

# FIRST VICTORY FOR OGDEN WATERWORKS

## Judge Marshall Grants a Temporary Injunction Against Mayor, City Council and Other Ogden City Officials.

A temporary injunction shall issue according to the terms of the bill of complaint, was the decision spoken by Judge Marshall this morning in the case of the Ogden Waterworks company vs. the mayor, city council, other officials and the corporation of the city of Ogden.

The federal court convened at ten o'clock this morning to hear the decision in the waterworks case. Not over a dozen persons were present, though the decision is of interest to thousands in Ogden city. Senator Allison, attorney for the plaintiff, and H. H. Henderson and H. H. Henderson, attorneys for the defendants, were present and as Judge Marshall began his summary of the case they listened forward and listened with almost breathless attention.

Taking up each successive argument for and against the issuance of an injunction, the judge in an easy, conversational tone of voice, dissected the most elaborate of references to former cases involving water rights and points at law. He spoke perhaps twenty minutes. Judge Marshall commenced his summary by reference to the substance of the affidavits introduced as evidence yesterday. He explained in detail the right of the plaintiff to an injunction depended upon the probable right of the plaintiff to the control of the stop cocks and curb boxes, etc. He referred to the affidavit of Manager Kitcher, which explained in detail the system followed in the putting in of the curb boxes, stop cocks and connections; also to the rules that had governed their control. Judge Marshall said: "Though the ownership of the curb boxes, stop cocks, and connections belongs to the citizens who paid for them, the right to control them, it seems to me, belongs to the plaintiff company. If that were not the case, such business as the plaintiff engaged in could not be carried on. The sole right to turn the water on or off by the use of the said stop cocks, curb boxes, etc., belongs to the plaintiff. That right of the plaintiff company means never before to have been questioned, and they steadily exercised it without interference until the two resolutions were passed by the city council."

In regard to the resolution of the Ogden city council, Judge Marshall said he thought they were both called out by the notice sent, by the plaintiff company, to the water consumers to make settlement of their water rentals and enter into new contracts with the company. He said: "There are two ways of settlement of a mortgage secured by a lien on a property. One is peaceful



P. C. KNOX, THE NEW ATTORNEY GENERAL.

there was a project on foot for the Southern Pacific to build a cut-off across the southern beach of the Great Salt Lake to join the Garfield branch of the Oregon Short Line at Lake Point, and come into Salt Lake from the southwest, instead of Ogden as heretofore. This said Mr. McCormick would most assuredly be done, providing there were terminal facilities forthcoming in this city.

This move, if carried out, will be a great thing for Salt Lake. There have been rumors to the effect in the air for some time past, but they have met with scant serious attention and have been dismissed as being visionary. Mr. McCormick, however, says that he has inside information to the effect that these plans will be carried out; and that the matter rests.

With this new feature in view it begins to look that the railroad map of Utah is going to receive a severe shaking up, and the Union Pacific interests either mean business or are playing a huge bluff upon the Clark road people in order to get them to abandon their project of building through to the coast.

WHAT THE PROJECT IS.

Briefly the new project of bringing the Southern Pacific into Salt Lake means the abandonment of the Ogden-Lucien cut-off and the construction of a new cut-off either from Elko, Nev., or Teocoma, Nev., across the desert leaving Great Salt Lake on the left instead of on the right hand as now. The cut-off from Elko would mean the

300 men and as many rifles, is expected to surrender shortly at Silang in Cavite province.

### PATENT INSECT TRAP.

One Granted Jorgen C. Nielsen, of Draper, Utah.

(Special to the "News.")

Washington, D. C., April 9.—A patent has been granted Jorgen C. Nielsen of Draper, Utah, for insect trap.

The controller of the currency has approved the selection of R. E. Hoag as assistant cashier of the Utah National bank, Ogden.

Frank O. Buckner, of Ogden, has been appointed a railway mail clerk.

### GRADING OPERATIONS.

Lively Times Down at Uvada Between Rival Gangs.

Supplies are continuing to be rushed to the front and the battle on the grade down beyond Uvada on the other side of the Nevada line is growing in interest. The farmers in the vicinity are reaping a rich harvest as the outcome of grading operations, as all available teams are being pressed into the service. From word received from the seat of the war it appears that C. O. Whitmore was the first to arrive at the scene, and he secured all the men and teams available for action, to later lose a big percentage of his force, owing to the fact that Division Superintendent Young, of the Oregon Short Line, ordered his men from \$10 to \$20 a day for the hire of their teams.

When the Short Line tracklayers arrived on the scene on Sunday they found that Mr. Whitmore, and party under Adam Paul had pitched their tents on the state line and were waiting for the invasion of their territory. The tracklayers soon worked their way to the line and then, despite the formal protests of Mr. Whitmore, proceeded to lay steel upon the disputed right of way. It is also said that Mr. Whitmore has encountered a great difficulty in the matter of securing the district judge of Lincoln county in order to obtain an injunction staying the Oregon Short Line from constructing a track on the grade. From last accounts the judge has not been located and the work of tracklaying is proceeding as rapidly as the protest of the representatives of the Clark road.

### THE HIGH SCHOOL PROBLEM

School Board Recognizes Necessity of Securing More Commodious Quarters.

Too Early in the Day to Speculate on the Probable Successor to Supt. Cooper.

The news of the decision of Superintendent Frank B. Cooper to leave Salt Lake to accept the position of superintendent of the Seattle schools has naturally given rise to some speculation as to who his successor will be. It is rather early, however, to say much in regard to the matter, for nothing definite can be said. It was only this morning that the public was notified of the change, and although Mr. Cooper confirms the report, he has not yet tendered his resignation to the school board.

Prent Newman of the board was seen today, and he stated that it was altogether too soon to say anything in respect to the superintendency. He observed, however, that it seemed that Salt Lake was a very good place for a man to get a reputation. He thought it would be generally regretted that Mr. Cooper was going to sever his connection with the Salt Lake schools, and as to what his successor would be he did not feel that he could speculate on a single name. He expects, however, that the board will be flooded with applications from all parts of the country. "It is our first purpose," said Mr. Newman, "to get a man who has merit, then we will consider the place where he is from. Between an incompetent Utah man and a competent one from outside the State, we will prefer the Utah man. As to the question of salary, we will take the latter, but I think the position of nearly every member of the board is, that between a competent Utah man and a man from outside the State they will prefer the Utah man."

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The next side the University and many of the best schools in the city, but the people of both the east and west sides are contending earnestly for the location of the High school in the respective sections. The necessity for a new building is recognized by every member of the board. The present quarters are entirely inadequate. There are over 700 pupils in the High school and two are still in the morning air, so that the board will have to make some new provision.

LIBEL SUIT CONTINUED.

Andrew Shulsen Gets Until May 2, to Answer Emma Johnson.

In the libel case of Emma Johnson vs. Andrew Shulsen, in which plaintiff prays for \$20,000 damages on account of various alleged libelous statements by the defendant in which he accuses her of unchastity, etc., and killing her first husband, Judge Morse this morning set the case for trial May 2 to file his answer to the complaint.

Wants to be Free.

Divorce proceedings have been commenced by Jennie L. Speirs against her husband, Edgar T. Speirs. Mrs. Speirs alleges that her husband has neglected to provide for her ever since their marriage, which took place in Salt Lake on August 20, 1898, and that he deserted her a month after their marriage. She prays that she be allowed to assume her maiden name of Baggett, and that the court allow her alimony.

Setting of Cases.

Judge Morse will make a setting of cases on Saturday, April 13.

Divorce Case Referred.

On motion of Attorney C. M. Nielsen the divorce case of Nettie W. Allen vs. William Allen, on Judge Hall's calendar, for trial today, was referred to Attorney A. A. Duncan as referee.

# EQUESTRIAN STATUE OF GEN. J. A. LOGAN

## Unveiled in Iowa Circle, Washington, Amid Imposing Ceremonies—Pres. McKinley Pays a Tribute to His Memory.

Washington, April 9.—The magnificent equestrian statue of Gen. John A. Logan, erected in Iowa circle in loving memory of the distinguished warrior and statesman by his comrades in arms and by the people whom he served so well, was unveiled this afternoon. The ceremony occurred in the presence of an immense assemblage, including President McKinley and the members of his cabinet, the surviving members of Gen. Logan's family and many persons eminent in the military and civil life of the nation. A grandson of the famous leader, Master George Tucker, drew the silken cord which released the fluttering flags that draped the statue and disclosed to view the heroic bronze figure.

At 1:30 p. m. an imposing military parade of which Col. Francis L. Conner, of the Fourth artillery, was grand marshal, was formed on Pennsylvania avenue in front of the White House, and thence escorted the President and other distinguished participants in the ceremony to Iowa circle.

Many veteran organizations of both the civil and Spanish wars marched by separate routes to the scene of the unveiling. Music for the occasion was furnished by the Fourth artillery and Gen. Grenville M. Dodge, president of the Society of the Army of Tennessee, presided at the ceremony in Iowa circle. After the invocation had been pronounced by the Rev. Frank M. Bristol, the President's pastor, Gen. Dodge presented the sculptor, Mr. Franklin Simmons. Young Master Tucker then released the clinging draperies of the statue and the splendid work was disclosed.

Following a brief introduction by Gen. Dodge, President McKinley delivered the following address:

PRESIDENT MCKINLEY'S ADDRESS

"My Fellow Citizens—It is a good token when patriots are honored and patriotism exalted. Monuments which express the nation's gratitude for great deeds inspire great deeds. The statue unveiled today proclaims our country's appreciation of one of her heroic sons, whose name is dear to the American people, the ideal volunteer soldier of two wars, the eminent senator and commoner, Gen. John A. Logan. Logan's career was unique. His distinction does not rest upon his military achievements alone. His service in the legislature of his own State, in the national House of Representatives and in the Senate of the United States would have given him an equally conspicuous place in the annals of the country. He was great in the forum and in the field."

"Some names instantly suggest a sentiment. That of Logan stands for exalted patriotism. This was the key of his success. Frisky politics to him was nothing when the Union was in danger. When the alternative came he was swift to dedicate his life and fortune to the party of Lincoln because it stood for the indivisibility of the Union. How much he did to create and sustain the sentiment of loyalty and patriotism among the people of his own State and throughout the nation can never be told. He stood with Douglas holding up the cause of the Union and offered his own life as a cheerless sacrifice, if need be, for its preservation."

"Logan was never half-hearted. An intense patriot, he was also an intense partisan. He had convictions and followed them to their conclusions at any cost. He was a leader from boyhood, he recognized a leader among his youthful associates. His integrity was pronounced and served him well, as integrity will serve every man who has and keeps it. His success was founded upon a high character, unflinching sincerity, high courage and unswerving industry. He came out of the war with the highest military honors of the volunteer soldier. Brilliant in battle and strong in military council, he was also the true American spirit, for when the war was ended he was the first to eager to return to the peaceful pursuits of civil life. While a strict disciplinarian, he was yet beloved by all his men. No duty was too burdensome for them to cheerfully undertake and no sacrifice was too great for them to undergo when he commanded. He was not only considerate and tender of the soldiers whom he led, but generous and courteous to his brother officers. It was significant of his generous spirit that under the tempting opportunity of a great command he declined it rather than an injustice should be done and humiliation put upon a brother officer. No wonder that Gen. Logan was the ideal of the rank and file of the army. They loved him; he loved them."

"In Washington, with most onerous and exacting senatorial duties resting upon him, he was devoted to the wants and necessities of his old comrades. His sympathy, his services and his limited purse were never denied them in their need. He was among the first commanders of the Grand Army of the Republic and to him we are indebted for

that beautiful service, which on the 30th of May each year brings to the graves of the soldiers dead, and whom he now rests in everlasting comradeship, the offerings of an affectionate people and the undying gratitude of a nation."

"As a popular orator, his voice has been heard in every State and Territory of the Union, always for his country and for the flag he loved."

"The highest eulogy ever paid him was by his father. The latter in his will divided his property between his widow and children equally, except—and I quote from the will—John Alexander, whose marked abilities are such that he can provide for himself and aid his mother if necessary. This provision is not made from want of affection, but because of unbounded confidence in his future success." What a remarkable tribute from a father to a son. That expression of faith was enough to fire the young man's noblest aspirations and call out the best that was within him. And how worthily he vindicated the confidence. To have inherited, to have deserved and to have fulfilled the commendation from his father's love and faith were better than any inheritance of lands and tenements, stocks, bonds and money. Beloved of father, beloved of the people, beloved of his country, his whole life realized his father's prophecy, and his words would adorn any monument to his fame."

Mr. Depew said in part:

"The typical American has long been the subject of discussion and portrayal. In caricature, in picture, and upon the stage, our national character has been portrayed in many a grotesque and often a ridiculous manner. Jonathan, who is sharp, is also a little and a little, but who exhibits no trait of that culture, sensitive honor and lofty morality which make a man a successful people. We do not therefore, find the typical American, as the sketch of the artist or upon the dramatic stage. The professional or business man who has been successful in his pursuit; the one who, with the great opportunities of the United States and by the exercise of rare gifts, has accumulated a phenomenal fortune; or the distinguished soldier or sailor who has come from the severe training of West Point or Annapolis, is not peculiar to our country. He exists under all governments, and accomplishes the same career under all institutions. American liberty and law, which grant to all equal opportunities, which neither foster nor favor nor permit class or privilege, cultivate a salubrious activity which is possible alone with us. It develops an American who passes easily and naturally to and from private pursuits and public life; is ready to take his place in the halls of legislation; is facile with his pen, and keen upon all questions of current interest, and with that leisure which comes only to the very busy finds rest and recreation in travel, fraternal organizations, or in the duties of duty and of danger. If he survives the perils of battle and dangers of disease he practically beats his sword into plough shares and his spear into a pruning hook by exchanging the uniform of a soldier for the citizen's dress, and quietly resuming the peaceful paths of the industry he abandoned to fight for his country. The Grand Army of the Republic has upon its rolls numberless examples, living and dead, of heroes in war who were also successful in the professions of business, orators of rare merit and statesmen of unique distinction. Such a man—a typical American—is the soldier, statesman and patriot. Among those of whose statues, erected by a grateful country, we are here assembled."

Mr. Depew sketched the life of Gen. Logan from the time he entered the Mexican war as a private until he was made commander of the Army of the Tennessee, in the civil war, characterizing him the finest example of the volunteer soldier.

Continuing, he said:

"The most gratifying tribute to himself and the expression of the opinion of the volunteer army in regard to him was his election as the first commander of the Grand Army of the Republic and the election repeated as often as the organization of the army of the Republic was renewed."

Concluding, Mr. Depew said:

"In every community in our land the leaders of public opinion and the dwellers in the homes of prosperity have come from the ranks. Among those successful Americans in many lines who have won and held the public eye and died mourned by all their countrymen, there will live in the future in the history of the republic no nobler figure, in peace or in war, in the pursuit of the citizen and in work for the welfare of his fellow citizens, than Gen. John A. Logan."

The ceremony was concluded by the proclamation of the dedication by the Rev. Dr. J. G. Butler.

# PRES. CANNON "SINKING RAPIDLY"

## That is What an Associated Press Bulletin Said This Afternoon, Supplemented by the Statement That "Death Was Hourly Expected."

The Deseret News received the following Associated Press bulletin this afternoon at 3 o'clock, dated Monterey, California, 1:30 p. m. (2:30 p. m. Salt Lake time):

"President George Q. Cannon of the Mormon Church is sinking rapidly and death is hourly expected."

The news contained in the above brief dispatch caused a profound shock, and it was read from the bulletin windows of the newspaper offices only words of deep regret and sorrow were expressed. While the intelligence was extremely painful it was not altogether unexpected as news from the sick man's bedside has been particularly disquieting for the past few days.

The Associated Press advises, however, that a much more serious phase

# P. MAY BUILD TO SALT LAKE.

## Meeting of Business Men Called for Tomorrow Evening to Consider the Proposition — To Build From Elko, Nev., Across Desert to Garfield Branch and Ignore Ogden.

Dear Sir—You are respectfully invited to attend a meeting of prominent business men of Salt Lake City at the Savings Bank on Wednesday evening, April 10, 1901, at 7:30 p. m. to consider matters of vital interest to the business men and people of Salt Lake City.

W. S. MCCORMICK,  
THOS. G. WEBBER,  
Committee.

The above communication was received through the mail this morning from some thirty of the prominent business men of this city. Upon inquiry it was learned that the object of the meeting was to ascertain the sentiment of the representative citizens here in regard to bringing the Southern Pacific to Salt Lake.

When seen this afternoon Hon. W. S. McCormick said: "This call which has

# LOUBET AT GAMBETTA'S TOMB.

## Places a Crown of Flowers Upon It—Wants Remains Removed to the Pantheon—Speaks on the Interests of France.

Nice, April 9.—President Loubet, accompanied by the French minister and other officials, placed a crown of flowers upon Gambetta's tomb today. He expressed the hope that the French parliament would soon vote to transfer the remains to the Pantheon. It is proposed that this be accomplished by July 14 next, the French national holiday.

President Loubet subsequently repaired to the port of Nice, three quarters of a mile away, where he was welcomed by the chamber of commerce and visited the hospitals. He was everywhere warmly greeted. At a banquet later, and replying to a toast to his health, President Loubet asserted that the principles of justice, solidarity and good will were the foundation of the republic and inseparable to France. He said the country needed unity and concord, and that the conflicts of interests and the country's increasing wants would end in compromise.

A forecast of the result of the poll is well nigh impossible. The men will not discuss the prospective strike outside of their lodge rooms. It is difficult to say when the result of the vote will be known. It is generally understood that the ballots will be collected by the local organizations and by them forwarded to the brotherhood chiefs. The impression has been created that the strike will be decided by the vote of the men, and that the result will be decided by the vote of the men.

# JERSEY CENTRAL TROUBLES.

## Employees Are Ballotting Whether They Shall Go on Strike.

New York, April 9.—The employees of the Central Railroad of New Jersey are balloting in secret today on the strike question and if two-thirds vote affirmatively they will leave their posts as soon as the result is officially declared and the approval of the national officers secured.

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# PEACE MANIFESTO SIGNED.

## Aguinaldo Attached His Signature to It This Morning.

Chief Justice Arellano Drafted the Document—Ex-Leader Objected to Two Clauses.

Manila, April 9, 3:25 p. m.—Although the officials are uncommunicative, it is nevertheless said that Aguinaldo signed the peace manifesto this morning. Chief Justice Arellano drafted the document. Aguinaldo strongly objected to two clauses of the manifesto, and considerable argument was required to overcome his objections.

Col. Ababa, the insurgent leader of Zamboanga province, with 13 officers, 85 men and 52 rifles, surrendered to Lieut. Col. Manoli C. Goodrell, commanding the marines stationed at Olonogap, on Subig bay. Gen. Maivar, with about

# PLUMER OCCUPIES PIETERSBURG.

## Lord Kitchener So Reports—Slight Opposition—Was Capital of Boer Government—Gives Northern Railway to British.

London, April 9.—Lord Kitchener, reporting to the war office under date of Pretoria, April 8, says:

"Plumer has occupied Pietersburg with slight opposition. He captured two locomotives and 39 trucks."

The capture of Pietersburg is regarded here as important. Among those is the terminus of the railway, and has been the capital of the Boer government since the evacuation of Pretoria. The whole Northern railway is now in the hands of the British.

According to Lord Kitchener's dispatch only one officer and one man were killed. The Boers evacuated the town during the night prior to Plumer's arrival after blowing up two trucks laden with ammunition. Plumer reports the capture of 16 prisoners, 50 horses and the depot of war stores at Boshman's Kop, Orange River Colony.

As an offset the commander-in-chief reports that a hundred men of the British Janitor and Imperial yeomanry were attacked by 400 Boers to the northward of Aberdeen, Cape Colony, and that after several hours' fighting the British were surrounded and captured with the exception of 25 who succeeded in making their escape.