WHERE JUSTICE REIGNS.

Important Ruling in a Long Contested Mining Case.

RELEASED UPON A WRIT.

A RECEIVER ASKED FOR A PARK CITY BONANZA.

Various and Sundry Mismatings Finally Set at Rest—Judge Bartch Departs for Beaver—Arrangements in Judge Merritt's Court—Probate Court Orders by Judge Blair.

Another chapter in the long and stubbornly contested case between Morris Goldberg and others upon the one side and Michael Shaughnessy and others was closed yesterday morning before Judge Merritt, at which time the motion for new trial was overruled.

The plaintiff had filed suit in October, 1887, demanding that an accounting be had between said Shaughnessy and the Tiewaukee Gold & Silver Mining company, and that a receiver be appointed.

The matter was committed to Hon. W. C. Hall, as referee, the plaintiffs represented by Judge J. G. Sutherland, the defendants by Judge W. H. Dickson and William C. McKay. A large mass of documentary evidence was introduced by the plaintiff, whereupon the defendants attacked it as insufficient to entitle the petitioners to the accounting and asked without the introduction of testimony that it be denied. The question was argued exhaustively, whereupon Referee Hall found that the facts were "not sufficient to entitle plaintiffs to any relief whatever in a court of law or equity," and that said action should be dismissed.

The plaintiffs thereupon moved the court to set aside the findings of the referee, upon which Judge Merritt yesterday ruled as follows:

When a stockholder seeks to avail himself of a cause of action in favor of a corporation, he must show that its board of directors is acting ultra vires or fraudulently. The law ordinarily vests the control in such board and so long as it acts in good faith and within its powers the stockholders are bound. But such stockholder must further show that he has exhausted all of the means within his reach to obtain within the corporation itself the redress of his grievances. He must apply to the board of directors and, if time permits to the stockholders as a body in the matter of which he complains; or he must show positively and not by way of inference that such an application would be useless. Hawes vs. Oakland, 104 U. S. 450. Quincy vs. Steele, 120, U. S. 241.

Tested by these rules, it is evident that the complaint does not state facts sufficient to constitute a cause of action.

It is alleged in the complaint that since the year 1883 the "duly elected board of directors" consisted of the two plaintiffs and of defendants Shaughnessy and McQueen and L. S. Hills, the latter, however, ceasing to be a director in 1884; that Shaughnessy and McQueen refused to recognize the plaintiffs as directors or stockholders; that Shaughnessy has assumed control of the property of the corporation and has received and placed to his own credits all of the proceeds thereof, and finally that "at any meeting of the stockholders for the election of a new board, no election would be likely to be had by reason of the fact that said plaintiffs control precisely one-half the shares of the corporation and the said Shaughnessy and McQueen own or control an equal number."

While the allegations of the complaint may be sufficient, in the absence of a demurrer, as an averment of fraud on the part of Shaughnessy, in that he without authority and occupying a fiduciary relation, placed to his own credit funds of his cestui que trust, McQueen is not charged with fraud nor with participating in Shaughnessy's fraud. For aught that appears his denial of plaintiffs' rights and his support of Shaughnessy are in the utmost good faith, and without any knowledge of the claimed fraud. If the facts had been stated to him by the plaintiffs, he might have united with them in taking the proper steps to protect the corporation through the proper channel, to-wit: its board of directors.

The plaintiffs have never, so far as the record discloses, made any demands on the board of directors or the directors individually, or on the stockholders as a body, and the excuse alleged for not applying to such stockholders, viz: "that no election would be likely to be had" because McQueen and Shaughnessy owned or controlled one-half of its stock, is insufficient, in view of the fact that McQueen is not shown to have acted fraudulently nor to be one of the parties who should be sued by the corporation. The plaintiffs have not shown that they have exhausted their remedy within the corporation when they simply deal in probabilities. Their duty was to make the effort, and the result might have been better than their forecast.

The insufficiency of such allegations was decided in the case of Brewer et al. vs. Proprietors of The Boston Theatre et al., 104 Mass. 378.

It would have been sufficient excuse for not applying to the stockholders if a case of such urgency had been averred and proved as to show that great injury would result by the delay incident to such an application, and if a sufficient reason had been given for not having taken the proper steps in the past. But the complaint does not aver Shaughnessy's insolvency nor any excuse for not having attempted to get the stockholders to act between 1884, when Shaughnessy's wrongful acts commenced, and 1887, when the complaint was filed; nor does it even state that between such dates meetings of the stockholders had not been regularly held.

I have already decided in the case of Anderson vs. S. L. B. & L. Association and Langham et al. vs. The Western L. & S. Co. et al., at this term of court, the same question arising in this case.

As the complaint in this case, in the respects referred to, was neither aided by the answer nor by evidence, and as neither by the answer nor by proof, nor by admitted allegations, did the plaintiffs show that they had exhausted their remedy within the corporation itself before bringing this suit, it follows that the conclusion reached by the referee, that the complaint should be dismissed is correct.

Motion for a new trial is overruled.

The plaintiffs, it was said yesterday, will appeal to the supreme court.

ON HABEAS CORPUS.

A Colored Prisoner Freed and then Represented.

Counsel for Charles Allen, an alleged fugitive, who is wanted in Kansas City under the name of Burt, didn't exactly administer a rout yesterday, but they succeeded in getting their client in a position where he will be a troublesome German.

Under the application for his release upon a writ of habeas corpus he was taken by Captain Donovan before Judge Merritt, Judge Powers and Morris Sommer, esq., appearing for the petitioner, Associate City Attorney Van Horne for the respondent. In the return upon the writ it was cited that the prisoner was held upon telegrams received from the marshal of Kansas City, the same directing the arrest of the petitioner, who was wanted as one Burt, charged with jail breaking while "doing" five years for receiving stolen property.

This the court held to be insufficient grounds upon which to deprive the petitioner of his liberty and Allen was ordered released. The prisoner was tripping triumphantly from the court room when the sleuths again descended upon him and he was arrested upon another warrant charging him with assaulting one W. D. Silva while at Ogden.

Counsel for the petitioner characterized this proceeding as gross contempt of the court, and that the arrest was upon a charge trumped up and intended to defeat whatever rights the prisoner might have under the law.

Replying to this Mr. Van Horne called attention to the presence of the city marshal of Ogden who would testify that the charge was upon an actual offense committed in that city.

Judge Powers vigorously urged that the second arrest was an act of contempt, that it was a "sharp play," and bore subterfuge under which to detain his client.

The court gave warning at this juncture that in future such violence must not be done the dignity of the court by making an arrest directly in its portals, but knew that on this occasion no offense had been intended.

Upon an agreement of counsel the further hearing upon the writ was permitted to go over until tomorrow morning at 9 o'clock.

Meanwhile the marshal of Kansas City is hastening westward on schedule time and arriving, counsel for the alleged fugitive will deny the right of the governor to release Allen on a requisition until he has been tried upon the charge of assault which hovers over him in Utah.

Yesterday's Arrangements.

Carrie Simpson, charged with assault, was allowed until tomorrow morning to enter her plea and in the absence of money with which to retain counsel Eugene Lewis, Esq., was appointed to defend her.

Arthur Woods, indicted on a charge of housebreaking took the statutory time in which to plead.

C. G. Johnson, indicted upon a charge of embezzling funds from the Twenty-fourth school district was arraigned and entered a plea of not guilty.

The Day's Doings.

The divorce mill ground again with unusual activity yesterday and three mismated twains were made independent if not happy.

Jean Chinn who had been deserted by James T. Chinn recited her story and went forth with her decree.

William E. West, who had been deliberately shaken by Minnie West, told how he had provided for her up to the last moment and walked out a single man once more.

In the divorce proceedings between C. P. and William Bailey the plaintiff was allowed to withdraw that portion of her cross complaint denying desertion and a decree was entered in favor of the respondent.

FIGHT FOR A BONANZA.

Perego's Persistent Effort to Secure a Receiver.

Attorney Jackson made another effort to get his client's application for a receiver for the Silver King mine at Park City yesterday but it went down under the preponderance of other matters upon the calendar, Judge Merritt assuring him, however, that it would secure his attention at the earliest possible moment. Upon the calendar it appears under title of Wm. Perego against W. H. Dodge and others, and involves possession of one of the most productive strips of ground upon the horizon of Utah. Perego, who is a carpenter who plies his plane and hammer in Park City while the bonanza for which he has been fighting ever since 1889 has been enriching the pockets of the defendants, sets up that he is the original locator of the Silver King and that he was fraudulently dispossessed. That by some mysterious movement stakes were floated in upon his location, and that in this manner he was relieved of it. The property, it is said, has been productive of about $3,000,000, and notwithstanding the condition of the ore market, continues to belch its riches into the smelter furnace.

Minutiae From Merritt's.

The following additional orders were made during the day:

Symmes Utah Grocery company vs. F. J. McLaughlin & Co.; motion to set aside order and judgment of Referee Harris heretofore argued and submitted is sustained.

Oscar W. Moyle, administrator, vs. Geo. F. Palmer et al.; decree and foreclosure as prayed.

Charles A. Hall vs. S. W. Darke et al.; default and judgment for $142 and $125 attorney's fee.

Luther H. Krebs vs. Lee Miles et al.; answer of defendant Chas. S. Wilkes withdrawn.

Luther H. Krebs vs. Lee Miles et al.; judgment and decree of foreclosure.

Mason & Co. vs. W. H. Whitney et al.; plaintiff allowed to amend complaint by adding the name of John A. Fritsch as co-defendant.

Bountiful city vs. Joseph Parkins; motion to vacate restraining order argued and submitted and taken under advisement.

Wm. Perego vs. W. H. Dodge et al.; hearing on motion to show cause continued without date.

Pacific Lumber company vs. Wm. Davidson; default and judgment as prayed.

Board of Education vs. The Salt Lake Pressed Brick company; leave to file amended answer and cross-complaint on behalf of Utah Stove & Harware company.

C. L. Sanford vs. J. L. Drake et al.; fifteen days additional time allowed to prepare and file statements in support of motion for new trial.

Oscar W. Moyle, administrator, vs. Rego Bartholic et al.; judgment and decree of foreclosure.

Court Condensations.

The criminal calendar will demand an undisputed right of way on Monday.

Marcus Poulsen, a native of Norway, was yesterday admitted to citizenship.

In the case of Fred McGurrin against J. B. Blazer, the motion to discharge the order of arrest and exonerate bail was yesterday argued and submitted.

Elias Thomas, charged with robbery, having failed to respond when his name was called yesterday, a bench warrant was ordered to issue for his arrest.

Judge Bartch will give his attention to the criminal calendar at Beaver tomorrow morning. There are some 25 cases on the calendar and the judge will be seen but rarely in Zion during the present month.

Saturday went by without a new suit being filed with Clerk Dunbar.

A few unimportant civil issues tell the story of the day's grind among the lower courts upon high floors.

Probate Court.

Estate of W. E. Johns, deceased; hearing of return of real estate May 19.

Estate of Susannah Brazier, deceased; order made appointing George Brazier administrator, on filing a bond of $300.

Estate of John H. Rumel, jr., deceased; order made fixing additional family allowance of $400.

Estate of Samuel Ensign, deceased; ored made allowing annual account of administrator.

Estate of Wendell Benson, deceased; hearing of petition for letters of administration May 19.

Estate of James D. Bebee, deceased; hearing of petition for letters of administration May 19.

Estate of Sarah Cumberland, deceased; hearing of final account and petition for distribution May 29.

The northeast bench is growing every day. People want to live upon high ground upon a good car line, and this particular locality has both of these advantages. Popperton place is there; only fourteen squares from the temple.

IN OUR BUSINESS CIRCLES.

Outlook for the Woolen Mills Is Encouraging.

PRESSED BRICK PLANT.

CONTRACTS LET FOR THE CONSTRUCTION OF THE PLANT.

Telephone Conduits Made From Utah Materials—The Manufacturers' Bureau Still at Work—Wheat Still Going Up—The Estate of Wendell Benson—Local Stock Market.

On Tuesday afternoon the board of directors of the Provo Woolen Mills company will decide upon the duration of the run of the mills during the coming season. There seems to be some question as to the advisability of continuing operations beyond the time when all of the orders have been filled, but in view of the splendid trade which the company is now securing through the home industry agitation it is hardly to be expected that the directors will order any curtailment of the run. The buyers of the company have just finished the spring purchases of wool and turned over to the executive officers contracts for the delivery of 150,000 pounds of wool, purchased at prices ranging from 7 cents to 9 cents. This amount of material will keep the mills supplied for seventy days or more.

The Deseret woolen mills are also being supplied with a large stock of raw material. The machinery at the factory is being rapidly started up, though in sections, and within a short time the first cloth of the run will be turned out.

CONTRACTS HAVE BEEN LET.

Work Commenced on the Salt Lake Pressed Brick Company's Plant.

The Salt Lake Pressed Brick company has just let its contracts for the construction of the down draft kiln, and work upon the improvements has commenced. It is expected that the new plant will be in full operation by the first of July. Its capacity is to be 35,000 brick daily.

The outlook for the brick industry is not as flattering as the producers could desire and unless the city officials decide to substitute brick for the concrete work in the completion of the gravity sewer, but few of the plants of this and Davis county will be in operation. There are now but four yards turning out brick, as against ten during the previous year. Several of the yards can be purchased cheap. The brickmen are in hopes that the members of the city administration will see the matter in its true light and decide upon the use of home material, making the sewer either two or three ringed brick. It is agreed the two ringed construction would be cheaper than concrete, but the three ringed would cost considerably more than the form of construction adopted by the former city council. They have, however, a strong enemy in the person of Chairman Doremus, of the board of public works, who says that the two ringed sewer would cost fully as much, or even more, than the concrete, and then not give as much satisfaction as the other.

PROMINENT INSURANCE MEN.

President Watt of the Pacific Insurance Union Here.

Among the arrivals from the northwest yesterday were Rollo V. Watt, recently elected president of the Pacific Insurance union, and Charles Christensen, another prominent insurance man of the Pacific coast. The gentlemen are on a tour of inspection and spent the day in looking over the accounts of the various agencies. Mr. Watt is the gentleman who some time ago received and accepted an offer of salary of $10,000 to accept the agency of the Royal and Norwich union. His companion is general agent for the American Central and Delaware agencies. They will leave for the west tonight.

WILL USE UTAH MATERIAL.

Culmer Brothers Have Manufactured a Telephone Conduit.

It has been practically decided by the officers of the Rocky Mountain Bell Telephone company that in the construction of the underground system about to be commenced conduits made from Utah material shall be used. For some time past the Culmers have been experimenting with the products of the properties of the Wasatch Asphaltum company and now feel confident that they have manufactured a conduit which will be second to none in the world. It is made of a combination of several of the products of asphaltum and is said to be a perfect nonconductor of electricity. A four foot section was made for an experiment and the greatest success crowned the efforts of the gentlemen. The section was exhibited to the officers of the Telephone company and their pleasure was quite as great as that of the Culmers. The conduit embraced a number of Superintendent Murray's ideas and small sections will be sent to the principal electrical engineers in the United States with a request for an expression of opinion upon the discovery. When questioned regarding the probable cheapness of the material when thrown into competition with outside compositions and inventions Harry Culmer stated that he was of the opinion that the Wasatch company could meet any competition and produce a much more desirable underground system.

Advancing County Warrants.

County treasurer Lynn yesterday announced that he would on Monday pay all county registered warrants up to and including No. 2290. This is an advance of 130 numbers and represents the distribution of $2,000.

Receiving Cattle

W. F. Mellick, of Pocatello, Idaho, a former Salt Laker, recently sold to M. A. Daugherty, of Nebraska, 200 head of fine beef cattle and the transfer was made at Pocatello yesterday. The shipment was made east over the Union Pacific.

Will Deliver On Monday.

The delivery of the quartzite for the macadamization of State street will commence Monday. The contractors have just succeeded in placing their crusher and the machine is at work on the rock. The grading on the street is progressing favorably and the work of putting down the macadam material will be commenced at once after the delivery of sufficient rock to make the start.

Wheat Still Going Up.

The market price of wheat is advancing rapidly and the persons who bought at 40 cents are among the happiest in the United States. Since last Saturday the grain has advanced to 67½ cents from 65 cents, and the members of the Salt Lake Millers' association are preparing for another advance in the price of mill products. They were in session again yesterday afternoon, but beyond discussing matters of interest only to the association did nothing of importance.

ANOTHER CHANGE NECESSARY.

Suggestions That the Industrial Fair Be Supplemented.

The Industrial fair has closed and it will be in order now to start something else to keep up the interest in the home industry movement. The work continues to spread satisfactorily and the inter-mountain convention idea finds many friends.

The manufacturers' bureau will meet soon and a number of new plans will be proposed to push the work. The outside newspapers continue to have references to the home industry cause and many new institutions are springing up in the adjoining states. The federated trades committee are working on a manufacturing company proposition which it is hoped will be put in feasible shape and result in securing some good work in the establishment of a few small factories at least this year.

With the start already made in the outside districts, a number of new factories ought to be started in the southern and western counties. Salt Lake city can secure glass works and soda works and possibly iron works if a proper effort is made, but nothing will be accomplished unless the land owners wake up and come to the front in an effort to help themselves.

WENDELL BENSON'S ESTATE.

Valuation About One Hundred and Fifty Thousand Dollars.

The value and character of the estate of the late Wendell Benson, according to the petition for letters of administration filed in the probate court yesterday, is as follows:

One thousand seven hundred and seventy-nine shares of the capital stock of the Bonneville Land and Water company, par value $10 per share, which stock is assigned to A. Howat to secure a loan of $11,617.22.

One share capital stock of Union Stock Yards, par value $100.

One hundred shares capital stock of Utah Normal College association, $1.

One share capital stock Salt Lake Driving park, $100.

One thousand shares Mountain Lake Mining company, $1.

Due from Mountain Lake Mining company, in money or stock, $326.

Three hundred and thirty-three shares capital stock of the Western Hotel company, par value $300, subject to loan secured by bonds and mortgage of $150 per share, also security for a loan of $5,000.

The heirs are Mrs. Benson, widow of the deceased, and Wendella Benson, his 12-year-old daughter.

It is rumored that in addition to the property enumerated, there is a life insurance policy of $10,000.

Utah Cotton.

H. Burns, traveling passenger agent of the Georgia Southern & Florida railway, writes to J. H. Bennett from Macon, Georgia, stating that when here with the ticket agents recently, he obtained a sample of cotton raised in Utah, and placed it in the Cotton exchange at his home, where it attracted much attention. The gentleman states that he can get space in the fair there for several Utah exhibits, and offers to place them, if they are sent on. The letter was turned over to Judge Colborn, of the chamber of commerce, who will give the matter his attention.

Local Stock Market.

There has been a noticeable livening up of local commercial and mining stocks, and while prices are away off, a number of comparatively large deals have been reported. The investors are running no favorites, simply taking those securities which seem most tempting at the time.

Following are some of the commercial quotations reported by John C. Cutler, jr.: Deseret National, $190; Deseret Savings, $150; Salt Lake Dramatic association, $90; State Bank of Utah, $80; Z. C. M. I., $85; Home Fire Insurance company, $30.

Back From the South.

Dr. W. H. Westfall, ex-president of the Texas senate, in company with Colonel T. H. Holloway, of the same state, returned to the city Thursday, from an extended tour through southern Utah. They are both wonderfully impressed with Utah's people and climate and will likely add two more staunch names to Utah's permanent Democratic list.

Receipts of Sheep.

The Union Stock yards yesterday received two cars of sheep from Ephraim. The muttons are being held for sale.

The Clearings.

Yesterday's clearings were $155,148, as compared with $192,947 for the same day of last year. The clearings for the week were $1,155,866, as compared with $1,505,930 for the same week of 1893.

Real Estate Transfers.

Albert J. White et ux. to Joseph H. Mathews, lots in block 1, White's South Salt Lake	35,000
Joseph R. Mathews et ux. to B. F. Montgomery, lots in block 1, White's South Salt Lake	5,000
Fanny D. Mathews to B. F. Montgomery, lots in block 1, White's South Salt Lake	900
P. J. Anson et ux. to Ellen M. Vanmeter, part of lot 8, block 48, plat D	1,200
Joshua B. Bean to Eliza Bean Smith, part of lot 1, block 69, plat B	1
David F. Parsons to Thomas Cannahan, part of lot 6, block 22, plat B	2,000
Fred J. Senior to James H. Marberger, all lot 15, block 8, Garden City plat A	1
Salt Lake Building and Loan association to Edward B. Wicks, lot 29, block 3, Garden City plat G	750
A. L. Simond et ux. to J. J. Regnell, lot 15, block 1, Thompson's subdivision	300
Sarah Ann Rockett et al. to Elizabeth J. Thornton, part of lot 3, block 2, plat D	250

If the hair is falling out, or turning gray, requiring a stimulant with nourishing and coloring food, Hall's Vegetable Sicilian Hair Renewer is just the specific.

One of the unanswerable conundrums of these times is, why do people that want to live, and breathe, and enjoy life, and have their children healthy, build homes down in the smoke and disease of the city, rather than in the sunlight and view and pure air of Popperton Place? Is it because they don't know there is a difference in the health of localities, or because they are wedded to the old habits and old ideas, that they cannot realize that nowadays in modern cities fine homes are always built on some good line of rapid transit out in the slightly suburbs.

A PLEASANT GATHERING.

Utah Field Workers of the New York Life Entertained.

The handsome residence of Mr. Frank A. Grant on S and Third streets was the scene of a very enjoyable and convivial gathering last evening. Mr. Grant has as guests the field workers of the New York Life Insurance company in Utah, the men who had lifted the Utah total of settled business for the big company to a million and a quarter for last year. It was the first meeting of the whole force since the opening of the present year, and the supper tendered by Mr. Grant, manager of the life branch of Heber J. Grant & Co.'s insurance business, was a sort of celebration of last year's big achievement. Those present were B. P. Grant and H. G. Whitney, representing the fire branch of the business; Messrs. Stewart, Thockmorton, R. S. Grant, Weatherill, Keyting, Boothe and Cashier C. M. Wood. Regrets were sent by Heber J. Grant, head of the business, and a telegram of congratulations was read from E. R. Perkins, the inspector of agencies at Denver. After a most handsome spread a guitar and mandolin trio furnished enjoyable music and the evening was passed in the merriest sort of campaign story telling.

U. W. P. C.

A brief special meeting of the Utah Woman's Press club for the transaction of important business is called for Monday evening at 7 o. m. sharp at Dr. E. R. Shipp's office, No. 18 Main street. All members are urgently requested to attend.

R. P. PRATT,
Corresponding Secretary.

"How many foreign languages can your wife speak?"

"Three—French, German and the one she talks to the baby."—Demorest's Magazine.

WESTERN OFFICIALS HERE.

What They Say About the Industrial Movement.

WILL NOT HAVE THE MEN.

ARRANGEMENTS CANNOT BE MADE WITH CONNECTING LINES.

General Palmer Expresses Himself Emphatically Upon the Subject—Statement as to the Arrangements Previously Made Flatly Contradicted—A Talk With Colonel Dodge—Railway Notes.

A Rio Grande Western special with private cars "B" and "Nomad," containing President Palmer, General Manager Dodge and General Superintendent Welby and party of ladies, arrived here at 3:30 p. m. yesterday. A Herald representative called last evening upon those officers, and found all three of them pleasantly chatting in one of the private cars, entirely oblivious of the fact that there was any industrial (?) band camped adjacent to their line, who had an eye single to confiscating rolling stock for the avowed purpose of going congressward as a "living petition" in the interests of legislation they vociferously claim they will not alone bring about—they will hurry it up.

The special had been out on the Eureka branch and came in to lay over here last night, and will more than likely go out again this morning to complete a thorough tour of the entire system ere returning east. When General Palmer was asked what his road would do in the way of furnishing a train to the industrial (?) band, he replied:

"Our road does not in any way contemplate hauling those people. Any step looking to that end cannot for a moment be entertained—the proposition would stamp itself as both unwise and impracticable, inasmuch as connecting lines absolutely refuse to receive them save in the regular way on passenger tariff. Let us take a reversal of the case, for instance. Suppose the trend of this movement was westward instead of eastward, and this contingent was starting from Denver, intending to go to San Francisco. We will assume that one of the roads carried them to Grand Junction, and the Southern Pacific would refuse to haul them from Ogden—knowing this to be the case, could this company consistently bring them over here, and let Ogden and Salt Lake bear the burden? I think not. Your people here would enter an early and vigorous protest against all tending in that direction. This similitude applies equally well in working eastward—Grand Junction should not be made to bear the burden. A conservative public must incline strongly, if not wholly, to this construction—no other is tenable. All this is sufficiently plain, I think, and shows fully our position on the matter. The Rio Grande Western will not carry them save in the regular way."

General Palmer is at heart kind, but those who know him best say that he never for a moment allows sympathy to override his views taken on any matter, and The Herald represents five a.m. yesterday to know that in this matter there can be no change from his ultimatum as gone forth.

There is one statement the "industrials" have paraded before the public, that when run down proves barren and misleading. No doubt but it was set forth to manufacture sympathy, an ingredient in the make up of this movement that is vitally necessary to its longer sustenance. The statement that the Rio Grande Western made an offer to carry them to Denver for $1,000, or the river for $1,500, is not true. The facts in the case are, the proposition came from the other side, and General Passenger Agent Bennett wired to Colonel Dodge and the latter took it up with the other roads, but they didn't want the traffic. That's all there is to it. W. E. Hubbard was a member of the first committee, and on the proposition to unload them upon the people of Grand Junction, without any arrangement, or show to get them beyond, he sat down upon it. Mr. Hubbard will verify this. To clinch the matter, when The Herald man asked Colonel Dodge about it, he replied:

"I was wired by Mr. Bennett on the matter, and after submitting it to the other lines, they refused to entertain any such proposition to that end. There's nothing more to add to that."

It may be well to add right here that the Rio Grande Western is not going to haul the "industrial" contingent and while the question of a possible attempted seizure of a train was not conversed at any great length, if any such move is made, the strong arm of the law will be called in to punish the perpetrators.

Railway Notes.

J. H. Corse was down from Ogden yesterday.

The change in Union Pacific time takes effect today.

W. W. Lindsay, ticket agent of the Baltimore & Ohio at Baltimore, is in the city visiting D. E. Burley.

C. Burkhardt, traveling passenger agent of the Chicago & Alton, with headquarters at Denver, was in town yesterday.

H. J. Franklin, claim agent of the Santa Fe, with headquarters at Colorado Springs, is in the city for a day or two.

The grade having recovered from the effects of the recent storm, tracklaying will begin tomorrow on the Great Salt Lake & Hot Springs.

J. F. Moore, general agent of the coal department of the Union Pacific for the mountain division, has returned from a two weeks' visit to Missouri and Mississippi river common points. He says it is getting very hot in that section now. Mr. Moore's brother, F. H. Moore, agent of the C. B. Haven coal company in Kansas, returned with him and will be in Salt Lake abut six weeks.

A NARROW ESCAPE.

Old Man Rhoades Runs Into a Car at Third South.

The misapprehension of a motorman's movements at the corner of Third South and Main streets, at 11 o'clock yesterday morning, came near resulting in fatal injuries to J. S. Rhoades, an aged lodger at the St. Elmo house. Rhoades, whose sight has been impaired by years, had approached the crossing and was pushing on towards the track. The motorman in charge of the car had leaned over to turn the switch when Rhoades started forward, only to be overtaken by the car, which pressed him to the earth, cutting his head and badly lacerating his hands. An officer escorted him to the Simpson-Hill drug store, at the corner of West Temple and Second South, where his injuries were dressed, and the unfortunate man removed to his lodgings. No blame rests upon anyone for, according to spectators, the matter was one that might occur at any moment.

MEMORIAL DAY.

The G. A. R. Making Arrangements For Its Observance.

The committee from the Grand Army posts and Woman's Relief corps of the city, met at Captain Greenman's office yesterday to arrange for memorial services on Decoration day, May 30. Department Commander T. C. Iliff presided, and committees were appointed to arrange a programme, which will be published later. The department commander was requested to invite all patriotic citizens to join with the G. A. R. in properly observing Memorial day at Mt. Olivet cemetery.

On Sunday, May 27, the members of the G. A. R. will meet at their hall at 10 a. m. and then march to the First Congregational church, where Rev. C. T. Brown, assisted by Rev. T. C. Iliff and Rev. Hawkes, will hold a memorial service.

Police Notes.

Six girls of the town were arrested last night on the usual charge. Four of them put up $10 each for their appearance. The other two were detained at the station.

Several drunks and vagrants were arrested last night.

Smith Graham, booked at the station for begging, had another charge placed opposite his name on the register before he had been in the cell many minutes, that of assault with a deadly weapon. He assaulted one of the other prisoners with some weapon, thought to have been a knife, but mere than likely a poker. The injured man was seriously cut about the head. After the fight the officers searched the cells and in one found a razor and several other articles, including a gold watch.

C. H. Mayer, a bartender in the Star saloon, was arrested last night by Officer Gillespie for interfering with an officer. His mouth was too free.

A Mystery Reception.

The Y. M. C. A. will throw open their rooms on State street tomorrow evening, the event being a mystery social. The members of the association and the Ladies' Auxiliary have been working diligently and the affair promises to be a success.

One of the prominent features will be an exhibition of legerdemain by Professor Anderson. Several other occult exercises will be given. When the secretary was approached he said that the programme would be weird and mysterious to the last degree, although he refused to say anything further on the subject.

The entire second floor of the Holmes building has been obtanied and in each room will be found a mystery to the uninitiated.

The closing performance will occur in the spacious gymnasium and no doubt will add increased laurels to the young men and ladies interested in this work.

AN OREGON CLOUDBURST.

For That Section, a Mere Incident, Hardly Worth Mentioning.

"When you talk of rain," said Maj. Wharton, who built most of the snow sheds on the Union Pacific road, and who runs half a dozen saw mills on the Falls river in Oregon—"when you talk of rain in the east you simply never saw anything more than a sprinkle. I've been out all day in what you probably call a downpour, but it's drops or two hadn't hit my sore ear I shouldn't have known it was raining."

"What's your idea of a rain storm, major?" asked the interviewer as the two got seated after the usual preliminary.

"Why, water, of course!" he answered. "This drizzle can't be called real water, you know. It's just fog and smoke and evaporation from mud puddles which went up to come down again. Say, young man, you ought to have been out to mill No. 4 one night last August and witnessed what we call a genuine rain storm! It wasn't the biggest and fattest I ever saw, but it would have given you a pretty fair idea of what we can do out there on short notice."

"Was it a cloudburst?"

"Some folks call 'em by that name, but it's defamation of character. A cloudburst is simply an effort on the part of the weather to get about half a million barrels of rain water together in some particular locality and then knock in all the heads of the barrels at once. The object is to clear the driftwood off the banks of streams and discourage the umbrella trade. As a side issue a cloudburst usually drowns about half a tribe of Indians and starts the tops of three or four mountains to sliding down hill to fill up some valley."

"About this particular rain storm, major?"

"Oh, yes! Well, about 3 o'clock one afternoon the barrels began to gather over the Cascade range to the west of us. They snuggled together between two peaks, and I judged there was water enough up there to wet down half the west. Falls river had just three feet of water in it that afternoon, and the ground for fifteen miles to the west was valley-land on which a lot of cattle and horses were grazing. I had four buildings besides the saw mill, and in the river and around the mill were 5,000 saw logs. When I saw that it was going to rain—that we were in for a genuine rain storm—I called all hands and we made for a hill half a mile away.

"And the rain descended, did it?" queried the interviewer, as the major seemed to have stopped short.

"The rain! Oh! certainly. Yes, sir, the rain descended in due time. When everything was all ready the heads of the barrels were bursted in and down poured the water. A flood seven feet deep and two miles long poured into Falls river. In about three jerks of a deer's tail the mill, buildings and logs went on a voyage, and I haven't seen a splinter of them since. The flood brought along about 100 head of horses and cattle, and the bones of some of them are in the tree tops around there today."

"And what did you do?"

"Began getting out timber for a new mill next morning, of course. We don't let a little cloudburst knock the sand out of us in Oregon, you know. Had a new mill humming away inside of thirty days. Don't write it up in a sensational way, or our people will give me the laugh. It was simply one of our summer showers. A reporter from Portland happened to be down that way, and how much space do you suppose he gave it? Just five lines! A hundred thousand tons of mountain fell into the valley, a dozen people were drowned, and everything in the river swept clear for a distance of thirty miles, but five lines covered it all. Sorry that I can't make a big thing for you, but see me again—see me next winter—and I'll tell you about some of our snowdrifts which have been bored a distance of 420 feet without striking bottom."—Detroit Free Press.

The question is often asked. Where is Popperton place? It is everything east of U street and north of the line of Brigham street, on the northeast bench.

It is on State and First, Rapid Transit line.

It is on the way to Fort Douglas.

It is only fourteen squares from the temple.

It has six miles of streets.

It has twelve miles of frontage.

It is owned by the Denver Syndicate Investment company.

Colborn, Skinner & Co. are the only agents.

Their office is 6 and 7 Commercial block.

The lots are cheap.

The location is superb.

The air is pure.

The streets are graded.

The fine homes of this city are sure to go there.

France has 7,024 American residents.

Our newspapers employ 200,000 men.

A woman without arms was recently married in New Zealand. The ring was placed upon the fourth toe of her left foot.

To Advertisers.

☞ THE HERALD has the largest circulation in Utah. It is a visitor to more homes in this territory and the surrounding region than any other newspaper published. Its constituency comprises more heads of families than any other, and it is therefore the best advertising medium in Salt Lake.

Awarded Highest Honors World's Fair.

DR. PRICE'S Cream Baking Powder.

The only Pure Cream of Tartar Powder.—No Ammonia; No Alum.

Used in Millions of Homes—40 Years the Standard

It Is Being Investigated

By Leading Doctors, Lawyers, Merchants, Mechanics and the Public in General.

Doctor Shores New Treatment for Catarrh and Chronic Diseases Creating a Profound Sensation in the City—Marvelous Cures Effected Daily. Hear What the Doctors and Business Men Say.

Nothing has happenad lately that has caused such a sensation as the remarkable cures being effected by Drs. Shores & Shores new system of treatment, the public could hardly believe the cures were genuine, until they called and interviewed the patient who had been restored to health and happiness. No treatment was ever before used in Salt Lake that has given as many satisfactory results as the Shores system. It is new, painless, safe and successful.

Last Week Drs. Shores & Shores were honored by a visit from two doctors of the city and asked to be shown the new treatment as it was curing hundreds of so-called incurable diseases.

The medical gentlemen after thoroughly investigating the treatment expressed themselves as highly pleased in leaving one of the gentlemen was heard to remark: "Well, you can talk all you want to but Drs. Shores & Shores have the finest system of treating catarrh and chronic diseases I have ever had the pleasure of seeing."

Such endorsements are heard many times a day, and coming from the leading citizens of Salt Lake. It might be well to add that this wonderful treatment is given for $5 a month and medicines furnished free. Come to the institute yourself, see for yourself, talk with our patients, they will not lie. Come and see our parlors always crowded with gratified patients that is the way to find out the difference between the real and the imitation.

MRS. JANE STEPHENS, RESIDENCE THIRD NORTH AND TWELFTH WE ST.

THOUGHT SHE WOULD DIE.

Mrs. Jane Stephens so Expresses Herself in an Interview—Cured by Dr. Shores & Shores New Treatment.

"I hardly know how to express my case," said Mrs. Stephens, "it was a little of everything. I had had headaches in the front of the head, my eyes were weak and watery. I had no appetite, and when I did eat I would immediately have to vomit, my stomach was in an irritated condition, as it rejected all kind of nourishment."

"I was very weak, my bones ached; always felt tired, worn out and restless; could not sleep; had bad dreams; bad taste in the mouth; I would often experience a sort of sinking sensation, in fact as I have said, I really thought I was going to die when I began taking Drs. Shores & shores new system of treatment. Now I can truthfuly say I am well. I can eat anything I want, sleep well, no headaches and I feel like a new person.

Mrs. Stephens resides at Third North and Twelfth West, near Agricultural Park, where she can be seen and will readily verify her statement.

$5.00 A Month for all Diseases Medicines Furnished Free—The Only reliabl and successful Medical and Surgical Institute in Salt Lake City. **$5.00** A Month for all Diseases Medicines Furnished Free—The Only reliable and successful medical and Surgical Institute in Salt Lake City. **$5.00**

DOCTORS SEND THEIR PATIENTS.

To Drs. Shores & Shores to be Cured—Read the Following.

Salt Lake City, 5-2-94.

Dr. Shores, Zion Medical and Surgical Institute:

Dear Doctor—The lady who will give you this letter is affected with catarrhal inflammation of the bronchial tube. I have tried every remedy I know of but nothing seems to help her. I send the case to you for I have seen some of the cases you have cured and I feel confident you can cure this one.

If any person doubts this, they can see the original letter any time at Drs. Shores & Shores' office. The doctor was honest, he knew he could not cure his patient and instead of taking her money and leaving her to suffer on, hesent her where she could be cured.

To that medical gentleman Drs. Shores & Shores return their sincere thanks and they will do all in their power to make their patient well and happy again.

BEFORE AND AFTER.

The Author of the Following is the Proprietor of One of the Largest Mercantile Institutes in Salt Lake City—He Says:

"Doctor, I feel so much improved since I began taking your treatment that I want to apologize to you. Dctor Shores was surprised, for he did not think the gentleman owed him any apology. "I'll tell you, doctor. When I came here for treatment, I did not come of my own free will. My wife made me come. For years I had been troubled with catarrh of the stomach, and could not sleep an nights. I had treated with all those fellows who say they can cure it, but my case, as they all told me, was very deep seated and it would take a long time, and so on. I would treat for five or six months, become disgusted and quit.

"So, as I say, when I came here, I had no faith in your treatment, and what I wish to say is this: I can never thank you enough for what you have done for me, and I have been under your treatment only one month and I feel as though I am well.

"You can refer any person to me and I will