# THE DESERET EVENING NEWS.

TRUTH AND LIBERTY

FIFTY-FIRST YEAR

# AMERICAN AND **MEXICAN FLAGS**

Entwined at El Paso - Gen. Hernandez Addressed President on Behalf of Diaz -Responded: Is no Imperialism.

can and Mexican flags were entwined in the decorations of the plaza where the official greeting of President Mc-Kinley and his cabinet took place this The presence on the stand Gen. Hernandez, personal representative of President Diaz, and the vernor of the state of Chihuahua, gave an international significance to the There were thousands of Mexicans in the vast concourse of people to whom the President spoke and their nthusiasm was almost as wild as that of the Americans.

Gen. Hernandez addressed the Presient on behalf of his president extendatter's congratulations and nt McKinley in his response high tribute to the president dent McKinley of the Mexican republic and charged his emissary to convey to his chief warm regard and personal esteem ith his best wishes for the continued sperity of our sister republic. The esident's speech was very happy and ecally notable on account of ternoon at Hot Springs bath at Las notion to the people not to be Vegas.



The Heraid, of Sunday, contained an | have been secured. The "News" Xtraordinary article on real estate investigated both statements today.

for

BAD WRECK ON THE BURLINGTON

injured.

Eishop

Col. E. F. Holmes has purchased | long ago it was offered to Hon. A. W. from President Snow, as trustee in McCune for \$40,000, but he declined the ust, the historic Gardo house, at the proffer. The Gardo house was erected by erner of South Temple and State treets, for about \$45,000, or a figure be-President Young a good many years een that sum and \$50,000. The sale ago, and was deeded by him to the Church for a residence for its Presivas negotiated by Tuttle Brothers and dents. It was of the Italian style of colley, who have had an option on architecture, and for a time was occuthe property for some time past, though

El Paso, Texas, May 6 .- The Ameri- | alarmed about imperialism. There was, he said, no imperialism except the imperial power of the sovereign people imperial power of the sovereight people of the United States. The governor of Chihuahua also warmly welcomed the President at the border. The exercises in the plaza was preceded by a military parade. The

was preceded by a military parade. The ladies of the cabinet crossed the Rio Grande to Juarez, where they were tendered a breakfast by Juan Ochoa, a prominent Mexican banker. Mrs. McKinley did not attend the breakfast, but enjoyed a short drive during the morning. At noon the presidential party re-

sumed its journey westward. GOV. NASH'S PARTY.

Raton, N. M., May 6 .- When the Ohio Raton, N. M., May 6.-When the Ohlo special bearing Gov. Nash and party to San Francisco reached Trinidad to-day, Mrs. Randolph S. Warner left the train for Chicago and will go thence to Painesville, Ohlo. She was called back by the death of her moth-er-in-law. Mrs. Warner was leader of the ledies in the governor's neutre Hor the ladies in the governor's party. Her sister, Miss Helen Deshler, will christen the battleship Ohio in San Fran-cisco. The Ohio party spent the af-



The extent to which the iron interests in and around Cedar City are attracting attention is well illustrated by the developments of the past few days. developments of the past few days. The heirs of the late Thomas Taylor, who inherited his iron properties have reluctantly given an option on them for \$250,000, in favor of eastern parties, and John C. Cutler, Jr., agent of the heirs, has gone to New York to meet the principals in the proposed pur-chase. The option has several months yet to run, but Mr. Cutler said to a "News" representative Saturday even-ing just before taking his train for the east, that he folt little doubt of being able to make the sale as two other par-

able to make the sale as two other parties stood ready to take another option the instant the present one expired.

## SHIP-BUILDING FEDERATION.

Official Statement Concerning it Not Made Today.

New York, May 6.-The official state-ment promised in connection with the rederation of the Union Iron works of San Francisco, the Bath Iron works of Bath, Maine, the Neuron News Ship-Bath, Maine, the Neuron News Ship-Building and Dry Dock company, of Newport News, and Least relation, of Elizabethport, was not made today. At the office of H. W. Poor & Co., who are financing the combination in connec-tion of the agence of both and the office. tion with a group of bankers and brokers, it was said that the statement would be given out on Wednesday, It was denied that there was any hitch in the plan of construction, the state-ment merely being withheld until cer-tain details were perfected.

### May Corn Down,

Chicago, May 6.-May corn, which has been cornered, sold down to 50 cents a bushel today compared with the high price of 58 cents on Friday. The drop was due to an increase in the receipts of corn which may be deliv-ered to Phillips on contracts. There was very little trading, however.

Jamieson & Co., Brokers, Fail.

May 6 .- Jamieson & Com-

## MONDAY, MAY 6, 1901. SALT LAKE CITY, UTAH.

CASE DECIDED. Judge Morse's Findings a Big Victory for the City.

### F. S. Richards, who Represented the Plaintiff.

A decision in the case of Salt Lake City and the Utah and Salt Lake Canal company vs Salt Lake City Water and Electric Power company and several other canal companies in which almost 100 water claimants were litigants which was announced in Saturday's issue of the "News," is herewith treated at length.

This trial, which was the longest that was ever heard in a Utah court, was probably the most important water case that has ever been brought to trial in the State. The court finds that the intervenors Hiram Bennion and twenty-six others, were entitled to a decree awarding them the use during the irrigation season for their 250 acres of land 5 cubic feet of water per second through <sup>5</sup> choic feet of water per second through the Bennion & Bennion mill race, and quieting their title thereto. The West Jordan Milling & Mfg. company is awarded 30 cubic feet of water through the Gardner mill race. John A. Eg-bert, Albino Beckstead, Hiram Beck-stead, John H. Bailey, Henry Din-woodey, W. L. Egbert, Solon Richard-son, Ludvig Christensen and James Paterson for their 298-25 acres are en-Paterson for their 293.25 acres are en-titled to 5.3 cubic feet from the Gardner mill race. The Utah Mattress and Manufacturing company gets 11 cubic feet through the Gardner mill race. Absalom W. Smith, W. R. Wellington, A. C. Lunnen, A.D. Lunnen, James and Charles Blake get 2.825 cubic feet from the Galena canal, and from the some the Galena canal; and from the same source Sarah E. Stewart is allowed 1.4 cubic feet; Henry Osborne, 54 cubic feet; John T. Wilson, 30 cubic feet; the U. S. Mining company, 17 cubic feet. From the Beckstead ditch the Beck.

Rice S. Madsen, Johannath S. Holt, Caroline Jensen, James and Margaret C. Madsen set 2 cubic feet for \$7.5 acres Jordan and prior claimants through this enlarged canal and redistribute it to these claimants without deterioration as to quantity or quality after passing it through their plant. To this Salt Lake City especially objected for the reason that it claimed the right to take its from the Mousley ditch, and William Cooper Jr., takes 23 cubic feet for the operation of his mill on the Cooper mill race, John Neff gets 1.4 cubic feet, Anna Neff 1.2 cubic feet and John T. water through the East Jordan Canal company's ditch, after enlarging the same and same to the city on a er level and to trade to the farme

vast concern a brief history of the counsel for the city also claiming that case is given below: In the early seventies Salt Lake county placed in Jordan river an obstruction known as the old dam. After this the known as the old dam. After this the county commissioners deeded to certain parties known as the prior claimants herein and to each of the five large canal companies, the East Jordan, Utah and Salt Lake, South Jordan, Salt Lake City Canal and North Jordan 1-6 in-terest in this dam and also attempted terest in this dam, and also attempted to deed 1-6 interest in flow of Jordan. These deeds were recorded and the various canal companies continued to pros ecute to completion their canals, which branch out from Jordan river at various points, the East Jordan and Utah & Salt Lake leaving higher up, and Salt Lake City and South Jordan canal farther down the stream, coming out to-gether and continuing together for about one mile, when the South Jordan leaves the city canal and crosses river. Several miles farther down river and on west side the West Jordan branches out. The first four named being very close together until they leave the Jordan narrows, when the East Jordan turns abruptly to east and supplies the farms on the foothills, or what is known as the upper terrace on the east side of the valley, and the Utah & Salt Lake supplying a similar terrace on the west ride of the valley. The Salt Lake City canal follows east side of river along what is termed the second terrace, and the Sauth Jordan supplies a similar the South Jordan supplies a similar terrace, on west side of river. The North Jordan supplying lower ground than any of the others and cov-ering part of the river bottom. Testi-mony showed that at the time the pow-or plant was built these can is had er plant was built these can is had been dividing among themselves, and the prior appropriators all the waters of the river and had been by means of a new dam which they had jointly con-structed-the Turner dam-whenever necessity required restraining the water in Utah fake during winter, and regu-lating the flow of the river during the summer, subject to an agreement with the farmers of Utah county, who we e represented by what was known as the Utah lake commission. The testimony showed that the water had been dl vided in the following manner: From the time the boards were taken out of the Turner dam till low water forced a change each canal had taken all the water its canal could carry, and when low water period arrived and a division was called for by any of the canal companies an engineer would be sent up and divide the water equally among the canals—1-6, including the seepage, to each—the remaining 1-6 being considered sufficient to supply the prior appropriators. When the power plant was built it purchased the right to carry water through the channel previously constructed by the Utah & Salt Lake Canal company, and claimed to have enlarged the same materially.

ent place of use," but, "the city has the right to have the question as to whether such property is the proper subject of condemnation submitted to subject of condemnation submitted to the court on pleadings and proof prop-erly presenting such an issue, and to have the question of damages arising from such taking and use submitted to and determined by a jury," before the Power company can use the water at all. So it will be seen that the decision upon this point is strictly in accordance with the city's contention with the city's contention. The other important point at issue between the city and the Canal com-panies, on the one side, and the Powe company on the other side, was the question of whether or not, there was any unappropriated waters in the Jor dan river at the time that the Powe company attempted to make its ap-propriation, and how far the city and canal companies had a right to im-pound waters in Utah lake. The court decided, "that Sait Lake City, the Utah and Sait Lake Canal campany, the East Jordan Irrigation company, the East Jordan Irrigation company, South Jordan Canal company and the North Jordan Irrigation company, are

these rights of the city were not sub-ject to condemnation, it being a public corporation, and its water and canal be-

ing used for municipal purposes. The court decided that the Power company might use the city's water, "so long as said city shall continue to divert its water at its present point of diversion, and use the same at its pres-ent place of use." but "the city has

April Coop

entitled to a decree awarding to them, subject to the limitations, hereinafter set forth, the right to the use of all of the balance of the waters of the Jordan river for irrigation, culinary and do-mestic purposes, to the extent of the capacity of their several canals, and the right to impound and store all of the waters of said river in Utah lake and to have their title thereto quieted. The limitations above referred to are that the city and the canal companies "shall, at all times, allow to flow un-impeded, down the channel of the river, a sufficient quantity of water, which, when added to the accretions to the river and other sources, will furnish, at the various points of di-version and measurement the several quantities of water awarded to the West Jordan Milling and Mercan-tile company, the Utah Mattress and Manufacturing company, the United States Mining company, the United States Mining company, William Coop-er and Bennion and Bennion, for the operation of their several mills and that the city and the canal companies operation of their several mills and factories," aggregating in amount 121 second feet of water. From this quan-tity, the 40 second feet, awarded to Bennion & Bennion, should be deducted, because they use the same water that has previously been used by the West Jordan mill and the mattress factory. This would leave \$1 second feet of water in the river, including the second the seepage, which, as appears from the testimony, at the lowest season, has been more than 40 second feet, and Their plant is situated at the low-end of the Jordan narrows, and they claimed right to run the water of the South Jordan, Salt Lake City, North so less than 40 second feet of water would run down the river past or through the power plant, when it claims

that double that quantity is required o run it. Hence, it will be seen that the rights of appropriation and storage, which were claimed by the city and the canal companies, have been fully recognized by the court, and Judge Morse, in ex-press terms, denies the application of the receiver for an injunction against the city and the canal companies, to

TAKING BODIES FROM THE RIVER Three Have Been Recovered from the St. Johns, MANY MAY HAVE PERISHED

NUMBER 142.

#### During Fire Numbers Rushed to the River-Loss at Jacksonville Now Estimated at \$10,565,000.

Jacksonville, Fla., May 6 .- The body of Harry Bonneheau, a real estate dealer, was recovered today from the St. Johns river, Mr. Bonnetheau's wife and son are supposed to be in New York city.

the

The bodies of two negroes were also recovered. All are victims of Friday's disastrous fire. There are many ru-mors of loss of life, but owing to the departure of thousands of people from the city, it will be impossible for sev-eral days to verify the reports unless the bedies are found. the bodies are found.

An estimate on the loss by the fire as given out by a former tax collector this

given out by a former tax collector this afternoon is as follows: Public buildings, \$1,038,000; stores, north side of Bay street, \$495,000; stores, south side of Bay street, \$880,000; stores, Forsythe street, \$405,000; stores, Main street, \$200,000; residences, prominent, \$778,000; residences, 1,500, small, \$2,000,-000; residences, personal effects, \$2,200,-000; stocks of goods in stores, \$1,630,000; stocks in 200 smaller stores, \$550,000; stocks in 200 smaller stores, \$1,650,000; stocks in 200 smaller stores, \$550,000; street railways, \$30,000; pavements, \$100,000. Total, \$10,565,000. The newspapers have been asked to print numerous notices of inquiry re-garding the whoreabouts of missing

garding the whereabouts of missing people.

Mayor Bowden asks that all sightseers remain away from Jacksonville. The vast army of idle negroes is likey to cause some trouble. It is believed hat before the day is over all negroes who will not go to work at \$1 per day and rations, will be deported. Martial law continues to be rigidly enforced

The river is being watched today, everybody believing that the water will give up its dead on the third day. This dicates that many people believe that the fire drove bewildered men and wo-men into the river. It is impossible to ascertain who is missing, as thousands have lest the city,

S. A. McCottery, who was employed at the Gardner shipyards, almost his life in trying to save the people who rushed down Market street to the river divhen the flames were at their flercest. He says he aucound ng twenty persons across the river, but as many more-were either burned to death or drowned at the pler. "I had no iden the shinyard was in danger," said Mr. McCottery, "I was trying to save my tools as the fire was being blown to the east and away from the docks. Suddenly the flames shot across the yard with the wind from the west right behind them. I knew then everything was going. I fled from the building, which was burning over niv head. 'On the pler I saw a crowd of people. I am positive that forty is a low esti-mate of those I saw. Of this number I saw only the twenty I carried across. There was no way of escape for them. After I had carried my boat half way across the river I heard many cries and shouts that seemed to come from the smoke at the pier. I know many were lost at that moment, for the flames were on all sides and the river in front. The alcazar at St. Augustine, although closed several weeks ago for the season, has been re-opened to care for the refugees. Other winter resort hotels will probably open tomorrow as the crowds leaving the city are being augmenteed freely today, worked vester. Thousands of people day and last night. The firemen have not been relieved, because the debris is still burning and streams of water are eing poured into the flames and embers all the time, night and day. On every telegraph and telephone pole that was not destroyed linemen are at work. The trolley company has a large force of men at work hanging feed wires and clearing the tracks, where the steel was sufficiently cool, so as to establish car service as soon as possible. It will be several days before car can pass into East Bay street. Ten military companies are in the city to prevent vandalism and the militia controls all parts of the city.

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cas not until late Saturday evening that the deal was closed.

The area of the lot is 10x10 rods. ich means that its frontage of 165 et on South Temple street, brought out \$300 per front foot, which is condered a very good figure when comured with recent sales of property in that vicinity, and in view of the fact that Col. and Mrs. Holmes will probly raze the famous old structure to he ground in the near future to make ace for a more magnificent and palatial residence. The property has been on the market for some time, and not a \$250,000 flat.

traordinary article on real estate

iues in Sait Lake which ought not to

iss uncontradicted, inasmuch as it is

pt to convey the idea outside of the

ity that people here have gone mad

values, that we have discounted our

time boom and to work damage to

limate real estate interests general-

The article states that Mr. F. D.

been offered \$150,000 for his prop-

which is at the rate of \$3,500 a

foot on Main street. The same

hop Winder adjoining could also |

uck a construction train at Thayer

s afternoon while running at full

d. Five persons are reported to

said that the property of

owner of the Clift House corner,

given a life interest in it by President Young, Every member of the Church is familiar with the manner in which it was confiscated during the old raid days, and with the particulars associaled with its final recovery and restoration to the Church. Its disposition to Col. Holmes means much to the part of the city in which it is situated. especially in view of the fact that he and his wife have recently come into possession of the George W. Thatcher corner, just east of the Eagle Gate, and diagonally opposite the Gardo House, on which site they are to erect

Mr. Clift states emphatically that he

has had no offer, and that there was not a particle of truth in the report,

and said he had never heard of it be-fore he read it in the paper. The ab-surdity of any such statement is evi-

dent when it is known that there are

between First and Third South streets

which can be had at from \$1,100 to \$2,

000 per foot. The highest price yet paid

was \$2,250 a foot front paid by W. S. McCornick for the corner on which Mc-

Cornick & Co. bank stands, at the height of the boom.

Main street reality in Salt Lake

several choice locations on Main street

hop Wir er was just as emphatic said he had never heard of it be-

pled by Mrs. Amelia Young, who was Chicago pany, 169 La Salle street, one of the largest stock brokerage firms in the West, have suspended. They were unable to meet their obligations on the Mr. Jamleson declared his belief that

his firm could pay its creditors in full. Customers of the firm are said to have been short on the New York stock exchange but were unable to produ ufficient margins to meet the advance In stocks. This threw the obligations Jamleson & Company. Funds which Mr. Jamieson fully expected to receive reach him today with the re sult that he was compelled to close his deals. Cuyahoga Savings Bank Closes. Cleveland, Ohlo, May 6 .--- The doors of A WILD TALE OF REALTY VALUES

York stock exchange.

the Cuyahoga Savings bank were not opened for business today. The following notice was posted on the window On account of the continued absence of R. N. Pollock, the treasurer, the directors have concluded to suspend payment until such time as they can m an examination of their affairs. It is confidently expected that every depostor will be paid in full."

The last statement published by the bank indicated that the individual deposits amounted to \$314,966; real estate, discounts, etc., \$332.061.

#### British Capture Americans.

London, May 6 .- Replying to a question in the house of commons today, Mr. Broderick, the war secretary, said that among the prisoners captured in South Africa, were twenty-six Americans, besides thirteen others claiming to be burghers. There was no intention of releasing any of the prisoners until the war was over,

TAX ON TOBACCO AND SNUFF

After July 1 Stamps for Same to be Sold at 20 Per Cent Discount.

Washington, May 6 .- Commissioner of Internal Revenue Yerkes has decided that as the rate of tax on tobacco and snuff will not be changed by the act of March 2, 1991, no new stamps for tobacco and snuff will be issued. The stamps now in use will be sold by collectors on and after July 1st at a discount of 20 per cent. As tobacco and snuff stamps in the hands of manu. deemed for the purpose of allowing the discount, manufacturers can secure the on such stamps only by affixing them to packages of tobacco of snuff prior to July 1st and including such packages in their claims for Otherwise such stamps must be bate.

Ottumwa, Ia., May 6 .- Passenger smoking car and three chair cars. Enain No. 5 on the Burlington road, gineer Brown, of the passenger train. ruck a construction train at Theyer trainmen and passengers injured. The dining car and sleepers remained on the track and their occupants were un-

been killed and about thirty in-At the Burlington general offices it s stated that train No. 3, which left McKenna fatally hurt. ago at 11 o'clock last night, ran the engine of a construction train, two or three fatally. cking both engines, baggage car, Creston hospital.

Creston, Ia., May 6.-In the wreck at Thayer, Iowa, Robert Brown, engineer Burlington, was killed and Simon Twenty-fiv passengers and trainmen were injured, will be brought to the

facturers June 30th may not be

#### used without benefit of discount or rebate. MURDERED HIS BRIDE.

#### Jesse King then Turns Weapon on Himself and Suicides.

Bellefonte, Pa., May 6 .- Jesse B. King, living near Millheim, today shot and fatally wounded his bride of two months and shot himself through the heart, dying almost instantly couple had quarreled and and. Unable cided to leave her husband. Unable to persuade her to remain, King shot to persuade her killed himself. Mrs. couple had quarreled and Mrs. King de-King is still living but the doctors say she cannot recover.

#### French Miners Resume Work. Monticeau les Mines, France, May 6 .-The miners who have been on strike here resumed work this morning.

#### Prof. Eastman's Trial.

Cambridge, Mass., May 6 .- The third veck of the trial of Charles R. East man for the alleged murder of Richard II. Grogan, began today, the defense H. continuing its effort to show that there good feeling between Eastman and Grogan.

#### Genoese Dockmen Strike.

Genoa, May 6 .- In consequence of ispute regarding their hours of labor, the dockmon hav gone on a general strike except at the San Benigo landing.

Wilson .3 cuble feet from the same race With regard to the feity and canal

companies the court save: "Salt Lake City, the Utah and Salt Lake Canal Co., the East Jordan Irrigation company, the South Jordan Ca nal Co. and the North Jordan Canal Co, are entitled to a decree subject to the limitations hereinafter set forth the right to the use of all the balance of the waters of the Jordan river for irrigation, culinary and domestic pur poses, to the extent of the capacity of heir several canals, and the right to impound and store all the waters of aid river in Utah Lake and to have their title thereto quieted "The city, canal and irrigation com-panies shall at all times allow to flow

mimpeded down through the channe of the river a sufficient quantity of water, which, when added to the accretions of the river from seepage and other sources, will furnish the various points of diversion and measurement the several quantities of water herein awarded to the West Jordan Milling and Mercantile Co., the Utah Mattress and Manufacturing Co., the U. S. Mining Co., William Cooper Jr., and Bention and Bennion, for the operation of their several mills and factories; and during the irrigation season of each year shall allow to flow unimpeded through the channel of the river such additional quantity of water as will when added to the accretion when added to the accretion from seepage and other sources, supply at the various points of diversion and measurement the quantity of water herein awarded to the several farmers and land owners taking water for irrigation purposes through the Gardner mill race, the Galena canal, the Beckstead canal, the Mousley ditch, the Bennion and Bennion mill race, and the Cooper mill race as here-inbefore set forth and during the winter or non-irrigation season four cibic feet of water for the use of the

stockholders ing company for domestic and culinary purpose

Subject to these limitations and to the limitations and conditions contain. ed in the agreement of compromise intered into in 1885 between Joseph H. College and others and said city and canal and irrigation companies, the said city and canal and irrigation comto shull have the right at all times to shut off, impound and store the en-tire flow of the Jordan river, and hold and save the same for further use to the extent which in their judgment their interests may require; and as be tween themselves, the city, the Uiah and Salt Lake Canal company, the East Jordan Irrigation company, the South Jordan Canal company, and the North Jordan Irrigation company, shall have equal right to the use of all such waters to the extent of the capaciay of their several canals, and while there is sufficient water for that purpose each take the full quantity water their respective canals will carry, and when the water is insufficient to fill all the canals to their maximum capacity then the city and canal irri-gation company shall be entitled to an equal division thereof, provided, that if by such division 1-5 of the water should exceed the capacity of any of the canals such excess may be used by a.ch remaining canals as have the upacity to take the same in equal proportions; and during the winter or nonirrigation season each of said canal companies shall have the right to the ise of four inches in depth of water their several canals for the use of their stockholders for culinary and domestic purposes." The court orders that a competent person be appointed to superincead the division of the water. shose duty it shall be to report to the ourt any violations of the provisions of the decree. The court retains jurisdic. tion of the case for the purpose of mak. ing such supplementary decrees as may be found necessary to render ef-

fectual the rights awarded by this de-The injunctions prayed for in the cases of Joseph Geoghegan, receiver, against Salt Lake City and Joseph Geoghegan, receiver, against the Utah and Salt Lake company et al are denied.

Utah Lake water for water owned by such farmers, coming from the tain streams flowing from the various anyons of the Wasatch range, and to bring the water so obtained into the city through pipes and use it for do-mestic and other purposes in the city. claiming that the Utah Lake was better for irrigating and the canyon water better for domestic poses. The South Jordan Canal pur and Salt Lake City further objected to the action of the power plant for the reason that they claimed the power plant did not distribute the water in a continuous and equitable manner, and that it could not do so The Utah & its present appliances. Salt Lake Canal Co. objected to the distribution of the power company, claiming that the power company the water to satisfy its needs, ir-respective of whether or no it left ough to supply said canal company with its just portion of the water. The canal companies also claimed that the individual appropriators of water been using more water acre than was necessary or profitabl in the maturing of their crops and also that the demands of the individual appropriators were far in excess of the actual appropriations made and used by these individual appropriators, and some of the smaller canal companies claimed that the larger canal comthe larger canal companies have been using more water than they are entitled to under th agreement above referred to, and claimed the right to demand a division and or to store their share of the water whenever the lake should be at what s known as compromise point, and that f the larger canals should use than their 1.6 of the river during high water that the excess should be charged against them later in the season. The power plant also claims the right to use whatever water the prior appropriators were entitled to at all seasons of the year; and have the same flow down the river during the winter season as well as summer, and denied the right of the canal companies to store the same in the lake

The testimony of more than 175 witnesses was taken during the trial, which lasted from January 14 until March 15, and the arguments occupied week in April, from the whole 8th to the 13th.

## STATEMENT BY ATTY, RICHARDS

According to the reports of the morning papers, there seems to be a decided difference of opinion as to the effect of the decision rendered by Judge Morse in the big water case, between Salt Lake City and the canal companies and the power company, the attorneys for the city being reported as claimin a complete victory for their client, and the attorneys for the power company as insistent that the decision is satisfactory to the company, and in its fa-VOP.

Our reporter called upon Mr. F. Richards, of the firm of Richards & Varian, counsel for the city, and calling his attention to the interviews of the attorney for the Receiver of the power company, published in this morning's Herald and Tribune, asked his views concrning the decision. Mr. Richards stated that he made it a point to refrain from discussing, through the newspapers, law suits in which he was but that the published state counsel. ments as to the effect of Judge Morse's decision, were so misleading that he thought the public was entitled to know the real facts in the case.

He stated that there were two important points in controversy between the city and the power company. The latter claimed the right to take the city's water out of the river above the headgate of the City Canal, and, after running it through the power plant. turn it into the canal. The city denied the right of the power company to do this, and insisted that it had a right to change thep lace of diversion of its water, so as to take it out on a higher and that the power company Geoghegan, receiver, against the Utah and Salt Lake company et al are denied. The interests involved being of such interests involve level.

prevent them from storing the water and requiring them to allow a continuous flow through the power plant. Of course, the question of storage does not apply to the irrigating season, be-cause, at that time, the parties are obliged to use the water for irrigation and, consequently, there has been sufficient running down the river to supply the power company.

after

a high

The decision is certainly in favor of the city upon every material point, and it is very gratifying to know that power company is so easily satisfied.

HUBBARD ARRAIGNED.

#### Win. S. Risley Faces a Charge of Grand Larceny.

W. E. Hubbard was arraigned in the district court this morning on two charges-rape and assault with intent to commit rape-and pleaded not guilty to both charges. His bail on both charges was left as fixed by Police Justice Timmony, viz .: \$5,000 and \$3,000. RISLEY DENIES IT.

William S. Risley was also arraigned and pleaded not guilty to a charge of grand larceny. Attorney M. Thomas vas appointed by the court to defend Risley who pleaded impecuniosity. The crime of which he stands accused is stealing \$280 from Quartermaster John M. Supple at Fort Douglas on April 13.

#### GIVEN FOUR YEARS.

William Dean, also appeared before Judge Stewart for sentence this morning for committing a crime against na-He got the same sentence as his ture accomplice, Frank Brown, who pleaded guilty-four years. The court thanked Attorneys G. H. Backman and P. C. Evans for their defense of the two men.

THREE YEARS FOR WILSON.

Harry Wilson, who on Thursday, was convicted of robbing a Japanese of \$278 on Christmas eve, holding him up at the point of a revolved on Plum alley, was this morning sentenced by Judge Stewart to three years in the State penitentiary. Attorney J. M. Hamil-ton's motion for a new trial was overruled, and he commended the young man to the mercy of the court. Wilson whose real name is Winfield J. Hunt, is handsome boy 22 years old.

Ho has good features, plentiful black hair and preposessing and rather distinguished appearance. Asked whether he still intends to marry Clara Rogers, the young woman who who came from his native city, Decatur, Ill., where Wilson or Hunt's father is said to be a wellto-do contractor, the prisoner said that it would depend on Miss Rogers. He was ready if the girl did not consider that she was making too much of a sacrifice for his sake. From his tone the young man seemed to imply that From his tone his sweetheart would stick to him.

#### JURORS ACCEPTED.

Of the venire of jurors returned to the civil division of the Third district court this morning the following twelve were accepted and excused till tomor row: Andrew Shulsen, John South, George A.Hill, William Bartling, Sharp Walker, Samuel W. Tarbett, George A. Ashton, William Gibby, A. J. Pen-dleton, John T. Heath, John F. Howells and Nichola Gulbransen,

#### ELDER LAYTON BURIED.

#### (Special to the "News.")

Kaysville, May 6 .- At the funeral services held here today over the remains of the late Elder Charles Layton, there was a very large audience present who listened to a sermon by Elder Chas, W. Penrose and remarks by Bishop James Taylor of Mound Fort, Bishop Barton and Elders W. W. Barton, Thos. F Roueche and John R. Barnes. The opening prayer was by Elder Barnes and the benediction by Elder Wm. Stewart. The choir sang beautiful and appropriate music and a large follow ing of friends went to the cemetery The sons of the deceased carried the casket, which was piled high with floral offerings, and the eldest son pre-ceded all with a beautiful floral piece from the family.

#### THE GARTRELLS INDICTED.

Father and Son Charged with Murder of D. B. Donegan, of Colorado.

Kansas City, May 6 - A special to the Star from Butler, Mo., says: The special grand jury today indicted D. J. L. Gartrell and his son, W. R. Gartrell, for murder in the first degree. They were arraigned, pleaded not guilty, and the trial was set for the June term. Dr. Gartrell brained D. B. Donegan, a Victor, Colo., miner near here on March 19th and he and his son deposited the body in Mulberry creek The men were arrested in Kansas City

#### after having disposed of Donegan's horse and wagon and confessed. ADMITTANCE TO SELAMLIK.

#### In Future Distinguished Visitors Accompanied by Diplomatists.

Constantinople, May 6 .- An official circular has been issued notifying the members of the diplomatic corps that in future only distinguished visitors at panied by a diplomatist will be admitted to the selamlik.

#### PRESIDENT AND KRUGER.

#### Former Has Made No Statement that He Will Not See the Latter.

Washington, May 9 .- It is learned at the state department that the President has made no statement through usual channels to the effect that he would refuse to receive Kruger o or unofficially. The government has made no promise as to the character of ception if he should decide to come here.

#### New German Ministry.

Berlin, May 6 .- The new ministry is cazetted as fo Baron Rheinhaben, minister of fi-

nane General Podbielsky, minister of agriulture.

Baron von Hammerstein, district resident of Metz, takes the portfollo of he interior

Herr Moller, minister of commerce Herr Kraetke, director of the imperial postoffice, secretary of state of that dra partment

# l extending everywhere in south Italy. -After we left the Tabernacle thing. I have just returned none tailed there, and hearing you have called there, and hearing you have called during my absence, I hasten to let you during my absence. auditorium. Mr. Hedgeland was Y atentive to me, and requested Walter to let me hear the differ-t store t loudness or power), but rather, that and on leaving he arranged to giorious, full, round, rich diapason t me this afternoon me this afternoon to take me organ, especially for church music and

#### in in Sicily and South Italy, The sants in the province of Messina. fields and gardens are lying waste, the ania and Syracuse are in perpetual municipality has suspended payment and the syndic has gone Strikes are confer with the premier. Strikes are

LARMING SITUATION IN SICILY

To President Lorenzo Snow, Dear | through the instrument, to see every

the organ in different parts of know my opinion stops I named, singly, which he



## police occur almost daily. PROF. RADCLIFFE ON TABERNACLE ORGAN.

## NEVER HEARD A BETTER.

