THE SUPREME COURT.

Opinions Handed Down in Rapid Succession Today.

AN INTERESTING LOT ARE THEY.

Verdicts in Criminal Cases Upset.—Banker Whitmore's Five Appeals.

The first session of this morning's session of the Territorial Supreme Court was taken up with the rendering of opinions on a number of cases previously submitted, several of them were of more than usual interest, and "reversals" of the lower courts were in vogue. Among the appeals passed upon were five in which Banker George C. Whitmore was the prime mover, and in three of them the Court decided in his favor.

SAME SUSTAINED.

Charles T. Nelson, respondent, vs the S. L. Rapid Transit Co., appellants.

Judge Miner rendered the opinion in this case, Judges Merritt, Hatch and Smith concurring.

Action was brought by plaintiff Nelson to recover damages alleged to have accrued to him by reason of his having been forcibly ejected from one of the company's cars by the conductor. On the trial of the cause the jury found for plaintiff in the sum of $100.

The defendant company now assigned as error that Nelson violated a rule of the company by smoking on the car, and against the request of the conductor, and that the damages were excessive.

The honors found from the record that there was a clear conflict in the testimony, which raised a question of fact that could only be passed upon by the jury; and whose car statutes not jurors were the judges of the facts, the credibility of the witnesses and of the weight of evidence. The court below saw the witnesses, heard the evidence and then refused to grant a new trial. Their honors saw no reason for vacating the finding, and hence affirmed the judgment of the lower court (Judge Zane).

MINER REVERSED.

Simon Oppenheim et al, appellants, vs Chas. C. Barnes et al, respondents.

Judge Smith delivered the opinion, Judges Merritt and Hatch concurring. This was an action to the issues of a suit in equity to set aside a fraudulent assignment for the benefit of creditors, for the appointment of a receiver of the assigned estate and for general relief. A demurrer was interposed, on the ground that the bill did not state facts sufficient to constitute a cause of action, and sustained. Plaintiffs electing to amend, judgment was entered for the defendants; hence plaintiff's appeal.

Their honors reversed the judgment of the court below and remanded the cause with directions to the presiding judge to overrule the demurrer and hear the case; appellants to recover from respondents the costs of this appeal.

BANKER SUSTAINED.

Joseph K. Gallagher, W. H. Remington and George M. Scott, respondents, vs the Yosemite Mining and Milling Co., appellants.

Appeal from the Third district—Judge Hatch. This was an action to enforce a certain trust agreement made between the parties litigant, the facts having been stated in these columns last week on the arguments being made. The cause was referred to a referee, who reported in favor of the plaintiffs, fixing the amount due them to be $65,[illegible] to after allowing all offsets. The court rendered judgment for the sum, and decreed a lien thereon on defendants' mining property, directing a sale of the same to pay judgment and costs. Motion for a new trial was overruled, and from this judgment and order defendants appealed.

Judge Smith rendered the opinion, affirming the action of the court below, Judges Merritt and Miner concurring.

A ORIGINAL INTERVENTION UPHELD.

The People of the Territory, respondents, vs Thomas Hart, defendant and appellant.

Appeal from Third district—Judge Merritt.

Opinion by Judge Miner, Judge Hatch concurring. Judge Smith dissented, with the remark: "I concur in the judgment, on the ground that the evidence was insufficient to warrant a verdict of guilty."

The indictment charged Hart with the crime of housebreaking with intent to steal at the dwelling room of Casper Boesser, in the Tolmine block in the city. The jury on the trial convicted him, and error was now alleged in the instructions of the presiding judge, his refusal "to give the defendant's requests," insufficiency of the evidence to justify the verdict; that the verdict was against the law, in that "the naked possession" of a receiver taken from Boesser's room was the only circumstance tending to show the defendant's guilt.

Their honors did not think there was sufficient evidence before the lower court to justify a conviction for larceny and that offense been charged in the indictment; and they were also of opinion that mere the "naked possession" of stolen property from six to twenty-four hours after the larceny or housebreaking, when unaccompanied with any other attendant fact or circumstance tending in some degree to connect the accused with the commission of the offense charged, was not sufficient testimony to hold upon which to convict of housebreaking. The offense of housebreaking was actually removed one degree further from the act of larceny, and the mere possession of stolen goods did not have the same tendency to connect the accused with the burglary or housebreaking as it would with the larceny. In this case there was not sufficient evidence before the jury to justify the verdict. Therefore the judgment of the lower court would be set aside and a new trial granted.

AND ANOTHER.

The People of the Territory, plaintiffs, vs John Smith, defendant and appellant. Appeal from First district—Judge Smith.

This was the case the facts in which were reported in the NEWS last week, wherein Smith was jointly indicted with Patrick Conlon for setting fire to an hotel at Eureka owned by the latter defendant and in the occupation of Frederick Stotz as tenant. The defendant Smith was convicted on purely circumstantial evidence and sentenced to four years' imprisonment.

Their honors, in setting aside the judgment of the lower court and granting a new trial, said circumstantial evidence might be quite as conclusive as any other evidence, but it was incumbent upon the prosecution not only to show by a preponderance of evidence that an offense had been committed and that the alleged facts and circumstances were true, but they must also be such facts and circumstances as were incompatible upon any reasonable hypothesis with the innocence of the accused, and incapable of explanation upon any reasonable hypothesis other than the defendant's guilt; the chain of circumstances must be complete and unbroken; "A jury or suspicioned inquest could hardly be expected to apply the judge equitable to the class of testimony without some assistance from the court."

Opinion by Judge Miner. Judges Merritt and Hatch concurring.

THE WHITMORE CASES.

Opinions were also rendered in the five cases in which Lewis A. Scott Elliott and George C. Whitmore are the chief participants. The details of these were published in the columns of the NEWS when the arguments were made early in the present session.

In the contempt proceedings arising out of the violation of the injunction by Whitmore in regard to the removal of the measuring box, their honors held that an appeal did not lie to this court from the judgment and conviction and dismissed the same, thereby affirming the order of the district court, and remanding the appellant to the custody of the U. S. marshal, to abide the further order in that court. Opinion by Judge Miner, Judge Merritt concurring. Judge Smith dissented. "Notwithstanding the holding that the judgment is not appealable."

In regard to the appeal from an order, also made by Judge Hatch, denying Whitmore's motion for a new trial (opinion by Judge Merritt, Judges Miner and Smith concurring) the other appeals from was reversed and set aside, with costs to the appellant. The court twice in interpreting rights and bear the motion for a new trial when the statement is settled.

In the case in which Selmer J. H. Harris figured as the respondent, appeal was from an order of the Third district court denying a petition for a writ of mandate. Judge Merritt delivered the opinion, Judge Miner and Smith concurring. The order appealed from was reversed here also, with costs against L. S. Scott Elliott. Directions are issued to the lower court to grant the writ as prayed.

In the appeal from the injunction granted by the lower court (opinion Judge Hatch) perpetually restraining Whitmore from changing the flow of water (Cimarron Trail creek) from the measuring box, from taking any larger quantity of water than 67.100 of a cubic foot per second, etc., such order was dissolved with costs. Judge Miner endorsed the opinion thus: "I cannot concur with my brethren in this case."

In the appeal of Whitmore from Judge Hatch's order refusing the appellant's application to fix the supersedeas bond to be given to stay the judgment on appeal from the final decree, and denying a stay of proceedings upon the injunctional order contained in said decree, the order appealed from was reversed and set aside, the case being remanded to the court below with instructions to fix the amount of supersedeas bond on appeal from the judgment. Judge Merritt's opinion was concurred in by Judge Smith, who filed a separate opinion, setting forth his reasons for concurring.

Judge Miner dissented.

A LOTTERY BUSINESS.

The first case argued was that of the Newhaven International Banking company (plaintiffs and respondents, vs Henry Lochmann, defendant and appellant.

Attorney Frank Pierce for the appellant; C. Ira Kreis and S. H. Lewis for the respondents.

Plaintiffs run what is known as the "Justice Lottery," with headquarters in old Mexico. They delivered notary upwards to the defendant at San Francisco for him to sell, and it was claimed on the hearing that a balance of $1,[illegible] was due on these from him to the plaintiff company. Lochmann insisted that the tickets were valueless and denied his liability. Judge Zane, before whom the case was tried, instructed the jury to find for the defendant, and this they did. A motion for a new trial was made by the plaintiffs, argued before Chief Justice Merritt and granted. From that order the defendant prosecutes this appeal, contending that even if he had collected money for the tickets, as plaintiffs' agent, recovery cannot be had, the whole transaction having been in aid of a lottery, hence prohibited by law. The trial court took this view in sustaining the defendant's objection.

THE RUN-A-MARSHAL AGAIN.

Louis Brown et al, plaintiffs and appellants, vs E. H. Parsons, defendant and respondent.

Certain goods were seized on execution by the defendant as U. S. marshal and plaintiff replevined the same in this action. Subsequently judgment was rendered against them. This appeal is taken from an order of Judge Zane overruling a motion to vacate and set aside the judgment.

Attorney S. H. Lewis for the appellants; Judge Zane and Smith & Smith for the respondents.

CONCERNING PROPERTY.

The case of James H. Sharp, plaintiff and respondent, vs Frank E. Nesbit, Hans C. Hansen, the Eureka Lumber Co. and G. R. Belnap, defendants and appellants, is under argument this afternoon. Appeal from Fourth district—Judge Miner. The litigation herein has arisen with respect to a lien on certain mortgaged premises.

Summer School at the University.

The first session of the summer school at the University of Utah will open on Tuesday morning for registration of students, and the prospect for a good attendance is very encouraging. Some teachers from a distance already have arrived in the city, and arranged their program of studies. The promoters of the school state that it is desirable that all register on Tuesday morning, as the daily program will be made out on Tuesday afternoon to accommodate those who have then registered. Regular work in the classes will begin on Friday. The apparatus and buildings have been put in readiness, and earnest efforts will be made to make the surroundings as pleasant as possible. Although this is a new undertaking on the part of the faculty of the institution, success already seems assured, and from the work done this summer the teachers can judge whether the University deserves their appreciation and support.

As Dr. Talmage has been called to spend a greater part of the summer in Europe, attending the meetings of the celebrated scientific societies of Dublin and London, he will not be able to be present to deliver the course of free lectures that he usually gives at various educational topics of interest will be given by prominent teachers and educational men. The subjects will be announced later.

Those coming to the summer school over the railways should purchase a single ticket to Salt Lake City and secure from the agent a written statement of the amount paid for the same; then they will be given a certificate at the summer school which will entitle them to receive back the one-fifth the amount paid in coming to the school.

A Property Dispute.

Late yesterday afternoon an interesting suit was placed on file in the Third district court, the plaintiff being Wm. H. Culmer and the defendants B. G. Wilson and wife, Belle Wilson, whose former name was Tompkins. The complaint alleges that while the female defendant was the wife of Tompkins, she conveyed certain lots in property to the latter; but during his occupancy one Anna Marks attempted to take possession of one corner of the property, and was erecting a watch house thereon. Mr. Tompkins informed Culmer that Anna Marks was intruding and requested him to take steps to oust her. He did so and a judgment was entered in favor of Belle Tompkins and against Anna Marks for the restitution of the premises and a writ was issued by a U. S. commissioner before whom the action had been brought and placed it in the hands of a constable for execution. The constable ejected Anna Marks from the premises and she at her behalf then brought suit against Belle Tompkins, Culmer, the constable and others for damages to her property. The Fifth district court rendered a judgment in favor of against Belle Tompkins, Culmer and others for $1,500 and costs, which amounted to $4,000.10 by the time the Supreme Court has affirmed the decision of the court below. An execution was accordingly issued and Culmer was compelled to satisfy the judgment. He now sets up that he was acting in the interest and at the direction of Belle Tompkins, now Mrs. Wilson, and demands judgment against her and her husband for the amount of the judgment satisfied by him.

Cache Valley Excursion.

The Meadow, Cache county, band has made arrangements for an excursion to Garfield July 14. Low rates have been made for the occasion to all Cache Valley points. Tickets will be good returning until and including July 15.

Personal.

L. M. Earl will leave for Idaho tomorrow morning, where he goes on business for a period of from three to four weeks.

SUITS FILED THIS DAY.

Two on Promissory Notes and One for Goods Sold.

In the Third district this afternoon Oscar B. Young instituted legal proceedings against Heber Young and Vilate B. Young (his wife), et al, to recover balance of money due on a promissory note for $5,000 (only $[illegible] of the principal having been paid). The mortgage is secured by a mortgage on certain real estate, situate in block 27, plat B, Salt Lake City survey.

Patrick Kerrin is suing John W. Taylor and wife, May L. Taylor et al, to recover $5,000, secured by property in block 77, plat A, Salt Lake City survey.

Tyler, Davis, and Meiklejohn Co., of Philadelphia, Pa., today filed an action against H. P. Kent and E. N. Child, late partners, dealers of east First South street, claiming $[illegible] on account of goods sold and delivered to the firm.

The Board of Public Works.

The board of public works is summoned for a meeting tomorrow night. So far as known routine business only is to be considered.

TODAY'S PROBATE COURT.

Executors of the Dyer Estate to Pay Sixty Per Cent of Approved Claims.

Estate of Elizabeth Hulme, deceased. Order made admitting will to probate, and appointing Carl L. Wood and Charles G. Carter executors without bonds.

Estate and guardianship of Lewis Gaskell et al, minors. John Gaskell appointed guardian on filing a bond of $[illegible].

Estate of Frank H. Dyer, deceased. Hearing on petition to executors (Judge Henderson and P. L. Williams) to show cause why claims are not paid. The court directed that they pay 60 per cent of the claims that have been approved.

AMUSEMENTS.

THE HOPKINS' TRANS-OCEANIC GRAND SPECIALTY COMPANY is an aggregation of European and American artists. The manager of the company is John D. Hopkins, who last season controlled the Helen Howard Albertson Star Specialty company. Mr. Hopkins has secured a beauty of Danish extraction, in Copenhagen, Denmark, the Lars-Larsen family, consisting of four ladies and one gentleman. Kats, the Bavarian juggler; Melville and Stetson, topical sketching; Billy Van, comedian; Will H. Fox, as Pabbe Wakeley; the Dixon Brothers, musical clowns; De Retes, lightning musician and Jr. Fulgora, transformator; Jean and Harry Dillon, parody singers. They appear at the Theater Friday and Saturday evenings.

SUZANNE BOSSON will confine his appearance here to two plays. The Henrietta Monday and Tuesday evenings and Two Comedy of Errors Wednesday. The latter is the Shakespearian comedy in which Robson and Crane made a principal part of their stay at the Two Orphans.

THE WHITE TORNADO will be here set for the 26th at the Theater and society has taken hold of it in earnest. One of the lady entertainers is said to have sold two tickets, which already, and the following committees have the affair in hand:

Executive committee—Mrs. M. E. Cummings, Mrs. W. S. Spendley, Mrs. Frances Clawson, Mrs. E. Dougall, Ina Cobb, Mrs. N. Y. Snell, Mrs. F. Hamilton, Mrs. Fred Nevin, Major Silva, Harry Sherman, Mrs. Gilmer, Mrs. Lees, Mrs. M. C. Fox, Fred Simon.

Program committee—H. S. Kruse, Mrs. M. McK. Silva, Mrs. Nellie Snell, Mrs. Hamilton, Fred Simon.

Printing Committee—Mrs. W. W. Riter, Fred Simon, H. G. Wolfney.

Reception Committee—Miss Emily Kerr, Miss Clara Thompson, Miss Phillips, Miss M. Thompson, Miss Julia Dunn, Miss Barton, Miss Ella Driesel, Miss Alice Rolfing, Miss Grace Young, Miss Emma Louis, Miss Alice Young, Miss Bertha Rolfing, Miss Palmer, Miss Spendley, Miss Cummings, Miss Gallery, Miss Williams, Miss Sherman, Miss Wetzel, Miss L. Spendley, Miss Greenhalgh.

Hall Committee—Mrs. Cummings, Fred Simon.

Committee on Decorations—Mrs. Spendley, Mrs. J. F. Gilmer, Mrs. Frank Jennings, Bessie Dwyer, Mrs. Hall, Walter Fox, Mrs. Greenhalgh.

THE LYCEUM closed its week with Daly's Night Off last evening in the presence of a good audience. The company gives a surprisingly good entertainment for the prices charged.

An Assignment.

In the county recorder's office this afternoon Heber A. Smith of Draper filed an assignment in favor of Hiram A. Smith, an attorney of this city. Class "A" shows F. M. Smith a claim for $[illegible] and the New England Loan & Trust Co. for $1,[illegible]. No other lien is given.

Prof. Allen Going to New York.

Prof. D. B. Allen, of the University, leaves this evening for Ithaca, New York, where he will take an advanced course in mathematics during the ensuing term. Mrs. Allen will accompany him.

They're Come Out.

Fred Broom and Ed. Wells emerged from the penitentiary this morning, on the expiration of their sentences. They were committed from the Fourth district court on August 2nd, 1893—one year each, for burglary.

Making Goods.

The Deseret Woolen Mills are running regularly, and have placed their new goods on the market. The first lot of the new manufacture was taken by Buckle & Son, for their tailoring establishment. The mills manager most will push their goods to every part of the Territory and give the people an opportunity to learn what high class goods they can manufacture.

Land Office.

The register and receiver of the local land office handed down a decision today in the contest case of Joseph Wight vs Central Pacific Railroad company, involving the southwest quarter of section 17, township 17 north, range 2 west. Mr. Wight claimed the tract by virtue of having established a residence on it prior to October 26, 1868. The register and receiver held that he did not settle on the tract in question, but built a house in Brigham City, where his family resided, that he is not a resident that he lived elsewhere than on that home during any of the periods when the statutory assets the claim to the tract in question was being initiated. If Wight performed any act looking to the entry of the land, they were not, in our opinion, sufficient to withdraw the tract from the operation of the grant to the railway company." The decision, therefore, is in favor of the Central Pacific.

Commutation proofs have been received from the land office in Washington, and are now at the local office for entry, viz:

No. [illegible], Edwin J. Coughanet, of Vernon, Tooele county, 120 acres.

No. [illegible], William H. Terrenson, of Mountain Home, Uintah county, 160.40 acres.

No. [illegible], Gerson Hortsmann, of Johnson, Kane county, 160 acres.

No. [illegible], Casey F. Brown, Jr., of Collinston, Box Elder county, 160 acres.

No. [illegible], Anna H. Vincent, of Beaver, Beaver county, 160 acres.

No. [illegible], John Harris, of Charleston, Wasatch county, 160 acres.

No. [illegible], Albert Christensen, of Paradise, Cache county, [illegible] acres.

No. [illegible], William A. Allred, of Paradise, Cache county, [illegible] acres.

No. [illegible], Henry Sagner, of Tooele, Utah county, [illegible] acres.

No. [illegible], Granville Calahan, of Payson, Utah county, [illegible] acres.

COMMERCIAL.

TODAY'S CLEARING HOUSE.

Today's clearings were exchanges amounted to $112,944. Same day last year $[illegible].

TODAY'S QUOTATIONS.

New York—Silver, [illegible]; lead, $[illegible]. London—Silver, [illegible].

ORE AND BULLION.

Wells, Fargo & Co. received today: Penn. Gulch, $[illegible].

W. S. McCornick received today: Silver and lead, $[illegible], shipped to-[illegible], $[illegible]; Opohonga, $[illegible]. Total $[illegible].

U. S. Assay & Co. received today: Ores, $[illegible].

REAL ESTATE.

Transfers and in the office of the County Recorder of Salt Lake County, for the 24 hours ending June 18, 1894.

[illegible]

STOCKS AND MARKETS.

NEW YORK STOCKS.

New York, June 18, 1894.

[illegible]

CHICAGO STOCKS.

Chicago, June 18, 1894.

[illegible]

To all Republicans.

On June 23rd and 24th, the Bloomington Western makes you a rate of $[illegible] round trip to Denver. Prominent Republican leaders and friends will take the R. G. W. train No. 4 leaving Salt Lake at 8:25 p. m., June 23rd, arriving in Denver next evening. Special sleeper will be provided. Tickets via R. G. W. will be good for stop over at Glenwood, Leadville, Manitou, Colorado Springs and other famous resorts. Tickets will be sold by Colorado Republicans at various points and a special train is assured.

The Colton Hotel, open on the European plan, rates $2.00 and $2.50 per day. George Colton, Assignee.

Utah Outlook Co., 30 West Second South. Headquarters for Specialties.

Defective eyesight properly corrected. Utah Optical Co., 30 West Second South.

For Beauty.

The complete, or transformation of the human form, by the use of Dr. Magnetic Inventor's Corset. Ladies Corset Co., 407 Progress Building.

H. B. WINDSOR & CO.,
General Insurance,
Depot Building. Milwaukee Mechanical, Hartford Steam Boiler, Fidelity and Casualty Co's.
409 and 407 Progress Building.

SAVINGS BANK
100 Main Street.
Does business exclusively from its patrons, and has no connection with the business of Banks or Bankers.
Interest allowed on deposits.

Utah Title Insurance & Trust Co.
CAPITAL $1,000,000. PAID PAID.
A. H. Peters, President. W. A. Richards, Vice President. R. R. Thomas, Sup. and Cashier.

The Queen of our Kitchen wishes to inform the public that she has nothing to equal

GOLD DUST Washing Powder.

It lightens her labor, lessens her work, and lengthens her days of leisure. Your Grocer will give you a large package of this great Gold Dust for the asking. Made only by

THE N. K. FAIRBANK COMPANY.
ST. LOUIS. CHICAGO. NEW YORK. BOSTON. PHILADELPHIA.

"A HAND SAW IS A GOOD THING, BUT NOT TO SHAVE WITH."

SAPOLIO

IS THE PROPER THING FOR HOUSE-CLEANING.

R. K. THOMAS,

25 to 32 East, 1st South St.
SALT LAKE CITY.

Please read and profit by the following announcement:

We are greatly overstocked on Ladies' Spring Jackets, therefore offer the following immense bargains—To Sell, to sell. First come will get the choice, so call early. Don't defer it if you have any intention of buying a Spring Wrap. Country mail orders will get personal and careful attention, so if you can't come, order, sending either

2.50, 5.00, 7.50, 10.00 OR 12.00

and we will send you one of the following genuine sale Jackets:

200	LADIES' SPRING JACKETS,	2.50	WORTH	5.00
200	" " "	5.00	"	10.00
200	" " "	7.50	"	15.00
200	" " "	10.00	"	20.00
200	" " "	12.50	"	25.00

Children's and Misses' Jackets in great variety.

LADIES' CAPES ALSO.

We are closing out our entire stock of Lace Curtains, so we offer about 1,000 pairs. The greatest bargains imaginable. We include in the sale Curtain Nets and Scrims, and quote the following bargains:

25c	CURTAIN NET AT	16½c	YD.
30c	"	20c	"
40c	"	25c	"
10c	SCRIM AT	5c	"
12½c	"	8c	"
20c	"	12½	"
25c	"	16½c	"

SALE ON

RIBBONS.

NO. 5 AND 7 ALL SILK RIBBONS - 5c YARD
NO. 9 AND 12 " - 10c YARD.
NO. 9 AND 12 SATIN AND GRO GRAIN - 16c YARD

FANCY RIBBONS, 5c, 10c, 15c, 25c, WORTH DOUBLE.

10 Styles Ladies' Waists, 25c up.
6 Styles Ladies' Wrappers, 65c up.

SHOES, SHOES.

JOHNSON MAKE.	FLEXIBLE SOLE.	
100 Pairs $3 Ladies' Button Shoes at	-	$2.25
100 Pairs 3.50 " " "	-	2.75
100 Pairs 4.50 " " "	-	3.25

We do not offer trash in Shoes, nor does it pay you to buy such. Always pay 25c a pair more and get the home made, or equally as good wearers.

R. K. THOMAS.