WILL COME IN THE NIGHT

The Twenty-Fourth Will Not Reach Salt Lake Before 2 o'clock a.m.

WILL STAY IN CAPS UNTIL MORNING.

The City Impatiently Awaits Their Coming—Dinner Passes Through Wyoming—The Red Cross.

"The Twenty-fourth will arrive in Salt Lake about 1 o'clock Saturday morning and remain in the city until somewhere near 4 a. m., during which time they will have the usual force of the line of march mapped out for them in the business district and take the street cars for Fort Douglas at the corner of Second South and Main street and proceed to Fort Douglas, where they will be regaled by the Red Cross ladies who are preparing an elegant spread for them."

Such was the information in substance given out by the citizens' reception committee this afternoon. It was disappointing news to many regards though satisfactory in that it was regarded by all as being substantially correct. The corps was expected, General Arena City of the Union Pacific this afternoon, by the very heavy rains and the time lost in feeding the men at the different stations en route. These stations along the Union Pacific are not equipped for handling so many persons in short order, and are not at great inconvenience. As regards the time these boys are saved for each meal, a fact that has greatly provoked the ire of the road. The logged the time on the road from Green River, Wyoming, at 12:30 this afternoon. The men were fed there, after which they boarded their trains bound for Utah.

DECORATIONS AND BANNERS.

All of today the patriotic citizens of Salt Lake have been engaged in performing the joyful in holiday dress for the reception of the Heroes of San Juan, who were expected to arrive early in the morning. Chairman Duly and Grand Marshal Brubeck have been meeting in the office in the Hee, and the office was full to worship at their labors.

On East Temple street along the line of march and beyond, the business men were early at work hanging out flags and bunting. Windows and doors were quickly covered and streamers were stretched from roof to pavement in many places while business men admired the fronts of buildings, as well as flying from every staff that could bear a flag. Wm. Sears, one of East Temple street, was one of all the business houses, both off and on the line of march. The patriotic frame all with each other in decorating their places of business and many of the residences were adorned in honor of the returning heroes.

The committee have some very fine banners painted and these will be stretched at intervals across the streets tomorrow morning along the line of march, from the Oregon Short line depot east on South Temple to East Temple, south on East Temple to Third South, and thence east on Third South to State street and north on State to Second South. These banners will bear mottoes speaking words of welcome and praise, and be from those who so nobly upheld the honor of their country. At the corner of First South and East Temple street Palmer Hamlin, the painter of the banners, hung out his quota in the form of a banner that is a most work of art. On the black ground of it appears the words "Home is all who serve and die in the cause of education and freedom." To the left is a monument bearing the word "Heroes," adorned with laurel wreath, the American flag and birds and flowers. To the right is a dismantled cannon among the flowers into the muzzle of which the birds have built their nests, over which appears the word "Peace."

Another touching banner bears on a black background the names of the brave officers of the regiment who lost their lives at Santiago: "Dodge, Augustin and Ordway" with the words "Hail, Farewell." Among other mottoes will appear the following:

"A hundred thousand welcomes to the heroes of San Juan."

"The ocean and the battle gave you back. We give you hearty welcome."

"Heroes alive in Native earth and Paradise. You are most welcome."

"Out of the Cuban jungle you brought immortal fame."

"You fought a good fight. You exalted your race. Welcome."

"Thanks of nations now, the thanks of millions yet to come are yours."

"Now welcome, welcome Twenty-fourth. Now, welcome to my home!"

"You have remembered the Maine."

THE ORDER OF MARCH.

The order of march as given out by Grand Marshal Brubeck, will be as follows:

Grand Marshal and Aids.
Knights of Pythias Band.
Twenty-fourth United States Infantry.
Drum Corps.
Grand Army of the Republic.
National Guard of Utah.
Reception Committee.
State Officials.
County Officials.
Mayor.
City Council.
Alta Club.
University Club.
Orpheus Singing Club.
Hod's Band.
Knights of Pythias Lodges.
St. Mark's Lodge of Masons.
Robert Knights of Utah.
Hard.
Colored Veterans.
Citizens in carriages and on foot.

All honorary members of the Utah Division of posing in the parade are requested by Grand Marshal Brubeck associate at their carriages back at least one hour before the time of the reception, and then report at his office, 20 Commercial building.

Those who take part in the parade will assemble on East Temple street, where the order of march will be formed and the march be taken to the Oregon Short Line depot. Along South Temple they will pass through the arch under which the Twenty-fourth Infantry will march, then falling in in the order named. The procession will take up the march through the city.

PREPARATIONS AT OGDEN.

Committee Appointed to Welcome the Heroes of San Juan Comes Home.

Ogden, Utah, Sept. 30th.—Official stories in this city are all agog over the expected arrival of the gallant Twenty-fourth infantry, the acknowledged heroes of Santiago. Owing to the uncertainty of their arrival at the point and the subsequent delays announced about the same from Chicago, it was difficult for those in charge of the proposed reception to get others together and arrange on a definite program. But when the word came that the troops would arrive here at 2 or 3:30 a. m. Mayor John A. Dyke, with ready and instantly responsive alacrity, proceeded to get the boys in order. Invitations were sent to the members of the city council and the mayor could not as well as other parties in the city, to join the mayor and meet the boys in fine with a right royal welcome home. Mrs. David Eccles, wife of Judge Walter, with other prominent citizens, were also invited, and Chief of Police Hopkins, Chief Cowan and Officer Dillon in assisting with the reception arrangements.

The committee, of which an effective and duty in arranging the affair appear to be the men of their department, in the city was brought out from its very ease and will be on hand to be ready for the parade of so dear to the hearts of the Spanish heroes.

The affair will be a very elaborate "formally accompanied with the Boys and Judges, in which the boys will be escorted to the Opera House, where Judge Dyke will be the speaker for the occasion, and a specially excellent lecture of their trip will be the contribution of Mrs. Dyke, the wife of the mayor, and Mrs. Dyke, for the occasion, assisted by Williams and Thomas Schoenfeldt, of F. J. Kiesel and company. It is thought that it is reasonable that the fire department, was given the honor in having marched with the boys and is ready for an extemporaneous fire, it was stated that they would not be any one set in holding over for the purpose of entertaining them. A dance was arranged upon the arrangements however, by things have resolved that the boys would not stay over longer than the morning Herald's Military band of Grand Encampment this fall was the fact that I had an engagement over the coming date at Boise City. We would much like to have had the boys with us, it would gladly you to the best of our ability."

Ogden Attendant: Mr. Squire Coop, leader of the Ogden Eisteddfod chorus, is in receipt of a letter from Dr. Parry, eminent musician, Dr. Parry of Wales accepting an invitation to visit this city while in the west. The Welsh people will be accompanied by the general Eisteddfod committee. A reception filling the important visit is being arranged for the Mayor, Hyde, Judge Thomas D. Dee and Mr. Squire Coop. The members of the Eisteddfod chorus, the Welsh people of the city and others who may desire to meet Dr. Parry, are cordially invited to attend an informal reception at the Tabernacle tomorrow night. In the afternoon Dr. Parry will be shown Ogden's famous canyon.

A man who is disposed to indulge in the "blue ribbon" is not "was observed looking at the fabled annual on the book of the Eisteddfod. He was effectually in a position to be ready to be mentality being in good frame in which such things have greater effect than under normal conditions. The man withdrew, looking wistfully over his shoulder as he did so, and was heard to say—"No, it can't cover! I hold that but oh, what a shaking up it was! Boys, I'm the last one was a month ago and the same one! The one is dead and I still live."

Nugel L. Morris and Dr. Parry went to Ogden today. This morning the officers of the Cambrian association will go up to the Junction city to be present at a banquet to be given in honor of Dr. Parry. The reception will be tendered by Mayor Hoyle.

At the Eisteddfod of 1896 ten people attended the Parry concert. This year entire is determined to increase this year's business.

The morning program is as attractive as ever. There will be ready for distribution Monday.

The committee on arrangements is arranging a grand street parade for Wednesday afternoon at 2 o'clock.

Judge H. M. Edwards of Scranton, the president of the Eisteddfod, is expected to arrive today.

The Cambrian association will order Dr. Parry a banquet at the Knapp Saturday night.

Eisteddfod participators in the case of bantling activity from early morning till late at night.

The season tickets are sold at the customary rate for the 25 cents.

Sale of seats will begin tomorrow, at 9 south, East Temple street.

The Denver people will arrive Sunday night.

AMUSEMENTS.

The street exhibition was not planned in the advertised "Grand presentation of Mary A. Mile Victory Flag, which for one night, at the Theater last evening, partly because of the fact that the company was not Mr. Hoyt's and also for the reason that only one night was to be put in Salt Lake, the regular "Mr. Hoyt" was given, leaving to get volunteers time, but even then it looked quite popular. Wise men shook their heads and were prepared to say, "I told you so." In spite of all this, however, the house was crowded and all seemed to be making standing throughout the performance. The audience, too, was made up of those who usually patronize all first-class attractions. Well, it was long and short of it was that the talent was found, the house was good, almost and Mr. Hoyt's Pyle was made up on the company remaining the balance of the week. The income of big money, it is said, was brought in last Saturday night, was the company's limit here, and they leave today for other fields of conquest. Mr. Hoyt's Pyle will appear the public taste, when Henry Miller would have to play to a party that would have to be the "Pyle." Hoyt's Pyle is a good thing in the capacity, not as matter, "Pyle" for your money and take your money." Wednesday Family Farce was seen among last night's performers though the most of them were seen before, one two excepting, all were good. The music was snappy and the action very much a la Hoyt, and altogether it could be called a good performance of the kind.

San R. Ellsworth Two Married Men will open the week at the Grand Monday, begins at 11 o'clock tomorrow morning.

The advance sale for Two Married Men, the sparkling comedy which opens the season at the Grand next Monday, begins at 11 o'clock tomorrow morning.

HAS A RIGHT

Street Railway Will be Built on South Temple Street.

JUDGE HILES SO DECIDES

Holds That the Company Did Not Surrender Its Franchise of 1893.

SAY BE UNDER MORAL OBLIGATION.

But That is a Matter of Difference Between Those Concerned in the Case—Opinion.

Judge Hiles today handed down an opinion in the injunction case of John Dern et al against the Salt Lake City Railway company, finding the issues for the defendant.

Immediately after his honor had rendered the decision, Judge Dee, of counsel for the plaintiffs, moved that the restraining order be continued in force pending an appeal. The motion for consideration of the matter will be gone into presumably on appeal to the Supreme court.

The court granted the motion.

This suit was for an injunction to prevent the defendant from constructing a street car line on South Temple street, east of E street.

The opposition of the plaintiffs to the extension was of the general character, it is now claimed by them that the defendant had surrendered its franchise on the street in question, in 1893.

Judge Hiles finds that several meetings were had between members of the city council and the directors of the Street Railroad company, and that the letter F. C. Hoyt supposed to be written by Mr. Hoyt was sent to the secretary, Mr. Joseph S. Wells. The letter, which said that the company did not intend to build on the street "under existing circumstances," Judge Hiles holds was sufficient without authority.

On the interview were Mr. Leslie Cohn and members of the railroad committee of the council. The court holds that nothing was ever done tending to show a surrender on the part of the defendant company.

"As a matter of law," the court says, "before a surrender can be asserted of a franchise such as this, the evidence must show an offer by the grantee, the street car company, by the corporate act of the board of directors to the city government to surrender the franchise, and an acceptance by the city of such offer, and if it be asserted that such action was had on the part of the grantee and the grantor, but that the record thereof was designedly omitted from the record of the proceedings of both parties, and if fraud is asserted of such omission as to affect the rights of the plaintiffs, the evidence must prove beyond a reasonable doubt the fact that such fraud exists."

The court then goes on to say that there is no evidence on the records of the City Council, and of the minutes of the business proceedings of the defendant company to show a surrender of the franchise.

On the question of the evidentiary facts which was contended by counsel for the plaintiffs, ought to weigh in equity, the court finds that the conduct of the directors, the Wells letter and the resolution given Mr. Hoyt did have the effect of causing the abutting property owners to discontinue their efforts to prevent the passage of the ordinance of April 13th, 1893, it was not sufficient to constitute an estoppel.

The question of whether there was any fraud on the part of the Salt Lake railroad company, Judge Hiles holds cannot be pleaded or enforced in equity against the company's legal rights under the grant.

Concluding the court says:

"It may be that under the circumstances of this case, the defendant company is under a moral obligation to build upon the street in question, or to lay its tracks on this street, that is a matter about which men might differ, and it may be even a duty which the statute of limitations has run, is still under moral obligation to pay it. And a man who makes a verbal promise which the statute of frauds requires to be in writing, is under a moral obligation not to repudiate it, but these moral obligations the courts can not undertake to enforce. They can enforce only legal and equitable obligations, according to the rules of law and equity.

"Let findings and decree be entered for the defendant."

"GOLDEN HILES,
"District Judge."

MRS. ARNOLD'S DIVORCE.

In the Divorce suit of Lena Arnold vs James Arnold, recently filed before Judge Hiles, a decree was entered today in favor of the plaintiff, the decree granted on the ground of non-support and drunkenness on the part of her husband. The defendant denied and alleged that he was a kind and loving husband, who occasionally took a little too much, and that he was the victim of unfortunate circumstances, and had been unable to support his wife, but was now in a position to do so. The court, however, found that he had made no effort for some time past to perform his marital duty. Testimony was presented to show that Mrs. Arnold did not get a divorce and that she will have to try to get along with her husband as best she can. The parties are residents of Murray.

THE ROBERTS ESTATE.

In the matter of the estate of Roberts, Roberts, deceased, Judge Hiles today signed a decree of distribution of the estate upon a certain section of the will of the deceased, which provides that the income from the estate be used for the benefit of the widow, Mrs. Roberts, during her life, and the balance of the estate to be divided among the children, the income accumulated of said estate, the widow to be provided with their home, and the balance of the estate to be divided among the children, and the income of said estate to be paid to the widow.

PATENT GETS H DAMAGES

In the case of Henry J. Faust Jr. vs Daniel Horne et al, Judge Hiles today ordered that a decree be entered perpetually enjoining the defendants from using the "Kersey" trade mark on its boots and that plaintiff be awarded nominal damages in the sum of $1.

ORGAN COMPANY WINS.

Supreme Court Decision in a Case Where the Rev. J. Wesley Hill was Principal.

Chief Justice Zane this day delivered an opinion, which was concurred in by Justices Bartch and Miner, in the case of The Farrar & Pilcher Organ company vs The Board of Church Extension of the Methodist Episcopal church, appellant. Ruling no reversable error in the record, and affirming the judgment of the court below.

The case came before the supreme court on appeal from the judgment of the district court court of Weber county, entered against the defendant, in favor of the plaintiff for $1,000.

Action was commenced in the territorial district court at Ogden, September 20, 1892. The plaintiff claims to be entitled to recover a pipe organ in the Methodist Episcopal church at Ogden, or in default thereof $1,000 and damages for its detention.

The answer of the defendant denied the allegations of the complaint and claimed title and right of possession by virtue of a contract made with the trustees of the Methodist church, made in November, 1891.

The record shows that the plaintiff, a Chicago firm dealing in organs, entered into a contract with J. Wesley Hill, the pastor of the church, for the selling to the trustees of the church, and binding the church to pay $1,000, together with the costs of transportation. Hill represented to the firm that he was chairman of the board of trustees with full power to act. When the attention of the board was called to the contract, it repudiated the instrument and informed the firm's agent that Hill acted without authority.

It was also brought out at the hearing that Hill had informed the trustees that he had borrowed the money of the church from P. A. H. Franklin, and that on this representation the plaintiff paid for the organ.

In November, 1892, the trustees convened the church building to the defendants, and refused to pay the organ, and again repudiating the contract entered into by Hill.

The jury found the issues as to the possession of the organ for plaintiff, and found its value to be $1,000, and the damages for its detention $100. From this judgment the defendant appealed.

The court finds that the plaintiff's agent was induced to sign the contract and deliver the organ through the representations of Hill.

The court further holds that the order of the trustees, that Hill should go up to the church building, it was not so attached to the building as to make it a part of the realty, and could be taken upon a writ of replevin.

THE LADIES

The photograph of a perfect safety with which ladies may use Syrup of Figs, under all conditions, makes it an invaluable medicine. To get the true and genuine article, look for the name of the California Fig Syrup Co. printed near the bottom of the package. For sale by all druggists.

WEATHER FORECAST.

For Salt Lake City and vicinity: Probably with showers tonight. Occasl.

Indication to Be Wildlie.

Charles McMillin and Harry Hammons, two youths who are scarcely old enough to stray away from home, were arrested in Murray, where they were found by reading for violating the curfew ordinance. They appeared in the police court this afternoon, and were given a good talking to, became from their parents, and were discharged.

Cut Woman Locked Up.

A married woman named Netta Jensen, residing at Sandy, was arrested by Deputy Sheriff Gutheasen today and a charge of insanity lodged against her. It appears that she left her home that day and when discovered today had cuttings on her arms and hat. She is now in the county jail, pending examination that needs are after her to keep her. She was locked up in the county jail where she is now confined pending an investigation.

NOTICE TO DUCK HUNTERS.

Notice is hereby given that we have leased all properties surrounding Farnsworth's lake and that no shooting will be allowed on the premises except by our subscribers. Trespassers will be prosecuted.

DECKER LAKE GUN CLUB.

Kansas Cyclone.

No man ever made so much money that he didn't kick against his luck. After a man gets married he can create a positive sensation any time he is appearing in a new suit of clothes. Doing something for the public is like throwing a bone to a hungry dog. The dogs are just in will make a fall out of you.

Unfortunately few married women become so philosophical that they can laugh until after they have given up and fall for their husbands.

A bride always starts in by giving her husband half the clothes closet, but within three weeks all his clothes will be hanging on four nails.

Whenever we see a man who has faith in an office-seeker's promises we want to ask him if he will assay in his stockings or not.

An Atchison man has gone to the Klondike. We wonder what he will go to if he is caught.

Women who can't sew can make a good living for men.

Women who can't sew can make a good living for men.

Women who can't sew can make a good living for men.

Biliousness

is caused by congestion, which prevents digestion and permits food to ferment and putrify in the stomach. Then follow dizziness, headache, nausea, nervousness, and, if not relieved, bilious fever or food poisoning. Hood's Pills stimulate the stomach, give the free and healthful discharge, cure dizziness, and prevent sick headache. Well by all druggists. Seventy Pills to take with Hood's Sarsaparilla.

Hood's Pills

In the Mixing.

The mixing of the food is a critical part of the product but the material used in the mixing determines the quality of the food produced. If you use U. S. baking powder you are certain to have better results from your cooking than you can possibly have from the use of any other powder. You know the satisfaction which comes from using this excellent material and want you to give it a trial.

WHY DOUGLAS SELLS

U. S. BAKING POWDER

at following prices:

8 OUNCE CAN	10c
12 OUNCE CAN	15c
16 OUNCE CAN	20c

Remember, every can guaranteed to give perfect satisfaction or money refunded. You take no risk. Why not give it a trial?

A Lot Regulation.

There is a man in the East End who has claimed to be a very light sleeper. He says that he sleeps soon awakens his bile.

Yesterday he mentioned to his wife picked up the Daily Bugle and noticed an extensive expression of amazement. "Why," said he, "I never knew I was a big fool for a sleeper until I read this paper." "Why, said her second, "you building have demanded and it took every cent of your salary for the year. Why, say, Sydney, I never knew you had a lot of money."

The Bald sleeper looked mortified. "Didn't you hear the rocker?" inquired the lady.

"Why-why, yes," he stuttered, "I heard the engines and thought it was Bugle."

But his reputation as a light sleeper is gone forever.

ex Equality Lost.

While lies are enabled to even up the rights or the privileges of the sexes, the surpass generally is to give the women something in the way of legal privileges from which the men are long barred by the willed law-making men. An example, perhaps of the kind, is in a case just decided in Maryland, which is to take effect on January 1 next. This law gives the husband the women's property, and the wife's property as the wife has under existing law in her husband's property. It will be seen that this law does not change place to the husband more of property rights than he enjoyed under the law existing before the passage of the "women's" law. The issue was a complicated upon the death of a child, and as the husband is the heir of the child, the landed property of his wife. The husband's new rights flowing to the wife's property, he claimed she behind a life estate in the husband's property after the husband's death