BEFORE THE JUDGES.

The Third District Court Now in Full Swing.

ACTION AGAINST AN ABSTRACT COMPANY.

Many Cases on the Law and Motion Calendar Disposed of.

The testimony of the Third district court was resumed on Thursday, Chief Justice Zane occupying the bench in the Federal court room, while Associate Justice Anderson sat in an adjoining room and assisted in the disposal of cases on the law and motion calendar.

The following matters occupied Judge Zane's time, but our report was crowded out yesterday afternoon.

AN INTERESTING POINT.

The People of Utah, on the relation of Elijah Sells, Secretary of the Territory, and ex-officio examiner of corporations, plaintiffs, vs. The Salt Lake Abstract, Title, Guaranty and Trust Company, Joseph H. Smith, William R. Price, William J. Harvey, John W. Neff and Edward W. Geuter, defendants.

Judge Loofbourow represented the plaintiffs and Attorney Frank Pierce appeared on the other side.

The complaint alleged that the defendant company is a corporation, organized under the laws of the Territory on the 8th day of September, 1889, and holds itself out to the public as qualified and authorized to engage in the business of issuing insurance of every kind pertaining to titles to real estate, of loaning money on real estate security or otherwise, of acting as administrator or executor of estates of deceased persons, as guardian of estates of minors and incompetent persons, as assignee or receiver, and of accepting and executing trusts of every description, etc.; in short, to exercise the powers of trust mentioned in sect. 1, chap. 75 of the laws of the 20th session of the legislative assembly of Utah Territory, approved March 12th, 1890. That the corporation has failed, neglected and refused to comply with the provisions thereof, has not of its capital $100,000 paid up in money, that it has not at any time kept in money on hand, or on deposit in banks, or invested in first mortgages or real estate in Utah Territory, in bonds of first or second class cities of the Territory, or in bonds of the United States, the sum named or any part thereof; on the contrary, the defendant company, it was alleged, exercised the powers enumerated in the foregoing section without complying with its provisions, and of its capital stock no part has ever been paid in money. The relator, before the commencement of this action, accordingly notified the company it was willing to discontinue business, but this it had not been heeded. The parties named in the complaint, the relator had been informed, were the present holders of the stock of the defendant corporation, and to whom distribution should be made of the assets which may remain after meeting its liabilities, completing its trusts and paying the costs of this proceeding. The plaintiffs further prayed that the court make decree that the defendant corporation be dissolved, that a receiver be appointed to take charge of its business and property, wind up its affairs, and that each of the defendants be required to show to the court their several interests in the assets of the corporation, to the end that proper and equitable distribution be made.

The amended demurrer of the defendants set forth that the complaint did not state facts sufficient to constitute a cause of action. Defendants demurred especially in that the act of the general and legislative assembly of the Territory referred to in the complaint was unconstitutional and void, so far that it impaired the contract between the Territory and the defendant corporation, and the obligations of that between the corporation and the incorporators or stockholders of such company. Said act of the governor and legislative assembly was unconstitutional and void in that it deprived the defendants of property without due process of law. Defendants therefore asked that the complaint be dismissed with costs.

After hearing the arguments pro and con, his honor held that under the old general corporation act the legislature might modify or repeal; that the new act was not unconstitutional, but merely a modification of the old law. If it were not so, Bellmore or Irrepressible corporations might impose upon the public as well, and the government might grant away any franchise as to the rights of the people. The demurrer was overruled, thirty days being allowed to answer.

OTHER MATTERS.

C. E. P. Mikesell vs. Robert M. Pender, administrator; demurrer overruled; ten days to answer.

Joseph Baumgarten vs. George Cullen; demurrer to complaint submitted yesterday sustained; fifteen days to amend.

George W. Crosier et al. vs. O. P. Pratt et al.; cross-complaint sustained.

Minnie Bristen, by guardian, vs. Waldemar Van Cott et al.; demurrer to the complaint sustained.

George F. Culmer et al. vs. F. D. Cilly; demurrer to complaint overruled.

North Western Mining association vs. Alice J. Kramer et al.; motion for judgment on pleadings allowed, and ten days to amend complaint.

Thomas Alexander vs. Salt Lake City; dismissed on motion of plaintiff.

W. S. McCormick vs. Henry Sadler; on motion of defendant this case was set for hearing on the 25th inst.

Edwin Bushton et al. vs. Moses Hallett et al.; demurrer to second amended complaint argued by M. M. Kaighn for plaintiff, and Marshall A. Hoyle for the defendants, and submitted to the Court.

John Moran vs. Mingo Furniture Co.; demurrer submitted and ten days allowed to answer.

International Loan and Trust company vs. Utahna National bank; change of venue to First District court at Ogden allowed.

Abraham Gordon vs. Mattie Gordon; demurrer overruled and ten days allowed to answer.

J. T. Sanborn vs. H. B. Christensen; same.

Bank of London vs. Robert Wallace; demurrer withdrawn.

Berg, Paul Lithographing company vs. Natural Mineral Water company; demurrer withdrawn.

American Gas Leather company vs. Standard Gig and Saddle company; demurrer submitted.

Thomas V. Pelz et al. vs. J. W. Young et al.; demurrer withdrawn and ten days allowed to answer.

C. G. Jones vs. T. A. Davis et al.; same.

Isaac Boley vs. T. Gatensky; demurrer overruled.

Eva Pignan vs. Simon Pignan; motion to modify decree withdrawn.

Henry McKean vs. J. J. Rogers et al.; demurrer withdrawn.

Charles Nelson vs. J. W. Hamm et al.; demurrer and motion to quash writ of service argued.

Aaron Keyser vs. A. H. Mikesell et al.; demurrer submitted.

M. C. Sullivan et al. vs. Northern Sky Mining company; demurrer confessed and fifteen days allowed to amend.

MISCELLANEOUS.

Judge Anderson also made the following orders:

Mary Anderson vs. Thomas Vennel; demurrer to complaint submitted yesterday sustained; ten days allowed to amend.

American Publishing Co. vs. A. Fisher Brewing Co.; submitted yesterday; demurrer to complaint overruled; ten days to answer.

James Gilmartin vs. Louis B. Adams; thirty days to answer, instead of ten, as granted yesterday.

Goldtwait vs. Crawford et al.; demurrer of Crawford to amended complaint, heretofore submitted, overruled and ten days allowed to answer.

M. L. Christian vs. John H. Wilson et al.; motion for judgment on pleadings granted; landlord and Ede attorney's fee.

J. R. Swinds vs. N. S. White; motion to retax costs argued and sustained.

John W. Kerr vs. Bear Lake River Waterworks Co.; submitted by consent.

Cary Lombard Co. vs. J. H. Herron et al.; on motion of plaintiff's counsel the hearing on demurrer to the complaint was passed to the foot of calendar.

WEDNESDAY AFTERNOON.

On Wednesday afternoon Judge Zane made the following orders:

Stephen Hays vs. Richard Howe et al.; demurrer to intervention overruled.

Samuel Givens et al. vs. James McCormick; demurrer to complaint withdrawn and twenty days given to answer.

George F. Culmer vs. F. D. Cilly et al.; demurrer to complaint argued and submitted.

J. L. Bowers vs. Jennie M. Fristoth et al.; demurrer to amended complaint sustained, from special and time to answer refused. An attorney's fee was involved.

Joseph Baumgarten vs. George Cullen; demurrer to amended complaint argued and submitted.

George W. Crosier et al. vs. O. P. Pratt et al.; demurrer to cross-complaint argued and submitted.

Thomas Hamilton vs. John D. Howard et al.; demurrer to amended complaint overruled and case ordered transmitted to First District court at Ogden.

A. P. White vs. C. M. Brown; motion to dismiss appeal (overruled); new bond on appeal to be given on the 19th inst.

North western Mineral Aid association vs. Alice J. Kramer et al.; demurrer to complaint on intervention and motion for judgment on the proceedings argued, and taken under advisement.

M. I. Uander vs. John Connelly; demurrer to complaint confessed.

L. Dahlquist vs. Louisa Pratt et al.; demurrer to complaint overruled and fifteen days given to answer.

C. E. P. Mikesell vs. Robert M. Pender, administrator; demurrer to complaint argued and submitted.

George E. McKinnon vs. Merlan C. Fox, executor; death of plaintiff suggested and substitution required to be made within thirty days or the case will be dismissed.

Judge Anderson disposed of the following cases on the law and motion calendar:

James Wheadon vs. W. E. Hubbard et al.; demurrer to complaint withdrawn and forty days granted in which to answer.

G. Dern. Walbrom vs. H. H. Walbrom; continued until today.

T. O. Angel et al., vs. F. B. Stephens; passed by consent.

Mary Anderson vs. Thomas Vennel; demurrer submitted.

Board of Education vs. L. G. Hardy, collector; demurrer of intervention passed.

John Chappell vs. L. L. Weber; demurrer withdrawn and twenty days allowed in which to answer.

Kentucky Liquor company vs. A. Wilson; demurrer withdrawn and ten days allowed in which to answer.

Salt Lake Hardware company vs. Chas. L. Crane et al.; demurrer withdrawn and ten days allowed in which to answer.

American Publishing company vs. A. Fisher Brewing company; demurrer submitted.

Deer Creek Stage company vs. F. A. Stebbins & Co.; demurrer withdrawn and ten days allowed in which to answer.

Sol Hesse vs. O. S. Holmes et al.; hearing on demurrer continued.

Alice Hand vs. W. F. Thompson et al.; dismissed by consent.

Witcher Jones vs. T. A. Davis; demurrer to complaint passed.

Martha Wrawood vs. John Wrawood; motion to set aside satisfaction of judgment passed.

Chicago & Alton Railway company vs. George Tomlinson et al.; motion to dismiss action granted.

J. W. Hamm vs. H. G. McMillan, clerk; motion to dissolve injunction and dismiss; demurrer to complaint submitted.

P. B. Stephens vs. Alex Johnson et al.; decree of foreclosure granted.

J. R. Swinds vs. N. S. B. White; motion to retax costs and for a new trial passed.

John F. Helm et al. vs. Morris Levy et al.; motion to set aside order dissolving attachment and demurrer to complaint passed for the term.

Louis Schneider vs. E. W. Geuter et al.; demurrer to cross complaint submitted.

M. E. Steele et al. vs. H. K. N. Phelps; by consent, demurrer withdrawn and ten days allowed in which to answer.

Donald A. McPherson vs. J. L. Neff et al.; hearing on demurrer continued.

John Strickley et al. vs. Peter Clays et al.; demurrer to complaint overruled and ten days allowed in which to answer.

James Gibondon vs. D. B. Adams; demurrer overruled and ten days allowed in which to answer.

E. Heeney vs. James Nassell et al.; same order.

James Wilson vs. W. E. McIlendie; motion to dismiss appeal passed.

RAILROADS.

Utah Central Railway

TIME TABLE.

In Effect April 1st, 1891.

Passenger Trains will Run Daily, between Salt Lake and Park City, as Follows:

SALT LAKE CITY.

PARK CITY.

C. S. MACKINTOSH, G. P. & T. A.

Rio Grande Western Railway.

STANDARD GAUGE

CURRENT TIME TABLE.

In Effect Saturday, August 1, 1891.

SCENIC LINE OF THE WORLD!

Denver & Rio Grande Railroad

TWO SUPERBLY EQUIPPED TRAINS DAILY

GRANDEST SCENERY OF THE ROCKIES

Glenwood, Aspen, Leadville, Pueblo, Colorado Springs and Denver.

For further information call on or address

D. C. DODGE, Gen'l Agent, 10 W. Second South St.

A. S. HUGHES, Traffic Manager, Denver, Colo.

H. PRITE, Gen. Manager.

W. M. BRODRICK, Gen. P. & F. A.

THE CRY OF MILLIONS

OH, MY BACK!

STOP IT NOW, SINCE IT WILL BE TOO LATE.

I have been troubled many years with disease of the kidneys and have tried many different remedies and have spent much money in doctoring. Some of the best physicians have tried their skill on me, but I was suffering from Bright's Disease of the kidneys, when I purchased one of your kidney pads. Since I was sick before I was sick before, when I had Bright's Disease, I was confined to my room, or to one or two rooms, when I could walk around at all. Since using the OREGON KIDNEY PEAD, I am able to walk around the house, and even to go out a little, and I expect, with the OREGON KIDNEY PEAD, to be able to go to work in a few days. I have spent many dollars for medicine, and I do not hesitate to say that I have received more benefit from the OREGON KIDNEY PEAD than from any other medicine I have taken. I can now walk a mile or two without fatigue, and I feel that I was a sick man. I recommend the pad to all who are in need of it.

G. A. TUTTER,
Proprietor Occidental Hotel,
Santa Rosa, Cal.

NO MORE BACKACHE

Sold Wholesale and Retail by Jobbers, Price $1.50.

Health is Wealth

DR. R. C. WORD'S SELF-ADMINISTERING BELT, is guaranteed superior to Electric Belts, Electrodes, Etc. Natural Electricity, Nerve Vitalizer, Nervo Aids, Nervous Tonic, Pamphlet free by the use of which any person, Male or Female, Middle-aged, Nervous, Sufferers of the Blood, Nervous Debility, Sleeplessness, Rheumatism, Kidney and Liver Troubles, Indigestion and Dyspepsia, Impotency, Sexual Weakness, Lost Manhood, Lost Vitality, Nervous Prostration, Premature Decay, Sciatica, Lumbago, Nervous Headache, Neuralgia, Spinal Weakness, Kidney Complaints, Constipation, Piles, Female Weakness, Leucorrhoea, Menstrual Disorders