

CITY FILES ANSWER

In Suit Brought by Peterson For Extra Wages.

WILL HAVE TO PROVE UP

DEPENDANT CONTENDING THAT NO OVERTIME WAS PUT IN.

Heber Birch Denies His Wife's Allegations For Divorce - Order For Disposal of Surplus in the Scott Foreclosure Case - John H. Hinman's Petition in Bankruptcy.

Assistant City Attorney Stewart yesterday filed an answer in the suit of H. H. Peterson to recover for extra work while in the city's employ. The answer simply makes a denial of every material allegation set up by Peterson, and nothing is said to indicate the city's defense.

It is understood, however, that the city will endeavor to show that Peterson and Cottle did not work eight hours a day even. Reliable information has it that the gentlemen named spent only a portion of their time in the canyon and the biggest part stayed at their homes. Thus the party having the night shift would go up into the canyon about 6 o'clock, stay for a few hours and then go home and sleep till next morning. Of course, on the day they might have put in full time in a while, but they are likely to have to prove that they spent the over- time alleged in the answer in the office of the city before they can recover.

BIRCH DENIES

His Wife's Allegations In Her Complaint For Divorce.

An answer to the amended complaint in the divorce suit of Lottie Birch against her husband, Heber Birch, was filed in the Third district court yesterday, in which the husband denies every allegation made by his spouse. It isn't true, he says, that he has treated her cruelly, drawn her across the floor or accused her of unchastity. The husband further sets up in his answer that the divorce case was commenced at the instigation of the wife's father and mother, who, he alleges, have always used every effort to alienate his wife's affection.

The case promises to be an interesting one when it finally comes up for trial, as the husband will make a stubborn defense.

PETITION IN BANKRUPTCY

Filed Yesterday On Behalf of John H. Hinman.

John H. Hinman yesterday filed a petition in bankruptcy in the federal court. The liabilities are as follows: O. W. Beatty, Warren, Pa., \$42 07; J. Douglas Perkins, Coatsville, Pa., \$575 70; Jessie McGinnitt, Salt Lake, 1,673 72; W. S. McCormick, Salt Lake, 7,000 00; B. H. Bixby, 1,000 00.

The assets are stated as wearing apparel to the value of \$50 and 1,135 shares of the capital stock of the Muldoon Mining Company.

The court made an order adjudging the petitioner a bankrupt and referred the matter to Charles Baldwin, referee in bankruptcy. The time of the first meeting of creditors was fixed for Oct. 18.

FEDERAL COURT.

Master Lewis' Report In Scott Foreclosure Case.

The report of S. H. Lewis, master in chancery in the foreclosure case of the Travelers' Insurance company vs. the George M. Scott company et al., was filed in the federal court. The report showed that of the \$36,000 received from the sale of the property and after clearing of the mortgage \$19,847.75 was left in hand, of which balance R. C. Chambers was found to be entitled to \$9,296.68, Caroline Eubank to \$8,420.95 and for expenses \$6,440.12, leaving a balance of about \$1,000 to go to Wells, Fargo & Co. The master's report was approved by the court.

Short Orders.

Jennie Bowler vs. the Utah Powder company, \$25,000 damage suit; dismissed, plaintiff having failed to amend the complaint.

L. B. Goldberg vs. Nathan Tanner et al; motion for decree of revivor argued and submitted.

Wells, Fargo & Co. vs. Emanuel Kahn; demurrer to amended complaint overruled and defendant given ten days to answer.

Sofia Peterson et al. vs. Highland Boy Gold Mining company, damage suit; demurrer to complaint and motion to strike out parts of answer argued and submitted.

Martha A. Rounds vs. the Tribune Job Printing company et al.; demurrer to answer and motion to strike out part of answer argued and submitted.

Condemnation Case.

Judge Hillis was engaged yesterday in trying the case of Salt Lake county against Gedde Davis to condemn a strip of land for public highway. The parcel involved is a strip of little more than half an acre belonging to defendant, and located in his orchard. The county desires to use it for the new highway from Murray to Holladay.

The suit of Nellie S. H. Smith vs. M. Schwartz, which has been dragging along in the courts for a long time, was decided in favor of defendant yesterday.

Judge Hillis was engaged yesterday afternoon in hearing the case of Theodore Bussman against H. G. Rutton.

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THE ROYAL IS THE HIGHEST GRADE BAKING POWDER KNOWN. Actual tests show it goes one third farther than any other brand.



MORE WATER FOR THE CITY

COMPARATIVE DATA ESSENTIAL BEFORE ANYTHING IS DONE.

"The Rainmakers" Discuss the Plan of Making Reservoirs and Exchanging Water With Farmers.

As a result of last night's meeting of the city council's special committee on search for more water, it ought to rain again today. Without jesting, however, the committee really accomplished something in the direction of procuring an adequate supply of water from new sources for next summer's requirements. The committee reached that point in its deliberations where it could no longer defer favorably considering the proposition to instruct the city engineer to obtain all necessary facts and comparative data pertaining to a satisfactory solution of the water problem. Without dissent the committee agreed to report to the city council, recommending that the city engineer be directed to make such measurements of and reports from the several canyon creeks flowing from the east mountains, to investigate irrigation and power plant rights, to explore the condition and future efficiency of the Jordan canal, to look up reservoir sites and generally to make inquiry into all desirable propositions with a view toward determining the best and most advantageous way of procuring the city's water supply at a minimum cost.

A RESERVOIR PLAN.

Prior to the committee's conclusion to call for the desired comparative data, one of the members of the committee on behalf of H. H. Cole, addressed the meeting with reference to their proposition to sell a reservoir site at the mouth of Little Cottonwood canyon and tributary feeding lakes back in the mountains for consideration of the city. Messrs. Thomas and Cole will transfer to the city their government filing and location claim on the reservoir site and lakes. Mr. Thomas explained how, by building a dam 300 feet long at the top, feet across the head of the canyon bed and 70 feet high, a lake 4 acres in area with an average depth of 60 feet, could be made. The deep lakelets, aggregating 10 acres in area, would hold 10,000,000 gallons of water in the spring time for filling the reservoir.

CANAL WATER TRADE.

Various members of the committee made reference to the proposition to exchange canal water for a portion of the flow of the creek and the Cottonwood creek and pipe the water to the city. The committee agreed that as matters now appear from the conflicting claims and the conflicting plant locations, little advantage would accrue from the suggested trade. Paragraphs of the report of the committee relative to the Mill creek and it was practically dismissed from consideration.

A FULL WEEK OF PLEASURE

RELIGIOUS CONFERENCES AND VARIETY OF AMUSEMENTS.

The Elsteddoff, Dramatic Attractions Galore and a Circus In Cosmopolitan Salt Lake For This Week.

Every Salt Laker and the thousands of visitors to the city this week will have ample opportunity for obtaining spiritual instruction and a surfeit of pleasure. What with religious nutrition, music, drama and tented show, there should be sufficient for satisfying all desires in a cosmopolitan community.

The grand Elsteddoff, commencing Wednesday afternoon at the tabernacle and continuing through Wednesday, Thursday and Friday evenings, will prove a mighty attraction for all lovers of music.

A large photograph of the tabernacle choir was made last Sunday by the Elsteddoff. The main object of which was to have a souvenir of the visit of Dr. Parry, the Elsteddoff adjudicator, to Utah, and of his association with the choir. The doctor was much interested in the matter, and is delighted at the prospect of having such a picture to take home to Wales. The state Sunday School associations convention, Congregational church this evening and Wednesday afternoon and evening will be attended by many of the representatives of the denominational churches throughout the state.

On Thursday morning the semi-annual conference of the Latter-day Saints will commence and continue through Sunday. The Sunday school conference will be Sunday evening.

In the dramatic line there is plenty to amuse all. At the Salt Lake theatre "The Cotton King" is the bill for Wednesday, Thursday and Friday nights, while for Saturday afternoon and evening and the first two nights of next week the Salt Lake Opera company renders "The Queen's Lace Handkerchief."

The New Grand theatre is open every night in the week, the attraction being the splendid comedy, "Two Married Men."

On Friday and Saturday, afternoon and evening, Lemen Bros' circus will show on Pioneer square.

That Throbbing Headache Would quickly leave you if you used Dr. King's New Life Pills. Thousands of sufferers have proved their matchless merit for Sick and Nervous Headaches. They make pure blood and strong nerves and build up your health. Easy to take. Try them. Only 25 cents. Money back if not cured. Sold by Z. C. M. L. Drug department.

WALKER'S STORE.

Grand Oriental Rug Opening!

Every day this week. One of the most intensely interesting exhibits of the genuine masterpieces. Over 200 different kinds. From Carpet sizes down more than 40 bring of the Carpet. Come and bring friends to see this rare collection, whether to buy or not.

WHERE WE ARE AGAIN.

Same Old Story About the Oregon Short Line.

SAME OLD OMAHA DATE

UTAH & PACIFIC WILL BE FINISHED IN MARCH.

Uncle Richard Griffith Gets a Gold-headed Cane - Eddie Williams Dangerously Injured - Pingree Gets His Case Reversed - Other Railroad News.

Omaha, Oct. 3.—Union Pacific officials are eagerly watching for an enlargement of the system, which they feel sure will take place within the next fortnight. The annual meeting of the Oregon Short Line will be held in Salt Lake City next week, and it is freely predicted that it will be the last annual meeting of the independent corporation to be held. Among the Union Pacific officials who will attend the Short Line meeting are General Counsel Winston S. Pierce, Director T. Jefferson Coolidge (also a director of the Short Line), President Horace G. Burt and General Manager Edward Dickinson.

Whether the Short Line will be operated from Omaha, as formerly, is an unsettled question. It is said that this matter will be one of the mooted points to be discussed by the absorption of the branch by the parent line takes place.

The absorption of the Julesburg branch of the Union Pacific, Denver & Gulf road did not take place on Oct. 1, as was previously expected, on account of the intricacies of the financial and legal status of the problem. But it is anticipated by those who are well informed that the Union Pacific will be running its trains between Omaha and Denver over its own rails within 60 days.

[The Union Pacific officials are coming here to attend the annual meeting of the Union Pacific, which will be held here. The Union Pacific is doing business as usual, and the fact that it will learn of the occurrence with the most sincere regret.

EDDIE WILLIAMS HURT.

Lost Both Legs and May Lose His Life.

News was received in this city yesterday to the effect that Eddie Williams, who was private secretary to General Passenger Agent Bennett at the time he was connected with the Rio Grande Western, and who has since been acting as secretary to A. Markel of the Union Pacific Hotel company, met with an accident at Virginia City, Mont., in which he lost both of his legs and may lose his life. Eddie was acting as secretary to a mining company at Virginia City, in which Mr. Markel is interested, and no details of the accident could be obtained here. It is said that Jack Dewey will learn of the occurrence with the most sincere regret.

PINGREE DEFEATED.

Cannot Force Railroad to Sell Him Books.

Lansing, Mich., Oct. 3.—The Michigan supreme court in an opinion filed late this afternoon reversed the decision of the lower court in the case of Pingree vs. the Michigan Central Railway company. The court holds that the company under its special charter, has a right to refuse to sell to a customer a vested right which the state must pay for if it takes it away.

Brown Leaves Today.

O. A. Brown, general agent of the Midland, who has been promoted to the Denver office, leaves this morning to take charge of his new position. Mrs. Brown will not leave for two or three weeks. It is said that Jack Dewey is sure to receive the appointment of traveling freight and passenger agent of the line here, vice Billy Donnell, who will doubtless succeed Mr. Brown.

Railroad Notes.

S. W. Eccles, general traffic manager of the Short Line, left last night for a duck excursion to the coast.

The Ninth cavalry arrived at Price yesterday over the Western, and the Seventh arrived at the same place over the Utah & Pacific on the same road last evening.

C. Ira Tuttle, general live stock agent of the Short Line, has returned from the coast where he has been in the interest of his road.

Owing to the scarcity of ducks in the local market, the Elsteddoff has decided to take an excursion over the Western to Duchland next Saturday.

F. B. Choate, general agent of the freight service of the Union Pacific, left last night for Denver, where, with Mrs. Choate, who accompanied him, he will take in the Festival of Mountains and Plains.

Count P. H. Finlay, who has been seen on the coast, is said to be in Cuba Libre, is home again and has his old position of traveling freight agent at Salt Lake. He is said to have been looking for a man who had been drinking in contraband goods, and the like.

One of his best associates was interrupted by the arrival of a quartette of singers, who halted outside and sang "I Stood on the Bridge at Midnight."

The old man was aware of what was on his mind, and he was surprised when he came in "to see a man who had called," was "putting it mild, but he soon recovered, and was laughing at the old man's story of the early days in the shops, when the boys saw his bag of shavings and substituted something else, not good for kindling; when he had a friend "down the well" knocking on the trap door to come out, when Bishop Davis was present looking for a man who had been drinking in contraband goods, and the like.

A Frightful Blunder

Will often cause a horrible burn. Scald, or of Bruise, the Elsteddoff has the best in the world, will kill the pain and promptly heal it. Cures Old Sores, Fever Sores, Ulcers, Boils, Felons, Corns, and Skin Diseases. Best Cure on Earth. Only 25 cents. M. L. Drug department.

GREAT TIDAL WAVE.

Georgia Town Inundated to a Depth of Five Feet.

Savannah, Ga., Oct. 3.—A Brunswick (Ga.) special to the Morning News says that during the tropical hurricane of Saturday, a tidal wave was driven from the coast into the harbor to an average depth of five feet, practically every business house and warehouse in the city. Conservative estimates place the property loss at half a million dollars.

FREE AD FOR THE SANTA FE.

Some Advertising Not Included In the Regular Contract.

Chicago, Oct. 3.—The Santa Fe road has made arrangements to light all the cars on its limited train running between Chicago and Los Angeles, a distance of 2,316 miles, with electricity, evolved from the friction of the car axles. The electric equipment of each train will aggregate 4,228 candle power. All berths will be provided with berth lights, and this will be the first train in the world carrying such a large supply of light as is contained in the car axles. It is the intention, also, to light the locomotive headlight from the same service, thus making the four limited trains solid axle light trains throughout.

WILL BE FINISHED IN MARCH.

Utah & Pacific Plans of Construction.

Engineer West went down to the Utah & Pacific yesterday, and Contractor Hendricks, who has charge of the tracklaying, will go down this morning.

President McCune left for Montana yesterday, where he will be absent for several days, but before leaving, informed a Herald man that the completion of the road was looked for by the end of the next season. The work of facing will be done from the earth alongside the grade, but as soon as the road is built and in running order the track will be ballasted with the best gravel which can be obtained for the purpose.

WAS A SELECT GATHERING

WHICH ASSEMBLED AT A MOST ELABORATE SPREAD BOARD.

Toasts and Responses By Representative Welshmen and Other Distinguished Citizens—The Value of Elsteddoffs Discussed—Concluding and Part Was the Order.

Dr. Joseph Parry, adjudicator of the approaching Elsteddoff, was tendered a most magnificent banquet by the Cambrian association at the Hotel Kenyon last evening. There have been affairs of this kind attended by more people, but in no instance have the appointments been so perfect in every detail as this one. The banquet was established his place as a popular host.

The spacious dining hall, with its array of pretty waiter girls, under the supervision of Steward Harry La Galle, was waiting in itself. Added to this was a tastefully decorated table, around which the guests were seated to partake of the sumptuous menu provided. Bouquets of roses lent their fragrance to the air, and the amiable intermingling with the silver and china made the table look fit for a king. Nothing was overlooked to make the event pleasing to the guest of honor and banquets alike, and it was a success.

LOST BOTH LEGS AND MAY LOSE HIS LIFE.

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THE MENU.

The menu served was as follows: Blue Point, Sor Quicole. Salted Almonds, Olives, Celery. Bouillon En Tasse. Batons Fromage. Broiled Utah Black Bass. Sliced Tomatoes. Saratoga Potatoes. Fillets of Beef, Pique, With Mushrooms. Pontet Canet. Supreme of Sweetbread. Broiled Chicken with French Peas. Asparagus on Toast. Most & Chandon White Seal. Shrimp Salad, Mayonnaise. Neapolitan Ice Cream. Angel Food, Macarons. Pound Cake. Edam and Roquefort Cheese. Assorted Utah Fruits. Cafe Noir au Cognac.

TOASTMASTER'S TALK.

"In 1855," began Mr. Thomas, "we held an Elsteddoff in this city, and sent for an adjudicator, whose presence we are favored with again tonight. In the past, and even to lands across the sea, did the reports of our first Elsteddoff was among the best ever held in any country. We had expected to have Conductor Edwards from Pennsylvania with us tonight, but I am sorry to inform you that he has been detained, and will not reach here until tomorrow. We do, however, have with us that distinguished musical genius and composer, whose fame has spread so far and wide as to make it necessary to bring him 3,000 miles to adjudicate the musical contests which are to follow this place." Mr. Thomas then referred to Utah, the young state and its young governor, and called upon the governor to respond to the toast, "Our State."

GOVERNOR WELLS.

Governor Wells, in responding, expressed his pleasure at the honored presence of Dr. Parry, and in the name of the state extended a hearty welcome. "I congratulate the Cambrian association, which has brought him here to adjudicate our Elsteddoff," he said, "and I congratulate the state upon having among its inhabitants such a thrifty, honest people as the Welsh."

OUR SOLDIERS.

Dr. T. C. Hill was called upon to respond to the toast "Our Soldiers." He came in with a pleasant and a boy of 15 in the Union army, and then spoke of the gallantry of the American soldier. Then turning to the festival, he expressed his pleasure in being welcome to it. "It is an inspiration to our boys and girls. Why, a few days ago my little girl said: 'I am going on children's day to hear the best music in the world.' Why, friends, such words are worth more than all the gold hidden in our mountains, for song and music reach the heart."

THE GUEST OF THE EVENING.

In introducing Dr. Parry, Toastmaster Thomas referred to the work of the illustrious doctor, both as a poet and a musical composer. "It is with great pleasure," he said, "that I have the honor of presenting to you him whose fame as an adjudicator and musical critic has spread wherever the English tongue is spoken. Dr. Joseph Parry of Wales."

The honored guest, as he rose to respond, was greeted with applause. "If I have any language, it is not in the language of Shakespeare, but rather in the language of Handel and Beethoven in which to express myself. I wish that I had the language of the Welsh race, which he declared stood high for morality, honesty and upright-ness. He was glad of the approaching festival, and only hoped that it would be as successful as the last."

DREADFULLY NERVOUS.

Gents—I was dreadfully nervous, and for relief took your Karl's Clover Root Tea. It quieted my nerves and strengthened my whole Nervous System. My kidneys were in a bad way, and I took your Bowerl tonic. Your Tea soon cleansed my system so thoroughly that I rapidly regained health and strength. Mrs. S. A. Sweet, Hartford, Conn. Sold by Neiden-Judson and other druggists.

CONTRACTORS FOR MONITORS.

Washington, Oct. 3.—Henry Scott of the Union Iron Works, San Francisco, called upon Secretary Long today to learn the decision of the department concerning the awards of contracts for four coast defense monitors. The secretary has decided to award the contracts in accordance with the lowest bids, namely, one monitor to Lewis Nixon at \$38,000; Newport News, at \$38,000; Bath Iron Works, \$37,000, and Union Iron Works, \$37,000.

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The best Cough Cure, Relief and Cure promptly. One million bottles sold last year. 40 doses for 25 cts. Sold by Neiden-Judson and other druggists.

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NEW PLOTS PRODUCED.

"On and Off" Made a Great Hit at Washington.

Washington, Oct. 3.—At the Lafayette Square theatre tonight, Mrs. McKinley, with a party from the White House and many other guests, witnessed the first formal public appearance of Charles Froberman's melodrama, "On and Off," in their new play from the pen of the great French farce writer, Alexandre Dumas. The play, which was first presented in English of the play, made a pronounced hit. Edward Holman, who acted in the play, and other principal members of the company made excellent Major General Miles.

At the Columbia theatre the new play was a "Mist Marriage," by E. A. Foucher, was given last evening. The production was a success, and the audience, which was a large and fashionable one, was much pleased with the play. The play is a legitimate farce and was received with favor and pronounced a success. The military company was present in numbers and included Major General Miles.

Philadelphia, Oct. 3.—Augustin Daly's adaptation of Rostrand's much heralded opera, "The Bohemian Girl," which was produced for the first time at the Chestnut Street Opera house tonight by Adolphus D'Almeida's company, was a success. The production was coincident with that of Mr. Mendelssohn's opera, "The Bohemian Girl," which was produced at the same time. The production was a success, and the audience, which was a large and fashionable one, was much pleased with the play. The play is a legitimate farce and was received with favor and pronounced a success. The military company was present in numbers and included Major General Miles.

LEAVE SALT LAKE CITY.

No. 3—For Provo, Grand Junction and all points east, 8:30 a.m. No. 4—For Provo, Grand Junction and all points east, 7:00 p.m. No. 5—For Provo, Grand Junction, Payson, Panguitch, Hatch, Cannonville, Henrieville, and all points east, 8:00 a.m. No. 6—For Provo, Grand Junction, Payson, Panguitch, Hatch, Cannonville, Henrieville, and all points east, 7:30 p.m. No. 7—For Provo, Grand Junction, Payson, Panguitch, Hatch, Cannonville, Henrieville, and all points east, 8:00 a.m. No. 8—For Provo, Grand Junction, Payson, Panguitch, Hatch, Cannonville, Henrieville, and all points east, 7:30 p.m. No. 9—For Provo, Grand Junction, Payson, Panguitch, Hatch, Cannonville, Henrieville, and all points east, 8:00 a.m. No. 10—For Provo, Grand Junction, Payson, Panguitch, Hatch, Cannonville, Henrieville, and all points