# THE ATWOOD ESTATE

## Supreme Court Reverses the Decree of the Lower Court.

### A NEW TRIAL IS ORDERED.

The List of Building Permits Issued During the Week—Report of the City's Health.

The Supreme court today handed down an opinion in the matter of the estate of Milton Atwood, deceased. The decision of the lower court is reversed and a new trial ordered.

The record in the case shows that the late Milton Atwood made his last will on the 30th day of December, 1893, in which he devised all his real estate, and bequeathed all his personal property after the payment of his just debts and funeral expenses, to his wife, Rachel C. Atwood, and to his three children, Milton M. Atwood, Albert Newcastle Atwood and Rosalie Esther Kelsey, and that he died on the 7th day of December of the same year, possessed of real estate and personal property, and that his widow, Rachel, and his children named are still living. It also appears that the will was duly probated and that Florence Atwood, by her guardian, filed her petition in the office of the clerk of the probate court in the 3rd district of Salt Lake county, in which she alleged, with other facts, that she was of the age of 18 years; that she was a daughter and heir of the testator; that he omitted to provide for her in his will and that it did not appear that such omission was intentional. Upon final distribution of the estate she prayed that the share portion thereof might be awarded to her that she would have succeeded to if the testator had died intestate.

The executor, devisees and legatees named in the will filed an answer to the petition of Florence Atwood, denying all the material facts alleged.

Upon trial of the case in the court below the petition of Florence was granted. The Supreme court reverses the decision and instructs that a new trial be granted.

#### Building Permits.

The records of the building inspector show the issuance of the following building permits for the week ending today:

G. A. Sheet, 1129 east First South street, kitchen, pantry, closet and porch; $200.

A Mathiesen, 43 Marian avenue, between Second and Third North and Ninth and Tenth West streets; frame addition of two rooms; $150.

E. J. Fitzgerald, 801 west Second North street; barn; $100.

Wm. Langton, Eighth West between Second and Third North street; frame addition of four rooms; $600.

Wm. Langton, 915 west First North street; an addition of two rooms, pantry and porch; $350.

Wm. Langton, Second North between Eighth and Ninth West streets; frame house, six rooms, pantry, two closets and porch; $800.

Mrs. Mary Evans, 211 First street; lay window; $40.

P. C. Wegener, 457 east Fifth South street; brick house of four rooms and pantry; $900.

G. Naylor, rear of 157-159 State street; shed 10x12; $100.

L. R. Taylor, Ninth East near Tenth South street; brick house of six rooms, four closets, pantry, bath room and porch; $1,200.

Mrs. A. Hiscock, 565 East Fourth South street; altering cars; $40.

George Marsden, 176 West First North street; addition of two rooms, closet and pantry; $300.

#### The City's Health.

The health department's report for the past week is as follows:

Births, 24; males, 14; females, 10.

Deaths, 11; males, 8; females, 3. Ruins reported from other places or cemetery, 4. Contagious diseases during week, 19; scarlet fever, 8; diphtheria, 3. Inspections of sewers for the week, 8.

#### District Court Orders.

The following orders were made by Judge Street today:

William Gilbert vs Salt Lake City; demurrer to complaint as to first cause sustained and five days allowed to amend as to the others.

J. J. Cark vs Salt Lake City; demurrer overruled as to first cause and ten days to answer, and joint if demurrer is to the second two causes.

John McMillan vs Salt Lake City; demurrer to complaint overruled as to first cause and ten days allowed to amend.

E. C. Mowers vs Salt Lake county; demurrer to complaint overruled as to first cause and ten days allowed to answer.

John Lalonde et al vs C. T. Vail; motion to dismiss action argued and submitted.

Samuel Pearson vs Utah Commercial Savings bank; continued till next morning.

Fidelity Title Boston, Gardner & Co.; motion for new trial overruled and exported and ten days' stay granted.

Billings vs Parsons; set for July 23.

Johnson vs Mercer et al; case transferred to Judge Hiles.

E. D. Waterman vs M. T. Osborn; appeal dismissed.

Utah vs S. L. Building & Loan Association; motion for new trial set for July 23.

Commercial National Bank vs Jones; demurrer to complaint overruled and August 1 set for answer.

John Park vs Frank Gillespie et al; demurrer to complaint overruled and ten days allowed to answer.

Salt Lake Hardware Company vs Nettie Palmer; upon consent of plaintiff case dismissed at the cost of defendants.

#### Probate Business.

Judge Street and Rushton divided probate business this morning and took the following orders:

Estate of John Gray; will admitted to probate.

Estate of Wm. Neimeyer, hearing on petition for letters of death and codicil memoranda; Mrs. E. J. Stevens sworn and order made granting petition.

Estate of Frederick C. Andrew; report of Christiansen Wm. McLaughlan and John W. Andrew heirs; order approved to partition estate.

Estate of Wm. S. Brigham; return of sale of personal property.

Estate and guardianship of Johanna Petronella Morey, et al; petition for letters of guardianship; Mrs. Petronella Morey sworn and appointed.

Estate of George Kopsch; petition for letters of administration; hearing postponed to July 23.

Estate of Martha Dodson; petition for reinstatement of administrator; hearing postponed to July 23.

## THE GREEN BAG.

Judge Street has returned from Wasatch.

W. F. Fowler is suing W. W. Riggs and others for $1,500 on a note.

Mr. Booth argued in the Gephardt-Martin case before Judge Rishton today.

Harry P. Hynds is suing his wife for a divorce, alleging adultery as the cause of action.

Mrs. Grant C. McNeil has filed suit against Eli Dow and others to secure payment of $900 on a promissory note.

C. E. Wentland and others are defendants in a suit placed by W. H. Irvine to recover $10,738.47 on promissory notes secured by mortgage.

Mrs. Jane Dee Hickey was discharged by Justice Sells yesterday. The charge was breaking into the house of Rule Sweet on July 13, with felonious intent.

Alfred Best today filed suit in the Third district court against D. W. Jones, Mark Spencer and W. J. Hosmer to recover $463.62 and interest on a promissory note.

Mortgage liences were issued by the county recorder today as follows: Reuben Harris, 24, Provo, and May Ellen Smith, 22, Union; J. P. Gomez, 26, Salt Lake City, and Emma Brown, 18, of San Francisco.

Justice Sells yesterday found Frank Fox guilty of diverting irrigation water from land owned by George Cannon. In order to give the defendant an opportunity to rectify the wrong, sentence was suspended for the present.

Ben R. Haddock has entered suit against the Utah Lime and Cement company for damages in the sum of $15,000, alleging that he has been injured by him in a case of rock and dirt while in the employ of the defendant company.

Receiver C. P. Moore of the Salt Lake Copper Manufacturing company, today filed in the Third district court his fourth quarterly report for the quarter ending June 30, 1896. It shows total receipts amounting $17,408.35 cash on hand April 1, $3,340.42. The disbursements are shown $15,673.07, balance on hand, $7,075.70.

The State board of pardons met two months today. Governor Wells, Attorney General Hoyt, Justices Zane and Miner and Secretary Dickerson were in attendance. Ex-Sheriff Allen of Uintah county was present with a petition for the pardon of Ed Lemmon, who is serving a term of two years for manslaughter. The board will not act on the case for some time.

## DAILY WEATHER VANE.

Observations Taken at Utah, Idaho, Montana, Oregon and Nevada Stations.

Weather reports showing observations at 8 a.m. today:

Salt Lake City—Barometer, 29.85; temperature, 66; minimum, 64; wind, northeast; light; clear.

Baker City—Barometer, 29.90; temperature, 54; minimum, 54; wind, south, 10 miles per hour; clear.

Cheyenne—Barometer, 29.90; temperature, 66; minimum, 54; wind, west; light; cloudy.

Helena—Barometer, 29.86; temperature, 58; minimum, 50; wind, south, 7 miles per hour; clear.

Miles City—Barometer, 29.86; temperature, 56; minimum, 52; wind, northeast; light; clear.

Winnemucca—Barometer, 29.80; temperature, 66; minimum, 54; wind, east, 8 miles per hour; clear.

Boise—Barometer, 29.90; temperature, 58; minimum, 50; wind, north; light; clear.

General local forecast for 36 hours ending 8 p.m., July 18th:

For Utah, fair tonight and Sunday; stationary temperature.

Salt Lake City and vicinity: fair, stationary temperature.

J. H. Smith,
Observer, Weather Bureau.

Today's temperature is shown in the tax double thermometer given below:

## National Educational Association.

NIAGARA FALLS, N. Y., July 15.—Thirty years ago, in 1866, the National Educational association met at Indianapolis, and again, as often before, the women petitioned to become members. In spite of bitter opposition this was granted, owing to the voice of the women delegates. Every eastern delegate voted against it.

Today the N. E. A. of 1896 is a thing of the past, but the picture it leaves is that of a flower garden of gay colors, with bright, eager faces everywhere. Possibilities rarely, suggestive certainly, of the memories of the N. E. A. are numerous.

In this general gathering the greatest attendance at any department meeting was at the child study meetings. It was interesting to see the great Music Hall with tiered listening circles while Stanley Hall of Clark university summed up the work done so far and showed how much more we must do in order to secure results in children. The work in the child study department is united with that of the kindergarten department and sociology in the general sessions that is evened all kindergartens.

The general program of the N. E. A. and the special programs of the different departments have been unified and concentrated around a few vital topics as never before.

It is worth coming to Buffalo to see the cities' streets. They are smooth, solid asphalt, washed every day, practically clean, no noise, no dust, an example to all cities.

The Women's Educational and Industrial union, where the Buffalo Kindergarten Training school meet is a beautiful building.

The twelve free kindergartens of Buffalo afford practical work for all the pupils of the training school and are partly supported by the benevolent people of the city.

The spirit of the people of Buffalo is shown, to extend that pulsing and sympathetic to things, to the extension of city work have given time, hard work and a good deal of money toward the success of the N. E. A. It is shown by the spirit manifested everywhere, by the crowds that received all at the taverns, kept open homes and became all the hard work all this involved paid their two dollars subscription towards the financial success.

A large part of the training teachers go from here to Cook University to the summer school course in Indianapolis, which ends, yes, there. There is here at the N. E. A. it is not the public meetings so much that help the teacher, it is conversation with specialists, the meeting and friendship getting the drift of thought and the enthusiasm that comes from a crowd of people all interested in what you are interested in, and working on the problem in their own way—then with some result to go to Brooklyn and the great help one gets from those of the head in some special line of work.

From Worcester I go to Boston to the Pestalozzi Kindergarten settlement, the public library, and meeting of kindergarten training teachers.

ALICE CHAPIN.

## A Faithful Man.

Edward Taylor, one of the clerks, most trusted and faithful employes of the News, died at 2 o'clock this afternoon. He was born in London, England, on September 29, 1829, coming to this country and arriving in this city in 1849. He endured the hardships of the early days in the valley and has lived a faithful and honored life, dying in full faith in the Gospel. The cause of death was general peritonitis resulting from obstruction of the bowels. Brother Taylor has been employed as a mass cutter for nearly paper for the past twenty-four years, carrying his first name in 1872.

As connected with the News never hesitated to have him, the younger ones looking upon him with veneration—and he truly deserved it.

Funeral services will be held in the Tenth Ward meeting house at 4 p.m. to-morrow, Sunday. All friends are invited to pay their last respects.

## Personal Paragraphs.

J. W. Maloney and family of Denver are at the Cullen.

John Shaw of De Lamar, Nev., is a guest at the Walker.

L. G. Lancaster of this city has rooms at the Templeton.

F. H. Wood of Chicago registered at the Templeton today.

W. H. A. Pike and son of Wadsworth, Nev., are stopping at the Cullen.

J. H. Robert of Baker City is temporarily located at the Cullen.

San Francisco at the Templeton are F. F. Fitzgerald and Timothy Sullivan.

The Walker registers has the names of R. F. Cutlis and H. A. Nesom, both of Cache Junction.

J. F. Young of Green River, Wyo., and R. C. Lawrence of Portland, Oregon, are among the Walker guests.

Mr. and Mrs. James W. Houston and child and Mrs. E. J. Dunlap are Walker guests. They are all from Pittsburg, Pa.

## MINOR MENTION.

County Recorder James B. Hickman of Tooele was a visitor in the city last evening.

The preliminary hearing of Carl O. Nelstrom, who was charged with burglary with intent to commit a felony, resulted in his being held to the district court in bonds of $500, in default of which he is now in the county jail.

Mrs. Lide and the Widow family figure in a case before Justice Winner yesterday afternoon. It was the result of a neighbors' quarrel and after hearing the evidence in the case, his honor discharged all parties thinking them in need of years in the future.

John Sackel, a middle aged man, received a severe cut yesterday afternoon from a barber. His victim was also cut in the face. The affair occurred in a saloon and resulted in both being taken to the police station, where Sackel's injury was sewed up by a surgeon. The barber escaped.

Mr. Higgins, who would almost fill a stretcher, if placed thereon, gave his entire energy last night in a vain effort to get a stretcher during the mid-summer cases were continuing. Among them was a request for Thiele for a commutation of the death sentence in one of his indictments. He was represented by Judge Cherry, who moved a mighty plea for clemency. Mr. Nye represented the State. At 2:45 the board went into executive session and no results were obtainable before going to press.