THE SUPREME COURT.

W. W. Wilson Must Serve Eight Years in the Penitentiary.

A CLERK'S FEES SUSTAINED.

Question as to the Redemption of a Mining Claim—Opinions Filed.

Two opinions were handed down by the judges of the Territorial Supreme Court this morning, both of which affirmed the judgments of the court below. The remainder of the day's session was devoted to argument on three appeals.

JULIUS MARCUS SUSTAINED.

In the case of William A. Cooper, respondent, vs the Denver & Rio Grande Railroad company, appellants, the opinion was delivered by Chief Justice Merrill.

The plaintiff Cooper sued to recover a balance for salary, he having been employed by defendants in their express business in Utah city. The latter claimed that Cooper was not employed during a portion of the time (the month of February, 1891) covered by a counter claim against him, alleging that a shortage amounting to $11.67 occurred in the office through his negligence. The jury found for plaintiff for the full amount claimed. Defendants' motion for a new trial was overruled hence their appeal.

Their honors saw no reason for disturbing the verdict and affirmed the judgment of the court below, with costs.

The opinion was concurred in by Judge Smith. Judge King filed a separate and dissenting opinion. He thought the lower court erred in not permitting the jury to pass upon the disputed question—whether plaintiff was employed during the month of February, and in refusing the letters collaterally in evidence. In view of the fact that what Judge King deemed his error could in no way prejudice the defendant only to the extent of one month's salary ($60), he thought the ends of substantial justice demanded that the plaintiff should be allowed to remit a portion of the judgment, or, if he declined, that a new trial be granted.

WILSON MUST SERVE EIGHT YEARS.

In the matter of the appeal of W. W. Wilson for a writ of habeas corpus.

The petition alleged that petitioner was illegally imprisoned in the Utah penitentiary, and wanted say petitioner.

On February 26th, 1891, in the Third District court (before ex-Chief Justice Zerry), the petitioner plead guilty to eight indictments, each charging grand larceny, and he was sentenced to a term of one year on each indictment.

The petition was based on the ground that there was no authority of law to impose cumulative sentences.

Chief Justice Merrill held that our statutes were adopted by the Congress, thereby, by legislation by the territory directing the courts as to the mode of procedure. The court must, therefore, resort to the common law for a solution of the question. By the act of Congress to establish a Territorial government for Utah, among other things it was provided that "the supreme court and the district courts, established by this act, shall possess chancery as well as common law jurisdiction." It was also provided that Bishop on criminal law (Vol. 1, Sec. 833, 7th edition) set forth the following: "When a prisoner under an unexpired sentence of imprisonment is convicted of a second offense, of which there are two or more in addition to which some have remains to be pronounced, the judgment last given that such succeeding period of imprisonment shall commence on the termination of the earlier next preceding." In volume 1 of Bishop's criminal procedure, Sec. 1189, the rule is stated as follows: "And at common law, if a prisoner is imprisoned for a misdemeanor running on the expiration of another, it must be so stated, else the two punishments will be executed simultaneously." In the case of The People vs. Fatten, 13 Cal. 445, it was ruled that "a judgment in a criminal action that the defendant be imprisoned for a specific term, to commence at the expiration of previous sentence, is void, and warrants the detention of the defendant for the aggregate period for all of the sentences." Various other authorities were cited.

The writ was denied.

Chief Justice Merrill rendered the opinion, Judges Bartch, Smith and King concurring.

REDEMPTION OF MINING CLAIM.

The first case argued was that of Robert S. Warnock, plaintiff and appellant, vs Reuben De Witt, defendant and respondent.

Appeal from Second district—Judge Bartch.

Horn, Lee and Gray for the appellant; N. H. Tarbunn, and Wilson, Van Cott & Bathgate for the respondent.

This was a replevin case commenced by the plaintiff against one of the Waterloo mining claims in the Nine Mile mining district, Price county, against the defendant De Witt, who claimed to be the owner of the ground embraced within the Waterloo claim, by virtue of a location thereon under the laws of the Canons. The hearing was had in the court without a jury, and judgment rendered for the defendant, whereupon plaintiff appeals to this court.

The question which arises here is, was the opinion (1) in Waterloo claim to be forfeited and the plaintiff entitled to eight months' time in which to redeem, and (2) was the district court's decision to be reversed because the defendant claimed to have by his occupation of the Canons on May 8th, 1890, Warnock never located the mine claimed, as the W. D. on January 17, 1891, in Price county, having failed to perform the annual assessment work, missed redemption, and want to a sufficient showing of the claim on the ground to constitute a valid location.

ABOUT A COLORADO INTEREST.

Alexander Rosser, plaintiff and respondent, vs John W. Donnelan, defendant and appellant.

Judge Hirst and Sutherland & Harvey for the defendant; Frank Pierce for the plaintiff.

Appeal from Third district—Judge Bartch.

Plaintiff alleged that on September 16, 1892, he was the equitable owner of an undivided interest in certain land and premises (an title to which was held by Edward A. Rosser and E. D. Hughes) that they gave that land upon the understand which is defendant, to dispose, to remove a person side in behalf of one D. D. Mackay, and that the execution of defendants was not in the instrument to defeat any of the interests that Mackay had, and that the notice of sale thereon when the property was sold was excessive, that no tender was made in the payment of interest in the note, and Donnelan, as trustee, was attempting the sale of property for more than is a sale point. It would be an insult to the court. Hughes argued to have quiet as title to the undivided.

Defendant denied all the allegations except as to the execution of the note and the trust.

The case was tried before the court without a jury and resulted in judgment for the plaintiff. The present appeal is from the order denying a new trial.

AN APPEAL FROM WEBER COUNTY.

Louis D. Adams et al, plaintiffs and appellants (appearance by P. L. Williams and Rossiter & Rossiter) vs Eliza Ann Dee et al, defendants and respondents (appearance Forrest and Evans, Richards & MacMillan and H. P. Henderson).

Appeal from Fourth district—Judge Miner.

The action was one of a contest of will filed by plaintiffs to substitute in regard to the land in Weber county, within township 5 north, range 2 west of the Salt Lake meridian, U. S. survey.

DEATH WAS VERY SUDDEN.

Dr. Henry Dale, Brewhaylet, Passes Away at the Knutsford—The Inquest.

Dr. Henry Dale, an Englishman, of great prominence in his city, died very suddenly at the Knutsford on Saturday evening about 8 o'clock. A few minutes before the hour named he walked into the office of that hotel, passed his hand to his heart, sank to the floor and expired.

Before the call came several physicians were hastily summoned, but their patient was beyond the pale where earthly assistance was of value to him.

The deceased was a graduate of Oxford University, a scholar of no mean ability and a nonbeliever in our views on such matters. He was nearly eight after. He came here from Colorado with his wife about two years ago, and of late had been living in the Metropolitan block. He was forty-two years of age.

An inquest was held by Coroner Officer in the afternoon. The jury returned a verdict to the effect that death was due to apoplexy. The funeral will occur tomorrow at an hour not yet fixed, from Kenyon's undertaking parlors. Interment will be at Mt. Olivet.

Will Close For Sacrilege.

K. C. M. L. will be closed to the public on Thursday next, on which date the annual assessment of the institution will occur. On Friday morning, however, its doors will again be thrown open for the accommodation of patrons and transaction of business.

Personal.

Mrs. M. McDonald and Mrs. Stella Parker, of Idaho, Montana, are paying a brief visit to their Uncle, Mr. and Mrs. J. A. Reddy, of this city. Both ladies are en route to Chicago, where they will make their home in the future.

TENEMENT HOUSE FIRE.

Plenty of Excitement, a Quick Run, and a Small Loss, the Principal Features.

There was considerable excitement among the occupants of a two-story frame tenement house at No. 256 west Second South street between 300 and 400 west this morning, occasioned by a shout of fire and a cloud of smoke issuing from one of the walls which contained a defective flue.

The building, which is owned by the Salt Lake Valley Loan and Trust company, is occupied by a considerable number of tenants, who all seemed to be impressed with the idea that they would be burned out, but the prompt arrival of the fire department and a judicious use of the chemical engine proved that these fears were groundless, as the flames were extinguished in short order and with a loss to the building of some extent $50 and to the contents not more than one-fourth of that amount.

THE THREE DEPUTY MARSHALS

Who Are Claiming Some of Money for Past Services.

Judge Dey this afternoon filed his promised memorandum in intervention in the case of H. P. Henderson and Parley L. Williams, executors of the estate of Frank H. Dyer, deceased, vs the United States of America.

It will be remembered that on behalf of Assistant Attorney Judd exception to judgment being entered in favor of the executors on their claim of service rendered by the late Frank H. Dyer in the capacity of United States marshal, the case having been previously dismissed by the government. Upon Judge Dey's application, however, Chief Justice Merrill directed a stay of judgment upon the condition that counsel had time to file memorandum in support of the motion of intervention. Upon the memorandum of Messrs. W. H. Dickson, Chas. W. Bartlett and James McKenny, intervenors, filed on the 18th inst., Judge Dey ruled that the law fixed in the Fire in the matter, Moriarty in the Federal (Sixth).

The claim of $187 is now reduced by Marshal to $1 (?) services, $75 (?) incidental for 125 days and $61 to Moriarty for 14 days—in the face of 24 days only.

Says He Has Jurisdiction.

Commissioner McNulty gave his decision this morning on the demurrer to complaints filed by counsel for the defendants in the case of Goode Fuller-Blake et al. He held that he had jurisdiction in the matter and has set the case for hearing for January 30 afternoon at 2 o'clock.

The gist of the attorneys for the defense has now turned upon the possibility of a writ of prohibition being issued to prevent the commissioner from hearing the case, and that point will be finally settled late this afternoon.

The New Athletic Club.

The Salt Lake Athletic club, a new organization, has thrown open its rooms on the third floor of the old Alta Club building on Second South street. The quarters are fitted up in style with all the modern conveniences for athletic work, and the club has already secured a membership approximating one hundred persons.

The Schools Today.

The public schools of this city today opened upon the second half of the present school year and several hundred new pupils—principally beginners—were added to the enrollment. To accommodate these it will be necessary to fill up additional rooms and rapidly additional teachers in the persons of Mrs Ordway, Lena Wagener, Elizabeth Corsan, Helen Adams, Celia McFall and Bertha Howell.

The Secret Murder Case.

Judge Powers has left for Boise City, Idaho. He is the principal counsel on appeal for the defendant and appellant in the case of John Hayes convicted of murder in the first degree. The appeal is to be argued before the supreme court of the state of Idaho early this week.

Transcript On Appeal.

An appeal by the defendants has been taken to the Third circuit court and a judgment of Justice Westcott in the case of James C. Montgomery vs George M. Cole & Co. The claim was for $100, for labor and plaintiff was awarded $100 and costs, the latter taxed at $15.65. From this decision appeal.

First Quorum of Elders.

The regular weekly meeting to be held this evening at the Fourteenth ward assembly room, commencing at 7:30.

Land Office.

The following filings were made in the local land office under date of Jan. 26:

Ryan Williams, of Iron county, final proof of homestead entry of northwest quarter of the northeast quarter of section 3, and the southeast quarter of the northwest quarter and the south half of the northwest quarter of section 3, township 39 south, range 11 west.

George Gray, of Sanpete county, final proof of homestead entry of the northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter, section 19, township 20 south, range 1 west.

So Much the Better.

It appears that the Minnie Burton case has been settled after all. Since the order allowing an appeal to the United States Supreme court, Mrs. Turner, the special administrator, Frank D. Rickards and W. C. Hall, attorney for certain minor heirs of Minnie Burton, have effected a compromise, Mr. Turner agreeing to take $2,000 in full settlement of his claim and dismiss his appeal. This offer has been accepted by the special administrator and the attorney for the minor heirs, and Judge Blake has entered an order in the Probate court authorizing the last named to participate in the settlement.

GREAT IS BUNKO!

The Way Some People are Gulled by "Cheap Rent" Advertisements.

Editor Deseret News:

A number of the methods by which men seek to do business is quite an interesting study; if you were to believe all that is said in some advertisements, as to "selling at cost," "great and unprecedented sacrifice," etc., all on the salesman's order, you would be just as easily disappointed as the boy who said that "the best part of it (the show) was outside."

Even the fact that there are those who expect "something for nothing," and that they seem to enjoy being cheated or humbugged is no excuse for misrepresentation on the part of any apparently reputable house; there must be something desperate in the anxiety to be deceived judged by a local advertisement now current in which the prominent item reads, "So far gratified sugar for one dollar," but it concludes by saying that it is to be published for "ten dollars worth, before delivery, or no sale."

Being rather curious as a rough newspaper, after reading this specialty for a little while, I enjoyed into a well known leading house, inquiring for a pound of sugar, the reply was, "we deliver and fifty cents per fifty pounds." I then went carefully over the circulars but found, that, as in so many yet need differences in the quotations, we could purchase the proposed bill for other items and seventy-five cents, or twenty-five cents less than advertised, yet without any special bargaining, and without the mention of Grocery Monitor on the other side.

The result my responsible house would of course be glad to do the same thing, as the one in which I main company was made I simply tell advertised that as transparent a fraud should find evidence, in such a firm that I cannot conscientiously contribute or recommend buyers in this city or elsewhere, from whence most orders are frequently solicited.

Legitimate business does not need support of this character, and those who merely upon the outlook when a single article (as first) sells at least double the price at which it is sold. If this is intended to offset the local Sugar Trust's profits, it will assuredly fail of its aim and, if it will effectually convince a Simon in the representation, it will be visited.

At the same time unrestricted liberty is allowed to every one to conduct business in his own chosen way.

CONSUMER.

CASTORIA

for Infants and Children.

"Castoria is a well-adapted remedy for children of all ages. I recommend it as superior to any prescription known to me." H. A. Archer, M. D., 111 So. Oxford St., Brooklyn, N. Y.

"The use of 'Castoria' is so universal and its merits so well known that it seems a work of supererogation to endorse it. Few are the intelligent families who do not keep Castoria within easy reach."

Carlos Martyn, D. D., New York City.

Castoria cures Colic, Constipation, Sour Stomach, Diarrhœa, Eructation, Kills Worms, gives sleep, and promotes digestion, Without injurious medication.

"For several years I have recommended your 'Castoria,' and shall always continue to do so, as it has invariably proved beneficial in its effects."

Edwin F. Pardee, M. D., 1068 Fifth Ave. cor. 58th St., New York City.

The Centaur Company, 77 Murray Street, New York City.

TO THOSE SEEKING HOMES.

A Place Where There is Good Land and Water in Abundance.

Also a Healthy Climate, and Room for Hundreds of Families of Latter-day Saints.

MORAN, Lincoln Co., Nev., January 26, 1895.

Editor Deseret News:

I would like to mention a few items that may be of interest to some back to day Saints who dwell in the crowded parts of Utah and who would like homes. There is a country called the Muddy Valley, situated in the southeastern part of Lincoln county, Nevada, in which by thousands of acres of good farming land which can be obtained at reasonable prices. I think and that there is some vacant land yet which can be taken up.

There is water in abundance for all located in the valley, provided it is used in a systematic way. Almost everything in the fruit and vegetable line can be produced here. Lucern yields five good crops per year; sweet grass yields from twenty-five to forty bushels per acre.

We can say that we have a good climate. We have no snow in the winter except on the high ranges and mountains. This valley, at present, is not very thickly settled, but what people there are are a fine enjoying good health, and the majority are striving to live their religion.

There is plenty of room here for hundreds of families to make themselves good, comfortable homes. Here new-landed can be obtained thirty miles from the point now called Moapa—in years past named "West Point" by the Lehi colony Saints.

We have a school here, and also a good health resort. The elevation of the place is 1,200 feet above sea level, and it is a healthy place to live in.

I will cheerfully answer all questions required concerning this country.

MOSES R. CROSBY.

Elder Burgess' Return.

Elder Charles C. Burgess of this city, returned a few days since from a mission to the Southern States. He left his home in December, 1893, and has spent most of his time in Marlborough county, South Carolina. He reports having enjoyed his labors very much and was treated well by the people. The outlook is for a prosperous condition, and the Saints are now receiving the worthy class of people and which goal is being done. Elder Burgess was abroad principally in opening up new fields of labor, and was very successful in his labors.

All Fruit Growers Invited.

On next Saturday, February 2nd, at 2 p. m., the Utah State Board of Horticulture will meet in special session with the Forestry Society of Utah and the Salt Lake County Horticultural society, in the new city and county building, room 35. It is expected that there will be a large attendance, as features of great importance will be discussed. Everybody interested in fruit growing is invited.

F. A. DIX,
THOS. K. TANNER, President.
Assistant Secretary.

GRIFFIN THE BURGLAR.

A Sensation in the Art of Housebreaking by a Hall Known Expert.

Thomas Griffin, charged with larceny, appeared in the police court this morning. He made a statement in which he said: "Of course it is no one missing money, your honor. Everybody knows I left the penitentiary a few days ago after serving my time of three years for housebreaking. I told Chief Paul I was going to lead a straight life in the future and retire from the profession, also that if I failed to get a job here within three days that I would leave town. I have done everything at hard work, as I am prepared to prove, and it was my ignorance of the city's ordinance that I was violated no sign to be sent on the streets at 2 o'clock Saturday morning. I have a good character of all my life, or at least I can prove it by my friends. I worked for Mr. Hunt and I could carry extra stores. He promised to send me out I come here without an overcoat. I had a couple of nickels left on me at the time which belonged to a man I knew in Denver."

The lawyer in the courts query asked they were nickels, and when he said yes, he said he would be sent to a real estate.

"Yes, but how long would that take?" inquired the lawyer.

Griffin replied: "The quickest I ever saw that kind, they had the time were already."

"What are those you say?"

"Any fool, called a Yes, your honor. A Yes was called to a chair."

"Do you mean to say a Yes was a absolutely honest person?"

"Well, only with a morning wager I guess I will tell you that." Then followed a few commonplaces on the weekly pertaining to burglary in general.

Griffin concluded with the story of his life. He was a member of the Eighty-eighth and had served out of service. Upon questioned as to the amount of money can be had and if he would act has to make for Chicago in the morning the chance he made answered "My liberty would be in Which I would there. I am not will kicks on the most where I am easily satisfied." He getting Nevada he certainly remarked that they treated a man like a white man in the East.

He closed as follows: "Your honor, what can I have to do to be written out of every city in a variation are anxious to get rid of me. I want to make an honest life, and as it is I cannot live in any town." Justice Smith then gave his decision as follows: "Prisoner, you willing the time you are in the city longitudinal, intending to do which time, 'Oh notice if you are not in town an early hour.'"

TODAY'S POLICE COURT.

Heavy Bond for Alice Thieves—A Parley Street Fired and a Young Runaway Held.

Cy Pelton and William Hoover, the two young men who were before the police court early and were fined pile or with the exception of the Utah Central jail, while Hoover, who was previously sent to a similar offense, was taken back with an extra fifty days for the Utah, making eighty-five days in all.

Thomas E. Drummond, a respectable looking man in his forties, who had pleaded, was fined $10 or 10 days for the peace of the house Milner, he said, lately. The case resulted somewhat in a mere formality. The police took up about twenty minutes of the court's time in relating its adventures which began soon after his birth in Cincinnati, Ohio, and ended with the exclusive item a school of medicine at the age to engineer in England.

John Wilkinson, a boy of thirteen, was held over in bonds of $100 to await the action of the grand jury on the charge of incendiarism.

Home Missionaries.

The home missionaries of the Salt Lake Stake of Zion will convene in their regular monthly meeting at the Social Hall, Salt Lake City, on Wednesday, January 30th, at 7:30 p. m. A full attendance is the desire, in response. If through some one are unable to be present at the appointed time they will please see that the report of their work for the month past is sent in in writing.

JAMES D. STERLING, Clerk.

Bookkeepers' Meeting.

The Utah Bookkeepers' association will hold its regular meeting Thursday, April 4th, at 10 a. m., in the B. K. commissioner's room in the new city and county building, Salt Lake City. It is desired to have bookkeepers from outside of Salt Lake City and with South Jordan.

GEORGE E. DINSDALE,
Sec., Provo, Utah.

Track laying on the main and such road has been completed to the west bank of the Arizona River, says the Arizona Republican, and the grading has been pushed so rapidly that there remains now a gap only seven miles wide. The contractors have to lay the last track will be in Maricopa two weeks.

Dr. Price's Cream Baking Powder
World's Fair Highest Honors Awarded.

The Spring term of Dixie College in Dixie Valley, will be opened at the Dixie Times office on Monday, April 1st, and continue 10 weeks.

LOST.

O. ARMSTRONG, JEWELER, CENTRAL Place and Main Ave. Salt Lake City, Dealer in Diamonds, Watches, Jewelry, Silverware, and Cut Glass.

LEGAL NOTICE.

In the Probate Court of Salt Lake County, Territory of Utah.

In the matter of the estate of [illegible]

NOTICE IS HEREBY GIVEN THAT [illegible]

For Beauty.

[illegible]

R. K. THOMAS,

26, 28, 30, 32, East First South Street, Salt Lake City.

767 19/36 YARDS of Black Silks,

Taken from the Shelves, Measured and Marked as Below. Send for any Piece just as it is Advertised, and we Will send it to you provided it is not already Sold when you send.

Yds	Yards at	$1.00	Taffeta	Per	$ 1.00
12½	"	1.00	"	"	12.50
12	"	.95	"	"	11.40
9	"	1.00	"	"	9.00
11½	"	1.00	"	"	11.50
10	"	1.00	"	"	10.00
6½	"	1.00	"	"	6.50
6½	"	.95	"	"	6.17
10½	"	1.25	Sash	"	13.12
4½	"	1.00	"	"	4.50
10½	"	1.00	" wide	"	10.50
5½	"	1.00	"	"	5.50
6½	"	1.00	"	"	6.50
5½	"	1.00	Vera de Soie	"	5.50
7	"	1.00	"	"	7.00
10½	"	1.00	"	"	10.50
4½	"	1.00	"	"	4.50
12	"	1.00	"	"	12.00
8½	"	1.00	"	"	8.50
7½	"	1.00	"	"	7.50
11	"	1.00	"	"	11.00
11½	"	1.00	"	"	11.50
8½	"	1.00	"	"	8.50
11½	"	1.00	"	"	11.50
12	"	1.00	"	"	12.00
7½	"	1.00	"	"	7.50
10	"	.90	Glace	"	9.00
3½	"	2.00	Bengaline	"	7.00
7½	"	1.00	"	"	7.50
4½	"	1.00	"	"	4.50
7	"	1.00	Brocade	"	7.00
3½	"	2.00	Bengaline	"	7.00
6½	"	1.00	"	"	6.50
7½	"	1.00	"	"	7.50
8	"	1.00	"	"	8.00
7½	"	1.00	"	"	7.50
8	"	1.00	"	"	8.00
2½	"	1.00	"	"	2.50
5	"	1.00	"	"	5.00
9½	"	1.00	"	"	9.50
7½	"	1.00	"	"	7.50
8½	"	1.00	"	"	8.50
5½	"	.90	"	"	4.95
13½	"	2.00	"	"	27.00
6	"	1.40	"	"	8.40
9½	"	1.35	"	"	12.82
6½	"	1.30	"	"	8.45
8	"	1.20	"	"	9.60
5½	"	.60	"	"	3.30
5	"	1.30	"	"	6.50
9½	"	1.22½	"	"	11.62
7½	"	1.15	"	"	8.62
8	"	1.15	"	"	9.20
9½	"	1.15	"	"	10.92
7½	"	1.07½	"	"	8.00
6	"	1.00	"	"	6.00
8	"	1.75	"	"	14.00
10½	"	1.65	"	"	17.32
7½	"	1.15	"	"	8.62
10½	"	1.15	"	"	12.08
5	"	1.25	"	"	6.25
12½	"	1.10	"	"	13.75
9½	"	1.10	"	"	10.45
14	"	1.05	"	"	14.70
8½	"	1.05	"	"	8.92
5½	"	1.00	"	"	5.50
11	"	2.75	"	"	30.25
11	"	1.25	"	"	13.75
10½	"	1.10	"	"	11.55
2½	"	1.20	Jersey	"	3.00
11½	"	1.22½	"	"	13.94
14	"	1.40	"	"	19.60
10	"	1.35	"	"	13.50
11	"	1.40	"	"	15.40
7½	"	1.40	"	"	10.50
14½	"	2.10	Brocade	"	30.45
6	"	.90	"	"	5.40
8	"	2.10	"	"	17.20
11½	"	2.00	"	"	23.00
11½	"	1.00	Crystal	"	11.25

767 19/36 Yards
ACTUAL COUNT.
NO FICTICIOUS FIGURES.

R. K. THOMAS.