

THE LAWS OF APEX

Another Big Mining Suit in Court.

THE OLD JORDAN VS. NIAGARA CO.

The Jury in the Northland-Mayflower Case Disagrees—Another Matrimonial Misfit—County, Probate and Police.

The laws of apex are having a great run in the courts. Hardly had the disagreement of the jury in the Northland-Mayflower suit been announced before the attention of the men who mine was called to the suit of the Old Jordan Mining and Milling company against the Niagara Mining and Smelting company, which has been dragging its way at odd periods before Judge Anderson's court since last November.

The final outcome of this case means the disposition of ore valued at thousands of dollars, and perhaps the right of one mining corporation to the entire lode of another mining company. Evidence in this case has been accumulating by the balance in blocks of five, and is piled up in Judge Anderson's court until there is scarcely room for anything else.

The case is an aged one, though it is far from being infirm. The array of legal talent retained by both sides promises to contest every inch of territory in the litigation, as they say in law. Messrs. Bennett, Marshall & Bradley and Parley L. Williams represent the plaintiffs, and Brown, Dickson and Hall are looking after the interests of the defendants.

The suit is the result of the Red Warrior survey lines penetrating the northern corner of the Jordan lode, the vein of ore intersects both lodes and each company claim the right to the ore in the vein by discovery. When the cause was introduced into the meshes of the legal web it was ordered by the court that during the pendency of the trial and until its final determination, the plaintiffs and defendants may do in the lode and on the surface, which are covered by an injunction, any and all development work they may deem necessary and proper to prepare them for trial. They also have the right to extend any tunnels or shafts to aid in proving the validity of their claim to the ore of the vein. But only such ore and waste may be taken from the lode as is necessary for prosecuting such work, but no ore may be removed from the mine.

THE DEFENDANTS set up that at the beginning of this suit they were working and developing the Dartmouth lot No. 46, Bullion 61, Portland 47, Sturgis 63 and Red Warrior 65, in the Mountain Mining district in Salt Lake county. They alleged that being restrained and enjoined from entering into their lodes they have sustained damages of almost incalculable sums of money.

THE TESTIMONY yesterday morning was mostly in relation to the formation of rocks and position of ledges in the lode and on the surface. Dusen, A. F. Holden, W. The Derby and Prof. W. S. Keyes occupied the morning session.

Prof. Keyes, who is an expert from the Golden Gate, with an intermediate and inexhaustible fund of mineralogical information concerning about his person, opened the cause in the afternoon. He introduced the measurement from the all drift, where Mr. Treweek and other gentlemen claimed the Jordan patented lode should be and found that there was some discrepancy of opinion. He had climbed down from the shaft to the "lion's den" to find the determination of the drift, having come to the conclusion that that was the best place to make discovery by being in direction was practically east and west. In most of the dolomite beds either seen or inferred, the transition rock composes the top and side walls of the vein, the foot wall is of plain, glassy quartzite. The cross-examination of the indubitable "prof." was conducted on the relation of the fissures to the distance of the "iron pin" from the end of the east line of the Jordan survey and the contact of the lime and quartzite.

John A. Kirby, of mining and milling fame, was called to the stand, but counsel for the defense asked to have the case postponed until to-day in order to introduce Colonel Treweek, who is indisposed, upon the same line of evidence, so an adjournment was taken until to-day at 10 o'clock.

LEGAL LAONICS.

The demurrer of the Tribune Company is overruled. The following business was transacted before Judge Anderson yesterday morning. The demurrer of the Tribune Publishing company to the complaint of Elias H. Parsons in the suit for libel was overruled and the defendants given ten days within which to answer. By consent of all parties the case of John W. Goldthwait against John F. Lynch et al. was continued to January 4, 1892, to be the first case taken up. In the case of the A. Fisher Brower vs. Larson, five days were allowed the defendant within which to file answer.

COULD NOT AGREE.

and the Northland-Mayflower Jury was discharged. After being out twenty-seven hours, the jury in the Northland-Mayflower mining suit went into court on Sunday afternoon, and on announcing that there was no prospect of an agreement being reached, it was discharged. The trial of this case occupied nearly two weeks, and cost thousands of dollars, and yet nothing has been accomplished by the trial. On the first ballot the jury stood five for the plaintiff and seven for the defendant. After a ballot one of those who favored the Northland went over to the Mayflower side and the ballot stood eight to four. This result was not changed, and would have been the same, so the jurors say, had they been locked up for a year.

ANOTHER MISFIT.

The divorce case of Eliza Dressler vs. William H. Dressler came up before Judge Zane yesterday. H. W. Young appearing for the plaintiff. The defendant made no appearance and Mrs. Dressler alleged in her complaint that she was married to the defendant in the city in April, 1887; that upon December 22, 1888, the defendant, who was a soldier stationed at Fort Douglas, willfully abandoned her and ever since continued to live separate and apart from her; that for more than two years he has had failed to provide for her with the amount necessary of life. The decree was granted on the grounds stated.

FORECLOSURE.

In the case of the Utah Savings bank vs. Sarah Young et al., a decree of foreclosure was granted and the plaintiff was allowed \$200 for attorney's fees.

SHEEP FOR CURRENT.

In the case of W. L. Pickard vs. W. A. Mills et al., in which judgment was recently rendered for the plaintiff for a band of sheep, the hearing on motion to accept sheep in satisfaction of judgment was set for December 23.

CASES WITHOUT JURY.

Judge Zane announced that commencing this morning at 10 a.m. any motion or case set for trial where a jury will not be required will be heard by the court by consent of all parties.

THE OLD HERALD.

In the afternoon the application of the old Herald company to dissolve came up for hearing. The petition, which was filed on November 17, set forth that the company was incorporated in 1886; that at a meeting of the stockholders 460 1/2 shares

FINANCIAL.

(Corrected daily by McCornick & Co.)

Table with columns: Silver, Lead, Copper, Tin, The Metals.

COURT NOTES

Judge Zane Suffers From a Cold—A Detective Detected Drinking, Etc.

Lawrence Mulligan was refused citizenship before Judge Zane yesterday because his witnesses had not known him long enough. Frank J. Faastaland and Hans L. Rasmussen were admitted to citizenship before Judge Zane yesterday.

It is very dull in the commissioners' office. The report of the Northland-Mayflower suit by THE HERALD was everywhere commended as the fairest and most comprehensive statement of the cause by any newspaper.

H. Whitestone, an Ogden detective and deputy sheriff was in the city yesterday. S. C. Johnson, one of Detective Frank's parrelmen, will be called before the city council to-night to answer to the charge of neglecting his beat and drinking in front of the bar. Franks will call the council's attention to the case.

The Jordan-Niagara mining suit is not attracting the interest that the Northland-Mayflower controversy did. One cause for that is the fact that Judge Anderson's rooms are too cramped to admit of spectators. The "blot" of Franks' detective agency who pawned his revolver and set for the fluid that inebriates will be reprimanded and suspended.

The stenography and typewriting in the case of the Niagara-Mayflower suit amounted to over \$1,000. Judge Zane is confined to his room with a severe cold.

County Court.

Not yesterday, all members were present, and the minutes of the previous session were read and approved. The county clerk was directed to get letters from Dr. Richards concerning the hospital. Selectman Hardy appointed a committee of one to obtain clothes for Peter Snider and Richard Teasley—on pauper list.

Superintendent L. Thomas appeared on behalf of the Utah Title, Lusk and Trust Co., and asked the use of its old assessor's office for abstracting work. Referred to Selectman Hardy. Petition of Mount & Griffin for relief on account of clerical error in assessment. Referred to county attorney.

Alex. Brown, heretofore cited to appear and show cause why he should not support his father now in the infirmary, was ordered to appear December 23 at 10 a.m. The clerk was directed to issue subpoena to S. W. H. Brown to appear December 23, at 10 a.m.

On petition of P. L. Squires, Calvin Stevens was admitted to the infirmary. Superintendent L. Thomas was directed to look up a deaf and dumb boy for care and treatment at infirmary. Ordered that Emanuel Peterson, temporarily admitted to infirmary, be retained. Ordered that \$5 per month be granted to Charles Mead, old and infirm, during the absence of his son.

John Wilson was admitted to the infirmary during good behavior. In the matter of the petition of T. P. Murray for right of way for Deep Creek road, ordered that the right of way over the county road known as road No. 49, being the west extension of Fifth South street, to the county line, be granted so far as Salt Lake county has any interests in said road as a public highway, subject to such conditions and restrictions as shall hereafter be prescribed by this court.

The petition of John Peterson for reimbursement for title sold to him in certain lands by county, denied. Petition of J. H. Brinton et al. asking for repayment of money for reinbursement and Spoils postoffice. Referred to Selectman Butler and Hardy.

The communication from Juab county, giving amount due on account of sheep assessment, was referred to the collector. The clerk was directed to have deeds from S. Hays and N. H. Clayton recorded. The following liens and mortgages were approved: E. C. Wareski, Markey, C. F. Nelson, Halfway; Thiede, Murray; J. A. Conley, Murray.

The bids for stationery and books for 1892, from the Irrigation Agt. Salt Lake Lithographing company, Tribune Job company, and Kelley & Co., were opened and referred to Selectman Hardy and Butler. In the matter of the taxes on property of E. W. Blatchford, in ward Nineteen, the report of the county attorney was received and the collector was directed to return the same as uncollectable. The clerk was ordered to issue a discharge to Charlotte Sainsburg.

The clerk was requested to notify the corner to the butcher for all moneys paid out by him on account of requests. The claim of J. J. Ferrell was referred to Selectman Hardy and Butler. The claim of the Union Pacific Coal company was referred to Selectman Hardy. The claim of A. G. Bast was referred to Judge Hartsh and Selectman Hardy.

The county clerk was directed to notify county physician not to visit patients at hospitals, unless ordered by the court. Selectman Cahoon and Butler were ordered to investigate the question of compensation of the county physician. The following appropriations were made: Tribune company, \$ 4.00; George Hubbard, 6.00; A. Harman, 130.00; J. C. Marby, 1.00; J. E. Harza, 141.75.

PAUPER. J. H. Homan, \$50.00; A. D. Cummings, 41.85; C. C. Meacham, 188.00; White & Sons, 2.00; J. Ferrington, 7.00; D. Evans, 2.00; J. Ringburn, 6.25; C. Meadows, 5.00.

EXPENDITURE. F. E. Schoppe & Co., \$19.00; J. C. Dowlin, 75.00; J. H. Dale, 24.50; S. H. Dale, 24.50; J. Butler, compensation, 174.80; H. Hardy, compensation, 109.50; R. L. Polk, stationery, 10.00; A. W. Galne & Co., stationery, 16.70; D. Evans, 2.00; H. Rippey, prison, 65.00; Lippman & Co., 88.00.

ROADS. C. E. Miller, \$41.20; J. J. Rippey, 28.40; R. Hutchinson, 68.50; Watson, 28.00; A. A. Jones, 24.00; Implement Co., 27.50; J. S. Crane, 22.10; C. P. Smart, 19.00; C. Sharp, 26.20; S. H. Dale, 24.50; D. McDonald, 68.90; W. A. Galne & Co., 16.70; William Jameson, 184.15; E. Walters, 22.00; Philip Stone, 22.00; 294.00.

Probate Court.

Estate of Ezekiel Gee; hearing on final account; order allowing same refused, and executor directed to close estate. Estate of Andrew Harvay; bond of John C. Harvey, administrator, with will annexed approved in the sum of \$600.

Chicago Live Stock.

CHICAGO, Dec. 19.—Cattle—Receipts, 18,000; slow, weak 06 1/2 to 07; mixed, 07 1/2 to 08; good to choice, 08 1/2 to 09; 09 1/2 to 10; stockers, 2.50 to 3.00.

Chicago Wheat.

CHICAGO, Dec. 21.—Wheat—Weak, moderately active; the opening was unsettled, prices varied from 1/2 to 1/4 higher than Saturday's closing, became weak, and after a nervous fluctuation closed 1/4 lower than Saturday. Receipts, 1,300,000; shipments, 516,000.

Liverpool Grain.

LIVERPOOL, Dec. 21.—Friday, December 23, and Saturday, 24, will be holidays in grain and provision markets here. Wheat—Unchanged. Corn—Demand poor for spot and has fallen for future; spot and December, steady, 4s

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San Francisco Mining Stocks

[HERALD SPECIAL SERVICE.] SAN FRANCISCO, Dec. 21. 9:30 A.M. BOARD.

Table of San Francisco Mining Stocks with columns: Stock Name, Price.

STREETS AFTER 2:30 P. M.

Table of Street Prices with columns: Stock Name, Price.

New York Mining Market.

Table of New York Mining Market with columns: Stock Name, Price.

New York General Market.

New York, Dec. 21.—Money on call easy; closed offered, 3 1/2; 60 day bills, 4 1/2; demand, 4 3/4.

Morning Railroad Stocks.

Table of Morning Railroad Stocks with columns: Stock Name, Price.

Closing Railroad Stocks.

Table of Closing Railroad Stocks with columns: Stock Name, Price.

Commercial.

New York, Dec. 21.—Hops—Firm. Coffee—Options opened steady, 35 1/2 points up; closed, 35 1/2. Sugar—Raw, nominal; refined, quiet.

Stock Exchange.

NEW YORK, Dec. 21.—The stock market today was in an active for a month, but realizing sales were heavy and many leading stocks continue to hold their recent improvement. One of the most encouraging signs is the changed front of foreign operators in American securities. Liberal purchases of Erie and St. Paul have been reported by leaders. After many fluctuations, the market closed steady, near opening figures.

Petroleum.

NEW YORK, Dec. 21.—Petroleum closed at 50 1/2.

Chicago Produce.

CHICAGO, Dec. 21.—Wheat—Steady, cash, 18 1/2; December, 18 1/2; January, 18 1/2; May, 18 1/2. Corn—Weak, cash, 13; December, 13 1/2; January, 13 1/2; May, 13 1/2. Oats—Steady, cash, 12 1/2; January, 12 1/2; May, 12 1/2.

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London Grain Market.

LONDON, Dec. 21.—The Mark Lane Express says: English wheat dropped 8d during the week. The decline was due to the continued inferior quality of the greater part of the offerings. The present deficiency in supplies of foreign wheat caused by the absence of Russian shipments is 2,000,000 quarters. The market, however, is confident shipments from America will entirely cover the shortage. Barley is quiet, oats in better demand, firm; corn and beans dried and a selling. At today's market foreign wheats were lower, but the prices of English wheat maintained. Offerings and quantities were large. Flour sold readily, English preferred. There was little demand for corn pending arrivals of the American new crop. Oats are cheaper, barley a shilling lower.

Local Mark etc.

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GRAIN.

Table of Grain prices with columns: Grain Name, Price.

FLOUR.

Table of Flour prices with columns: Flour Name, Price.

HAY.

Table of Hay prices with columns: Hay Name, Price.

PRODUCE.

Table of Produce prices with columns: Produce Name, Price.

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Dr. McLennan

may now be consulted at his office, Old Tribune Building, 76 West Second South street, where he treats with equal success all curable cases, curing Deformities generally considered incurable, Consumption, Bright's Disease and Dyspepsia. Special Organic Plumbing Material, Pumps, Pipes and Fittings, Steam Heating Supplies, Tin and Iron Roofing, Galvanized Iron Cornices, Guttering, Garden Hose and Lawn Sprinklers, Water Fitters, Etc., Etc.

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THROAT DISEASES, BRONCHITIS, ASHTMA AND CONSUMPTION. Together with Diseases of the Eye, Ear and Heart. Also Diseases of the Stomach, Liver and Kidneys, as well as Nervous, Weak, Debilitated and Broken-Down Constitutions, are Ailments which

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From the earliest symptoms (which are generally attributed to "a cold in the head") to the various ugly and distressing stages through which the disease passes, the patient is hopeful of recovery and rarely gives it proper attention until certain alarming symptoms present themselves, denoting immediately the rapid advance of the malady to the lungs, at the same time spreading itself along the eustachian tubes leading to the ears, producing deafness. In short, it soon causes serious results to the senses of smell, hearing, sight and taste, producing a catalogue of horrors which should induce any person to make early and proper efforts to eradicate the disease while it is in a curable stage. Persons desiring to get well can do so by using my new and successful method. They can be treated at home as well as at my office, and it will cause no inconvenience or hindrance to any business whatever.

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Dr. McLennan ALSO A FULL ASSORTMENT OF ELECTRICAL SUPPLIES, STEAM PUMPS, HOISTING ENGINES, AIR COMPRESSORS, And Rock Drills.

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