THE JUDICIAL MILL.

A Lot More Grist Brought in to Feed It This Morning.

CASE RITE AND ENOCH DAVIS.

Action for $2,500 Against the Rocky Mountain Bell Telephone Company.—Grand Jury Report.—A Divorce.

When Chief Justice Zane took his seat this morning at 10 o'clock in the Third district court, Colonel R. F. Maginnis and Attorney Ogden Zane, counsel on behalf of Cass Rite, applied to his honor as a Judge of the Territorial Supreme court, to grant a certificate of probable cause for appeal to the Supreme Court of the Territory, the object sought being to stay execution of sentence upon the defendant twelve years' imprisonment in the penitentiary until such appeal has been heard and determined.

Judge Zane, when the matter was now brought under his notice, said he did not grant the request, without some substantial reason being given, did look askance, had previously refused to issue the certificate.

District Attorney Varian, who represented the prosecution, when applied to by the court, said he was not aware that any such application had been made to the trial judge.

The chief Justice therefore granted the certificate, and, upon the suggestion of Assistant District Attorney Bachman, allowed a similar certificate in the case of Enoch Davis, sentenced to be shot on December 30th, and whose appeal to the higher court is also pending.

The issuance of the certificates signifies that the two men will remain in the jail at Provo until the final hearing of the appeal, instead of being transferred to the penitentiary.

ANOTHER GOOD CAUSE.

Le Grand Young was the attorney for the plaintiff in the divorce suit of Helen Perkins vs. Harvey Perkins, heard before Judge Zane this morning. The parties were married on April 27, 1884, and both still reside at Bountiful, Davis county. There are no children born of the marriage. In September, 1891, the defendant wilfully abandoned his wife, and they have not since lived together. Plaintiff stated that for eleven years past her husband had not contributed anything whatever toward her support.

After hearing corroborative evidence the Court granted the decree as prayed. No alimony was asked for.

FOR THE PLAINTIFFS.

In the case of the American Gas Leather company vs. the Standard Gas Saddle company, et al., substituted yesterday, his honor now found against the intervenors and in favor of the plaintiffs. Thirty days were granted in which to file statement for a new trial.

TWENTY-FIVE MORE INDICTMENTS.

The grand jury came into court at 10:45 and reported having found ten indictments under the laws of the United States and fifteen under those of the Territory. The foreman, in answer to the Judge, said they had other business to transact and were told that they might "retire."

SUITS AGAINST A TELEPHONE CO.

The first case called for trial was that of Frederick Whitehead (by Leo S. Whitehead, his father, guardian ad litem) vs. the Rocky Mountain Bell Telephone company.

The plaintiff was represented by Rawlins & Critchlow; Attorney F. S. Williams appeared as counsel for the defendant company.

The suit is brought to recover the sum of $5000 as damages for injuries sustained by the plaintiff's son, a boy of eight years, on October 22nd, 1891, and caused by the falling of a wire from a broken pole at the corner of Seventh South and Second West streets. Negligence was attributed to the defendants, it being claimed that the pole from which the wire was suspended had become rotten at the base and unsafe. When the wire fell the boy was thrown violently to the ground, he was rendered unconscious for a period of two hours, his hands and thigh were badly burned, he received a serious shock to the nervous system, and paralysis of the muscles followed. He remained under medical treatment for some time after the occurrence, and it is said that he has not yet thoroughly recovered. The plaintiff's counsel opened their case by seeking to show that the attention of the defendant's servants had been previously directed to the unsafe condition of the post to which the deadly wire was strung, but that no notice was taken of this.

The trial of the case, like all actions of this kind, promises to occupy considerable time. Fully half an hour was consumed in the selection of a jury.

CASES DISMISSED.

The grand jury this morning ignored the following charges: U. S. vs. James Brett, adultery; Freemont Dunker, assaulting an officer; U. S. vs. Sutton, grand larceny; Fred Tuttle, horse-stealing.

ANOTHER LINK IN THE ALEXANDER CHAIN.

Attorney Stephens, as representing certain unpreferred creditors of Daniel Alexander, the dry goods merchant of Main street, who assigned recently, applied to the court to grant authority to the receiver, Mr. L. R. Williams, to sell the assets, inventoried to be the property, Judge Zane made an order sanctioning a temporary insurance arrangement.

FIGHTING INSURANCE COMPANIES.

An interesting case is to come up for hearing tomorrow morning before Judge Sutherland, as referee, in which John Southworth brings suit against four insurance companies—the Hartford, the Knoxville, the Ætna, and one other—asking for the reinstatement of certain fire insurance policies to the aggregate value of $10,000. The plaintiff's mill at Tooele was burned down some time ago, presumably by an incendiary, and it is owing to some dispute in regard to the realizing of the money on the several policies that the present litigation has been sprung. The action will be stubbornly contested by counsel for the parties involved.

GRAND JURY'S WORK.

The grand jury have almost reached journal entries. It is understood that they have now completed their labors in the criminal court, and their final report will probably be handed in to Judge Zane tomorrow or Saturday. The dockets have been in harness this time much longer than had been looked for, but the reason is that matters have cropped up one after another in an altogether unexpected way, and so necessitated periodical sittings.

ANOTHER CASH SUIT.

The National Bank of the Republic this morning brought suit against Downing and Hoeting to recover $300, and interest, on a promissory note.

Glenn H. Bidwell has sued Edna H. Blackmore to recover a wager, claiming from the defendant $500 for damages to his property. He also applies for an injunction restraining Mrs. Blackmore, her servants, and agents from entering upon his premises.

Edward P. Evans has begun proceedings against Frank Hamlet to recover $26.75, with legal interest, on account of work done.

Jared C. Homer and Byron Homer have brought suit against the Ontario Silver Mining Co., the Daly Mining Co., the Anchor Mining Co., and the Crescent Mining Co., to recover given for the alleged holding and processing of the waters of Silver creek, to which stream, running through their land, the plaintiffs water their stock, near Park City. A perpetual injunction is also prayed for.

The Salt Lake Hardware company has instituted a suit against W. H. Jay to recover $95.40 for furnishings.

The Salt Lake Brewing company are the plaintiffs and John Polacek the defendant in a suit to recover $[illegible] or for goods sold and delivered to them at Park City.

ELLSWORTH SCORED.

Charges and Insinuations Against the Deputy City Recorder.

COUNCIL WANTS HIM REMOVED.

Rich Introduces a Resolution to that Effect, But Action is Postponed After a Hot Debate.

Last night's City Council meeting was warm and somewhat sensational one. Serious charges and damaging insinuations were unmercifully made against Deputy City Recorder Elmer Ellsworth.

The Council was called to order at 8:15 o'clock by President Lindsay. The members in attendance were Rich, Folland, Hardy, Moses, Horne, Lewis, Evans, Kelly, Beardsley, Simonds, Woodard, Hales—12.

Absent—Bell, Carrick—2.

At the opening it was discovered that the minutes of the previous meeting were not forthcoming. The explanation was made that Stenographer Vandelvanger had been called to Provo yesterday to testify in the $25,000 damage suit against the city and for that reason the minutes were not on hand.

Rich took the floor and spoke in plain and pointed terms against the alleged official carelessness and public contempt of Deputy Recorder Elmer Ellsworth. That official, he said, was not doing his duty. He was neglecting work for which he was paid by the city for the gratification of desires not at all complimentary to a moral man. His average time of attendance at the office was frequently not more than a couple of hours per day. He would amble into the city hall with a lordly air about mid day, take up a position in a big arm chair, take his well proportioned pedals on to a desk, and display them to the gaze of the public, smoke a cigar, crack vile and vulgar jokes with the office clerks on a table, pick up his hat, say "good by, boys," and go to lunch and return well—when he was good enough to do so. The work of the office was conducted by clerks and these men had to perform the duties of the deputy. He moved to abolish the office, saying that it was a superfluous one.

Folland seconded the motion on the broader and more stable ground, he said, that it was an injustice to the taxpayers to retain men in office who drew pay for work that was either done by someone else or left undone altogether. It was time, in the opinion, to call a halt.

Moses moved to table the motion indefinitely.

The motion was voted down.

Rich again took the floor and in a scathing speech he declared that notwithstanding the absence of Recorder Stanton, the office was being practically run by a $75 per month clerk and the Mayor's messenger boy who was making a percentage of 1, 2, 3 or 4 cents per license.

Horne concurred with Rich, but thought that out of deference to the recorder, further action should be postponed until his return from Minnesota.

Several of the councilmen then spoke in favor of Ellsworth's removal but thought that it would be unfair to force the issue in Mr. Stanton's absence.

Rich meditated for a few moments and then presented the following:

Resolved, That Elmer Ellsworth be and is hereby removed from the office of deputy recorder of Salt Lake City.

Hardeesy spoke in favor of the resolution, but thought that it would not be wise to adopt it until Mr. Stanton returned from the East.

Lewis said that the Liberal administration could not afford to be dragged in the manner it had come to his ears that Ellsworth was dragging it. He was in favor of heroic measures.

Kelly declared that Ellsworth had been betraying the Council, his chief, and revealing matters that should only have received his confidential consideration.

Evans stated in language emphatic and easily understood that Ellsworth, in his weak and petty attempts to be funny, had held the council up to ridicule and had made laughing stock of them.

The discussion continued in the strain for some time, after which the resolution was laid on the table until tomorrow night.

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