THE SUPREME COURT.

Reversal of Judgment in the Driver Mercantile Co. Case.

LOGAN CITY WINS IN A SUIT

Appeal From Juab County—A Wife's Claim To Possession—A Question of Fees, Etc.

This has been a busy day in the Territorial Supreme Court, five opinions having been handed down. Then followed the arguments in three appeal cases, two of which were wiped off at the forenoon session, leaving the third for disposal this afternoon. The day's business is reported below.

SUCCESSFUL CANDIDATES.

The committee appointed at the beginning of the present term to examine as to the qualifications of applicants for admission to the bar of this court today reported favorably on the following, who were allowed to come within "the circle:" Messrs. Wm. C. Walls, Jos. A. Riley, Fred T. McGurrin and Jos. R. Anderson.

ALSO ACCEPTED.

Upon motion of Judge Anderson, Mr. John E. Wall, of Illinois, was also admitted to practice here.

JUDGE ZANE REVERSED.

Joseph Cobleuts et al, appellants, vs the Driver Mercantile Co., respondents.

This action was commenced by the creditors of the insolvent mercantile corporation for the purpose of having a deed of assignment for the benefit of the creditors set aside, for the appointment of a receiver and the distribution of the insolvent estate. The assignment was attacked on the ground that it was made with intent to hinder, delay and defraud creditors. Certain fraudulent preferences in the deed of assignment were set out, among others one to W. H. Remington, assignee, for $2,225. Remington was made a defendant and answered. The court appointed a receiver, but upon the hearing of the case rendered judgment for the defendants, discharged the receiver and directed him to deliver the property in his hands to Remington as assignee, to be distributed under the deed of assignment as changed and modified by the court. Among other things the court found that the preference in the deed of assignment in favor of Remington, for the amount above named, was not a valid claim against the insolvent estate; that the claim was included in the deed with fraudulent intent on the part of the assignor, but that this was not known to Remington.

After reviewing the case at some length, their honors said that Remington was not a creditor of the insolvent corporation at all; it owed him nothing, and yet made a deed to him by which he was created a creditor for $2,225, and he was by the same instrument preferred for this against the bona fide creditors. It took no argument to show that this was fraud in fact as distinguished from fraud in law, and it seemed to this court that, under the facts found, if Remington did not participate in the fraud, he must have purposely avoided learning that which it was not to his interest to know.

The judgment of the lower court (Judge Zane) was reversed and the cause remanded with directions to enter judgment in favor of the plaintiff; appellants to recover their costs.

Judge Smith rendered the opinion, Judges Merritt, Miner and Bartch concurring.

MINER ALSO UPSET.

Edward O. Allen, respondent, vs Logan City, appellant.

This action was tried in Judge Miner's court (Fourth district). Allen having sued the appellants to recover damages for an injury which he sustained while working at the undermining of a gravel bank, a portion of which fell upon him. The jury found in his favor for $2,200, and this appeal was from the denial of the motion for a new trial.

Their honors held it was clear in principle and upon authority that this accident was one of ordinary risks which the respondent assumed when he entered upon his employment, and for which the appellants could not be held liable. In their opinion a nonsuit should have been granted. The judgment of the trial court was therefore reversed, and the cause remanded with costs, with directions to grant a new trial.

Opinion by Judge Merritt. Judge Smith concurred; Judge Bartch dissented.

RESPECTING A LIEN.

James H. Sparge, respondent, vs Fritz E. Nelson, Hans C. Hansen, the Eccles Lumber Co. and S. B. Heinen, appellants.

This suit was brought in the Fourth district court—Judge Miner—to recover a debt of $1,430 secured by a mortgage on certain real property, and to have the mortgage declared to be a lien prior and superior to a certain mechanic's lien of the defendant Eccles Lumber Co., filed for record after the mortgage had been filed.

Their honors were of opinion that the facts and circumstances of the case, as appeared both from the pleadings and record, were of such a nature as to constitute an estoppel, and that therefore the lien of the appellant company was subordinate to that of the respondent. Judgment affirmed.

Opinion by Judge Bartch. Chief Justice Merritt and Judge Smith concurred.

SMITH OVERTURNED.

Mammoth Mining Co., appellants, vs Juab county and H. F. McCune, respondents.

Opinion by Judge Merritt, Judges Miner and Bartch concurring.

This case was tried in Judge Smith's court at Provo, and the action was based upon an alleged wrongful assessment for taxes for 1890 by the county assessor of Juab county, upon certain portions of machinery on the appellants' mines. Under the law so assessed respondents levied on certain personal property of the appellants, to save which from sale they, under protest, paid over the sum of $[illegible], together with $11 as costs of levy. Suit was instituted to recover this amount, less $[illegible] admitted to be due for machinery not attached to the mines, it being contended that all improvements situated in any of the mining claims in question, and so attached thereto as to be fixtures of common law were, by the territorial statutes, exempt from taxation.

The judgment of the lower court was reversed and the cause remanded with directions to grant a new trial.

A WIFE'S COMPLAINT.

Phyllis M. Cook, appellant, vs George Higley Jr., and the Hatchery Banking Co.

Opinion by Judge Bartch, Judges Merritt and Smith concurring. The appeal was from the Fourth district—Judge Miner.

The court below sustained a demurrer to the complaint in this case. Plaintiff elected to stand by her complaint, which was thereupon dismissed and the costs taxed against her.

The only material question raised by this appeal was whether, in a case where the husband conveyed by deed premises occupied by himself and family as a homestead without being joined in the conveyance by the wife—the same being against her will—the wife was entitled to the possession of, and to occupy as a home for herself and family, the premises thus conveyed during the term of her life, as against the rights of the grantee of the husband. In this case it appeared that the title to the premises in controversy was in Thomas Cook, husband of the plaintiff. He sold the land to the defendant Higley without the knowledge or consent of his wife; Higley then went into possession and, so far as appeared from the record, without objection on the part of the tenant, who, it seemed, quit the premises.

Their honors remarked that while, under these circumstances, the plaintiff still retained her right of dower in the land which would accrue at his death, yet they were of opinion that she had no right of possession therein which would entitle her to recover in this action. The demurrer, therefore, was properly sustained, the husband being still alive.

Judgment affirmed accordingly.

A QUESTION OF FEES, ETC.

The first case argued was that of Daniel Hamer, tax collector of Weber county, Utah, plaintiff and appellant (counsel for whom were Richards & McMillan and Brown & Henderson), vs Weber county and Joseph F. Ledwidge, defendants and respondents, on whose behalf Judge Maginnis and Attorney A. J. Weber appeared.

This action was brought in the Fourth district court to obtain a peremptory writ of mandate directing the defendant Ledwidge, county clerk of Weber county, to credit the plaintiff as county collector with the sum of $10,573.37, claimed to be due to him for territorial, school, county and local school district taxes and costs for which tax certificates of tax sales were duly made to the probate judge of Weber county and delivered to the county clerk, and the duplicates filed by the collector with the county recorder of Weber county, credit therefor demanded but refused by the clerk. The lower court decided that the respondents (defendants) forthwith credit the appellant with $[illegible] on the assessment roll for the year 1892, and ordered that a peremptory writ of mandate issue as prayed, defendants to pay the costs of the suit. From this appeal judgment is taken.

A WRIT OF ATTACHMENT.

Thomas Cupit, plaintiff and appellant, vs the Park City bank, defendant and respondent.

W. I. Snyder and Powers and Straup for the appellant; Brown and Henderson for the respondent.

Appeal from Third district—Judge Bartch—from an order discharging a writ of attachment, issued upon an affidavit which set forth that the defendant had disposed of its property with intent to defraud its creditors; further that the bank fraudulently took plaintiff's $2,000 on June 7th, 1893, well knowing its insolvency; also a sum of $937.12 from the M. S. Artisan Mercantile Co., with the same knowledge. This latter claim was assigned to the plaintiff, together with six other causes of action, aggregating nearly $6,000.

A NUISANCE COMPLAINED OF.

George T. Pary, plaintiff and respondent, vs Salt Lake City, Utah and Salt Lake Canal Co., South Jordan Canal Co., North Jordan Canal Co., and the Draper or East Jordan Canal Co., defendants and appellants. Appeal from First district—Judge Smith.

Richards & Richards and Judge Hoge for appellants; Warner & Warner and Ira W. Hayward for respondent.

This was a "nuisance" action. Plaintiff is the owner and occupant of upwards of 1,000 acres of land on the east bank of Utah lake, of which Jordan river is the outlet, and he avers that the defendants have wrongfully erected and maintained dams across such river, thereby stopping its natural flow, causing the lake to overflow his land, damaging his crops, preventing their growth, injuring the soil and rendering the land unhealthy. Defendants set up a right to erect and maintain dams erected in the Jordan, derived by grant in writing from plaintiff and others. On the trial of the cause the jury found for the plaintiff, assessing his damages at $8,750. The appeal is from the judgment on this finding and the overruling of the motion for a new trial.

Today's Probate Court.

Estate of Charles Arnold, deceased. Final account allowed and distribution ordered.

Marriage License.

The county clerk issued a marriage license today to Frank Boyles, 23, and Rose Etta Griffiths, 2[illegible], both of this city.

Shooting Himself.

Special Dispatch to the News.

LANDER, Wyo., June 28.—John McLean, a native of Invernesshire, Scotland, committed suicide by sending himself through the heart with a Winchester rifle. The deceased has been in this country about sixteen years and followed the occupation of a miner and ranchman. He was a single man about forty-eight years of age. Despondency resulting from ill health is the only reason assignable for the rash act.

AMUSEMENTS.

THE COMEDY OF ERRORS was produced by Mr. Robson at the Theatre last evening before a good audience, but one that would have been better at lower prices. It was at once evident, as the NEWS had premised in mentioning the unsatisfactory work of the support in the Henrietta, that it was for the Comedy of Errors that the company had been organized, as with but exception each member of the cast appeared to much better advantage than before. The production is quite an elaborate one and the special scenery very handsome, while the costuming is rich, and the piece, filled with characteristic music, very well interpreted by Prof. Careless's orchestra. Of course Mr. Robson was the central figure, and his Dromio of Syracuse was sufficiently droll to keep up a steady round of merriment when he was on the stage. There is nothing in the comedy that causes any uproarious mirth, and but any one but Shakespeare being such an absurd theme on which to hang his story, it would be treated as a very common place affair indeed; but the language is Shakespeare's and that almost [illegible] a [illegible] of [illegible] as to [illegible]. Mr. Woolacott made a good twin brother to Robson. Mrs. Robson looked the wife beautifully and acted it equally well. Miss Lynch showed decided improvement over her part in the other play, and all the others in the support with the single [illegible] exception of the [illegible] duke, were much more at home in their several comedies and parts than in their drawing room [illegible] and [illegible]. Tonight the same bill closes the [illegible] engagement.

JANE WANAMAKER'S FAN will open tomorrow night, and the management announces all down stair seats one dollar except the aisle and loges, which are fifty cents extra.

SIX PER CENT.

Zion's Savings Bank Declares a Dividend of $12,000.

The board of directors of Zion's Savings Bank and Trust company met yesterday and declared a dividend of 6 per cent on the capital stock ($200,000) payable July 1st. The report of the cashier showed that during the past six months 807 new savings accounts had been opened and the regular savings deposits have increased $37,354.34. The institution has since its organization 13,778 passbooks issued to depositors among 1,000 people from nearly every part of the Union as well as from several foreign countries.

Scandinavians at Saxon's Park.

The Scandinavian society and Norden military company will spend July 4th at Saxon's Park and are arranging an excellent program for the occasion. Officers of the [illegible] state that they are going to have a gala time.

Odd Fellows at Saltair.

The Odd Fellows' excursion to Saltair today was largely attended, and an entertaining program was carried out on the big pavilion.

Suits, not Mills.

By a typographical error in yesterday's NEWS, regarding the Woman's Co-operative store, it was stated that the manufacture of children's mills was contemplated in the extension of the business. It should have been children's suits.

AT THE UNIVERSITY.

What the Professors and Students Considered Today.

The fourth day of the summer school opened with an increasing interest in the work of the session.

Figures of speech formed the topic under discussion by Prof. Marshall, in the study of rhetoric.

In United States history, Prof. Marshall gave considerable time to a discussion of the inner life of the colonists, confining the lesson to their internal relations, urging in connection therewith the importance to the student of a close study of that which is too often neglected.

The lesson today in English grammar under the direction of Prof. Marshall, was on the verb, the time being given to the method of parsing that part of speech.

The lesson in pedagogy by Prof. Stewart may be summarized as follows: (1) The subjects of study under consideration were methods in geography, geology, mineralogy, history, ethnology, anthropology, zoology, botany, meteorology and astronomy. (2) A discussion of the truths and fallacies of Rousseau's scheme of education. (3) The education of the philosophers, Kant, Fichte, Richter, Schopenhauer, Hegel, Rosenkranz, Herbart and Spencer.

In Latin, the lesson consisted of a list of adjectives of the first declension, nouns in the second declension, translations, and a review of the lessons preceding the course of today.

The lesson in Latin having been completed by Prof. Cummings, the next hour was devoted to participles, this having been assigned for today in the normal grammar class.

Miss Bridgeman gave a lesson in French today upon the [illegible] French of sentences based on that read, the writing of the same, sight reading exercises and work in the grammar.

The lesson in geometry as conducted by Professor Tanner was a continuation of the demonstration of propositions, and in algebra, the division dealt with multiplication and division of polynomials, while the other studied the vehicle operations upon radicals.

In civil government, Prof. Whiting discussed the forms of government in the colonies, the character of the people, and the causes of settlement in the New World. Botany was also treated at length by the same professor.

Land Office.

The following filings have been made in the local land office since date of June 23:

Ludvig Lundgren, of Gunnison, Sanpete county, homestead entry of lot 4, section 4, township 20 south, range 1 east.

Joseph A. Sider, of Panguitch, Garfield county, filed notice of contest against Joseph G. Jimerfield, for the homestead entry of the north west quarter of the north west quarter of section 6, the north half of the northeast quarter of section 7, and the southeast quarter of the southeast quarter of section 6, township 33 south, range 6 west. The ground of contest is the failure of Jimerfield, his heirs and legal representatives, to maintain residence on the tract described for the time required by law.

William H. Allen, of Mapleton, Utah county, filed notice of contest against James L. Jensen, for the south half of the northwest quarter and the north half of the southwest quarter of section 26, township 8 south, range 3 east. Failure to reside is also the ground of contest in this case.

Idaho Items.

BASALT, June 25, 1894.—Sunday, June 17, we had two home missionaries at our meeting; this was quite a treat to the Saints here, as our meetings have been closed for some weeks owing to the diphtheria.

Tuesday, the 19th, we had a big thunder and lightning and hail storm at Shelley. The hail was the size of pigeon eggs. Hail at Basalt it was perfectly dry.

The crops look well, but owing to the breaking out of the big ditch, which caused the farmers' water to be taken away, some of the wheat began to burn up; but now the water supply is abundant.

The boys are home again from sheep shearing. They did pretty well.

Some of the Saints here enjoyed their Sabbath dinner of green peas, but as for fruits there are out of the question here.

We have no grasshoppers or worms to destroy the crops.

Sunday, the 24th, we had the best Sunday school since the writer has been at Basalt.

What little enjoyment the young people have here they have to make themselves.

Two more families have come to Basalt.

On Sunday, the 24th, Brother Philip Parker was honorably released from his duties, as he has moved away. He was an energetic worker in the ward. All wish the family well. E. J. Farmer also was honorably released from the position of assistant secretary of the Sunday school and secretary of the Y. M. M. I. association.

Shelley is preparing for a grand time on the Fourth. The weather here is most beautiful. LOOKERON.

A Magnificent Ruby.

(Gold Coast Times (New York).)

A Siam has found a marvelous ruby in a closet that he bought from the Burmah Ruby Mines Company, and it is now his own property, says a London paper. He has it in the safe-keeping of the branch of the National Bank of Mandalay, and he will not sell it until he can take it to England. When polished the lack of rigour and defects in the mine as a [illegible].

The stone of this ruby is a prism, about [illegible] inches long, with a section of [illegible] inch, and its color is said to be perfect, one long side almost having been polished. It weighs about eighty carats, and when cut it should remain to form the [illegible] diamond. It will be much smaller than the Shah diamond, which weighs eighty-six carats. Mr. Fryer, the Chief Commissioner of Burmah, when [illegible] in the upper part of the province, saw and admired the ruby.

The Dirtiest Thing in Childhood.

The very finest expression on the face of a child or infant seems to me to be that of open-eyed and often open-mouthed curiosity and wonder. The expression arises chiefly and enters the soul, which for the moment becomes almost one with the fact. This attitude, lying in childhood, which only had [illegible] methods had [illegible], which [illegible] the primeval [illegible] meets in nature in learning to [illegible] the senses, hence, and [illegible] nature, is the root of the [illegible] of research, which explores, gives, inquires so persistently, and pursues so [illegible] in children, and comes to full maturity in the investigator behind his telescope, microscope, in the laboratory, library, or on expeditions. At no hour, the spirit of research, new and [illegible] enough in itself, is a high and positive Protestant, etc., and the best and most characteristic feature about the new movement in higher education I am trying to describe is that its upward tendencies can best be characterized by the word "research," a word, alas, now [illegible] undefined.—President Stanley Hall, in the July Forum.

Fusion for Governor.

GRAND RAPIDS, Mich., June 28.—Spencer O. Fisher, of Bay City, will be nominated for governor by the Democratic state convention this afternoon.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's clearing house exchanges amounted to $171,031. Same day last year $[illegible].

TODAY'S QUOTATIONS.

New York—Silver, 63¼; lead, $3.10. London—Silver, 29¼.

ORE AND BULLION.

Wells, Fargo & Co. received today: [illegible], bullion, $4,250; Ont. bullion, $[illegible]. Total, $[illegible].

W. S. McCornick & Co. received today: [illegible] bullion, $2,550.

T. R. Jones & Co. received today: Ores, $4,000; bullion, $3,300. Total, $7,300.

REAL ESTATE.

Transfers filed in the office of the County Recorder at Salt Lake County, Utah, [illegible].

[illegible]	750 00
[illegible]	1,250 00
[illegible]	100 00
[illegible]	1,400 00
[illegible]	1 00
[illegible]	1 00
[illegible]	50 00
[illegible]	2,000 00
[illegible]	150 00
[illegible]	4,500 00

STOCKS AND MARKETS.

NEW YORK STOCKS.

New York, June 28, noon. [illegible — stock quotation table]

Silver 63¼. Lead 3.10.

CHICAGO MARKETS.

Chicago, Ills., June 28. [illegible — grain quotations]

GOLD DUST Washing Powder

"A HANDFUL OF DIRT MAY BE A HOUSEFUL OF SHAME." CLEAN HOUSE WITH

SAPOLIO

The Perfume of Violets

H. B. WINDSOR & CO.,
General Insurance,
406 and 407 Progress Building.

THE LARGEST SITE MANUFACTURING HOUSE IN THE WEST.

BECKTOLD & CO.,
GENERAL
Book Manufacturers
and Book Binders.
ST. LOUIS.

BECKTOLD & CO.

Broom Hotel
OGDEN, UTAH.

SAVINGS BANK
160 Main Street.
Utah Title Insurance & Trust Co.
Capital $250,000, Full Paid.

R. K. THOMAS,

25 to 32 East, 1st South St.
SALT LAKE CITY.

Please read and profit by the following announcement:

We are greatly overstocked on Ladies' Spring Jackets, therefore offer the following immense bargains—To Sell, to sell. First come will get the choice, so call early. Don't defer it if you have any intention of buying a Spring Wrap. Country mail orders will get personal and careful attention, so if you can't come, order, sending either

2.50, 5.00, 7.50, 10.00 OR 12.00

and we will send you one of the following genuine sale Jackets:

200	LADIES' SPRING JACKETS,	2.50	WORTH	5.00
200	" " "	5.00	"	10.00
200	" " "	7.50	"	15.00
200	" " "	10.00	"	20.00
200	" " "	12.50	"	25.00

Children's and Misses' Jackets in great variety.

LADIES' CAPES ALSO.

We are closing out our entire stock of Lace Curtains, so we offer about 1,000 pairs. The greatest bargains imaginable. We include in the sale Curtain Nets and Scrims, and quote the following bargains:

25c	CURTAIN NET AT	16⅔c	YD
30c	"	20c	"
40c	"	25c	"
10c	SCRIM AT	5c	"
12½c	"	8⅓c	"
20c	"	12½c	"
25c	"	16⅔c	"

SALE ON

RIBBONS.

NO. 5 AND 7 ALL SILK RIBBONS	5c YARD
NO. 9 AND 12 "	10c YARD
NO. 9 AND 12 SATIN AND GRO GRAIN	16c YARD

FANCY RIBBONS, 5c, 10c, 15c, 25c, WORTH DOUBLE.

10 Styles Ladies' Waists, 25c up.
6 Styles Ladies' Wrappers, 65c up.

SHOES, SHOES.

JOHNSON MAKE. FLEXIBLE SOLE.

100 Pairs $3 Ladies' Button Shoes at	$2.25
100 Pairs 3.50 " " "	2.75
100 Pairs 4.50 " " "	3.25

We do not offer trash in Shoes, nor does it pay you to buy such. Always pay 25c a pair more and get the home made, or equally as good wearers.

R. K. THOMAS.