LOWER COURT IS REVERSED.

Case of Utah Optical Co. vs. Keith et al Remanded for New Trial.

SUPREME COURT SO ORDERS.

Plaintiffs Get Damages for Alleged Unlawful Eviction from an East Temple Street Store.

The Supreme court handed down an opinion today in the case of the Utah Optical company vs. David Keith and Jacob Dean, appellants, reversing the judgment of the lower court and remanding the case for a new trial.

This was an action to recover for the Utah Optical company to recover damages from the defendants for alleged and unlawful eviction from a store. The case was tried before Judge Cherry and a jury and a verdict for the plaintiff was returned, when defendants appealed.

From the record in the case it appears that in February, 1895, defendants leased to J. W. Houghton a store on East Temple street, for a term of two years, commencing from March 1st, 1895. The conditions were that Houghton should pay a rental of $60, in cash or $67 per month and construct a door from the store at a cost not to exceed $150.

Subsequently the plaintiff company leased from Houghton, for two years, the same store premises, in November, 1896, plaintiff alleges it was created from the premises by a force of men who also destroyed its effects. Plaintiff then brought action, demanding the sum of $5,000 for losses sustained and exemplary damages.

The defense was that the building inspector had condemned the building and ordered certain repairs. The defendants concluded that to repair the building would cost too much and therefore let it down.

The court holds that a tenancy at will was the only legal hold estate which the plaintiff had under the sublease and that the injury it sustained was the destruction of that estate.

The court further finds that the objections to a number of the instructions of the lower court to the jury were well taken. Also that the defendants were not justified in inflicting an injury upon the plaintiff in order to relieve themselves of an expenditure of money; and that the city authorities did not require the building to be torn down. The plaintiff's remedy, it is pointed, out lies in an action to recover the value of the estate destroyed.

The opinion was delivered by Justice Bartch and concurred in by Chief Justice Bartch and District Judge McCarty.

Suit to Recover.

W. O. Willard entered suit against Hyman Harris, in the Third district court today, to recover the sum of $17.40, alleged to be due plaintiff for certain goods sold the defendant in September, 1898.

Verdict for Plaintiff.

The case of Eliza A. Eastman vs James W. Brown et al was submitted to the jury today. The jury answered the issues for the plaintiff, holding that she is entitled to the possession of the note for $1,000.

Trial of Eugene Green.

The trial of Eugene Green on the charge of grand larceny was resumed before Judge Morrell and jury today. Defendant is accused of having stolen a horse belonging to Lovenzien Lindsay last December.

COURT NOTES.

Petit Juror James L. Barlow, serving in the criminal branch of the Third district court, was excused for the term today.

Charles Vivian, convicted last week of burglarizing the store of Barnes-Hardy company, appeared for sentence today, but a continuance was granted until Saturday, we think he by accepts the verdict and for a new trial will be argued.

The case of George H. Tenney et al vs George H. Hunt et al was dismissed by Judge Cherry today on motion of the plaintiff.

BROKE HIS THIGH.

Serious Accident to a Four-Year-Old Son of U. E. Romney.

The four-year-old son of George E. Romney was run over by a cart at 11 o'clock today during the morning recess of the Lowell school. Principal McKay, on hearing the cries of the little fellow, rushed out and carried the boy home. Dr. Dwyer was called and removed the left thigh to be broken.

The man whose cart did the injury shipped up his horse and drove off. The matter is in the hands of the police.

AMUSEMENTS.

The most extensive and ambitious opera that the Salt Lake Opera company has yet produced, was given yesterday and evening in A Trip to Africa at the Theater. Both houses were overflowing, and at the matinee many people remained standing from beginning to end. The matinee audience was almost but not quite as large as there was a great entertainment, and while the opera was with the instrument in every way tuneful, it was inferior in ranks (min mineral and comic stand) points, which of course, is the result of attempts of the company. The money by Anderson, the artist, showing the overture and the first act, was splendid beautiful, and displayed as it was with the accompaniment of the chorus principals and orchestra, it was the most prominent performance of the night. Mr. Anderson's work showing should commendation. The music people, cut out be given the chorus, which is always the strong feature of the operatic entertainment, overtures or principals are. The chorus numbers embodying the second act, and ending the second and third acts, were the great instruments of the night. Mr. Anderson's work in the principals was the best attempted, which the local company has yet attempted, and showed up in the duet with the chorus in the first act. Miss Bryant had music which was specially fitted to her voice, and the dreamy, of this thing she has been started since the Pinafore of Pinafore, and her parts in well as her voice, was charming. Miss Lucy was music was in better situation and her duet with Mr. Anderson and the chorus with the number of the night, aside from the chorus. Miss Cooper showed a good comedy instinct, and the dreamy of all three ladies was in excellent taste, although there is a more tendency to an "over made." Mr. Wolfe, which stood out under the stars of the cathedral. Mr. Hoover had a solo and duet with Mr. particularly funny in itself, in some extremes to his allusions to the local sensational situation. Mr. Goddard, while not at his best in his lines, has seldom sung better, and his appearance was noticeably good. As the Indian Prince Mr. Piper made a striking appearance in clothes and facial make up. He was a trifle hoarse at times but his song with humming chorus accompaniment was one of the gems of the night. The minor parts were in very good hands. Mr. Gill and the Misses Bryant and Cooper, showing a good lot of character work, Mr. Walker seems to have role in excellent taste, Mr. Howe making a humorous "cop," and Miss Pell executing a very graceful skirt dance. The performance goes for three nights more with a saturday matinee, and reports from the box office state that the seats are filled and selected nightly. For much praise should be accorded to Messrs. Whitney and Wolfe, the former stage manager and the latter musical director, for continuing to keep in a desirable condition what might be thought a worn out piece. The whole performance made gratis to the reputation of the company, of which Salt Lake has good reason to be proud.

Commencing next Monday the Salt Lake Opera company will give a two weeks' engagement at the Grand, featuring in the first week respectively, Madame Angot and Ali Baba, alternately with the Indian, and on the matinee performances, up to date with the famous vaudeville, Wednesday and Thursday nights, will be introducing the New York comic "Lon Long." Friday, Saturday and matinee will be Madame Angot. The last for Friday is a new piece on a "Trip to Africa."

A Trip to Africa will be done in opera Monday and Tuesday. For the night performance the G. A. R. contingent will be in evidence from this city and there county points, and parties are forming at both Kaysville and Ogden to take in the night performance.

AFTERNOON CALL ACTIVE.

Brokers Try to Make Up For This Morning's Bad Business.

Sales of Ajax, Dalton & Lark, Four Aces, Galena, Lower Mammoth and Northern Light.

Decidedly enhanced of this morning's work in the mining stocks at Salt Lake brokers assembled this afternoon and had every energy towards the making of a respectable showing. The day seemed bound to succeed was evident from the manner in which listed stocks were advanced, and in the case of some of the active being brisk and active. Ajax put out with sales at $1.06, then at $1.07, which represented the closing bid for the stock. In Dalton & Lark there was trading at 95, and 96 while Galena sold at $1.05 and $1.06 and there made transfers at 6½. As usual Four Aces received a good degree of attention, the stock closing at 12 cents, was similarly strong and Lower Mammoth continued in demand between 64 and 66. Figures were made as follows:

LISTED MINES.

Stocks.	Bid.	Asked.
Anchor	40	50
Ajax	1.02	1.05
Alliance	30	1.25
Albion	12	25
Beck-Tabeg	4	6
Centennial-Eureka	3.50	4.00
Chloride Point	1.65	1.75
Daly	1.00	1.20
Daly West	9.00	15.00
Dalton and Lark	95	1
Deseret	2.50	3.00
Dairy	6½	12
Dagger	5½	8
Eagle	10	15
Four Aces	12	15½
Geyser-Marion	40	50
Galena	1.05	1.06
Grand Central	6.00	7.10
Hercules	2	5
Iron Silver	1.00	1.25
Mammoth	1.35	2.00
Mayflower	3.00	3.10
Lower Mammoth	64	66
Northern Light	11	12½

TRANSFERS OF STOCKS.

Ajax, 100 at 11¾, 100 at 11.07.

Dalton & Lark, 100 at 95, 1,000 at 96.

Deseret, 100 at 2.45, 100 at 2.50.

Dairy, 500 at 6½.

Four Aces, 500 at 12c, 1,000 at 12½, 500 at 12½, 100 at 12, 1,000 at 12, large 20 days.

Galena, 200 at 95c, 100 at 1.05.

Lower Mammoth, 500 at 64c, 500 at 65, 2,000 at 66c, 100 at 65½.

Northern Light, 100 at 70c, 50 at 71½, 500 at 71½, 100 at 72½.

WELLS, FARGO & CO.

Bullion $2,501

HAMBRIGHT & MCMILLAN.

Gold $12,000

LECTURE TOMORROW NIGHT.

In the lecture course in the Thirteenth ward meeting house, the subject for tomorrow, Friday evening, will be Poor Temperance. The lecture begins at 7 o'clock.

SALT LAKE BUILDING BILL.

Indications But the Document will be Hustled Through at the Last Moment.

The Various Bills are Being Enrolled in Readiness for the President's Signature.

Special to the "News."

Washington, D. C., Feb. 22.—Representatives in Congress are so sure of the passage of Forty-one public buildings bills before the present session that they are having the various bills enrolled in readiness for the signature of the President. It has not been decided that the same will be done in the case of the Salt Lake building bill, but it is probable that it will be ready for the President's signature.

RAILROAD NOTES.

A Strange from Denver to General Passenger Agent Frank Wadleigh of the Union Pacific. Mr. Wadleigh has been in Chicago since he left New York two weeks ago. He has been in Denver since Wednesday the now, but says everything is in very good shape.

CONDUCT OF A DISTRICT JUDGE.

Made the Ground for a Reversal in a Utah County Case.

WORDS OF CHIEF JUSTICE.

Dignity of The Courts and Bar Must Be Upheld To Gain Respect and Confidence of Citizens.

The Supreme court this afternoon handed down an opinion reversing the judgment of the lower court in the case of Richard Whipple, appellant, vs. Wilford Daynes et al, and ordering a new trial.

Action in this case was brought for the conversion of property, which had been disposed of at an execution sale by the defendants, the matter being tried before Judge Dormontt and jury at Provo and a verdict for some of the defendants was returned.

This is the case wherein one of the errors assigned was the conduct of the court at the trial.

It was charged that the court was under the influence of intoxicating liquor during the trial, and that the Chief Justice Barton, who delivered the opinion, says:

The charges are of so grave a character that we refrain from quoting the affidavit but injustice might result if we should not state that some of these may have been made without designation by the affiant. Especially so, since none of them appear to be contradicted, by counsel for the respondents in their brief.

"Were it not for the apparent candor in which, and sincerity and feeling with which this matter has been argued by counsel on both sides in their briefs, we would be constrained to pass the affidavit in silence, owing to the depressing effect which a painful discussion of such questions must have on the minds of all who have respect and confidence in the judiciary of the State and country, and to the high respect which we entertain for the bar from which is drawn the judges of inferior courts, and to the protection from unjust assaults upon them, in the right which is our duty to uphold. Under the circumstances, however, and in the interest of a full and fair trial of the truth of the charges by the judge or action by the trial court, we have thought it proper to express our unqualified disapproval of such conduct on the part of a court or judge, and to set forth in the affidavit, in the respect for the exalted position, proper regard for the welfare of society, a security to human rights and liberty, as well as every principle of justice, commend this of us. If the charges are true, the effects of such acts must be to greatly disturb and lessen the dignity of the bench. If they are true, which we do not assume to be true, then the court portrayed his own disgrace and condemnation. Beyond this we have no right to go in this case. It is all-important that the purity and integrity of the bench should be preserved and the high character which the judiciary has always borne should be maintained, for it is that that gives stability to our government and guarantees personal rights and liberty.

"The order of this and other courses reverses the claim and orders a new trial.

The opinion is concurred in by Justice Bartch and District Judge McCarty.

ROWAN IS HELD.

In Default of $1,200 He Stays in Prison.

G. H. Rowan, alias Corey, the man charged with uttering a forged draft on the National Bank of the Republic, was bound over to the grand jury in the sum of $1,200 in default of which he was sent back to jail.

The prisoner is thriving under the care of Sheriff Hewlin and wife, and looks very much improved in health since he was brought back from Virginia.

"Honesty is the Best Policy."

Never was a more [illegible] saying put into [illegible] claims yet to be hon[illegible] because it is po[illegible] poor kind of hone[illegible] change "poli[illegible] principle" and the [illegible] will like you better. In the medical world there is one medicine honest for principle's sake—and that is Hood's Sarsaparilla.

It is the specific of the age for all blood troubles. The liver, kidneys and bowels are all tuned up by its action as a cleanser and their good health ensues. It never disappoints.

Scrofula—Large sores of years of suffering with a cancerous sore on her nose and hurtful to remove by paper cures, my mother is happy to be doing completely cured by Hood's Sarsaparilla. Now at 12 decades is accomplished it. Her face is smooth, no sore. Mrs. A. Arnold, Clyde, N. Y.

"The statement of my daughter is exact." Jenny Arnold, Clyde, N. Y.

Malaria—I was very low with malaria, my mind did not feel right, I was nervous I could not sleep nor work. Took Hood's Sarsaparilla and was well and well. Can eat, sleep and work well." Mrs. Eliza Arnold, Clyde, N. Y.

Eczema—My mother's face was covered with eczema, arms, hands and feet were swollen. Hood's Sarsaparilla cured her. It gave her good health and promotion is lasting." Mrs. E. E. Jenkins, 63 Sumner Street, Rochester, Mass.

Sick Headache—I am now 23. Since I was 9 years old I suffered constantly with chronic bowel, biliousness and sick headache which I took Hood's Sarsaparilla by doctor's advice. I now say life is sweet." Bertha A. Nichols, Claremont, N. H.

Stomach Trouble—Two years suffering with stomach trouble, could not walk two down, with severe headaches. Life was a burden. My son gave me Hood's Sarsaparilla which cured me. It makes my children strong and healthy." Mrs. M. Hoffman, 25 N. E. Minneapolis, Minn.

Hood's Sarsaparilla
Never Disappoints.

Hood's Pills cure Liver Ills, the non-irritating and only cathartic to take with Hood's Sarsaparilla.

PROSECUTION NOW RESTS.

(Continued from page one.)

Law's character is bad to animos against Law; law was elected partly by Democratic votes; anybody could have been elected.

By Mr. Rawlins—It is not your purpose to break down Mr. Law's character? It is not.

What is your purpose? To show what Mr. Law's character is.

What is Mr. Law's character? His character is bad.

Was it not your intention to get witnesses who would testify that he has a bad reputation? Yes sir.

You could only find one witness in his own town that would say so? I have not only one witness from his town, but other witnesses will testify.

Mr. Rawlins—Do you think the testimony as to Mr. Law's character was taken down out by the prosecution, and by the defense? Yes, I think the prosecution would be bound to it.

Witness said to Mr. Evans—You honorable fellow, you. Mr. Evans—Is that a question? Witness—Yes, sir.

"How do you know Mr. Law was Democratic? Because he told me so. You told me that Judge Hart had so informed you," answered the witness.

Mr. Rawlins—Do you think a person lies? Yes, sir.

THE VOTE FOR SENATOR.

Taken Quietly in the Joint Assembly Today—Everything Quiet.

The business of the joint assembly was easily disposed of today. The members took up a light order of business. The vote was taken without motion, speech or remark of any kind. Senator Foote was again in his seat and voted as Apollo Nebeker. Representative Jack was absent, being detained at home by a sick relative. The vote was: McCune 26, Cannon 6, King 1, Nebeker 1, Jack absent, Foote 1. Powers was not voted for today.

SENATE.

The Senate convened at 11.30 a. m. today.

H. B. No. 45, by Smith, relating to duties of officers in submitting constitutional amendments, was reported by the committee on judiciary, H. B. No. 46, by the same, was reported by the same committee, and referred to the House, was recalled by request for consideration.

H. B. 61, relating to fees for bill bridges, etc., was reported with amendments by committee. The report was adopted.

H. B. 47, the fish and game bill, was reported with amendments which were adopted.

H. B. 17, providing for the teaching in public schools of the effects of alcohol and narcotics, was reported favorably, and read for the third time.

H. B. No. 2, relating to judgments, was read and with amendments recommendations, from committee and read.

BILLS INTRODUCED.

The following bills were introduced: S. B. No. 76, by Hansen, to amend the Statutes section 447, was referred to committee on railroads.

S. B. No. 77, by Hansen (by request), providing for the House for the sale of lands, was read and referred to the committee on manufactures and commerce.

S. B. No. 78, by Kinney (by request), to amend section 1, section 2 of chapter 1, Revised Statutes, repealing sections 2046, 2047, 2048 and 2049, Revised Statutes, was referred to the committee on manufactures and commerce.

ANTI-SMOKING BILL PASSED.

S. B. No. 6, by Evans, an act to prohibit the sale of tobacco to the age of eighteen years from chewing or smoking, was read for the third time and was voted for the third time.

Affirmative—Iverson, Cannon, Evans, Nebeker, Pikhard, Robison, Shurtliff, Stewart, Thomas, Tomlinson, Wallace, Negative—Alder, Chambers, Howell, Kear, Perry and Mr. President.

The Senate then adjourned till 4 p. m.

HOUSE PROCEEDINGS.

Bill Making Important Changes in the Law was Passed Yesterday.

The House convened at 10 a. m. today, Speaker Baskin in the chair.

The following bills were taken up and passed at once to the third reading before it: H. B. No. 1, by Stewart, to amend section 1, chapter 1, Revised Statutes, 1898, was read for the third time and was voted for. Of course there are no changes in the Revised Statutes of Utah. A couple of reports was presented from the committee on manufactures and commerce, one on H. B. No. 1, which is intended to draw the line of political lines between Democrats and Republicans, which is lively. One bill by Weber and provides for a bounty on elk. The other is by Robinson and provides for a bounty on bobcats. The committee on manufactures and commerce returned the bills to the House without recommendation further than that they be laid on the table. Senator Hansen introduced a bill to prohibit the sale of tobacco to the age of eighteen years, which makes important changes in the Revised Statutes of Utah. Such is as follows:

Section 1, section 2, chapter 1, title 25, of the Revised Statutes of Utah, is hereby repealed and is hereby thrown the following section in place thereof:

Section 1101 In every county where in each town are existing to the number of 1,000 inhabitants, the mayor of the town, and in the county of the State board of horticulture for the district in which such county is located, shall appoint a competent person, who shall be a resident of the county, and who shall be a practical fruit grower, to be a county horticultural inspector