MORE CASES AFFIRMED.

Two Decisions Handed Down by the State Supreme Court.

JUDGMENT OF LOWER COURT IS UPHELD

To Sell of Sentgerer Against Earl and F. P. Lynch Et Al vs A. Corlight Et Al—John Ka Taylor's Alleged Heredity.

The Supreme court delivered opinions today in the cases of George H. Sprague vs Richard Earl, appellant, and E. P. Lynch, John Moore and G. Hoover Dee Mining and Milling company, respondents, vs Antonio Corlight, James Close and J. B. Pinks, affirming the judgment of the lower court in each instance.

The case of Sprague vs Earl was brought to recover a promissory note for $1,000 and to foreclose a mortgage on Richard Earl. The mortgage was given in May, 1891, and covered a piece of land Earl and another place owned in Salt Lake county and owned by Mrs. Earl. He borrowed $1,000 and indorsed to Sprague. The latter demanded payment and Earl proceeded to give the security on his wife's property. Earl then represented to his wife that the note and mortgage had expiration upon her property, and induced her to sign the same, in order to consider her interests right and proper.

Judge Hiles, sitting upon the case, was tried, found that Mrs. Earl executed the note and gave the mortgage with full knowledge of the facts and consequences, and a decree of foreclosure was entered which judgment the Supreme court now affirms.

The opinion is by Justice Miner. Chief Justice Zane and Justice Bartch concurring.

THIS CASE ALSO CONFIRMED.

The case of E. P. Lynch et al vs Antonio Corlight et al was an action to foreclose a mortgage on a piece of property in the Jessie Lode mining claim, Camp Floyd mining district, Tooele county. Judge Hiles rendered a decree and judgment in favor of the defendant, C. H. Pike, who as a minor was taken.

The first question presented to the Supreme court was whether Judge Cherry had jurisdiction to make judgment when he did. The court thinks that the court's findings of fact, conclusions of law and decision, which were made and filed before the case was submitted, Counsel for the appellants urged that as error, because the time for appeal from the judgment of thirty days from the adjournment of the term, the court had neither jurisdiction nor power to make and enter the order complained of. Counsel for the respondents relied on section 1075 Compiled Laws of Utah, 1888, which provides: "Upon a trial of a question of fact by the court, its decision must be given in writing and filed with the clerk within thirty days after the cause is submitted for decision."

The court finds that the section is a valuable one of service 401 of the code of California, which adds that the supreme court of that state has construed the provision as being purely directory.

Says the court: "A court therefore trying a case without a jury has jurisdiction to file its findings of fact, conclusions of law and decision after the expiration of the term designated in the statute. It is true, however, that there should be no unnecessary delay in so doing."

Another alleged error was that the court erred in assuming a jurisdiction to assert its findings of fact and conclusions of law and decree. It appears that the amendments were made at the same time when the motion for a new trial was overruled.

"Much practice requiring findings of fact and conclusions of law to be made in cases, but actual times have not been stated. In this court and courts in England it has been customary."

In view of the fact that the questions raised in the error complained were not specifically presented to the court upon motion for a new trial, when the court had had jurisdiction of the case, and as none of the amendments were presented to the judge of the appellants, the court does not feel that it ought to, in a revisory error, and hence affirm the judgment.

Justice Bartch delivered the opinion, which is concurred in by Chief Justice Zane and Justice Miner.

HEAT AND KICKED HIS WIFE.

John La Taylor Accused of Cruel Treatment in an Action for Divorce.

John La Taylor, the lawyer, has been made defendant in a divorce suit instituted by his wife, Alice J. Taylor, in the Third district court. The complaint alleges gross cruelty on the part of the husband and has a period of two years past.

The husband is cited whenever Taylor is accused of cruelty, and the wife is seeking for. This is alleged to have occurred last February. The complaint states that the marriage took place on the 18th of February, 1892.

Jesse Smith, a friend for parties of Taylor's, is charged with adultery.

THE AJAX MINING CASE.

Trial of the Issue Between What Claimed and Subject Mortgage.

The case of Samuel McKelvey against the Ajax Mining company, instituted by Judge Hiles under with Williams Van Cott & Independent appearing for plaintiff and Day & Hayes representing the defendant.

Plaintiff in the nature of action, sues to recover the sum of $1,000 for the use, for service performed as general manager of the Ajax Dandy mine, from the 1st of January, 1896, to the 4th of January, 1897, and for a further sum of $600 as the reasonable value of certain mining property.

The complaint on the part comes of action with which the defendant company agreed to pay plaintiff the sum per month for assuming to which so much of which he had paid.

In the answer defendant admits that on the 1st of February, 1897, Frank Rahmey had the contract company an assignment and subject to the Christie No. 2 and the Carbon Hill claims, the contract with the Ajax company agreed to pay Rahmey.

On the 2nd day of March, 1897, a contract, in the same, Rahmey assigned his claim to Henry H Rice. It is then alleged that on the 4th of September, 1897, Rice sold to plaintiff 1/16 of the claim for $2,000. The company gave plaintiff a check for $1,000 in payment, as the same was agreeing to pay the Rice to McKelvey, as part of which he claimed, $1,000.

Defendant in its answer denies the indebtedness and alleges that McKelvey neglected and refused to perform the work of the company, that he neglected and refused to do the work, and that he neglected to perform the work.

Defendant further alleges that the office of mining manager was created which McKelvey was to occupy, and he did not and was not the mining manager. Mining the Ajax Mine he was employed, but the business was attended to by subordinates.

In the second count of action defendant alleges that Frank Rahmey was the owner of the claims he is alleged to have sold Mr. Rice.

The taking of testimony has consumed the whole of today and it may require a period of longer duration before a conclusion is reached.

Dispute Over a Boundary Line.

Judge Hiles sat a jury been impaneled today trying the case of Richard McMurrey vs Thomas Morse and Charles Morse. D. R. Richards and Alex Morrison appeared for plaintiff and Rich & Hampton for the defendants.

This is a suit to quietly title to property claimed by plaintiff to recover for damages and for the security of a wire fence. The ownership of the land is a joint claim of plaintiff and defendant and the question is one of boundary.

The hearing had not concluded at press time.

Another Case Affirmed.

The Supreme court in an opinion handed down this morning affirmed the judgment of the lower court in the case of Richard W. Daniels against Mary Ann Daniels, appellant, from a decree of divorce in favor of the plaintiff, which was made in the Third district court, before Judge Hiles, which case he will now try.

District Court Notes.

Judge Hart held court for a short while this morning, assisting Judge Cherry, but the only matter attended to was the filing of a decree in the case of the Colorado Power Dam company against Mr. Hoffman, which was entered for the plaintiff. Judge Cherry is now at work on the case of Jesse W. Fox vs Elizabeth Fox, which was he will now try.

Judge Hiles sat in court the case was tried, found that Mrs. Earl executed the note and gave the mortgage with full knowledge of the facts and consequences, and a decree of foreclosure was entered which judgment the Supreme court now affirms.

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