

# L. X. L. MINING CLAIM.

Dispute Over the Title to a Two-Thirds Interest in the Property.

## SUPREME COURT REVERSES LOWER COURT

Decision in Case of Stevens vs Rogers—Motion for New Trial Overruled—Heavy Mortgage Suit—News.

The Supreme court rendered its decision today in the case of *Stevens vs Rogers*, an administrative suit of the estate of William M. Stevens, deceased, et al., against Rogers, et al., appellants, reversing the decision of the lower court, and judgment against Rogers, et al., and remanding the case with directions to the court below to grant a new trial.

Justice Burleigh delivered the opinion which was concurred in by Chief Justice Kane and Justice Judge Henry H. Hooper.

Action in this case was brought by Mr. Rogers and the heirs of William M. Stevens to quiet title in and to an undivided two-thirds interest in the L. X. L. mine and mine located in the West Mountain Mining district, Tintic county, Utah.

The court below had found that Rogers and the heirs of William M. Stevens were entitled to a large quantity of mineral coal, including the property derived from the sale thereof, to his own private use.

The plaintiff made answer denying the allegations set forth in plaintiff's complaint, and by way of cross-complaint, made claim for a number of improvements he had made on the property.

The case was tried before Judge Norrell on the 2nd of last June, the court among other things, finding that the plaintiff was the owner of the undivided two-thirds interest in the mine, but finding judgment in favor of Rogers, et al., for the improvements he claimed to have made in the mine and on the land.

The plaintiff then moved for a new trial which the court overruled, and from that order the plaintiff appealed to the court reversing the judgment below and remanding the case for a new trial.

The plaintiff contended that there was no evidence to support the judgment rendered by the court below, and that the court below had erred in its judgment, and that the court below had erred in its judgment, and that the court below had erred in its judgment.

Chief Justice Kane said: "The decision of the trial court under the evidence presented, is reversed, and the case is remanded to the court below for a new trial, and the court below is directed to grant a new trial, and the court below is directed to grant a new trial, and the court below is directed to grant a new trial."

Justice Burleigh said: "The decision of the trial court under the evidence presented, is reversed, and the case is remanded to the court below for a new trial, and the court below is directed to grant a new trial, and the court below is directed to grant a new trial."

Justice Hooper said: "The decision of the trial court under the evidence presented, is reversed, and the case is remanded to the court below for a new trial, and the court below is directed to grant a new trial, and the court below is directed to grant a new trial."

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# NOTED PEAK CLIMBERS.

A Unique Contest Between Murray and the Top of the Wasatch.

## A HARD AND DANGEROUS UNDERTAKING.

The American Flag Unfurled on the Top of the Twin Peaks—A Wage of One Hundred Dollars.

Correspondence "Deseret News." Murray, Utah, Nov. 4.—A climbing match took place here between Murray, a noted peak climber, and a team of men, and a unique contest between Murray and the top of the Wasatch.

The climb was from Murray to the top of the Twin Peaks and back to the starting point. There was a lot of climbing, and a lot of danger.

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# WHO IS PREVARICATING?

Bay Says He Was Not Served With Papers in a Divorce Suit.

## Deputy Sheriff Cannon Says He Was and That Mr. Cannon Speaks Truthfully.

William E. Bay, a cook whose wife secured a decree of divorce from him on the 28th ult. on the grounds of cruelty and desertion, said a while ago that the divorce suit was a fraud.

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# Get Ayer's Cherry Pectoral

"Get it honest if you can, but get it."

## It cures all coughs and colds.

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The Deseret Semi-Weekly News

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