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DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 90 SATURDAY, MARCH 16, 1895, SALT LAKE CITY, UTAH. VOL. XXVIII.

THE DECISIONS

Handed Down in the Thiede and Hasbrouck Cases.

THIEDE MUST BE HANGED,

and the Law Regulating the Duties in Taliaferro.

WE SAYS THE SUPREME COURT.

Decisions Rendered Upon Matters that Have Attracted a Large Share of Public Attention.

The following opinions were handed down by the Territorial Supreme court this morning, in addition to those reported in another column of this issue:

THIEDE VERSUS UTAH.

In People of the Territory vs Charles Thiede, appellant.

Thiede was found guilty on October 24, 1894, of the murder of his wife at Bingham, and on November 8th sentenced to be hanged, the motion for a new trial and in arrest of judgment being then overruled by Judge Zane, before whom the trial took place. From this judgment overruling the motion an appeal was taken by a large number of assignments—twenty-eight in some columns—being argued.

Their counsel reviewed the matter at great length, remarking, firstly, that the defendant's response raises some abstract principles of law and bad little, if any, application to the case; two at least were at correct statements of the law.

In the court's opinion the entire case was covered in the trial judge's charge and admitted properly and fairly to the jury. What this was time he might refer to hereafter further.

With respect to the exception taken on the plea of allowing Juror Donnelly to act as an interpreter for certain witnesses the court said: There is no reason that the juror could not fairly and fairly; it is and was stated that his interpretation was fairly or exactly. With this record upon the question it would be a mischievous system of justice to hold that the action of the court was reversible error.

They find no error in the record and accordingly affirmed the judgment of the court below, remanding for sentence direction to the lower court to fix the day for carrying the sentence into effect.

The opinion was delivered by Judge King, Judge Merritt and Smith concurring.

Judge Cherry, the prisoner's counsel, said that the court may be pleased, so that he might have an opportunity of examining the opinion and determining whether he would file a petition for a hearing or apply to a writ of error to the Supreme Court of the United States.

He must allowed a stay of twenty days.

IN REPORT OF KINGSBURY OUTS.

The People of the Territory, respondent, vs Richard A. Hasbrouck, appellant.

Appeal from Judge Smith's judgment, sitting in the Third district court, he now having set here specially in this case.

Opinion by Chief Justice Merritt, Judge Bartch and King concurring.

The defendant, Dr. Hasbrouck, was arrested before Commissioner Henry Peak of practicing medicine without a license, in violation of the provisions of the act of the Territorial Legislature, approved March 10th, 1892, and was fined $50. An appeal was taken to the Third district court, a jury was waived, and the case tried on an agreed statement of facts.

The facts as now said it would be sufficient to stated that the courts must be interested into boards of medical examiners to ascertain and decide whether individual possessed such natural knowledge or such moral character that he might be permitted practice medicine with safety to the public or whether or not the institution from which he held a diploma be a "respectable medical college." Upon consideration of these and kindred questions relating to the fitness of an individual to engage in an occupation requiring for its safe and proper conduct a person of decent moral character, or to engage in an occupation requiring special knowledge and proficiency, including reputation of learning and morals, their constitutionality is and very plainly declared every where upon the face. Inspection manifest of expense in the particular complaint in question, if the board should through ignorance, prejudice or dishonesty refuse to grant or revoke a license, the injured party would have his remedy by appropriate proceedings in the courts and the board would be required, then using, or somebody else using, or somebody else using, to decide the wrong. It seems that the legislature have failed to create offices which could not be filled until the next biennial session, a result which could not be claimed to be true, although it may be a fact that the first day of June may intervene between the adjournment of the legislature and the appointment of the boards of examiners, the validity of the appointments made by the Governor without waiting for the recess of the legislature and convened the further boards of examiners, the appointees in all the departments of the Territorial government. It fails to make the appointments within the office, nor the officers name their successors and not invalidate them.

The court was clearly unanimously. The board was validly appointed.

The judgment of the lower court was therefore affirmed.

He Didn't Have To.

Officer Hampel came to a complaint in the police court this morning charging Louis Knitz, the candy man, with neglecting to sweep the sidewalk in front of his place of business, as required by ordinance. The officer said that when he told Knitz to get a broom and sweep the sidewalk, the defendant replied: "I don't have to, sir!" "Well, we'll see," said Officer Hampel as he walked towards the city hall to get a warrant.

The warrant was issued and Mr. Knitz was arrested, but when arraigned before Justice Smith this afternoon the case against him was dismissed and he was let at liberty.

New Boulevard to Fort Douglas.

Next Tuesday morning a large force of men and teams will be put to work on a new boulevard to Fort Douglas. It will be an extension of Third street through Popperton place, and from there will run diagonally across the reservation to the garrison. The Denver Syndicate Investment company are the promoters and the contracts have been let for the work. It is estimated that in grading and grading about 40,000 yards of dirt will be removed, and, simultaneously, will this be given to many laborers.

THE PRIMARY ASSOCIATION,

Semi-Annual Conference in Salt Lake Stake Today.

The semi-annual conference of the Primary associations of Salt Lake Stake was held in the Assembly hall, March 16th. The attendance was large and the program interesting.

President Emmeline B. Wells, Counselor Lydia Welk, Margaret Cahn and M. L. Morris made interesting remarks.

The semi-annual report was read, showing increase in membership and improvement in many ways.

MRS. ELLEN CRAWFORD, President.

IDA WHIPPLE, Secretary.

Alleged Malicious Arrest.

Harry H. Brown has begun suit against F. S. Williamson and his associates, James Moffatt and W. A. Hobert, in the Third district court, to recover $300 damages for malicious arrest. Plaintiff was formerly a resident of Salt Lake, but moved to Cincinnati, Ohio. F. S. Williamson, the latter, and Brown and obtained a judgment in the courts at Cincinnati, Brown took an appeal to the supreme court of Ohio, which is now pending. A short time ago plaintiff came to Salt Lake on a visit and remained two weeks, and when about to leave, Williamson caused his arrest on the ground that he was about to leave the Territory for the purpose of defrauding his creditors. The case was dismissed and Brown now brings the suit for damages.

Not Finished Yet.

The case of Mrs. Smith vs the Salt Lake City Railroad company occupied Chief Justice Merritt all day yesterday and had not concluded when the court rose. It will be resumed on Monday morning next.

A Familiar Face.

It is like the old times of railroad days in Salt Lake to visit the office of the Chicago, Milwaukee & St. Paul and see Alex Mitchell again in charge of that company's affairs in Utah. There was no more popular soliciting and general representative in the ranks of Utah railroad men, than Mr. Mitchell and his re-installation shows that the company is fully alive to his capabilities.

AN INCORRIGIBLE.

Police Justice Smith Thinks He Should Go to the Reform School.

Charles O'Man, a youth fifteen years of age, was arrested by the police this morning on a charge of petit larceny. On being arraigned before Justice Smith he plead guilty to having stolen a chair from the Roberts' house, and to other offenses at various times.

The court thereupon made an order that the defendant be taken before the judge of the district court, to show cause why he should not be sent to the Reform school." The boy's mother was not in court this morning, but from the testimony of her husband it appeared that she is desirous, and has been for some time past, of having him sent to the reform school, as he has become too unruly for her to manage. The case will probably be brought up in the district court sometime during the coming week.

The Committees at Work.

The committee appointed to solicit subscriptions for the natural gas celebration have been engaged today in visiting the leading citizens of the city. Their efforts have been rewarded with fair success, and they will probably be prepared to report to the executive committee at its meeting on Monday morning next at 10:30. The committees from some of the different districts divided into sub-committees of two in order to facilitate the work.

SUIT AGAINST THE CITY.

It is Mr. James Dwyer Who This Time Asks for $15,000 Damages.

James Dwyer, the florist, this afternoon brought suit in the Third district court against Salt Lake City, claiming damages in the sum of $15,000.

In January of the present year certain excavations were going forward in the vicinity of West North Temple street. On the night of the 15th of that month the plaintiff, who is 62 years of age, was proceeding along the thoroughfare named when he fell over a large embankment of earth, breaking one of his legs near the hip and receiving other injuries which confined him to his bed for about seven weeks and have ever since given him great pain. Damages are expended some $200 for medical expenses and nursing.

It is claimed that the accident was the result of the defendants' carelessness and negligence, neither guards nor lights having been placed around the excavation.

Powers, Stoup and Lippman are the plaintiff's attorneys.

Died of His Injuries.

Henry Frenchman, coal miner, died this morning (March 15) at 2 o'clock, at St. Mary's hospital. He fell one of his arms at Castle Gate on Monday, the 11th inst., and died from the effects. He was born July 15th, 1865, at Manchester, Nottinghamshire, England. He will be buried at Castle Gate.

"Penelope" at Beautiful.

The people of Beautiful have made arrangements with the West Side Lyric club to present the charming comic opera, Penelope, at the Mikado Theatre, at the Beautiful Opera house Monday night, March 18, and promise to give them a treat. They have also been asked to present it in the Murray Opera house Saturday night, March 23. Miss Rhoda Pratt is the leading role as Penelope; Mrs. Crocker, the Minerva; Mr. Sarah Hall, Pilotes in the Pulley; Mr. J. W. Thomas, Tower in the Gleamlight; A. W. Thomas, Chalky the Mikado; Mr. E. F. Midgley. The Theater auditorium will be in attendance.

The Fourteenth Ward Concert.

At the concert to be given in the Fourteenth ward assembly hall on Wednesday evening, March 20, 1895, Prof. W. C. Clive will play a violin solo, Prof. Jerome Vilson, a Hawaiian variation, Professor so-and-so sitting. Also Melody Carrier, by W. C. Clive, assisted by Prof. George Carrier.

Three of Them.

Harry Hynes and Tom Fagan were last night arrested on the charge of keeping a gambling house, and each left $50 for his appearance at 2 p. m. today. Wm. Hamilton was arrested this morning on a similar charge, and gave $25 as security.

Letters in the Chamber.

Letters of inquiry were received at the chamber of commerce today from two gentlemen in the East, one from Omaha, Neb., and the other from Denver, Col. The Omaha gentleman expresses his intention of making his residence in this city.

Land Office Filings.

The following filings were made in the local land office under date of March 15:

John W. Kendall, of Nephi, Juab county, homestead entry of the southeast quarter of section 8, township 11 south, range 1 west.

M. F. Bong, of Nephi, Juab county, homestead entry of the southeast quarter of the southwest quarter, the northeast quarter of the southwest quarter, and the north half of the southeast quarter of section 5, township 12 south, range 1 east.

George H. Eyre, of Buckhorn Springs, Iron county, homestead entry of the south half of the southeast quarter and the south half of the southwest quarter of section 14, township 34 south, range 8 west.

Second-Hand Dealer Arrested.

Tom Parsons, a second-hand dealer, was arrested and brought before Police Justice Smith this afternoon charged with failing to keep a proper record of goods as required by law. The case against him was dismissed.

Relief Society Conference.

The general conference of the Relief society will be held in the Hall Lake Assembly hall, Salt Lake City, on Thursday, April 4th, 1895, meetings commencing at 10 a. m. and 2 p. m., and half-past seven in the evening.

It is expected that every stake organization of the Relief society will be represented by its president or some other officer or member. All are cordially invited to attend.

ZINA D. H. YOUNG, President.

JANE S. RICHARDS, BATHSHEBA W. SMITH, Counselors.

Relief Society Stake Conference.

The regular quarterly conference of the Relief Society of the Salt Lake Stake of Zion, will be held Saturday, March 23rd at 10 a. m. and 2 p. m. in the Fourteenth ward assembly hall. The officers and members of the different societies are urgently requested to attend. All interested are kindly invited. MARGARET A. CANNON, Secretary.

W. S. A. Convention.

An invitation is hereby extended to all presidents of Women's clubs, whether in Salt Lake, Ogden, Provo or elsewhere, to come or send a representative to the Utah Territory Woman Suffrage convention, to be held at 11 o'clock on Monday, March 18, in the Female court room at the city and county building.

E. B. WELLS, President Utah W. S. A.

Woman's Suffrage.

The regular meeting of the W. S. A. will be held Tuesday, March 19th, at 2 p. m., in the Fourteenth Ward hall. All are invited who are interested.

DR. FENELSON, Pres.

M. E. IRVINE, Sec.

CONVENTION TODAY.

Chamber of Commerce Protest On Mortgage Taxation.

HEARD BEFORE A COMMITTEE.

Fear That Capital Will Be Driven From the Territory By Contemplated Action.

The principal Constitutional Convention committees held their usual morning today. One of these, the committee on revenue, taxation and debt, George M. Cannon chairman, had a specially lively meeting occasioned principally by the presentation by a delegation of Chamber of Commerce officers of the following self-explanatory resolutions passed by the directors of that body:

Whereas, it has been announced through the public press and in other ways, that the proper committee of the Constitutional Convention now in session in this city has under consideration an article to be Constitutional for the new State, having for its object the taxation of debts secured by mortgages on real estate situated in this State, and

Whereas, the Chamber of Commerce of Salt Lake City does not deem it expedient to have any property in the Territory, and

Whereas, it is confident that such a provision is the direct means to withdraw out of the Territory a great deal of eastern and foreign capital now loaned thereon at lower rates of interest than we can expect to be loaned capital hereafter, thereby preventing the development of our mineral resources, the upbuilding of our cities and the general prosperity of our commonwealth, that the front would not only be to restrain foreign capital from coming to us but would drive adding competition to our local capital and interest rates in neighboring states where no such law exists, thus employing the taxation unfairly. That as the state is growing, after a lapse of a similar law for several years, because it when two years ago. And the state of Idaho, after a fair and free discussion and investigation of the subject during several sessions of the legislature, has each time voted down the proposition by an increased majority, and

Whereas, we believe a provision in the Constitution taking an mortgage indebtedness, existing both by resident of non-resident capitalists, would be the cause of all such indebtedness being required to be paid as it matures, and thus tends to depleting our city treasury and creating a great hardship on the borrowers now using such money, and

Whereas, the new State of Utah and her citizens are in the case of the Salt Lake Chamber of Commerce, that such provision in our Constitution would be detrimental to the welfare and interests of Utah and her citizens, therefore

Resolved, That we earnestly urge upon the committee that they report against having any such provision in the Utah State Constitution.

SALT LAKE CHAMBER OF COMMERCE.

By JAMES H. SAUNS, President.

By EDWARD F. COLLINS, Secretary.

LAST EVENING'S BUSINESS.

The closing hours of yesterday afternoon's session were crowded only from the fact that the committee was visited by passionate discussion and a lack of decorum. After the News report closed—at 5 o'clock—propositions were considered by the committee as follows:

Maloney, requiring judges of supreme, district and superior courts to report decisions filed in motion to the governor, within thirty days after the rendition of such decisions shall ever be granted.

Peters, requiring the Legislature to provide a system of county government.

Maloney, requiring judges to render decisions within thirty days after cause has been submitted.

Lewis, giving settlers on school lands a prior right to purchase.

Kimball of Salt Lake, providing for the identity of superintendent of schools, and that the superintendent may be elected for two or more counties.

Francis, providing for the division of Sanpete, and the formation of new counties.

Francis, forbidding the donation of state lands to corporations or individuals.

Cleary, making all property, except that of the State, the United States, and public school lands, subject to taxation, and assessable at a valuation equal to a sum on which is the previous year the public would have paid the legal rate of interest.

Cannon, defining the state boundaries.

Lewis of Cache, providing for the management of the state institutions. This proposition also provides for the permanent location of the state capital, an institution for the deaf, mute and blind, a reform school, and a hospital for the blind, a reform school, and a hospital for the insane, but does not specify the places at which they are to be located, blanks being left for the names.

Allen, requiring the first legislature to pass laws to restrict or prohibit the use of cigarettes.

Thomson, providing that elections for judicial and school officers shall be held at other times than elections for state officers.

Peterson, of Grand, defining the boundaries of the state.

Shaw, providing that each county shall have at least one member of the House of Representatives.

CAUSE A CLASH.

Howard introduced a resolution providing that "all propositions relating to appointments of members of the Legislature and boundaries of legislative districts be referred to the committee on apportionment."

The resolution was a signal and occasion for warm, even bitter, debate indulged in at length. The intention of the introducer was disclosed to the members of the committee, and to most of the members from the outlying counties, who took issue with the "Salt Lake" members in their effort to have it referred to the legislative committee. The county members went, the matter was being angled.

SHOULD GO BEFORE THE CANNON.

Just prior to the adjournment of the Convention last evening, a motion was entertained that involved on the verge of sensationalism. Judge Goodwin, a member of the committee on compilation and arrangement, arose and stated that the information has just come to him that the matter of revising the amended before they went to the public printer had certainly been referred to, instead of being that it has been proposed upon them as a body. He did not get up and say that under ordinary circumstances such a thing but this was one where he believed the errors could be hopelessly made. It contained some 100 articles—some one—and he told it, and yet with the degree of lively anxiety exhibited by the whole body sitting for or to be very more than a little, the adjournment was at last found to reach in the appointed time. The motion to the effect was a start for the committee to perform a service, which is to life. Some one has been requested to be some of his work and we indebted to the president back to begin indignantly asked, "Do you think I am a clerk?" Now, then, he wanted to know if the Convention brought the men on its committee were clerks. If so it should change its mind at once. The gentleman behind the desk (pointing and calling directly at M. M. Tarpey, the chief reporter), had a great great honor thrust upon him by the Convention, besides his compensation was fifty per month greater than that of the members and some more emoluments for latter had a right to expect and received good service at his hands. Now he has to go or resign from his position and allow it to be filled by a competent man. He thought the Convention should reconsider its action.

Spence, of Salt Lake, said he voted to refer the matter to the committee and having done so felt the right to speak on the question. He said he did so because he considered a mistake had been made.

O. F. Whinery, a member of the committee, said he was not here yesterday when the work of revising the secretary's minutes was referred to them. He was yesterday with Judge Smith and Judge Bartch conducted his remarks. It was a great loss to Deseret on the committee—so great that it overcame his inability to relieve them from and other work it is now to undertaken. It was no place on them behind the secretary's desk. They had other duties to perform. The plain facts in the case were that a competent clerk should have been elected and unless a change be the better came to be suggested the election of a man possessing whose ability to do the work there could be no question.

Hyatte motion was then put and carried without a dissenting vote.

A remonstrance the convention clerks will have to do better work or vacate their posts because the desire to be rid of them has been so manifest, have been given of listening to and correcting blunders at the rate of an hour a day.

Shortly before six o'clock the convention adjourned until two o'clock this afternoon.

TODAY'S PROCEEDINGS.

Boundary of the New State of Utah—Propositions, Resolutions and Miscellaneous Business.

At 2:05 this afternoon the Convention was called to order by Acting President Jennings in the president's chair. Prayer was offered by the Rev. Dana W. Bartlett, of the Congregational church.

CONVENTION'S VERMICIOUS APPETITE.

At 2:15 the reading of the previous day's journal was hesitatingly urged by secretary Christensen. As he got needed, however, his customary energy and lung power returned and he finished. Trustees, at Utah, took the floor and offered the first amendment, providing it be the state boundary, the same as that given in the public memorial from the women of Utah county, as published in last evening's News. He presented the map showing that boundary, which was the same as that given in the memorial (laughter), and moved that it be inserted in the journal. Carried.

ALLOCATION FOR "LOLLY."

Tolley, of Sanpete, moved attention to the book that the "Lolly" had set out of his hand, which was entirely too jolly to suit him. At his request the omitted letter was inserted, as a result the word "L" in "Lolly" was changed to "Lon." After other minor amendments the minutes were approved.

PLEASED BIDS.

The committee on printing, through its chairman, Lambert, of Salt Lake, reported that the City Printing company had given the lowest but no satisfactory bid for the printing of the rest of standing committees and recommended that the contract be awarded to that firm for $1.75 per page. Adopted.

CONVENTION EXPENSES.

The committee on accounts and expenses reported as follows:

Expenses of Convention to date:

Salaries of officers, clerks, etc., $[illegible]

Stationery and incidentals, $[illegible]

Total, $[illegible]

Recommended and filed.

THE NEW STATE SECRETARY.

The committee on apportionment and boundary reported back the following article in relation to the Lieutenant-Governor who referred to the committee of the whole:

Consisting of a point formed by the intersection of the forty-second degree of longitude west from Washington, with the thirty-seventh degree of north latitude, thence due west along said thirty-seventh degree of north latitude to the intersection of the same with the twenty-seventh degree of longitude west from Washington, thence due north along said twenty-seventh degree of longitude to the intersection of the same with the thirty-fourth degree of north latitude, thence due east along said thirty-fourth degree of north latitude to the intersection of the same with the forty-fourth degree of longitude west from Washington, thence due south along said forty-fourth degree of longitude to the intersection of the same with the thirty-fourth degree of north latitude, thence due east along said thirty-fourth degree of north latitude to the intersection of the same with the forty-fourth degree of longitude west from Washington, thence due south along said forty-fourth degree of longitude to the point of beginning.

SECTION SEPARATE VOTES.

Cannon, of Utah county, offered a proposition requiring the Legislature shall, by general laws, provide for the organization of private corporations. Corporations other than municipal.

SCHOOL LANDS.

Chisholm, of Garfield, offered a proposition providing that the Legislature may enact laws for the disposition of all school lands within the State; that in the case of such lands lying in townships thereof, shall have the preference to purchase at $1.25 per acre. All other school lands shall be sold by the Board of Land Commissioners in section and school lands.

A REGULATING PROPOSITION.

Thompson, of Millard, offered a resolution to the effect that the Legislature must have power to control and regulate telephone and telegraph lines, to fix the price for such rental and use of telephone and telegram sent by telegraph, to regulate and control railroad companies and telegraph companies, and to fix the rates of freight and passenger fare on all railroads, telegraph and stock. Legislative committee.

TURNPIKE.

Robson of Weber offered a proposition providing that the Legislature could have to prevent the distribution of and to preserve the timber on the lands of the State, and upon any part of the public domain, the control of which may be given to the State. Common upon State, Counties and municipalities other than municipal.

SUPREME COURT JUDGES.

Lambert, chairman of the committee on printing, also an officer, extended on every period of three days, got the consent of the president and attention of the Convention and read the report of the committee on printing, which was discussed, and adopted and referred the judgment of the court below.

JAMES THOMSON, plaintiff and respondent, vs Franklin C. Avery, defendant and appellant. Opinion by Judge King, Judges Bartch and Smith concurring. Judgment of the lower court affirmed. It was a suit on a promissory note.

ADVICE TO REFUGEES.

A. G. Bird, road supervisor of Echo district, vs Tom, W. Jones, appellant. Opinion by Judge Smith. The one question raised upon the appeal herein was whether or not section 2,097 of the Compiled Laws of Utah is valid and constitutional. The court below decided that it was invalid, and the respondent claimed that it was in violation of that portion of the Fourteenth amendment to the Constitution of the United States, which provides that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens, etc.

Taylor moved Judge King concurring and Judge Bartch dissenting, reversed the judgment of the court below and remanded the case for a new trial.

Attorney F. S. Richards, in behalf of the appellant, moved to carry the case to the United States supreme court.

HE WAS ACQUITTED.

The committee investigation reported favorably on the application of Frank H. Dearth, and on the question relative to the act of this court.

CLERK BAGBY'S ACCOUNTS.

The accounts of Clerk Bagby were examined and allowed.

A MOTION DEFERRED.

In the matter of the estate of Mary E. Dearth, et al., the motion for an injunction appeal in this case was referred to Clerk Bagby to take testimony and report.

A NEW E. S. COMMISSIONER.

The resignation of A. O. Smoot, U. S. commissioner of Provo, was accepted and Hon. Smoot appointed John H. Moyle in his stead.

Court adjourned until Saturday, April 27th, at 2 p. m.

Before Judge Merritt.

The following orders were made this afternoon:

In the case of J. W. Squires vs H. J. Grant et al, judgment was entered for $[illegible], upon stipulation.

Hilliard, Spencer & Co. vs Geo. C. Lambert et al, judgment by stipulation for $[illegible].

Elizabeth M. Davies was granted a decree of divorce from Lewis Lewis for [illegible].

Samuel Clawson vs Geo. Dunford et al. Leave given to file amended complaint.

Two Cases on Monday.

Both divisions of the Third district court will be in session next Monday.

A Jury Trial.

The case of H. L. Hume and wife, charged with keeping a house of ill repute, was being tried before Police Justice Smith and a jury this afternoon.

Ninth Quorum of Elders.

The Ninth Quorum of Elders will hold its regular meeting in the Eleventh ward meeting house next Monday evening at 7:30.

THE SUPREME COURT.

A Number of Lower Court Judgments Were Affirmed Today.

A DECISION AGAINST SHEEPMEN.

A New Commissioner for Provo—Appeal of Clerk Hooke's Accounts, Etc.

It had been previously given out that the adjourned session of the Territorial Supreme Court would open at 10 o'clock this morning, by which time there was a large attendance of members of the bar. A weary wait of an hour followed, however, it being exactly 11 o'clock when the four judges took their seats on the bench.

The minutes of the former session were read by Clerk Hooke and signed.

RE-HEARING DENIED.

In the case of Scott & Randall vs Pearce & Christopherson, the petition for a re-hearing was denied.

ADMITTED TO THE BAR.

On motion of Judge Henderson, Colonel Allen Miller, of this city, was admitted to practice at the bar of this court, as also was John Lyman Tracy, of the supreme court of Illinois, on motion of Judge Bartch.

EXPORTS AFFIRMED.

Weber Interest, respondent, vs Cassie Foley, appellant—opinion by Judge Bartch. The judgment of the lower court was affirmed. It was an equal trial, no error occurring a motion to observe an attachment.

Henderson, Dunbar & Co. vs J. L. Wood, appellant—Samuel Rossiter, respondent—Opinion by Judge Smith. The decision of the court below was affirmed. The action arose out of a number of attachment suits.

In the case of Waldemar Van Cott, appellant, vs C. F. Peat, defendant, Salt Lake City, respondent—opinion by Judge Bartch—the judgment of the lower court was affirmed. The plaintiff obtained a judgment for $[illegible] against Richard Pulley Officer Peat, to whom there was due a salary from the city the sum of $100. For this the plaintiff served the respondent with process of garnishment. When the return was made plaintiff moved for judgment in his favor against the garnishee, which was denied, thereby the appeal.

Wm. Bailey, appellant, vs Sidney Stevens et al respondents—opinion by Judge Bartch. The suit arose out of a suit brought in the Fourth judicial district to restrain the enforcement of an execution on a judgment. This court held that the demurrer to complaint was properly sustained and affirmed the judgment of the court below.

James Thomson, plaintiff and respondent, vs Franklin C. Avery, defendant and appellant. Opinion by Judge King, Judges Bartch and Smith concurring. Judgment of the lower court affirmed. It was a suit on a promissory note.

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