing well.

One of the good features of our Arizona experimental station is, the man-agement are endeavoring to benefit the people generally. "Timely Hints," a vircular, is sent out weekly by the thousands to all parts of the Territory. The essays contain the variety of sucressful experiments, in all the depart-ments of the station, many valuable lessons are given to our farmers for the simple trouble of reading them, and

which saves a year's crop sometimes, having the experiment already made. As the Federal government takes care of this branch of industry in our country, the kind attention paid the writer by Prof. Forbes, was not neces-sarily to get in return help for the in-stitution but purely unselfish interest and exchange of friendship. The interest taken in this department by our Latter-day Saint people in the Gila valley is unmistakable evidence of ap-preciation of the efforts of Prof. Forbes

preciation of the efforts of Prof. Forbes and his associates. The Legislature is down to good. earnest work. Two years ago, \$5,000 was appropriated for the revision of the old code of laws, a commission has prepared their report and this legisla-ture has to dispose of it. The writer is chairman of the judiciary committee having charge of the code. It is now divided up and in the hands of the vari-ous committees. Whatever may have been the unhance experience of our been the unhappy experience of our people years ago, times now are not un-pleasant for a "Mormon" in Arizona's capital. The highest regard is paid to the people's representative, respect on all sides and never a single reference made of by-gone days.

SOLONS VISIT ACADEMY. Legislators Spend Pleasant Time With the Students.

President Brimhall took advantage of the legislative visit to the State asylum at Provo yesterday to entice as many of the party as possible to "take in" the scademy before that

arrived home after a voyage from the Philippines, where he was stricken ill over too months ago. The voyage was a trying one upon him, consuming forty-four days, and to heighten the

discomfort and delay the machinery of the vessel gave out and had to be re-paired at Honolulu.

Major Penrose having already re-ceived his commission left for the Philippines with the Utah batteries in June, 1898. He had charge of the Utah divi-sion during the voyage to the islands. He at once, on arriving there, entered the field and was active up to the time he became ill. For the last year or so he has been in the midst of the heaviest fighting and has won many honors for his gallantry. He returns with a medal honor and five brevets bestowed upon him for various acts of completions braves, one of which was the saving of life while under a heavy fire. The medal was given him for the gallantry he exhibited in the Aesert fight in southern Luzon in July, 1900, where he held back 300 insurgents, with only fourteen men, and escaped with all the wounded. The fighting lasted for sev-

eral hours. In sizing up the condition of affairs in the islands Major Penrose says:

and \$25 on account of alimony and then \$25 on or before March 1st and \$25 on or before the first of each month thereafter during the pendency of the action, and also to pay the balance-\$50-attorneys' fees on the first of March.

Mrs. Martha Fitzgerald yesterday afternoon filed a suit for divorce against her husband, David Fitzgerald. who is now confined in the State insane asylum. The complaint alleges that the parties married in this city July 20, 1893 and that for more than a year past de-fendant has failed to support plaintiff and her three children. It is further stated that defendant struck plaintiff in the face on July 22nd, last.

In the case of the Deseret National Bank vs Thomas S. Snarr et al, Judge Hall yesterday afternoon granted a continuance until March 12. The parties are trying to agree on a statement of facts, but have so far failed to come to an entirely satisfactory understand-ing. The case is a very old one, having been begun before Statehood. It originally involved a number of sheep which were leased and afterwards sold by the lessee, and when the matter came up before his honor yesterday for a continthe islands Major Penrose says: "The insurgents are coming in all the of the litigants, arose to oppose the con- his discretion in distributing the fund which it seems is still in existence.

Heirs of Mrs. Sarah Shearman Feel That They Have Been Defrauded.

The New York Tribune contains a statement that a suit will soon be commenced against the estate of Thomas G. Shearman, deceased, by Theodore Nye and Mrs. J .C. Topping, his sister, to recover an alleged interest in a trust fund amounting to \$20,000, which it claimed the deceased was trustee of. It is stated this sum was left by Mrs. Sarah Shearman, of this city, some eleven years ago, for the benefit of the above named partles, together with Charles R. Gilbert

and Mrs. Elizabeth R. Nye. The two parties first named state they received their interest on the property for nine years at which time the trustees, it is said, informed them that the fund had eased to exist.

Later on Mrs. Topping says she dis-covered that the deceased had made Mrs. Gilbert the sole beneficiary of the fund. The executors of the estate of Mr. Shearman claim that he was authorized to do this under the will of Mrs. Shearman, and that he was to use





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One was the love of her early youth, juvenile, soft and meeki Two was the love of her girlhood days, frivolous, light and weaki Three was the love of her womanhood, love that had wined and dined, But Four was the love with the gold, you know, a love of the proper kind.

