

# COPLEYS WIN SUPREME COURT

Come Out Victorious in the Suit Against Union Pacific.

## JUDGMENT IS AFFIRMED.

In Lower Court Plaintiff Was Awarded \$10,775 Damages, from Which Defendant Appealed.

The supreme court today affirmed the judgment of the lower court in the case of Hannah B. Copley and Charles B. Copley, et al. by their guardian ad litem, Hannah B. Copley, against the Union Pacific Railway company, appellant. The opinion of the court is written by Justice McCarthy and concurred in by Chief Justice Baskin. Justice Baskin renders a dissenting opinion. The action was brought in Summit county to recover damages for the death of Bryant Copley, who was crushed between two cars belonging to defendant at Coalville on July 13, 1901, from the effects of which injury he died on days later. Copley was loading hay into a car which was standing on the side track when an engine bumped into the car and he was caught between the bumpers of the car in which he was loading the hay and another car. The jury which tried the case returned a verdict in favor of plaintiffs for \$10,775. This judgment the supreme court today affirmed. Justice Baskin in his dissenting opinion holds that the railway company is contributorily negligent in attempting to pass between the two cars instead of going around them, and hence the plaintiff should not have recovered damages.

## HURT ON A STREET CAR.

For Alleged Injuries J. M. Harvey Seeks to Recover \$5,000.

The Consolidated Railway & Power company was made defendant in a \$5,000 damage suit filed in the district court today by J. M. Harvey, who seeks to recover that amount for injuries received while a passenger on an East Temple street car on July 25, 1903. Plaintiff alleges that he was attempting to alight from the car when his clothing caught on a sheet iron plate which was negligently allowed to project from the step and he was thrown violently to the ground and received injuries about his right leg, arm, shoulder and back which rendered him wholly unfit to do any work or labor whatsoever.

## Says Wife Is Untrue.

Andrew S. Hyrup today filed a sensational divorce suit in the district court against Karen Hyrup, charging with her being untrue to her marriage vows and naming David D. La Foy as the co-defendant. The parties were married in this city on Oct. 5, 1889, and it is alleged that the said acts of infidelity were committed on various occasions between Feb. 1 and July 1, 1903. Plaintiff asks for a divorce and to be awarded the custody of their 9-year-old adopted son.

## Mrs. Clement, Administratrix.

Judge Lewis today authorized Flora L. Clement, administratrix of the estate of Victor M. Clement, deceased, to sell at private sale all of the personal property belonging to the estate. Such action was taken upon request of the administratrix so as to raise funds to pay off an indebtedness of \$25,000 due on the purchase price of some Mexican land in the state of Sonora. The estate was sold in full. Thirty-five shares of C. M. L. stock; 1,204 shares of Utah Sugar stock; preferred; 304 shares of Utah Sugar stock; common; 2,127 shares of Hanker Hill and Sullivan mining stock; 928-24 shares of preferred stock of Santa Rosa de Maza Mining company; 7,069 shares of the common stock of the same company; 7,069 shares of the same company; 7,069 shares of the same company.

## Hanna Victims Estate.

P. C. Kittle filed a petition in the probate division of the district court today asking to be appointed administrator of the estate of John Battle, deceased, who was killed in the mine disaster at Hanna, Wyo., on June 30, 1902. The estate consists of real property in this city valued at \$20,000. There are three heirs to the estate. The petition will be heard by Judge Hall on Friday, Aug. 28.

## COURT NOTES.

Milella Mott has filed suit for divorce in the district court against William Mott on the ground of desertion. They were married at Denver, Colo., on April 25, 1890, and in the fall of that year she deserted her husband and has since been living with another man. Plaintiff asks for a divorce and for custody of her child.

Judge Lewis today granted John Alburn a divorce from Mary A. Alburn on the ground of desertion. They were married at Denver, Colo., on April 25, 1890, and in the fall of that year she deserted her husband and has since been living with another man. Plaintiff asks for a divorce and for custody of her child.

Annie Hansen Gysi filed suit for divorce in the district court against Robert Gysi on the ground of desertion. They were married at this city on Feb. 13, 1900, and have one child, of which plaintiff asks the custody. She also asks for a reasonable sum for court costs and attorney's fees.

Ada R. Myers was granted a divorce today by Judge Lewis from James T. Myers on the ground of non-support. They were married in this city on Aug. 26, 1891. Plaintiff asks that the defendant be ordered to pay for her maintenance and for the custody of her child.

The Utah National bank has filed an attachment suit in the district court against the Deep Creek Farm and Livestock company et al. to recover the sum of \$5,000 alleged to be the balance due on a promissory note for \$5,000 executed on July 30, 1901, in favor of John E. Dooly and assigned by him to the bank.

Maud N. Cooley has filed suit for divorce in the district court against Herbert S. Cooley on the ground of cruelty. They were married at Denver, Colo., on Dec. 5, 1895. It is alleged that defendant has violently abused plaintiff and has refused to support her. Plaintiff asks for a divorce and for custody of her child.

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