SUPREME COURT.

The Proclamation of Governor Thomas Is Declared To Be Valid,

AS TO THE NEW TERMS OF COURT.

Railroad Companies' Appeal.—Legal Squabble in Regard to a Special Jury Panel.—Accounts Approved.

The following matters engaged the time of the Territorial Supreme court until noon today:

THE PROCLAMATION VALID.

With a view of testing the validity of the proclamation of ex-Governor A. L. Thomas in reference to the holding of district courts of Logan and Nephi, District Attorney Judd, on the 16th inst., submitted to their honors printed brief and arguments thereon by Attorney J. Byron Jennings, of Nephi, and Attorney W. W. Maughan, of Logan, in support of the same.

When the minutes of yesterday's session had been read by the clerk,

Chief Justice Zane said—In the matter of the holding of the district court at Logan, Utah, in the Fourth judicial district, and at Nephi, Utah, in the First judicial district, the act of Congress, in force June 15th, 1892, declares that "the times and places as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law." The territorial law in force March 10th, 1892, after designating the counties which shall compose the various judicial districts of the Territory, provides: "All causes, both civil and criminal, in which the cause of action shall arise in either of counties constituting the districts hereinbefore named, shall be heard, tried, and determined in such district, at such time and place as the Governor may, by proclamation, fix; provided that in all cases a change of the place of trial may be allowed as is, or may be, provided by law."

In pursuance of that law the Governor issued his proclamation fixing the 11th day of April, 1893, and then the place for holding the First, Second and Fourth terms of the district court in the district in which Ogden is situated, at that place, and the third term is appointed at Logan, to be held on the first Monday of September. The proclamation also designates the First, Second and Fourth terms of court in the First judicial district at Provo, and the Third term at Nephi, in that district, on the first Monday of September.

The court is of the opinion, and so holds, that the act of the territorial Legislature of March 4th, 1892, is valid, and that the proclamation of the governor issued in pursuance thereof fixing the times and places for holding the courts mentioned in the proclamation is by authority of law, and there is no legal objection to the holding of the courts at Logan, at the time and place named, and at Nephi, at the time and place named.

KILLED ON THE RAILWAY.

Judge Smith delivered the court's opinion in the case of Sarah Woods et al, respondents, vs the Southern Pacific Railroad company, appellants. It was an appeal from a judgment and order denying a new trial made in the Fourth district court in favor of plaintiffs and against the defendants. A judgment was for damages accruing to plaintiffs by reason of the death of George S. Woods through the alleged negligence of the defendants. On the day of the accident deceased was in the employ of the company as a car-center, working at Lake Station, Box Elder county, and the outfit car in which he and others were was run on to Terrace attached to a freight train. As the train was entering the switch at the last named place it was derailed and the outfit car wrecked. Deceased was killed and five or six of his fellow workmen were more or less seriously injured. The lower court overruled the motion for a new trial and hence the appeal.

The Supreme Court now affirmed the judgment of the court below with costs, Judges Zane and Bartch concurring.

HIS HORSE WAS KILLED.

Robert Stimpson, respondent, vs the Union Pacific Railroad company, appellants.

Judge Bartch rendered the opinion in this case. The action was brought by Stimpson to recover the value of a horse killed by a train on the defendants' track at Ogden and the jury found in his favor, assessing the damages at $132.50. The appeal was taken from the lower court (Fourth district) from an order denying a motion for a new trial.

The judgment of the court below was affirmed, Judges Zane and Smith concurred.

CLERK BACHE'S ACCOUNTS.

The accounts of Clerk J. P. Bache, amounting to $110, for the second quarter of 1893, were submitted by Assistant Attorney Judd and approved.

DISMISSED ON STIPULATION.

Tidwell vs. Greenback. In this case the stipulation to dismiss was submitted and an order asked granting 2 per cent per month as interest and legal interest damages.

AN AMPUTATED LEG.

The case of Frank Leake, plaintiff and respondent, vs the Rio Grande Western Railway company, defendants and appellants, was submitted on briefs by the appellants' counsel (Judge Bennett) and argued by Attorney U. N. Baldwin for the respondent. It was an appeal from a judgment of the Third district court in favor of the plaintiff and from its order in denying defendants a new trial. The facts of the case were fully reported in these columns upon the trial of the case quite recently. The plaintiff was a teamster, and while unloading ore from his wagon into a car at the company's depot at Bingham a train of cars ran down a steep grade. His leg was so injured that amputation became necessary and he was otherwise injured. The jury returned a verdict for $15,000, but with plaintiff's consent this amount was reduced to $10,000. Defendants were not, however, satisfied with this arrangement, and appealed against the refusal of Judge Zane to grant a new trial.

ABOUT A JURY PANEL.

The next case argued was that of Samuel Bennett, plaintiff and respondent, vs the Tintic Iron Co., defendants and appellants, who were represented by Attorney P. L. Williams. Attorney W. H. King appeared for the respondent.

It was an action for personal injuries sustained by the plaintiff while engaged in defendants' iron mine at Tintic, Juab county. The case was tried in Judge Blackburn's court at Provo, on May 11th of the present year. Prior to that day the regular jury panel had been discharged, but the court made an order for the special venire issued for sixteen persons to serve as jurors in the trial of the issues, to which the defendant excepted, challenging the entire panel, and now appealed.

IT WAS HARD TO FIND.

A Burning Building in the Middle of a Block Perplexes the Fire Department.

A telephone message was received at the headquarters of the fire station at three o'clock this afternoon announcing a fire in the old Opera House block. The department rolled out and rattled off to the scene of the alarm at a commendable pace. When they reached there no sign of a fire was visible and no one seemed to know anything of the alarm. A search was instituted and after a lapse of from five to ten minutes the information came that the fire was in the middle of the block and up an open alleyway the brigade rushed. The blaze was in an old, empty lath and plaster, one-story building owned by Walker Brothers and formerly occupied by Burrell Brothers as a warehouse. The loss will amount to too little as the structure was practically valueless.

Wurtele's Funeral.

A private wire received in this city today announces that the funeral of C. E. Wurtele, deceased president of the Park City bank and superintendent of the Wyoming division of the Union Pacific, will occur at Evanston on Sunday next. Several local railway officials and business men will go out to pay their last respects to their dead friend and associate.

Baptisms in Indiana.

Special Correspondence of the News.

TASWELL, Crawford county, Indiana, June 18, 1893.—Thinking that a few lines from this part of the country will be read with interest I make a few notes. After bidding my friends and relatives farewell, I left my home at Bountiful, Utah, on the evening of May 30th, 1893, to fill a mission in the Northern States. I was with a company of seven other Elders, all but one of whom were going to Europe. After a pleasant trip of three days and nights I arrived at Taswell, Crawford county, Indiana, where I met four other Elders. The following day, June 1st, I was assigned to labor in the Crawford field, with Elder Marion L. Corbett. I have remained here ever since, as a messenger of the Gospel of Christ.

As in the vision to Paul, when there stood a man of Macedonia and prayed him saying, Come over into Macedonia and help us, so the voice of some of the good people near Taswell said to the Elders, Come and help us that we may receive the blessings of the Gospel. We accordingly gave notice that there would be baptism on Sunday last, June 11, at 1 o'clock p. m. The time arrived, and some two hundred people gathered to witness the ceremony. We went to a small stream of water near John W. Belcher's and were comfortably located beneath the shade of the beautiful trees which abound in this country.

After singing and prayer, Elder Thomas H. Barlow addressed the assembly for a short time on the subject of baptisms. Our hearts were filled with joy to see our fellow creatures yield obedience to the Gospel of life and salvation. Elder William A. Garrett Jr., then went into the water to attend to the ordinance of baptism.

John W. Belcher was the first to go in, being followed by two of his children and Uncle Ada and Aunt Celia Mason, as the Elders call them. The last named two are approaching the allotted life of man—threescore years and ten. After the baptisms we retired to another beautiful spot about a quarter of a mile distant, at J. W. Belcher's residence. Elder Barlow spoke on the necessity of the laying on of hands for the reception of the Holy Ghost, and the ordinance of the laying on of hands was attended to.

John W. Belcher was the first man to take the Elders in and give them a home in this county some six years ago, and has made them welcome ever since. We expect others to accept the Gospel in the near future. Thus we see it is good seed of the Gospel sown by the Elders has taken root in the hearts of some of the people. The Elders have broken down much prejudice and made a wide circle of friends in this part, and many of the homes are open to us on our journeys in this broken country.

High Priests' Meeting.

The regular monthly meeting of the High Priests' Quorum of the Salt Lake Stake of Zion will convene in the Assembly Hall tomorrow (Saturday) at 11 a.m. ELIAS MORRIS,
President.

WITHIN OUR GATES.

V. L. Halliday, county clerk of Utah county, was in town today from Provo and conspicuous by his presence.

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Dr. E. M. Cooley of Ogden and wife were among the callers today and while here took in the races and other pastimes.

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C. F. Middleton of Ogden, one of the Stake presidency and who has been favorably known there and here for many years, is in our midst again.

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Henry E. Giles, leader of the Tabernacle choir at Provo, was lustrating after the health of many friends here about today.

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Hon. A. Halvo came up from his Wasatch dominions today and was observed plodding through our knockdown streets as unconcerned as though this were a small town and the last legislature did not exist here.

HOTEL ARRIVALS.

TRIMMER—Hon. R. S. Smith, M. E. Van Meter, Denver; D. Moses, Kansas; Dr. Isaac Rich, Salt Lake; Mrs. Moses Kahn, Denver; J. Weber and wife, New York; Mrs. Jacobs and son, Mrs. Abe Jacobs, Denver; Miss Minnie Rosenbaum, Denver; Mrs. Ed. Rosenbaum, Denver; Mrs. Ed. Hall, London; Mrs. Brooks, London; Mrs. W. H. Brooks, London; Mrs. J. Hershon, Denver; Mrs. Ed. Hall, London; Mrs. Brooks, London; Mrs. W. H. Brooks, London; Mrs. J. Hershon, Denver; J. H. Hudson, Denver.

The Commercial—J. Rice, Lancaster; Mrs. Rice, Lancaster; Master Rice, Lancaster; Master Rice, Lancaster; Master Rice, Lancaster; J. W. Dwyer and wife, New York; Mrs. Dwyer, New York; Master Dwyer, New York; Master Dwyer, New York; Master