

eld by John E. Dooly, in trust, for Norton, the same having been received by Dooly from the sale of mining prop erty in Idaho, which was mortgaged by orton to defendant Dooly. On Dec. 1895, the trial court rendered judg-ent in favor of defendants dismissing 19, 1895 the case against them. An appeal was taken to the supreme court and the judgment of the lower court was reversed with instructions to grant new trial. A second trial was had and resulted in a similar judgment being rendered by Judge Morse on Oct, 15, 1902, who dismissed the action on the that it was barred by ground that it was barred by the statute of limitations. A motion for a new trial was again made and was to-day overruled by the court.

BLACK BESS SUED.

### J. W. Langley Wants a Writ of Mandamus to Issue.

John W. Langley today filed a pet tion in the district court for a writ of naandamus to issue against the Black Bess Mining company, A. Hanauer, Jr., president, and J. A. Mahon, secretary of said company, to compel defendants to issue to him 9,000 shares of stock in defendant company to which he claims he is entitled by purchase. Plaintiff alleges that he has been the owner of 8,000 shares of said stock since the or-ganization of the company, and that he purchased 1,000 shares from J. P. Ing on Dec. 30, 1902.

He alleges that he has demanded that said stock be transferred to him but dants wrongfully failed and refused to make the transfer. The reason of the refusal to transfer the stock is aileged to be because defendants Hanauer and Mahon have illegally issued large amount of the stock to person not entitled thereto and, in con with the stock remaining in the treas ury, have thereby formed a pool and have raised said stock above its true value and have thus prevented plaintin from securing his stock.

Judge Hall issued an alternate writ of is against defendants returnable on Jan, 9, 1903, at 10 o'clock.

### Judgment for Defendant.

The jury in the case of George Gutch, administrator of the estate of Charles H. Thorne, vs the Union Pacific Coal company, yesterday afternoon brought in a verdict for defendant, in accordance with the instructions of Judge Marshall.

#### Isaac Waddell's Will.

The will of Isaac. M. Waddell, deceased, was filed for probate yesterday afternoon in the district court, together with the petition of Mrs. Lee widow of deceased, askin that she be appointed executrix of th estate, according to the provisions of the will. The estate consists of real personal property in this city ied at \$2,900, and 1,400 acres of unimproved land in Fremont county The petition will be heard by Judge Hall on Friday, Jan. 16, 1903.

# REPORT ADOPTED.

#### Water Committee of Commercial Club Sabmits Its Findings.

The board of governors of the Commercial club approved and adopted last night, the report of the executive committee of the general water committee, and continued the whole committee vith the committee on laws and legislaidin associated, to help secure the need-id legislation. The latter committee tonsists of Orlando W, Powers, chair-man; Frank R, Stephesn, Benner X, Smith, Frank Knox, William A, Sher-man, Richard K, Thomas, Lonis Cohn, An Althan Market Stephesn, Stephe As this morning's papers did not orint the report of the executive water committee, a "News" representative asked for the same for publication, but

The board of governors has elected the following citizens to membership in the club: Jas. W. Neill, E. S. Ferry, J. Smith, Jr., W. B. Stanley, F. enbarth, of Sait Lake Cuy; G. reoll of Eureka,

board is, where and how they are to get the additional \$100,000. About the ouly relief which suggests itself to members of the board at this time is to anticipate the school taxes for next year and make arrangements in the contract accordingly. The special committee appointed today will probably make some recomme dation on that matter at the com-

", meeting of the obard. BUSINESS NOTES.

First West.

~~~~~~ J. R. Walker has bought from W. W.

McCoy, for \$9,487, 5x10 rods on Fourth South street between West Temple and

The Utah Implement company has declared a quarterly dividend of 2½ per cent on preferred stock, payable Jan. 2, . . .

Today's local bank clearings amount ed to \$536,862.18, as against \$1,028,787.25 for the same day last year. The clear-ings for the present month amount to \$19,306,166.53, as against \$16,004,789.90 for December, 1901. . . .

The local price of wheat is maintained at 80 cents, while in Nebraska the price is 59 cents. It is claimed that Utah is about the dearest whea

market in the country; also, that the farmers have been doing better with the product than other farmers in most parts of the country.

There was a sale of Auerbach estate property yesterday, on the mining ex-change, as follows: The 181/2 feet frontage on East Temple street, now the site brught by the Houston Real Estate In-vestment company for \$30,500. The 25 fect frontage on East Temple street naw occupied by the Judd Cigar company was bought by the Utah Savings & Trust company for \$30,000. This property will probably be improved and rented. The East South Temple and Q streets property, 10 by 10 rods, was purchased by J. E. Sheets for \$8,400. Five by 10 rods south of Second South

on Second East street was purchased by S. H. Auerbach for \$4,800. The sales totaled \$73,700.

# Daniel Jones Committed to State Mental Hospital,

Daniel Jones, a resident of Union, was examined today as to his sanity by County Clerk James and Drs. Mayo and Odell and committed to the insane asy-lum at Provo. Mr. Jones is 62 years of age and has been in ill health for a number of months. His aged wife nursed him continually until about two months ago when she died. Since then the old man has worried a great deal over his loss until the day after Thanksgiving his mind became weakened and he gradually got worse until it became necessary for him to be tak-en into custody. He was brought in from Union yesterday afternoon by Deputy Sheriff Michael Mauss and confined in the padded cell at the count He has the hallucination that he is being abused and persecute members of his family and it is believed that his condition was caused by chronic diorrhoa and an injury which he received to his head. HOMEFOR RAILWAY EMPLOYES

Brotherbood of Locomotive Fireman Referendum Vote Favors It. Peoria, Ill., Dec. 31 .- The referendum vote of the Brotherhood of Locomotive Firemen on the \$25,000 appropriation for the erection of a home for aged and dis abled railway emplyes has been count ed and was passed by 19,900 majority The home is located at Highland park a suburb of Chicago, but it has been de

cided to secure another location. The trainmen and conductors at their last conventions appropriated \$25,000 each and the total of \$75,000 will be used in the purchase of ground and the erection of a suitable building.

and firemen today. The total amount of the payrolls is \$5,461.91, which is segregated as follows: Officials, \$3,246.66; councilmen, \$525; police department, \$3,-209.30, and fire department, \$1,480.95.

Joseph Uhr, a lineman of the R. M. Beil Telephone company, was struck under the left eye this noon by a chisel falling from the belt of a fell workman ascending a First Sout street pole. Uhr was taken to Godbe drug store and his wound at-Pitts nded to, and then he was sent home

He is not dangerously hurt, but he had a very close call. Local representatives of big electrical plant manufacturers say that the com bine of New York capital for the con-trol of the electrical interests of the

the

385

34%

93

38% 33%

country, refers only to operating inter-ests, and not electrical plant manufacturers. They say there has been no move whatever to bunch the latter interests.

The Men's club of the First Congresational church took in 14 new mem-bers Monday night, when they cele brated Forefathers' and Foremothers' day. The speech of the evening was delivered by Rev. E. I. Goshen of Og-den, and Rev. Dr. Brown and others elso spoke in an interesting vein. Over

160 people were present. Local army officers are appearing or the streets with the new snuff and ginger colored overcoats prescribed by cer colored overcoats preservices of new regulations, also the new Austrian aimy cap. The departure from the old and time honored styles is rather radi-cal, and the utility of the changes is deubted by not a few officers. The changes are laid to a combination of

army tailors and the superheated en-thusiasm of a few prominent army officers who have been abroad and fallen in love with the foreign army style of attire.

NEW YORK STOCKS. (By leased wire to A. A. Gibson & Co., 215 South Main street.)

Open. High. Low, Close

3914

3436

Wednesday, Dec. 31, 1902.

Stock. Erje Com. .. . K. C. So, Com. SENT TO PROVO.

38% 33% 48% 48% 99% 481/8 48% Ches. & Ohio . 99%。 [88%] Balt. & Ohio . 884<u>6</u> 12% 4434 88% 88% West. Union . 12% 12 44 12 44 Leather Com. 4434 Col. So. 2 pfd. . 39% 57 39% Pac. Mail K. & T. pfd. .. 57 34% 34% 34% Alton Com. ... Smelt, Com. ... 42% 93% 40% 42% 43% 94% 41 945 do. pfd. .. .. 41 R. G. Com. .. . -4014 88% 26% 33% 92% 73 90 29 89 28 89 do. pfd. .. .. Gt. West. Com.. 26% 34 841% 34% So. Ry. Com. ... 92% 92% 92½ 73% 73 81% 27% \$0% 27 Col. Fuel Com. 271/2 St. Lo. So W. C 63 623/2 593/2 353/4 853/8 63 do. pfd. .. .. 59½ 35% 85% Coal .. .. 603 Tenn 36¼ 85% 96 63% 36% 85% Steel Com. .. .. do. pfd. .. .. 96 96 62% Ana, Copper ....

6274 64% Amlg. do. .. ... 12914 Sugar People's Gas 10334 104 142 103% 139% 1393 Met. Trac. .. .. 68% 671 Breeklyn ..... 68 68% Manhattan Ry., 146% 149% 17914 178% Paul .. ... St. Paul .... 100% 101% 93 84% 92% 84 do. pfd. .. .. Atch. Com. ....

100% 100% 100% 100% 100% 64% 65% do. pfd. .. .. 108% 108% 110% 110% Mo. Pac. .. ... Tex. Pac. 39% 41 403 1321/2 1833/2 1321/2 1503/2 1513/2 1503/2 1323 151 Cana. Pac. .. Y. Cent. 146 146 147% Ills. Cent. Ont. & West. ... 8214 82% 32 291/s Wabash Com. 2912 3054 2914 do. pfd. . 4315 4514 4314 Penna. Ry. . 15514 15614 15514 Read. Co 6616 67% 66% Lou. & Nash. .. 1271/ 129 | 1271/ 128

NOTICE. There will be no session of New York Stocks or Grain tomorrow, Jan. 1, 1903, New Year's Day.

Utah Implement company has resigned and will associate himself with the Boise Implement company. Mr. Peter-sen will remove shortly to Boise to live for climatic reasons.

# ILLINOIS COAL COMBINE.

Investigations Begun by Hamlin and South Aldermanic Committee Merged.

> Chicago, Dec. 31 .- The investigations begun yesterday by Atty. Gen. Hamlin and by the aldermanic committee to determine the cause of the coal famine in this city were merged today when

the sub-committee, consisting of Al-dermen Rice, Friestadt, Palmer and Jones went into conference with the attorney general to the end that they work intelligently and together.

The inquiry has not as yet brought out evidence of a conspiracy between dealers or on the part of railroads or of both, although some of the former have been shown to have on hand thousands of tons of coal. They, however, claim that it is for contracts already made and not their own.

The attorney general says that if it can be shown the coal is really not held for contracts, the dealers can be prosecuted for withholding it from the market. Several railroad men declared their roads were giving coal prefer-ence over dead freight and produced figures to show that it was being disposed of as fast as received.

GANG OF TOBACCO SMUGGLERS

Collector of Port of New York Be lieves He Has Discovered One.

New York, Dec. 31 .- The Evening Post says:

"Nevada P. Stranaham, collector of the port, from certain evidence in his hands, believes there is a regular organized gang of tobacco smugglers en gaged in bringing the leaf into thi country on the north Atlantic passen ger liners. He is satisfied that he know the principals in the illegal traffic and he is preparing now to close the nets around them and arrest the ring-lead ers in the scheme and as many of thei tools and underlings as he can lay hands on, and find legal proof against In line with his plan to root out the evil many seizures of tobacco have been made recently. Mr. Stranaham said to dav

"Practically every month since I hav been in office seizures of sinuggled to bacco have been made. Always it has been sumatra wrappers, on which the duty is \$1.85 a pound. Every evidence points to an organized trade and I am satisfied that I know the men behind it. The stokers and sailors whom we have arrested and convicted have had their fines paid in every case.

#### Edward Weatherby Dead.

London, Dec. 31.-Edward Weather-by, former secretary of the Jockey club and publisher of the Racing Calendar 81% 27% the official organ of the club, is dead.

New Schedule of Wages on D. L. & W New York, Dec. 31.-Beginning to morrow a new schedule of wages will go into effect on the Detaware, Lacka-wanna and Western railroad that will increase substantially the pay of a large percentage of the employes in all 673 departments of the road. The percen tages of increase vary in different de-partmnts and with different men or 17854 classes of employes. According to an official statement the new schedules, 84% taken in connection with previous in-creases made during the year 1902, will make the total increases approximate what other roads located in the terri-tory through which the Lackawanna road runs, have done in this direction President Truesdale would not state

definitely what the increases will aggre-gate per month or year, but it was as-certained that they will approximate \$500,000 per month. 32 303 443 674

### British Military O enders Released

Delhi, India, Dec. 31 .- In commemoration of the coronation, durbar orders have been issued to release certain classes of military offenders and 16,139 prisoners who are in civil jails.

cles, especially in the face of the fact that during the past fiscal year the earnings of the road amounted to  $\xi_{5,-}$ 400,000, or less than those of the Ri Grande Western alone, which has con Rie siderably less mileage than the C. & S. The Rio Grande system during the past ear has made the record of over 00,000 in earnings, it also operates 2,670 miles of its own tracks against 410 narrow gauge, 941 standard gauge, and 193 miles of Santa Fe and Rio Grande tracks over which the C. & S. has trackage rights into Denver and Pueblo. One skeptical official this morning remarked that when it came to a matter of importance in the railroad world a manager of the Rio Grande system, which essentially part of a great transconinental route, was of more importance than that of general manager of a line that was not a factor in through busness save when it butted in as a cutrate proposition, and one that was practically unknown in the east. Mr. Herbert was in direct line for promotion on one of the biggest and most impor-

tant systems of the west. That he should have severed his connection with the Gould interests so suddenly is ccasioning considerable comment locally, in the face of events of the past

#### Colonist Rates.

The Rio Grande and the Oregon Short Line passenger departments announce that the regular colonists rates will go into effect Feb. 15 in connection with the lines out of Chicago. The will hold good until April 30. rates From Chicago to Utah points and Pocatello, Idaho, will be \$30, while from Missouri river points the fare will be \$10 lower.

### Railroad to Lander.

The Carbon County Journal says that Judge Charles F. Fishback and Willis leorge Emerson have succeeded in organizing a syndicate composed of New York, Denver, Salt Lake and Cheyenne capitalists who will act in conjunction with the officials of the Union Pacific Railroad company in the building of a line of railroad from Rawlins, Wyo., to Encampment. According to the story the syndicate

will hold a meeting in New York city at an early date, at which the details of a traffic agreement will be completed and plans perfected for the survey and the beginning of work at an early late in the spring. The syndicate agrees to expend a

million dollars in prospecting and de-veloping claims in that district, and to push work on the new road as soon as spring opens. Representatives of Mr. Harriman will be at the New York meeting to look after Union Pacific interests, and it is confidently predicted that the new road will be completed next year.

Line from Rawlins.

The Casper Tribune gives the follow-ing bit of news: "A report has been received from Lander to the effect that the Henderson Oll company, which has been operating extensively in that sec

tion, developing its oil resources, is ar-ranging to construct a railroad either from Casper or from the Union Pacific as soon as 25 oil wells have been put down. A syndicate of English capital-ists is back of the company, which is pushing oil developments as rapidly as possible. Every well so far sunk has proved to be producer and most of them are gushers. As fast as the oil is reached the wells are plugged."

SPIKE AND RAIL.

The gross earnings of the Rio Grand system for the second week of Decem-ber were \$337,000, an increase over the same week last year of \$18,300,

A circular has been issued by some of the western roads prohibiting any official from appointing a relative in any official capacity in one of the vari-ous departments of the system. This latest order can be regarded as a fore-runner of the railroad millenium. From a letter received from New York by a railroad man at Bawlins the

York by a railroad man at Rawlins the

dderable comment in local railroad cirter, and they are supposed to give electric currents by rapid motion, magnetic fields by rotary motion, and the phe-nomena called radiation by the waves they emit when in vibration. There is reason to believe that even matter tself may prove to be an electrica phenomenon, with atoms made up of aggregations of electrons. These electric atoms exist in snace, they produce the aurora borealis and magnetic storms, and their rapid passage gives incandescence to lamp filaments.

> Comparing the maps of Mars, from that published by Beer and Madler in 1840 to that published by himself in 1991, Mr. Percival Lowell finds three periods of development in what we see on that planet. In 1840 to 1876, large dark and light markings were shown in 1877 to 1892, "canals" in bright re gions were seen, and in 1893 to 1902, the "canals" were detected also in the dark regions. The maps, agreeing funda-mentally, show a gradual detection of detail in surface markings.

> Living organisms have resumed their functions after enduring the cold of liquid air for six months. It is sug-gested that the remarkable experimenshould be continued for years or a generation, for our theories would be greatly modified by an indefinite retaining of vitality, and probability would be given Lord Kelvin's specula-tion that life may have reached the earth from space.

The red deer of New Zealand are es timated to number between 4,000 and 5,000 individuals, the offspring of two stags and six hinds that were turned out in 1868.

Individual struggle for existence in not the leading factor of evolution in Prince Krapotkin's view. His new work seeks to show that mutual aid has played a far more important part. and points out that most animal species live in societies, uniting in defence against all unfavorable natural conditions. The most numerous, prosperous and progressive animal species are found to be those in which individual struggle is most reduced and mutual aid most developed. Human progress in arts and intelligence has depended on mutual aid, and the periods when this influence has been most activ have been those of advancement in science and industry.

In his balloon experiments, Mr. J. M. Bacon has been able to see the sea-bottom under clear water from a height of 500 feet, all waves seeming to be blotted out, with no apparent scattering of light from the surface. At 1,000 feet or higher, all water-whether deep or during the ascent on a clear day be-came gradually blurred until at 4,000 feet good pictures were made impossi-ble by the dust particles that reflected the subbing the definition enter mote the sunshine, the definition over water being better than over land.

Leprosy is spread but little through personal contagion, according to the re-searches of Mr. Jonathan Hutchinson F. R. S., in South Africa. It is a food disease, the living bacillus entering the body by way of the stomach, and the chief source of the germs is supposed to be badly cured fish insufficiently cooked. The investigation is to be con-tinued in Ceylon and India.

Every animal is said to have its own kind of flea, sometimes several different kinds. Many thousand specimens of these fleas have been gathered in the these fleas have been gathered have been gathered have unique museum of Charles Rothschild, kept by Dr. Jordan at Tring Park, the signt of this strange collection being a giant of this strange collection be mole flea a fifth of an inch long.

#### THE STANDARD.

STANDARD. Do you have the Standard Dic-tionary in your library or school room? If not, you are not up to date. It is the largest, best edited, best printed, best bound, and most modern work in all respects yet issued. For sale by Deseret News Book

Turned out on short notice at the Descret News. A big shipment of new types and supplies just in. Our facilities for letter heads, bill heads, tags, en-velopes, pada, etc., etc., are unescalled by any establishment in the West. THE DESERT NEWS.

Too Late for Classification.

.....

FOR RENT.

3- ROOM FRAME HOUSE, 950 SOUTH 4TH

PROBATE AND GUARDIANSHIP

NOTICES.

Consult County Clerk or the respec-tive signers for further information.

IN THE DISTRICT COURT. PRO

agents and canvassers.

effect upon approval. Passed by the City Council of Sait Lake City, Utah, December 29th 392 eferred to the Mayor for his apand NEW CATALOGUE OF proval. CHURCH WORKS Just issued. Send to Deseret News Book Store, Salt Lake City, Utah, for a free copy. Special terms to dealers,

City Records: Approved this 31st day of Dec. 192 EZRA THOMPSON, Mayor. State of Utah, City and County st Salt Lake, ss. I. J. O. Nystrom, City Recorder : ······

1. J. O. Nyström, City Mediation Salt Lake City, Utah, do hereby cetify that the above and foregoing is a ful true and correct copy of an ordinance entitled, "An ordinance fixing the is cense required of liquor dealers up deal both at wholesale and retain up the new promises and amendian is the same premises, and amending a ordinance in relation to the sale of a toxicating liquors," passed by the Ch Council December 15th, 1902, and as proved by the Mayor December 122

saling and retailing of such liquors be

conducted upon the same premises un-der the same roof and upon the mms

Section 2. This ordinance shall take

J. O. NYSTROM.

Passed by the City Council of Sal Lake City, Utah, December 29th BR and approved by the Mayor December 31st, 1902, as appears of record in W

In witness whereof, I have her bate Division, in and for Salt Lake County, State of Utah. In the matter set my hand and affixed the corport ceal of said City, this 31st day of D-

> (Seal). J. O. NYSTROM. City Records Bill No. 129

Return Engagement

FREDERICK

3 NIGHTS COMMENCING MOST

EDWARD L. BURTON

Local Bonds, Bank and

2. Accuracy.

The value of an Abstract depen

and TRUST CO.

on these three vital points.

UTAH SAVINGS

W. S. MCCORNICK, S. M. LYNCK

on an abstract from

Commercial Stocks

Bought and Sola

3. Responsibility

LOUIS

JAMES

WARDE

FDANCESCA

DA RIMINI

11 E. First Bouth.

AND

SEA

SAL

OPE2

of the estate of Ellen C. Clawson, de-ceased. Notice. The retition for ap-proval and settlement of the annual account of the executors of the estate of Ellen C. Clawson, deceased, and petition for authority to borrow mone has been set for hearing on Friday, th leth day of January, A. D. 1903, at ten oclock a. m. at the County Court House in the Court Room of said Court, in Sait Lake City, Sait Lake County, Salt Lake Theater.

Utah. Witness the clerk of said court with the seal thereoff affixed this 31st day of December, A. D. 1902. (Seal.) JOHN JAMES, Clerk.

By J. U. Eldredge, Jr., Deputy Clerk. Young & Moyle, Attorneys for Petitioners.

IN THE DISTRICT COURT, PRO bate Division, in and for Salt Lake County, State of Utah. In the matter of the estate of Nabble Y. Clawson, deof the estate of Nabble Y. Clawson, de-ceased. Notice.—The petition for ap-proval and settlement of the account of the administrator of the estate of Nabble Y. Clawson, deceased, and for authority to borrow money has been set for hearing on Friday the 16th day of January, A. D. 1903, at ten o'clock a. m. at the County Court House, in the Court Room of said Court, in Sait Lake City, Sait Lake County. Utab. City, Salt Lake County, Utah. Witness the clerk of said court with the seal thereof affixed this 31st day of

December, A. D. 1902. (Seal.) JOHN JAMES, Clerk. By J. U. Eldredge, Jr., Deputy Clerk. Young & Moyle, Attorneys for Peli-

tioner.

ABSTRACTS AN ORDINANCE. Three points to think of when you get

<text><text><text><text><text> Abstrects of Title to Real Estate. I. Completeness. The Utah Savings and Trust Co. invites as new Ination of its complete real estate receils, if is methods adopted to secure accuracy, and if its air ity to make good any loss caused by error or examp in its abstracts.

