DESERET EVENING NEWS.

Saturday, June 27, 1891.

Copy for advertisements which are inserted in our issue in the Evening News on the day since received should be handed in to the business department not later than Ten o'clock.

Rates of Advertising mailed upon application.

Copy for advertisements must be in early.

RELIGIOUS SERVICES.

Religious services of the Church of Jesus Christ of Latter-day Saints will be held in the Tabernacle to-morrow (Sunday) afternoon commencing at 2 o'clock.

Home missionaries will visit the country wards tomorrow.

In the city wards services are held in the various ward meeting houses at the hours named:

Fourth	2 p. m.	Twenty-fourth	2 p. m.
Fifth	2 "	Twenty-fifth	2 "
Sixth	2 "	Twenty-sixth	2 "
Seventh	2 "	Twenty-seventh	2 "
Eighth	2 "	Twenty-eighth	2 "
Ninth	2 "	Twenty-ninth	2 "
Tenth	2 "	Thirtieth	2 "
Eleventh	2 "	Thirty-first	2 "
Twelfth	2 "	Thirty-second	2 "
Eighteenth	2 "	Thirty-third	2 "
Nineteenth	2 "	Thirty-fourth	2 "
Twenty-first	2 "	Thirty-fifth	2 "
Twenty-second	2 "	Thirty-sixth	2 "
Twenty-third	2 "	Thirty-seventh	2 "
Assembly Hall	2 p. m.		

Meetings convene in the country wards as follows:

Bennion	10:30 a. m.	Ogden	2 p. m.
Cache	11 "	Pleasant Grove	2 "
Centerville	10 "	Provo	2 "
Fort Herriman	2 p. m.	Richmond	2 "
Kaysville	2 "	Riverside	2 "
Lewiston	2 "	Rockville	2 "
Mendon	2 "	Rockville (Sanpete)	2 "
Morgan	2 "	Salem	2 "
Mount Pleasant	2 "	Spanish Fork	2 "
Nephi	2 "	Springville	2 "
Paris	2 "	Thatcher	2 "
Payson	2 "	Tooele	2 "
Pleasant Grove	2 "	Vernal	2 "
Salt Lake	10:30 a. m.	Wellsville	2 "
Sugar House	2 p. m.		

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Mendon	2 "	Rockville (Sanpete)	2 "
Morgan	2 "	Salem	2 "
Mount Pleasant	2 "	Spanish Fork	2 "
Nephi	2 "	Springville	2 "
Paris	2 "	Thatcher	2 "
Payson	2 "	Tooele	2 "
Pleasant Grove	2 "	Vernal	2 "
Salt Lake	10:30 a. m.	Wellsville	2 "
Sugar House	2 p. m.		

Services in foreign languages are conducted as follows:

Scandinavian meeting in social hall at 10 a. m.

German, Social Hall, lower room, 10 a. m.

FRAGMENTS.

The opening of the Pioneer library has been temporarily postponed.

On Monday next, at 7:30 am., the Fifty-seventh quorum of seventies will meet in the Elder's hall.

The Ogden racing season closed today. A large crowd of Salt Lakers visited the Junction city today and yesterday.

The funeral procession of Scourine will be held regular meeting in the Twelfth ward on Monday evening, June 29, at 7:30 o'clock.

Colonel Woodward delivered another lecture in the Tabernacle last night, the subject being "Woman and her work in the Temperance reform."

It is not improbable that the members of the Utah Pioneers, assembled at Ogden, will take part in the Fourth of July festivities at Ogden.

The *North American Review* for July comes to us from the Utah Book & Stationery Co's. *Anne Page, Judge* and other practical papers.

There are messages at the Western Union Telegraph office for Robert Amos, Mrs. Jennie Cline, Wm. Cron and C. N. Talley.

Today the United States stand office position connected the work of removing into the Realty building, on West Temple, between Second and Third South streets.

The work of excavating for the building of the State Bank of Utah, immediately west of the Salt Lake Theatre, on First South street, is being rapidly carried on.

The East Side Rapid Transit line has been completed from Ninth East and Seventh South streets to Eleventh East and the penitentiary. It will be opened to-morrow day.

A service for baptizing took place at Hammond hall last evening for the benefit of the First Congregational church. It passed off with much success and was well attended.

The Novices of the "Mystic Shrine" are having a fine time in Salt Lake. Today they visited Garfield Beach. Tomorrow morning they have been made for a reception this evening at the Knutsford hotel.

The Scandinavian Democratic club will meet in the social hall of the Tabernacle next at 7:30. Good music, good speaking, etc. All Scandinavians are invited. P. Ortwell Thompson, secretary.

The Utah Live Stock and Marine Sheep association of Nephi, Juab county, filed articles of association yesterday afternoon with Secretary Sells. The capital stock is $15,000, in shares valued at $10 each.

The examination of teachers in the public schools of this county, which began at the Deseret University yesterday, was concluded today. The examination is substantially the same as that of the city teachers.

Last evening company D Dove rifles elected the following officers: First lieutenant, Miss Nellie Cannon; second lieutenant, Miss Julia Irvine; captain, Miss Nellie Grondeck. There are now about twenty members in the company.

James J. Connery, the noted Pacific ocean capitalist, accompanied by Joe Lawson, who was recently here with John L. Sullivan, arrived in Salt Lake this morning, and will give an exhibition here.

Governor J. S. Hogg, of Texas, has written to Governor Thomas as follows: "Will it be inconsistent with your views to make the appointment of thirty delegates at large to attend the convention at Salt Lake City, beginning Tuesday, September 15, 1891, and hope that they will attend and participate in its proceedings?"

Mr. Waldemar Van Cott, who was appointed by the district court of Utah and as referee in the case of the school trustees of Randolph, Rich county, vs. the Church of Jesus Christ of Latter-day Saints and others, has rendered his decision. The case involved the title to school property at Randolph, valued at $1000, and Mr. Van Cott has given his decision in favor of the trustees.

Last evening the monthly meeting of the Polytechnic Society of Utah was held, but only routine business was transacted, and no affirmation taken off. Friday evening, July 10, Professor Angell, of Ann Arbor, will read the question of irrigation and the coming irrigation congress was deemed of such importance that more time is wanted to prepare for the discussion of the subject.

The party of tourists from Berlin, on their first round the world, are registered at the Walker House. They include Baron Lemarne Boisleuve, from Harz; H. Eiter, from Berlin; Baron Von Ketteler, F. Fischbeck and E. Polzin, from Berlin; Baron O. Lecoq-zeny, from Bern; M. Eiffel, from Neuchatel; Mr. Schermann, Miss E. Schermann, Miss H. Schermann, Mr. Schultz, from New York, and their C. Stenger, Mr. Stenger of the tour.

Robert T. Taylor, not a member of the police force of this city, is in serious trouble and has been discharged from the service of the police department. A few evenings ago he arrested J. W. Corrigan, a Greenpoint, on a charge of disturbing the peace, but as there was no evidence of guilt on the part of the prisoner he was discharged. Mr. Corrigan yesterday swore out a complaint charging Thomas with disturbing the peace. He was consequently arrested and cited to appear before Justice Greenwood this morning at 10 o'clock today, but the case went over until Monday morning.

THAT INJUNCTION SUIT.

The Street Railroad Companies Air Their Grievances in Court.

AN AFFIDAVIT PRESENTED.

Testimony of President Cameron and Superintendent Reed in Judge Anderson's Court.

The Street railroad injunction suit came before Judge Anderson, in chambers, this morning. Attorneys Hawkins and Critchlow representing the plaintiff, the City Railroad company, while Messrs. P. L. Williams and C. E. Jack appeared on behalf of the Rapid Transit company. There was a large attendance of persons directly interested in the proceedings, and the little court room was uncomfortably filled.

Attorney Rawlins opened by reading the complaint and cross-complaint of the respective parties, and then submitted a certified copy of the resolution of the City Council, granting the franchise to the City Railroad company to lay single and double tracks and operate tram-cars in certain thoroughfares, dated Feb. 20th, 1889.

The following joint affidavit, signed by Messrs. R. C. Chambers, president of the City Railroad Co., and W. P. Reed, its superintendent, were then put in:

"I am and have been since prior to the year 1868 a resident of Salt Lake City. Am acquainted with the plaintiff, the Salt Lake City Railroad company. In the summer of 1889 said company, in pursuance of authority granted to it by the city council, constructed a double track street railroad upon Second South street, extending nearly the entire length of that thoroughfare.

That said company also, in pursuance of like authority from the said city, constructed and put in operation upon other streets single and double tracks street railroads to be operated in connection with the said street railroad, as erected and constructed upon the said Second South street. Immediately, said company caused said lines of railroad to be so equipped that street cars were therefrom propelled, with all necessary conveniences for the accommodation of the public, and operated over and upon said street car lines by means of electric motive power. That said time, including the said double track street railroad upon Second South street, were so constructed, equipped and put in operation at a very large expense, and in strict conformity with the terms, conditions and provisions contained in the resolution of the City Council, under the authority of which the same were constructed. That since the original construction of said street railroad the said company has kept and maintained the same and operated and propelled cars therover at frequent and short intervals of time during each and every day, commencing at 6 o'clock in the morning and continuing until 12 o'clock midnight, so as to afford adequate and complete accommodation in the way of rapid transit to all persons desiring to travel on the street cars of said company. That upon the said double track on Second South street cars are run each way every ten minutes.

On the night of the 23d and 24th of June, while said company was in the actual, peaceable possession of said railroad, together with the portion of the street occupied by its tracks, poles and wires and other things necessary to the full equipment and full operation of said road, and, after said company had been in the peaceable, actual and undisturbed possession of the said railroad and the right of way thereto, and operating the same for the convenience and accommodation of the public for more than two years, in conformity with its rights and franchises, the said defendant, the Salt Lake Rapid Transit company and the said J. S. Cameron and the said C. E. Jack, with a large force of men supplied with picks and shovels and other implements, and with the aid and assistance of about fifteen or twenty persons claiming to be members of the police force of Salt Lake City, and armed with clubs and pistols and other deadly weapons with force and violence entered upon said property of the said plaintiff and began digging and excavating upon said premises and along the said tracks and right of way of said plaintiff, and impairing and destroying the same, began the construction of another parallel railroad occupying the same ground covered by the tracks of the said plaintiff. That notwithstanding the said defendants were duly informed and advised of the rights of the said plaintiff in and to said tracks and right of way, by threats and violence and by assaulting and beating the representatives of the said plaintiff while endeavoring to protect the tracks, cars and right of way of the said plaintiff, and by causing the said representatives to be arrested and carried off, said defendants did continue until midnight last and depredation upon the property and franchise of the said plaintiff until they were prevented from so doing by the injunction issued."

Mr. Rawlins added that the plaintiff's attorneys had also filed a demurrer to the cross-complaint of the Rapid Transit Co., which assigned that it did not state facts sufficient to constitute a cause of action. The pleadings on both sides were verified.

Attorney P. L. Williams produced the book of resolutions on the part of the Rapid Transit Company, which he said, so far as their conditions were concerned, were identical with those granted to the other street railroad company. The first franchise was adopted February 11th, 1889. He enumerated the provisions of this. Mr. Williams next submitted as evidence a plat and accompanying relation, showing the track proposed to be constructed under the street models his company, to the relation of which Mr. Rawlins objected, on the ground of their being immaterial and irrelevant.

Mr. Williams expressed a desire to have Messrs. Jack and Cameron sworn to give evidence, but here again Mr. Rawlins raised an objection to the admission of oral testimony.

Judge Anderson overruled the objection and

Recorder Jack testified that the plat and profile were presented to the City Council in May, 1891, and referred to the city engineer.

Mr. Cameron, president of the Rapid Transit company, was called to prove that the object of the map, etc., was to show that the track could be so constructed on Second South street as not to interfere with the other company's rights there, or occupy more than one foot of the street in addition to the space occupied by the Street Railroad company. He said that the north rail of his company would be within one foot of the south rail of the other company's track, and would be spaced to their own line. The Rapid Transit company proposed to lay their line between those of the City Rail Road Company, whose rails would not be interfered with at all.

Mr. Williams—Is there a similar construction on First street.

Witness—The construction on Second South would be similar to that one, except that on the hill both rails are spaced to the same line. In the case of Second South the rails are spaced to furnish extra room—a sufficient number to support our own cars.

Mr. Williams asked next what would be the effect of that. How many openings or cuttings into the plaintiff's track would be required.

Witness—There would be one for at each rail and no switches. Only one of their rails would require to be cut. Our south rail would have to cross their north rail.

Mr. Williams—Suppose that as fast as you were proceeding to do the other right when this work began?

Witness—We proposed to put in our line, the line of track before outlined, between the ties of the other company—to spike our rails to our own ties, and not to touch their rails until such time as we put in the frog.

Mr. Williams—Could that work be done without interfering with their roadbed, or preventing the operation of their line while it was going on?

Witness—Yes, the whole thing could be completed without stopping any car of theirs more than five minutes. The only time any car would be stopped at all would be when this frog was put in. This might cause a delay of from one to five minutes. The work we were prosecuting on Second South when the restraining order was served was the construction of the track in the way I have described.

Mr. Williams—What interference had been offered by your men with the other company's track, or rails?

Witness—I did not see a rail or tie touched by them.

Mr. Williams—What would be the effect upon their manner of putting in these additional lines, as you proposed?

Witness—The same line put in the better for the track, which is easily kept up. There was sufficient room between the ties to put in an additional tie.

Mr. Williams—State whether or not, with those tracks placed so closely together, one rail inside the other, there would be any impracticability in each company operating by its own power.

Witness answered not the least. The tracks on First street operated all right.

In reply to other questions Mr. Cameron said his company had no track leading from the eastern part of the city to the west side except that on Fourth South, which did not reach either of the depots.

In reply to Mr. Rawlins, the witness said his company had proposed to run cars along this second South street now as frequently as the traffic warranted. That would have to be seen.

Mr. Rawlins—Now, would you say that this you propose would not interfere with the operation of the other company's line ordinarily?

Witness—I don't think it would interfere with the ordinary traffic on the road. There would be strange times for running the cars that there would be no interference.

Supt. Reed then took the stand. He said that the City Railroad cars ran on Second South street, entire, every twenty minutes. Very often, on special occasions, they had an increased service. Usually this was for the bathing trains, which ran on this street regularly, and on schedule time. On First Street the double arrangement interfered with the running of the cars, and was dangerous, especially if schedule time was not kept. The effect of falling stock passing over "frogs," owing to the shaking, was detrimental to it. Witness said that the attention on his part of his company to shortly increase the car service to five minute runs.

To Mr. Williams—That arrangement has been in contemplation some four or five months. We have extra cars on order for that purpose now.

Mr. Williams called the court's attention to the record in the case of the body politic against the Rapid Transit company and said he desired to have that considered in testimony. There was an injunction in that matter which prevented the company named from building their track outside those particular tracks and so occupying the space that was really necessary for their use.

At this point the court took a recess until 2 p.m.

THE WILSON CASE.

Judge Zane Gives a Practical Hint to Police Justice Lacey.

Attorney Armstrong waited upon Chief Justice Zane in chambers yesterday afternoon and filed a petition for a writ of habeas corpus in behalf of a man named George Wilson. It seems that in January last Wilson was arrested by the police for having burglar's tools in his possession. He was convicted, and on January 10th Judge Lacey sentenced him to six months' imprisonment in the hard labor and also imposed a fine of $200. Mr. Armstrong in his argument before Judge Zane, contended that the judgment was illegal, because the court had no authority to sentence a prisoner to hard labor, and further, that Wilson was not found guilty of any offense under the statutes, because the burglar's tools were simply found in his possession instead of upon his person.

Messrs. Elcheor and Glenn appeared for the city and demurred to the petition, on the ground that it did not state facts sufficient to constitute a cause of action.

His honor, however, overruled this motion, and the arguments upon the petition went on. After hearing both sides, Judge Zane ruled that the sentence of six months' hard labor imposed by Justice Lacey was illegal, but that the $200 fine was valid. His honor told Mr. Elcheor he might notify the proper authorities that all prisoners who had been similarly dealt with in the police court should be set at liberty as soon as the number of days imprisonment to liquidate the fine had been served by officers against the law.

THIRD DISTRICT COURT.

Judge Zane Makes a Number of Orders This Morning.

THAT YOUNG INCORRIGIBLE.

The Court Now Grants an Appeal in the Jay Case.

In the Third district court this morning Judge Zane disposed of the following business, which occupied all the time until the noon recess:

In the case of Parish and Fanning, charged with arson, the defendants' bail was reduced from $750 to $1000.

In the case of C. F. Marple, indicted for larceny, the bail was also reduced to $1000.

In the case of R. H. Hanham vs. R. H. Bull, the findings and judgment were for the plaintiff, costs $28.75.

In the case of Egbert vs. Egbert, the defense was abandoned and a decree of divorce granted, with $10 per month alimony.

The People vs. George Reynolds and two others; housebreaking; defendants were arraigned, pleaded not guilty, and Jr. Pedro Saldo was appointed by the court to defend them.

Terence Sweeney vs. Bridget Sweeney; hearing upon report of referee; decree of divorce granted.

Eliza A. Smith et al. vs. J. Reed; judgment for plaintiff, and also for $100 attorney's fee.

The People vs. Franklin Murray, housebreaking. This is the youth whose conduct in the Ogden Reform school was so bad that the authorities of that institution sent him to Judge Zane for trial, with an order for a whipping. He was ordered to come up this afternoon for punishment.

H. C. Burns vs. F. M. Wright; the motion to dissolve attachment was presented, argued and granted.

Elizabeth Pugmire et al. vs. Sarah Riley et al. The case was taken under advisement.

Helen A. Sprague vs. John J. Halpin; default entered; judgment for plaintiff against attached property.

THE JOY CASE.

M. H. Joy vs. H. L. Laney; heard on petition and alternative writ and demurrer of defendant and answer and demurrer thereto. The court was of opinion that plaintiff was entitled to an appeal and allowed the mandate.

This was the case in which the plaintiff, a sheep farmer, was recently convicted of assaulting Mr. E. M. Walker with a stone, he having been arrested on a charge of exhibiting a deadly weapon. The weapon was drawn in the presence of two public officers, and it is said that he threatened it in a dangerous and threatening manner. The officers instead of arresting him fled from the place and reported the case at police headquarters, where they were severely reprimanded for their conduct and two others, possessing more courage, were sent to arrest Joy, which they did. When taken before Judge Lacey he pleaded guilty and was fined $150 and sentenced to thirty days' imprisonment. After receiving this sentence Joy reached the conclusion that he had made a mistake in pleading guilty, and his attorneys, Newton and Glenn, took steps to have an appeal. Judge Lacey ruled that as the defendant had pleat guilty he was not entitled to an appeal under the statute, and hence the obtaining of an alternative writ.

A HEAVY FAILURE.

James B. Cries, Dealer in Gents' Furnishing Goods, Makes an Assignment.

J. D. Cries, dealer in gents' furnishing goods, who recently commenced business in the basement of the Ex. Elmo hotel, made an assignment last evening for the benefit of his creditors.

THE INVENTORY.

Trunks and valises	$ 150.00
Hats and caps	300.00
Hats and caps	300.00
Underwear	1,250.00
Gloves	100.00
Gloves	100.00
White shirts	250.00
Men's clothing	1,000.00
Men's clothing	1,000.00
Blankets and robes	175.00
Blankets	175.00
Blankets	175.00
Blankets	175.00
Blankets	175.00
Men's collars and cuffs	100.00
Men's collars	100.00
Men's collars	100.00
Men's collars