

AN EXHAUSTIVE OPINION.

Judge Zane Decides for Defendants in Phelan vs. Romney.

DR. BISSETT IS MISSING.

COMMISSIONER PRATT DECLARES HIS BOND FOR \$400 FORFEITED.

Romney is Acquitted on the Charge of Blackmailing—The Friske \$15,000 Damage Suit Settled on Trial—Additional Equity Settings—The Irvine Divorce Case for Monday Next.

Judge Zane yesterday morning rendered his decision in the case of Patrick Phelan vs. John W. Romney et al. which was an action to recover possession of a strip of land 115 inches wide by 115 feet long on which now stands the east wall of the Morlan block. His honor found for the defendants and judgment was entered accordingly.

His honor said that this was an action to recover the title to a piece of ground described in the complaint as being 1 27-100 feet, fronting on Second South street and extending back 46 and a fraction feet. The plaintiffs owned the corner on which the White house hotel stands and their lot extended west on Main street 115 and a fraction feet. The defendant's lot was immediately west, and both parties claimed this piece of ground in dispute.

The engineer made a survey, it seemed, some three or four years ago, and the court was not advised as to precisely the basis of that survey. It appeared that its initial point was the United States corner, established at the corner of the Temple square, and with reference to that and other objects the city engineer placed monuments in a survey and the monuments established by him at that time, and those were true monuments and true lines from which to ascertain the eastern boundary of this lot.

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These corners and lines must of course govern unless they had been changed by parties occupying the ground, or rights had been acquired under the statute of limitations, or assumed that the square immediately north of the one in which the lot in dispute was located was surveyed about the same time—that this lot in block 38 was surveyed and that the line would appear, the engineer ascertained what was supposed to be the original survey. This survey placed the southeast corner of that square north of the disputed line and the northwest corner about on the line with the front of the White house. This line was indicated by the White house and other buildings south as substantially on the same line as the buildings, and as the line of the block, as recognized by the city engineer. It seemed the White house was erected some fifteen or more years ago, and his honor thought it sufficiently established by the evidence of the Messrs. Romney that the intention was to locate on the line of the business street. As a general rule, it was the intention to build on the line of the street, and some ten years or more before that there was another building that had been erected which occupied the same line as to this east side as the White house; and the other buildings south were on the same line. If the boundary so fixed by the city engineer should govern, then there would be a "job" or a niche. This block 38 would be west of the east line of the block next north of it. Jesse W. Fox, Jr., had testified that he made a survey of the block next north and the corners were placed according to the original survey of the city. Jesse W. Fox, Jr., had also made some surveys on this block, and his survey located the White house corner about where the White house building now placed it.

His honor was disposed to believe, from all the testimony, that these buildings on Main street were built

substantially on the true line, and that the original survey of these blocks did not conform to the surveys made by the present city engineer three or four years ago. The city engineer had no power, of course, to change the boundaries of lots; he could ascertain them as nearly as possible from data and surveys, and it was his duty to ascertain as near as might be the original corners—the original survey. He thought the testimony was pretty clear in this case that the city engineer did not succeed in doing that on this particular square. It must give way to the original survey, and therefore his honor found for the defendants.

BIG DAMAGE SUIT.

The hearing of Friske vs. the R. G. W. Railway still on. The hearing of the damage suit of Josie Friske et al. vs. the Rio Grande Western Railway Company was resumed before Chief Justice Zane yesterday morning.

The suit was brought to recover \$15,000 by Mrs. Josie Friske and her infant daughter Emma Friske, for damages for the death of the husband and father John Friske, who was killed on the defendant's line of railway near Castle Springs. The details of the suit appeared in yesterday's Herald.

Order to Allow Inspection.

In the matter of the suit of the Central Trust company of New York vs. the Utah Central Railway company, Attorney A. T. Schroeder of Messrs. Jones & Schroeder, made application before Judge Zane yesterday morning on behalf of creditors of the Utah Central Railway company, whose claims aggregate about \$15,000, for an order to compel the receivers to allow creditors to inspect the minute books and stock books of the railway company and the order was made.

Short Orders. Pacific Building and Loan company vs. Samuel Shell et al.; continued by consent. Theodore E. Lang et al. vs. Joseph Biddlecome; continued by consent.

Judgments Entered.

Judgments were yesterday entered in the Third district court as follows: Mary Fyfe vs. Arthur and Rachel Wild for the plaintiff for \$2,175.40.

W. S. McCormick, guardian, vs. A. M. Jankovic et al. for the plaintiff for \$808.45. Jessie Maginnell vs. Harvey Hardy and F. M. Bishop, for the plaintiff for \$1,247.20.

Oscar Groschell vs. Geo. F. Adkins, for the plaintiff for \$121.82; abstract from Justice Gee's court.

DR. BISSETT IS MISSING.

Said to Have Skipped and His Bonds Declared Forfeited.

The case against Dr. T. A. Bissett, of the Zion Medical institute, for practicing medicine without a license, was set for hearing before Commissioner Pratt yesterday morning. When the case was called the defendant failed to appear and it was stated that he had skipped by the light of the moon on the night of December 12, and his bonds were declared forfeited.

The Alleged Blackmail Case.

The Jury Acquits Romney and He is Discharged.

The trial of W. M. Romney for sending a threatening letter to Alvin Green of South Cottonwood, came on yesterday forenoon before Commissioner Nordell, and a jury. The facts in the case have already been published in the Herald.

Cases Set.

The following additional equity settings were made by Judge Zane yesterday. DECEMBER 15. Bessie Rodeback vs. Edward W. Rodeback, Attorney S. S. Markham and E. Ferguson. W. H. Irvine vs. Adeline M. Irvine, Attorneys Powers & Hiles and Bennett, Marshall & Bradley. Old Jordan Mining and Milling company vs. Niagara Mining and Smelting company, Attorneys Bennett, Marshall, Bradley and P. L. Williams and W. H. Dickson, W. C. Hall and Arthur Brown. North Point Irrigation company vs. Charles J. Hubbard et al., Attorneys Brown & Henderson and Williams & Van Cott.

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DECEMBER 15.

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DECEMBER 20.

W. L. Douglas et al. vs. George A. Alder et al., Attorneys Jones & Schroeder and A. Howat and Le Grand Young and R. W. Young. W. R. Smith et al. vs. J. J. O'Reilly et al., Attorneys W. H. Dickson and J. G. Sutherland.

Probate Court.

Orders were yesterday made in the probate court as follows: Estate of Samuel Liday; Wednesday, December 27, at 10 a. m. set for hearing and petition for letters of administration. Estate of Samuel George Reed; Wednesday, December 27, at 10 a. m. set for hearing and petition for letters of administration.

The official inventory and appraisal of the estate of the late Edwin Kimball was filed, and shows the valuation to be \$20,572.55.

Notice.

The Salt Lake Stake Relief society conference will be held in the Fourteenth ward assembly rooms, in this city, on Friday, December 15, 1893, commencing at 10 a. m. and at 2 p. m. As this is an important time, there being much need of relief among the people in the several wards, it is urgently requested that there be a representation from each branch present, to hear the instruction that is likely to be given in reference to caring for the needy; that there may be no suffering among the people that can be avoided. A general invitation is also extended to all interested in this benevolent work.

MARGARET A. CAINE, Secretary.

On Her Dainty Head.

She wore a wreath of roses The day that first we met. With mighty pin and tiny string Upon her tresses set. 'Art not afraid of wind and sun?' The lady said with a smile. 'Indeed, I found her very fair.' 'Indeed, this is a bonnet.'

I sat behind that lovely head— 'Twas at a matinee— A vast wide hat with nodding plumes Completely blocked the way. It hid the steele, it hid the stage— I longed to change my place. For, perched upon the topmost coil, It almost hid her face.

We met again on Norman strand, A wondrous sight we saw. Clad in gray garment short and scant, While round us surged the sea, Aims, my vision sweet was fed! My dream of love was set. For, unadorned, behold her head— An alabaster crown was set. —Edith E. Cuthell, in Temple Bar.

Everyone is invited to hear Professor William Walle and a select orchestra at a musical soiree given by J. H. Leyson Company every Tuesday and Friday from 7 to 9:30 p. m.

Ice Water Without Ice.

The Colorado Journalist, Mrs. Romney, has patented, among several other articles, a water-cooler which does not require ice. It is a covered receptacle, of cellular brickwork, manufactured of clay, sawdust and asbestos fibers. In the process the sawdust is burnt out, leaving the porous cellular, or porous. The receptacle, with the water to be kept cool within, stands in a tray of galvanized iron, which holds water to a depth of 2 or 3 inches. By reason of the porosity of the cooler and the force of capillary attraction, the water in the tray constantly rises through the cellular walls of the receptacle, and is constantly evaporated—thereby keeping the water inside as cool as it is usually drawn from a well or spring.—Philadelphia Ledger.

The princess of Wales has \$350,000 worth of lace.

Claret, Rhine wine, ale and porter at the Chicago Liquor House.

Ballard's Horehound Syrup.

We guarantee this to be the best cough syrup manufactured in the whole wide world. It is a simple, natural, and pure, but it is true. For consumption, coughs, colds, sore throat, sore chest, pneumonia, bronchitis, asthma, croup, whooping cough, and all diseases of the throat and lungs, we positively guarantee Ballard's Horehound Syrup to be without an equal on the whole face of the globe. In support of this statement we refer to every individual who has ever used it, and to every druggist who has ever sold it. Such evidence is indisputable. Sold by C. M. I. Drug Dept. 4

MUNICIPAL MATTERS.

THE ACTION ALLOWING CONTRACTORS CREDITS FOR TAXES.

Serious Complications Arising from It—City Employees Still Waiting for Pay Day—Paving Taxes.

The action of the city council in allowing credits to be given a number of the city's contractors on their taxes is now accepted as a serious mistake, through which many of the senior creditors and the employees of the city are deprived of their money instead of being paid off in the order of their claims.

In the neighborhood of \$50,000 has been thus transferred and the treasury of the city has been deprived of just that much money. The credits allowed were not used, in many cases, by the persons to whom they were allowed but there has been a regular traffic carried on in them similar to that in water scrip. Holders of the credits have even paid the taxes of being paid off in the order of their claims.

Common sense would tell any person with an ordinary amount of brains that not one of these companies paid the amount of taxes represented by their credits and an inquiring mind would have looked into the matter before taking a wild leap into the dark. On its face it shows that the parties interested intended to dispose of part of their credits to outside parties, thereby depriving the senior and other creditors of the city of their chances of obtaining any money on their warrants or accounts within any reasonable time.

THE CITY EMPLOYEES.

They Are Still Waiting for the Ghost to Walk.

The employees of the city are still wondering when their salaries will be forthcoming, but all inquiries meet with the same answer, "No funds in sight." It has been confidently announced several times that the departments would be paid off the next day but the disappointments have been many. The city is in that position when it cannot draw the warrants which would represent the salaries of its employees and upon which they could cash for pay for the reason that the bonded indebtedness has already reached its limit and an increase would prove fatal.

City Auditor Raybould has inaugurated a brilliant scheme which is working to the queen's taste. He has a large number of blank time checks printed and the head of every department of the city's service has been supplied with them. These checks are negotiable, when certified to by the auditor, and now the question is are they not the same as warrants and is not the city's indebtedness being increased by their issuance. It would seem that the ordinary men who are in need of the money and they are foolish enough to sell their paper to swindlers when the merchants of the city will take them at par for merchandise. Speaking of the matter, Auditor Raybould stated that his reason for issuing the script was that the men might get their time cashed. The time checks are very handy and cut out a large amount of labor, but aside from the question as to their legality, they open an avenue for speculation, which should be foreign to all of the city officers and city employees.

THE PAYING TAXES.

They Will All Be Delinquent on Monday Next.

The paying taxes are delinquent for every district in the city and on the 15th Treasurer Duke will sell all property upon which the assessment has not been paid. He has posted about twenty-five notices of sale upon buildings in the various districts, and some of the papers adorn large business blocks on Main, State and Commercial streets. The owners have, of course, until the day of sale to pay the assessments with costs added and thereby avoid the sale of their property. Many of the property owners have been delinquent since last spring, the treasurer having been lenient with them on account of the general depression, but the sale can not be delayed longer and must be made on the 15th in order that the treasurer may balance his books and make his report by the end of the year.



Mr. A. D. Leonard

Of Utopia, N. Y., suffered severely from Liver and Kidney troubles, causing great pain and That Tired Feeling. Other medicines failed to do him any good, but so successful and satisfactory was Hood's Sarsaparilla that he has taken no other medicine and is now well. The best known kidney and liver remedies are so happily combined with tonics and alteratives in Hood's Sarsaparilla that it is an unequalled remedy for all troubles with these important organs, overcomes That Tired Feeling and makes the weak strong.

HOOD'S PILLS cure Habitual Constipation by restoring peristaltic action of the alimentary canal.

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Early Christmas Slipper Sale. MEN'S Velvet Embroidered Patent Leather Trimmed Slipper, worth \$1.50; cut to 75 Cents. Men's Brown Velvet Hand Turned Slippers. Always Sold for \$2.00. Cut to Men's Hand-Sewed fine Kid Slipper, in Black, Opera Cut. Regular Price \$2.50. Now \$1.45. BOYS' Wine Colored Goat, Patent Leather Trimmed Slipper, Regular Price \$2.00. Cut to \$1.45. Ladies' Fancy House Slipper, Hand-Sewed, made of Olive Green Plush. Price \$1.45. Ladies' Felt Warm-Lined Slipper, with Fur Trimming, in Black only. Regular Price \$2.25. Cut to \$1.45. WARM - LINED Black Felt House Slipper. Hand Turned Very Comfortable. Regular Price \$1.50. Cut to 95c. Men's Fine Tan Goat Slippers, Opera Cut, Hand-Turned. Always Sold for \$3.00. Now \$1.95. Men's Very Fine Dongola Kid Slippers in Black and Tan, Hand-Sewed, Patent Leather Trimmed. Always Sold for \$3.50. Now \$2.45. MEN'S Elastic Side Nullifiers or Julets, Plain Front, Hand-Sewed, An Elegant Christmas Present, for only \$2.45. Walker Bros. & Fyler Co.

James-Spencer-Bateman Co. Successors to DAVID JAMES & CO. PLUMBERS, TINNERS, Steam and Gas Fitters, We also carry a complete line of Gem and Peninsular Stoves and Ranges, Gasoline and Oil Stoves, Tinware, Granite Iron Ware and House Furnishing Goods. 67 MAIN STREET.

Williams, Hoyt & Co's ROCKY MOUNTAIN. BOYS, YOUTH'S, MISSES', CHILDREN'S AND INFANTS' SHOES. Are Superior to All Others. Ask Z. C. M. I. For Them.

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ALL FOR CHRISTMAS! DRY GOODS, NOTIONS CANDIES. NUTS. FRUITS, Etc. Make Your Own Selections and Pay a Reasonable Price. French Novelties in Dry Goods at Cost. French Hosiery in all Colors. Dress Silks in Fulle, Peau de Voe and Rhadame. Fine Table Linen in Sets with Napkins to match. Also fine Table Linens by the yard. Fine Damask Towels from 25c. to \$1.50 each. Down Quilts from \$4.50 to \$30.00. Blankets of all grades in color and quality. Bed Spreads, all sizes. Ladies' Pure Silk Mittens 75c., worth \$1.00. Ladies' Pure Silk Mittens, \$1 only, worth \$1.25. Ladies' Pure Silk Double Mittens, \$1.50; worth \$2. Our Stock of Seasonable Millinery is Attractive, Winter Hats, nicely trimmed and at low prices. The Celebrated Foster 7-Hook Kid Gloves, in Browns, Tans, Greys and Black. Best price, \$1.25; now only 95c. All sizes. We carry an elegant line of Ladies' Purse and Handbags, At bedrock prices. Traveling Valises and Trunks. Ladies' Cashmere Gauntlet Gloves 50c., worth 75c. Ladies' Cashmere Gloves, extra value, but only 25c. Ladies' Cashmere Gloves, only 35c., worth 50c. Ladies' Cashmere Gloves, only 50c., worth 75c. Ladies' Rib Vests, Only 35c., worth 50c. Ladies' Quilted Skirts, 18, \$1.25, \$1.50 to \$3. Ladies' Black and white Aprons, only 25c. Ladies' Wool Fascinators, 35c. up. A Full Assortment of the famous Ypsanti Ladies' Quilted Skirts, Children's Union Suits, 60c., 75c., 80c. and \$1. Ladies' and Children's Wool Hose, 25c., worth 40c. Infants Wool Moccasins 50c. to 75c. Infants' Kid Moccasins, 50c. to 55c. Infants' Wool Jackets at cost Infants' and Misses' Silk Bonnets, only 50c. Ladies' Colored Border and White H. S. Cambric only 25c. for \$30. Ladies' Scaloped Embroidered, Hand Dito, at low figures. Ladies' Japanese Pure Silk Scaloped and Embroidered from 25c. to 75c. Fur Goods. Capes, Collars, Muffs, and Beas. In Mink, Cooney, Beaver, Astrakan and other varieties. Fine Gowns, Wrappers, etc. In Groceries. We carry the finest fruit, all cleaned. Orange, Lemon, Citron Peel. Pure Spices, all kinds. Preserved and Fresh Fruits. Pickles, Sauces, Olives. Fine Teas. Mocha and Java Coffee, roast and raw. Chocolate and Cocoa. Winter Foods, Oatmeal, Cracked Wheat, Germade, Etc., Etc. Fine Hams. Finnan Haddies. Blotlers and Salmon. Canned Fish in all varieties Fruit, Fish, Flesh, Poultry in wonderful profusion. Glassware and China. Library and Table Lamps. Clocks of all kinds. Mirrors, Plate and Com Toilet Sets at all prices. Dinner and Tea Sets. German, Japan, French, English, and American Fancy Goods. Brice-Brace, Silver Plated ware Jewelry, Watches, Etc., in great variety. Men's Clothing. Boy's and Youths', all sizes. Neck wear, Gloves, Underwear, Suspenders; Shirts, Dress and Negliges; Handkerchiefs, Mufflers, etc. A Grand Assortment. Boots and Shoes. Homemade and imported Gum Boots, Rubbers, Arctics, Felt Boots, Slippers, Ball Slippers, Children's Fancy Slippers; all lasts, all sizes. Hats and Caps. A Complete Stock. Trunks, Valises, Satchels, Traveling Blankets, Rugs and Straps. Waterproof and Rubber Overcoats, etc. Z. C. M. I. Great Shoe and Clothing Factory. Homemade Goods, warranted. Leather, Shoe Findings. Overalls, Jumpers, Negligee Shirts. Wall Paper. Complete Stock. Curtains and Portieres. Linoleum and Oilcloths, Carpets of all grades. Rugs and Mats. Window Shades, all colors, Curtain Poles and Trimmings. Stoves, Etc. Charcoal Oak, Assorted. Champion Monitor Assorted. Miller's Steel Range Assorted. Parlor Cooks, Heating. For palace or cottage, a great supply. Trimmings. And Fittings, Estax, Stove Boards, Fire Sets, Coal Hoof. Miners' Supplies. And Heavy Hardware. Tools of all kinds. Iron Pipe, Washbarrows, Fence Wire, Step Ladders, Trucks, Team Harness. Drug Store. Main Street, Salt Lake City. Perfumery and Toilet Articles. Choice Liquors and Cordials. Wholesale and Retail. Competent Prescription Clerks. Wishes All Its Patrons And Friends A Pleasant Christmas, And a Happy New Year, When It Comes.