

A GRAVE QUESTION.

Alleged Error by the State Supreme Court is a Railing.

OF GREAT INTEREST TO LAWYERS.

Strong Array of Legal Talent Supporting a Petition for a Railing.

Some time ago, in an action between the North Point Cement Co. and the Utah and Salt Lake Canal company, defendant, pending in the Tenth district court, Messrs Richards & Richards, representing the plaintiff, moved for a temporary injunction, which motion was overruled. From the ruling denying the temporary injunction, an appeal was taken to the State Supreme court.

On the hearing in the latter court, the attorneys for the defendant objected to the jurisdiction of the court on the ground that appeal from a district to the State Supreme court is taken only from final judgments or orders of the district court.

The labor ruling contained considerable comment among members of the bar, and some of the more prominent of them, Messrs Richards & Richards were preparing a brief in support of a petition for a railing, asked to be allowed to join, which request was readily granted, because a remarkably strong array of legal talent in support of the petition.

Others would have joined, but the number who did was considered sufficient.

Following is the petition for a railing:

IN THE SUPREME COURT OF THE STATE OF UTAH.

North Point Cement Co. Plaintiff, vs. Utah and Salt Lake Canal Company et al. Defendants and Appellants.

PETITION FOR A RAILING.

Now come the defendants and petitioners to the court for a railing, and the same is granted, upon the following grounds, to-wit:

1. The Court is in discharging the appeal in said case.

2. The Court is in applying to the Constitution of the State of Utah the rules applicable to the construction of the Constitution of the United States.

3. The rule of construction applied by the Court in this case is inapplicable to this Constitution.

4. The meaning of the phrase "under the Constitution" is not applicable to this case.

5. The provisions of section 9, article 4 of the Constitution, upon which the

DAILY WEATHER VARI.

Observations taken at Utah, Idaho, Montana, Oregon and Wyoming Stations.

Weather reports showing observations at 9 a.m. today:

Salt Lake City—Barometer, 30.22; temperature, 53; minimum, 52; wind, southeast, light breeze.

Idaho Falls—Barometer, 29.86; temperature, 50; minimum, 49; wind, south, 5 miles per hour; rain, 0.16 inch; partly cloudy.

Chengone—Barometer, 29.90; temperature, 44; minimum, 44; wind, west, 15 miles per hour; rain, 0.16 inch; partly cloudy.

Idaho Falls—Barometer, 30.14; temperature, 44; minimum, 44; wind, south, 5 miles per hour; rain, 0.16 inch; partly cloudy.

General and local forecasts for 24 hours ending 9 p.m. Monday:

For Utah: Fair, warmer tonight and Monday.

For Idaho: Fair, and cloudy tonight and Monday.

For Oregon: Weather Station, Salem, Ore., Ore.

Today's temperature is shown in the barometer thermometer given below.



IS AGAIN POSTPONED

William McKey Gets Another Hearing for the Coming Week.

JUDGE HILSON GRANTS ORDERS.

Business Done in the City and County Courts—Sales and Appeals.

Business was not pronounced on William McKey today, but his case, on a hearing on motion for a new trial, was continued to Saturday, November 21st, and sentence was postponed till that time.

Judge Hilson took the matter of selecting a new grand jury to re-organize the Grand Jury of the County Court, which was organized with the Grand Jury and the organization was proceeding this afternoon.

In the criminal court today several affidavits were taken and were disposed of as follows:

Peter Christensen was ordered to appear on Monday and plead to a charge of robbery.

George Douglas, held under a charge of burglary, pleaded not guilty and a return of \$1000 was appointed to defend him.

John Johnson, also charged with burglary, pleaded guilty and will be sentenced on Monday.

John Chiles pleaded not guilty to a charge of burglary and a return of \$1000 was appointed to defend him.

Augustus Willis and John H. Roberts, charged with burglary and robbery, pleaded not guilty and a return of \$1000 was appointed to defend them.

Joseph W. Peterson appeared to answer to a charge of assault with intent to kill and a return of \$1000 was appointed to defend him.

Frank Brown and Charles Whitlock were charged with burglary and robbery and a return of \$1000 was appointed to defend them.

The trial of David Grayson was set for Thursday next.

James R. Hill, charged with burglary and robbery, was ordered to appear on Wednesday next, Nov. 18th.

In the civil cases, Judge Hilson took the following cases today in the civil court:

State vs. William Lewis, prosecution against defendant and defendant's attorney, charged with burglary and robbery, pleaded not guilty and a return of \$1000 was appointed to defend them.

Thomas Hill, Banking company vs. A. Kimball et al; Nov. 19th set for trial.

Drum Richard et al vs. Miss J. Green et al; set for trial on Wednesday next.

George Miller company vs. Bank of Salt Lake; all motions overruled and set for trial on Wednesday next.

W. J. Gilbert et al vs. J. H. Bacon et al; motion to dissolve attachment overruled and set for trial on Wednesday next.

Andrus vs. Jane Aylett; defendant to compel answer and set for trial on Wednesday next.

George H. Harting and Leno company vs. J. H. Baker; defendant to compel answer and set for trial on Wednesday next.

H. J. Lyman vs. James Hill et al; set for trial on Wednesday next.

W. L. E. Baker; defendant to compel answer and set for trial on Wednesday next.

Isaac Hunter vs. Geo. Rusty et al; set for trial on Wednesday next.

From the Attorney General.

Attorney General Hilson transmitted the following opinion today in relation to a suit filed by the Attorney General J. K. Hill, vs. county attorney, Harry Murray, County Clerk, Utah.

That the County Attorney is not liable for the loss of the tax rolls of the county for the year 1907.

That the County Attorney is not liable for the loss of the tax rolls of the county for the year 1908.

That the County Attorney is not liable for the loss of the tax rolls of the county for the year 1909.

That the County Attorney is not liable for the loss of the tax rolls of the county for the year 1910.

DISSENTING OPINION

When the real estate is sold by a trustee and the sale is for the benefit of the beneficiaries.

THE TRUSTEES' OPINION.

Two hundred shareholders from Texas and other parts of Utah county will be held Tuesday at 10:30 a.m. at the Women's Exposition office, room 218, Utah State Building.

The Utah Pacific announces a rate of \$2.50 to Brigham City and return, including a breakfast and lunch for the month of November.

Messrs. Bennett and Berry of the Utah Pacific will be here next evening.

G. W. Craig, G. P. agent at Provo, will be here next evening.

U. H. Conner, U. P. freight agent at Ogden, will be here next evening.

Wanna's suffrage. The regular meeting of the W. R. A. will be held Tuesday at 10:30 a.m. at the Women's Exposition office, room 218, Utah State Building.

Kate Morrison, Press, James C. Newman, Sec'y.

Students' Society. Last evening was "Lange's night" at the Latter-day Saints' college building. The evening was well attended.

Playful. Here entered our today in the Utah county court against the woman who had been living with the man who had been living with her.

Microscopical Society. The Microscopical Society of Utah held a very interesting two hour session last evening.

Obstructing the Sidewalk. Fred Hamilton, William G. Waters, George W. Rickover and J. McDonald were before Justice Wenger today charged with obstructing the sidewalk.

Sunday School Union. The regular meeting of the officers and teachers of the Sunday school of the Utah State will be held in the Fourth ward assembly room on Monday evening next, Nov. 15, 1908.

Grand Larceny Charged. Fred Laird on trial for Robbing His Bed-Mate.

Fred Laird was on trial in the police court at noon today on a charge of grand larceny.

Ministers Should Use Dr. Miles' Heart Cure.

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They All Come Back Hood's Sarsaparilla. Hood's Pills.

John's 222 and 224 MAIN STREET. For the Coming Week We Offer extra Special Bargains. MONEY'S WORTH or YOUR MONEY BACK. POPULAR CLOAK ROOM. KID GLOVES. LINENS. BLANKET BUYING TIME. DRESS GOODS. BED COMFORTS. Ladies' and Children's Union Suits. Cohn Dry Goods Co.