

THE SALT LAKE HERALD

Salt Lake City, - - Utah.

TUESDAY - - - January 29, 1889

LOCAL BRIEFS.

WELLS, FARGO & Co.'s shipments yesterday were: Ore, \$30,117.72.

"Moccasin Mac" and "Jack the Ripper" were in everybody's mouth on the street yesterday.

It is suggested that the Jack the Ripper may be a trade scheme on the part of gun merchants.

FREDERICK G. HEATH, of this city, was yesterday commissioned a notary public for Salt Lake County.

THERE ARE TWO or three cases of scarlet fever at the residence of Mr. Wood in the Eighteenth Ward.

THOSE SPRING-HEELED flat shoes for men and children at Spencer & Kimball's are just the thing for school wear.

McCORMICK & Co.'s shipments yesterday were: Hannean bullion, \$3,500; silver and lead ores, \$25,500. Total, \$29,000.

ROBY, THE little daughter of Mrs. Ellen Clawson, is ill with diphtheria. At last accounts the disease had not assumed a dangerous aspect.

THE FUNERAL services over the late John Platts will be held at his residence (23, corner of Quince and Apricot, Nineteenth Ward) at 1 p.m. to-day.

AN OLD man named Pries, who resides in the Fifteenth Ward, slipped and fell on an icy sidewalk yesterday afternoon, and was severely injured about the head.

A DOUBLE team attached to a buggy came tearing up Main Street on Sunday and everything looked favorable for a first-class smash-up, when the lines became entangled in the wheels and brought the chargers to a standstill.

A GAME of billiards was played at the Cullen Hotel last night between Charles Caldwell and John Wise, and resulted in a victory for the former by a score of 250 to 113. To-night the game will be between Josh Davis and John Alexander.

TEMPERATURE YESTERDAY, as reported from the Signal Service office: At 6 a.m.: Salt Lake City, 10; Helena, 6; Fort Ogden, 12; Fort Washakie, 6; Boise City, 12; Rawlins, 4. At 11 a.m.: Salt Lake City, 20; Ogden, 22; Stockton, 7; Bingham, 21; Park City, 28; Provo, 12; Alta, 21.

A PROMENADE ball commemorative of 1847, is to be given in Calder's Hall, Thursday, January 31st, 1889, the committee being Misses Edith Shurtliff, Annie Keane, Maud Keane, Nellie Sharkey, Thomas Paton, D. W. McAllister and C. S. McAllister.

ANOTHER timber suit has been planted in the Third District Court, in which the Salt Lake City Street Railway Company is defendant. The government seeks to recover \$19,040, the value of 47,600 railway ties, alleged to have been illegally cut by the defendant in Tooele County.

DIPHTHERIA is said to be much more common in this city than is generally supposed, yet it seems that nothing is being done by way of quarantine. At several houses where no recent cases have occurred, no warning flag has appeared, and people are wondering if the system has been dropped. Where are the yellow flags?

MAYOR ARMSTRONG brought from the Thompson-Houston works some samples of welding down by electricity. He has one little bar about an inch and a half long, in which there is copper, steel, brass and German silver welded so neatly that while the joints are completely lost, the different metals remain as distinct as though they had never been joined. The process is very simple, but still it is a secret that this company values very highly.

MR WHITTEMORE never does anything by halves. Last evening he called his friends together at the Railroad Exchange, and this is what he gave them: A musical entertainment by Ellis and Dunbar's Minstrels, which was a howling success. Then there was dancing, with music from Olsen's band. After that a royal lunch followed by singing and piano playing by the ladies. Then more dancing, which was continued well into the morning. They had a great time.

PERSONAL.

W. H. SMITH is up from Tintic. Mrs. A. SIMON and her brother, J. Engler, have gone to Elko, Nevada, on a six weeks' visit.

G. R. KEARLEY, Esq., of Boston, is in the city on business and pleasure. He will remain a day or two.

RICH KLETTING returned last evening from the east, where he has been looking up architectural points.

THE SPASMS OF PAIN that RACK the flesh are relieved by GLENN'S SWEEPING SOAP.

"HILL'S HAIR AND WHISKER DYE," Black or Brown, 50c.

Delicious Warm Beverages.

The decoctions served to the thirsty and cold at the Occidental are delicious, pure and superior. First-class wines, liquors, beers, ales and cigars. Family supplies a specialty.

ADAM & MURPHY, Proprietors. J. W. FARRELL & Co., plumbers and gasfitters, opposite Teasdale's store, 137 South Main Street, Telephone 200. Send your orders.

AUCTION! AUCTION! On Friday, February 1st, at 11 a. m., at No. 408 North Second West Street, fine marble top bed room set (cost \$150), springs and mattresses, marble top centre table, carpets, fine hanging lamps, fine extension table (cost \$30), glass door cupboard, fine Champion Monitor cook stove, heating stove, dinner set (cost \$40). Fine curtains, silver and glassware. All new last June. ANDREWS & REISCHMAYR, Auctioneers.

People's Equitable Co-op, 68 and 70 First South Street.

Home-made Honey, 25 cents per yard. Hoss, 25 cents. Three pound cans Tomatoes, and Corn, 15 cents.

Fine Imported Cigars, Ross' Pharmacy For the Calico Ball.

Just received, a handsome assortment of satenes of this season's importation. Coors Bros.

JUDGES AND JUSTICE.

An Important Decision by Judge Sandford.

THE SUPREME COURT TO-DAY.

G. R. Wright Held on a Charge of Adultery—Police Court and Probate Court Matters.

Quietude reigned around about the Third District Court room, and the buzz of the reporters in search for news was drowned by the noise of hammer and plane used in transforming the law library into an office for Clerk Clarke, and in opening up another room, which will be added to the judges' chambers.

Judge Sandford, however, filed one decision. It was to the following effect:

L. P. KELSEY ET AL. VS. W. J. CROWTHER ET AL.

The plaintiffs allege that the defendant Crowther was the owner of land in Salt Lake County, and on September 13, 1887, he agreed to sell the same to the plaintiff Kelsey for \$2,750, and to execute a warranty deed therefor; that an abstract of the title was to be furnished by him to the plaintiffs; that on the 14th day of October the plaintiffs tendered the money then unpaid to the defendant and demanded a deed, which was refused, and that no conveyance had been made to them. It is further alleged that the plaintiffs are ready and willing to pay the balance of the money. The answer of the defendant denies, among other matters, the alleged tender of \$2,700, on October 14th, 1887, or at any other time. The contract which the plaintiffs seek to have enforced is set out in the complaint. Although signed by the defendant, Crowther, only, it is a valid contract, and such as may be enforced in equity. It appeared on the trial that on October 14th, 1887, one day after the day agreed upon for the completion of the purchase, the defendant Crowther drove to the place of business of Kelsey and calling him out to the sidewalk, had a conversation with him, one standing near the office door, the other sitting in his carriage, nine, ten or twelve feet distant. In this conversation Crowther asked for his money; the other replied he had forgotten about it, and desired to make a change in the terms of the contract, which was refused. Thereupon Kelsey brought from his office what looked like a bag, and said he would take the premises. What the contents of the bag were was not shown to Crowther, no attempt being made then or later to pay over the purchase price in cash. This, it is urged, constitutes a tender of the money.

The delay of a single day to tender the amount due was excused by the defendant's demand for it on the subsequent day, and it may be doubted whether, if no excuse, the delay was of any importance. (Taylor vs. Longworth, 14, Peters 122, and cases cited.) It is well settled that in order to constitute a valid tender, it must be shown that there was an actual production of the money and an actual offer of it. It is not enough that the party tendering have the money in his pocket, or in an envelope retained in his possession. There must be an actual offer and presentation, so that it may be accepted and rejected. In this case the proof does not sustain the plaintiff's allegations of a tender within the legal definition of the word, which means that the money must be actually produced and paid down, unless the creditor dispenses with this being done by some act equivalent to a waiver.

Until there is a valid and legal tender, the defendant cannot be required to deliver his deed.

Without considering any other question, the conclusion is reached that the plaintiffs have not made out a case for the exercise of the equitable powers of the court.

The complaint must be dismissed, with judgment for the defendants.

TO-DAY'S BUSINESS.

The Supreme Court meets again this morning. The following cases will come up:

P. J. Kelsey vs. George D. Pyper. F. J. Kiesel & Co. vs. the Union Pacific Railroad Company.

McCord & Nave Mercantile Company vs. John Glenn.

HE IS HELD FOR ADULTERY.

Miss Lewis Again Says Wright is Her Betrayer.

There was but one case before Commissioner Norrell yesterday. That was the United States vs. Charles R. Wright, who was arrested a few days ago on the charge of adultery, the complainant being a Miss Nevada Lewis, who gave her age as 18 years, but whose general appearance would lead one to infer that she was at least 24. The first witness called in the case was the mother of the girl, Mrs. Lewis. She testified that her daughter

WEST TO LIVE WITH WRIGHT

in the latter part of April, 1877, and that she remained there about two weeks; that later, she returned home; and when the witness and her husband left the city for Kamas, where they remained for some time, the betrayed girl was at her home. When they returned, they could find no trace of her for several weeks, but did finally discover her at the residence of a Mrs. Wesley in the Third Ward, where her baby was born, and where she remained several weeks. When asked who the father of the child was, Nevada always asserted, up to about six weeks ago, that a young man named Hyrum was the author of her ruin. "However," said the witness, "I did not believe it. I couldn't help but think that Wright was the father—at least, that is the way it looked to me. I had charged Wright with it, but he denied all guilt in the matter."

Nevada Lewis, the complaining witness, corroborated the statements made by her mother in reference to being an inmate of Wright's house. She said further that she and a little child of the defendant's occupied a room adjoining his bed room, and that

HIS WIFE WAS SLIGHTLY DRAFF.

When asked as to who was the father

of her child, she promptly answered, Charles R. Wright, and gave May 4th and 6th as the dates when the crime charged was committed. In the fall of 1887, and while her parents were absent, Wright made arrangements for her to board and room at Mrs. Wesley's, where she remained until the 23rd of December, when her parents found her. Wright visited her about once a week while she was there and always in the evening. He paid her expenses while she remained there. On a cross-examination, an attempt was made by the defendant's attorney to show that the girl was in the habit of running around at nights. This, however, she stoutly denied, and said that the man Hyrum whom she had told her parents had seduced her was a myth; that she had coined that story in order that she need not expose Wright, who had requested her to shield him. Her father, however, kept up such a persistent questioning that she could no longer hide her secret, and she told them the truth in the matter.

Preston Lewis, her father, testified that Wright had admitted to him that he (Wright) was the seducer of his daughter. He had always entertained an idea that Wright was the father of the child, because he thought it looked a great deal like him, and also bore a striking resemblance to other members of his family. This closed the case for the prosecution, and the other side opened by placing the defendant upon the stand. He denied all the charges made against him by Miss Lewis, and claimed that on the 4th of May he was at Cottonwood, and on the 6th at Granger; that he was not at home at any time between the 3d and 6th. He had eight children.

Mr. Peters—How many of your children have red hair?

WRIGHT—One. Continuing, he said he had introduced Miss Lewis to a young man named Ed. Holden, who was present at his house, and that she had gone out walking with him. He denied that he had engaged room and board for her at Mrs. Wesley's, but that she had come to him and told him that

SHE WAS IN TROUBLE.

and wanted him to befriend her, and keep the secret of her whereabouts from her parents. He had loaned her \$5, it was true, but it was on her promise to return it to him whenever she could. He had visited her while she was at Mrs. Wesley's, but not more than two or three times.

Sarah Lewis, the wife of the defendant, denied that the Lewis girl was an occupant of her house for two weeks at the time named by her; she was not there more than a couple of days or so, and then merely as a visitor.

Mr. Peters had no argument, and the opposing counsel was brief. The result of the showing made was that Wright was held to await the action of the grand jury, bonds being placed at \$1,000.

Probate Court.

The following orders were made by Probate Judge Marshall yesterday: In the matter of the estate of Samuel Sharp Walker, deceased; order of sale of real estate made. Estate of Z. Snow; order of publication of notice to creditors.

In the Police Court.

The following cases were before Judge Pyper yesterday: Ephraim Kelly was fined \$10 for being drunk.

William Nixon pleaded guilty to a similar charge, and was fined \$30.

Henry Fisher, for stealing oranges, was sentenced to twenty-four hours' imprisonment.

W. Wallace was fined \$5 for disturbing the peace, and F. W. Argnot, who disturbed four times as much peace, was fined \$20.

Tourists.

Whether on pleasure bent or business, should take on every trip a bottle of Syrup of Figs, as it acts most pleasantly and effectually on the kidneys, liver and bowels, preventing fevers, head aches and other forms of sickness. For sale in 50c. and \$1 bottles by all leading druggists.

BED COMFORTS

cheap at Dinwoodey's.

STATEHOOD OR NO STATEHOOD

This is the vital question for Utah, but don't forget that A. Hopper, the well known carriage and wagon man, re-opened a shop at his old stand, No. 129 E. Second South Street, on January 1st, and is now prepared to do all kinds of carriage and wagon work. Painting and trimming by experienced workmen. Mining cars and picks a specialty. All kinds of blacksmithing done on short notice. Satisfaction guaranteed.

SILK CURTAINS,

CHENILLE CURTAINS, Madras and see them at DINWOODEY'S.

COHN BROS.

Announces that they have opened the largest shipment of ladies' muslin underwear they have ever shown, comprising many exclusive specialties of original design. They offer the entire line at extraordinary low prices.

Ross' Pharmacy for fine toilet soaps.

AUCTION! AUCTION!!

At the residence of C. L. Robertson, on Wednesday, January 30th, at 10 o'clock a. m., No. 62 West Fourth South Street, a fine lot of household furniture. Everything to be sold from kitchen to parlor. These goods are new and will be a rare chance for bargains. J. L. DUBOIS, Auctioneer.

ELKBRANT line of Tooth Brushes, Nail Brushes and Hair Brushes

Ross' PHARMACY.

People's Equitable Co-op

Good Roller Family Flour, \$2.70 per 100 pounds. Full Cream Cheese, two pound for 35 cents.

Cheapest and Freshest Meats

Always on hand at the Wasatch Meat Market, Haslam Bros. Our number is 22 W. First South. Give us a call.

COAL! COAL! COAL!

Rock Springs, Red Canyon, Weber and Pleasant Valley. Order now from the Union Pacific Co. E. WASTLAND, Agent. Office, cor. Main and 2nd South.

THE "RIPPER" MYTH.

The Air Full of Rumors of Carving Cases.

The "Jack the Ripper" myth which has been thrust upon the timid public seems to be running rampant. Yesterday the air was so full of rumors of carving scrapes that had all been true our streets would by now be flowing with gore.

Fortunately, but two of these blood-curdling yarns can be traced to anything like a probability, and even these have at least a slight odor of fish about them.

The first of these occurred, if it did occur, shortly after 1 o'clock on Sunday morning, the victim being Night Clerk Fawcett, of the Cullen Hotel. Mr. Fawcett's story is that, at the hour named, he heard some one trying to open the door at the ladies' entrance. Stepping outside he saw a medium sized man there. The clerk requested the fellow to get away from there and the reply was a slash across the forehead with a knife. The two men clinched and when the clerk got away from the fellow, he found his collar cut down the front and his shirt front also cut open. Toward morning a navy blue coat sleeve with blood on it was found near the door; and Fawcett's theory is that he tore this from his assailant during the tussle.

The other story is related by a man named Morgan, a mail carrier in the employ of Bill Showell. Morgan says that he was passing along the north side of the Eighth Ward Square after 11 o'clock Sunday night, when he stepped out from the gateway and slashed at him with a knife, making a slight cut in his face. He escaped and went home, procured a butcher knife and returned, only to be assaulted again. This time Morgan slashed, lodging his carver in the hip of his antagonist. He tried to pull his knife out, but it wouldn't come so he gave it a twist, snapped the blade and ran off with the handle.

The incredulous part of the Fawcett tragedy appears in the circumstantial evidence—the shirt and collar. Both are out so neatly that it is hard to believe that the work was that of a knife slashed at random. But even if this were possible, it is hard to see how the collar could have been cut and the wearer's throat remain untouched, and a similar conclusion is forced as regards the shirt. Then Mr. Fawcett made no report of the occurrence to the police and was very reluctant about talking of the occurrence.

Morgan has a few more cuts to show for him, but his story suffers dreadfully from the fact that he tells it in a dozen different ways and don't seem to know just which version to believe himself. Then his broken knife is so twisted as to scout the idea that it was broken off in human flesh.

There were other rumors of all kinds, but none could be traced to anything but wind. That the city is full of hard characters and that it behooves one to go "heeled" when out at night, is not denied, but that there is any disciple of Dr. Trumbley in town, is nonsense. May this fact prove bromide to the nerves of timid women!

A Big Purchase.

George T. Odell, of the Co-op. Wagon & Machine Company, returned from Logan Sunday night, where he closed up a successful business deal which has been some time pending. The deal in question was the buying out of the well known firm of Barber & Thomas, Logan, successors to George Barber & son; Barber & Thomas now becoming stockholders in the big implement company; their sign comes down, and that of "THE CO-OPERATIVE WAGON & MACHINE COMPANY, LOGAN BRANCH," goes up over the doors. The manager of the branch will be Mr. A. G. Barber. In addition to the well known line of wagons and implements carried by the Co-op. Wagon & Machine Company—a heavy consignment of which has just been shipped to the branch—the Logan house will still deal in produce and seeds, for the accommodation of the farming community, and will also carry a good line of shelf hardware and implement extras.

To the Weak and Emaciated.

Remember that it is impossible to gather strength or flesh, while harassed with a painful cough. It is a complaint that preys upon every tissue and fibre of the frame. Yet it is easily removed. A bottle or two of Hill's Honey or HORROROUS AND TAR arrests and cures any ordinary cough, and a more prolonged use of the remedy will banish the disease if more deeply seated. Sold by the drug trade, \$1. Great saving for the consumer to buy large size. Pike's Toothache Drops cure in one minute.

Mounted Fur Rugs,

Kurrahee Rugs, Smyrna Rugs and Carpets at DINWOODEY'S.

HARRIET HUBBARD AYER'S

Reclamier Cream, soap and face powders, at Ross' PHARMACY.

COHN BROS.

We direct attention to our regular advertisement, that we are offering a large lot of table damask remnants at low cost.

Napkins at bare cost. A large lot of checked and striped napkins, in short lengths, at less than cost.

Twenty-four inch black surah for 50 cents.

Torebon laces at remarkably low prices, and many other bargains.

COHN BROS.

21 bars Kirk's Post Boy Soap, \$1.00 16 bars Kirk's Saxon Imperial Soap, 1.00 At JOHN McDONALD & SONS.

People's Equitable Co-op.

Men's California U. Shirts, \$1.96.

The "Petite"

Photograph, \$1.50 per dozen, at Fox & Symons.

Best and cheapest, Elite Restaurant, opp. Walker House. Day and night.

All the Rage.

Very much used by the young people. The "Petite" Photograph, \$1.50 per dozen at Fox & Symons.

PERFUMES of all kinds.

Ross' PHARMACY.

Mark McKinnin's Livestock Stable, Main Street, opposite Postoffice.

IT LIES WITH THE CITY

What Mayor Armstrong Says of the Street Road

AND THE ELECTRIC SERVICE.

To be in Operation by May 1st if Properly Encouraged—An Interesting Talk.

Mayor Armstrong, president of the Salt Lake Street Car Company, returned from the east on yesterday morning's Union Pacific "ow" train, and in the afternoon was found at his office by a Herald reporter, looking well and declaring that though he had put in two weeks of the hardest work he ever did in his life, he had enjoyed his trip immensely and felt 20 per cent. better for the "rest."

After conversing for some time upon things in general, the reporter came to the point by asking:

"How about an electric service on our street railroad?"

"THAT LIES WITH THE CITY,"

was the reply. Mr. Armstrong then went on to explain that the charter held by the street car company runs out three years hence, and that the company could not take upon itself such an enormous expense as would be involved in the improvement mentioned, unless the city is willing to extend the charter.

"How much of an extension will you ask?" inquired the reporter.

"Well, we want our charter extended to the end of the time covered by our articles of incorporation—some twenty-three years, I believe." Mr. Armstrong argued that this would be absolutely necessary before the road could proceed.

"It's all very well," he said, "for people to slur at the city for giving us the use of its streets for nothing, but where will they find a responsible company that is willing to invest the amount of money that we offer?"

"There's Major—" but the reporter desisted and asked Mr. Armstrong what other concession he would ask of the city.

"The license is altogether too high. In the east a street car is not taxed any higher than a bus, and why should it be? The street car company keeps in good repair the part of the street used by it, while the bus adds to the wear and tear on the general roads. But people out here have peculiar ideas about such things. Of what advantage is it to people to put a heavy tax on a street car line? If we put an electric service on one or more of our lines, property along those streets is greatly enhanced in value and the city gets the benefit in increased taxes."

"Have you decided then to put on a service in case you can get these concessions from the Council?"

"Yes, Mr. McCune is now in the east waiting word from me in regard to what the city will do and if my reply is favorable he will close the contract and work will begin at once."

"What system have you decided upon?" asked the reporter.

"Well, we are very favorably impressed with the Thompson-Houston system and will probably accept their offer, upon certain conditions; but we have also received a tempting bid from the Sprague people."

"About what would it cost to equip your line?"

"We have been figuring on \$14,000 a mile. This, however, includes only the motor, rail connections, overhead conductor and incidentals, but does not include the engines and generating machinery. We propose to equip five miles of our road for a start. It will require a 200-horse-power engine; then we will use the bodies of the cars we bought recently, placing them on the Thompson-Houston trucks. We estimate that the equipment of this five miles will cost us at least \$100,000. You will see," continued the mayor, "that the outlay is no trifling."

"When will your system be in operation?" was asked.

"If we get what we want, we will have cars running by the 1st of May."

"And if the city refuses to grant your petition?"

"We will not attempt to do anything until the expiration of our charter, three years hence."

"On what line will you put your electric service?"

"That remains to be decided upon."

THE PROBABLE LOCATION.

Being questioned about the probable location of the plant, Mr. Armstrong said that he did not know where they would put it. Near one of the railroad depots would be a good place for coal, but it is better to have the generator near the middle of the line instead of at one end. In the middle of the block back of the old Museum was mentioned as a good place, as it is central and is at the same time accessible to the South Temple Street railroad track.

\$150,000 IS NEEDED.

By the company to put the road in the running order desired by the owners, but just how this will be raised has not yet been definitely decided upon. It is probable, however, that the road would be bonded for half that amount, \$75,000, while the stock would represent the other half.

NOT THE END.

The five miles of electric equipment will not be the end of the work; it is simply the start. The company will use some of its cars in the new service as mentioned above and the others will be bonded for half that amount, \$75,000, while the stock would represent the other half.

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RECURRING TO THE TAX, the reporter asked Mr. Armstrong what he thought would be a fair amount for the city to charge them as a license. He replied that with such an outlay, they ought to allow the cars to run unlicensed for three years; then charge them \$10 per car for five years more and after that charge them \$20 per car. This would give the company encouragement on the start and that is what they need.

DURING HIS ABSENCE.

Mr. Armstrong thoroughly investigated the several electric systems and he saw

much to delight him. Along the Thompson-Houston line running from Boston to St. Mary's Beach, property has increased in value 20 per cent. "It is a beautiful sight to see one of those cars running along at night," said the Mayor. "It has an incandescent light on each end and a cluster of incandescent lights on top. They run smoothly and noiselessly, and are as neat and pretty as they can be."

As stated above, Mr. McCune is still in the east, and while waiting to hear from Mr. Armstrong he has gone to Washington to see the new Thompson-Houston road now in operation there.

THE PETITION

asking the extension and modification of the charter will doubtless be presented to the City Council this evening, and that body has a chance to cover itself with undying glory by meeting the company's proposition and insuring the running of an electric street railway on our streets in ninety days.

S