THE SUPREME COURT.

The Cope Family Still Struggling for a Settlement.

AN ACTION AGAINST THE CITY.

Damage Done by a Flock of Sheep on Lake Canyon—Other Business.

HEARD.

The judges of the Territorial Supreme court have listened to legal arguments in three more appeals today. Nothing of special importance occupied during the session.

HEARD ANOTHER.

Frank J. Kimball presented a petition for admission to the bar, and the oath was proved to the examining committee to examine and report.

THE CUPE CASE.

The first appeal argued was that of C. O. Whitlemore (the present county attorney) and George H. Cope, appellants, vs. Thomas H. Cope, Mary Ann Jack and R. S. Young, respondents.

Mr. Whitlemore concerned the case to his own behalf; Attorney E. F. Armstrong appeared for George H. Cope; Williams, Van Cott & Sutherland, and Bennett, Marshall & Dunsdy for the respondents.

Appeal from the Third District—Chief Justice Merritt.

This is a matter that has been in litigation in one form and another for several years. It now comes up on the appellants' petition for a perpetual of lot 4, block 5, plat B, Salt Lake City survey.

It would appear that Thomas Cope died intestate in the year 1851, having occupied the same lot at the time of his decease. He also had the possessory right to lot 3, block 14, plat "B," and one five acre lot; but these are not now in question. Cope survived the president Janet Cope, his widow, the respondent Thos. H. Cope—he being a son by a former deceased wife—and the appellant George H. Cope, who was a son by a polygamous wife, Margaret Perry. Janet and Thos. H. lived on lot 4 with the decedent Thomas, and after his death Janet continued to live there with her father in 1861. Margaret and her son George lived on the south half of lot 5, block 5, and the south half was used as a nursery. Lot 2 and the five-acre lot were unoccupied. Thomas Jack was appointed administrator of the estate in 1872, for the primary purpose of obtaining title to these various lots for the benefit of the heirs and notice applied to the probate court. Janet Cope also made application to said lot 5, and Margaret for the south half of lot 4, while Charles Caldwell applied for the north half. Some one on behalf of George Cope, applied for lot 2, the other city lot.

Lot 4, the one in question in this case, and lot 5, were adjudicated to the administrator in trust for the heirs of Thomas Cope, the claim of Janet and the one made on behalf of George being denied. Lot 4 was adjudicated to Caldwell and Margaret, the claim of the administrator being denied and the court's decree were issued accordingly. One John T. Cook obtained a patent from the United States for a quarter section of land bounding three and one-half acres of the five-acre lot to which Thomas Cope had a possessory right at the time of his death, and Richard Pickering obtained a patent for the quarter section, including the remainder of the five-acre lot. The patentees recognized the right of Thomas Cope, and made conveyance accordingly. Administrator Jack on June 16, 1885, filed in the probate court a report and account and included therein lots 4 and the five-acre lot as property of the estate to be distributed to heirs, Janet, Thomas H. and George H. Cope, as September 15, 1885, filed their petition for distribution, but the matter was not acted upon by the court until February 5, 1889, when the account was allowed. On the same day George filed a second petition for distribution and Probate Judge John A. Marshall on January 26, 1889, made an order setting the case for hearing March 1, 1889.

Written objections were then filed by Janet and Thomas H., opposing a distribution of any of the estate of Geo. H. Cope, and denying the right to inherit, on the ground of his being a polygamous child. On March 1, 1889, a decree was entered by the probate in lieu which found that Thomas Jack, the administrator, held and lot 2 and 3 and the five-acre lot in trust for the estate; that the estate was the separate property of the deceased, that George was not entitled to inherit, and giving the property to Janet and Thomas in equal shares. The following day the administrator and trustee executed a deed to Janet and Thomas H., purporting to convey lots 2 and 3 and the five-acre lot pursuant to the decree. On April 29, 1889, Janet and Thomas H. Cope and wife conveyed lot 2 and the five-acre lot to Ayres and Kesler.

George Cope appealed from the decree to the district court, where it was contested, then to the Supreme Court of the Territory, where it was again contested, and finally to the Supreme Court of the United states, where the judgment of the district court was reversed. George Cope was held to be an heir, and on June 15, 1891, the district court on a remittitur entered a decree accordingly, distributing lot 3 and the five-acre lot to Thomas H. and George Cope, in equal shares, Janet, the widow, having died meanwhile.

The appellant Whitlemore received a conveyance from George H. Cope for an undivided half of his one-half interest in said lots, and claims said to obtain a partition of said property. The appellant George H. Cope, in his answer, admits the conveyance to Whitlemore and asks for a partition also. The respondent, Thomas H. Cope, notwithstanding the deeds to distribution made by the district court, and that he and Janet perfected such distribution and mortgaged a long number in the courts, claiming all the benefits of the decree, now by judge Marshall, so long as the lots remained unrecorded, out of the direction the administrator, to deed, now sets up a title by adverse possession in the widow Janet, under whom he claims as owner and a title under a parol partition which he avers was made in 1857 and afterwards ratified by the parties in interest.

The appellants have stipulated that the decree of the district court as to the five-acre lot may be affirmed. The [illegible] has been contested in other pleas by both Thomas and George Cope. This leaves the question of title of lot 4 and to be determined in this appeal.

THE CITY AS APPELLANT.

In the case of Samuel P. Jeanelle, respondent, vs. Salt Lake City, appellant, the latter was represented by Judge Zerkel and Attorneys Dickson and McCarthy; the latter by City Attorney Hogh.

Suit was originally brought in the Third district court to recover $7,000 damages for an injury to plaintiff's 18-months' old child, which he claims to have been caused through the negligence of the defendants.

On January 7, 1892, about 4 o'clock in the afternoon, Mrs. Jeanelle was walking along the unguarded precipice on the east side of Main street carrying the child in her arms, when she slipped and fell. The child was thrown with considerable force to the ground, striking the earth, and thereby receiving an injurious injury. The cause of the accident lay in the negligence of citizens in the city in permitting the soil and water to accumulate on the sidewalk.

The jury in the trial of the cause found for the plaintiff in the sum of $4,000, upon which judgment was entered.

Appellants moved for a new trial, which was denied by Judge Barkes, before whom the case was tried, and hence the present appeal.

Among the errors assigned are insufficiency of evidence to sustain the verdict and error on the part of the court in permitting the counsel to be seen in the jury room after delivery.

DECISION BY COURT.

Albert G. Ellis, city attorney of Salt Lake City, Utah, appellant, vs. Samuel P. Jeanelle, respondent. Appeal from the Third District—Chief Justice Merritt.

Appellant, by road supervisor, repaired an embankment on a piece of land granted to remove from Jesse the amount of damage ($1) done by his driving a flock of sheep over the public highway in Lake canyon on May 8th, 1893, in being claimed that said sheep damaged the owner by trotting some upon said highway so they became lost. The judgment demanded was awarded, but appellant obtained judgment. Respondent then appealed to the district court, where the demurrer was sustained. Appellant declined to amend, and judgment was entered, and an appeal taken.

Respondent's counsel claim that section 2087 above referred to is void, because it contravenes the Fourteenth Amendment to the Constitution of the United States.

JUDGE SCHOCH DISSENTING.

An opinion in the case of the People vs. Roy Wright, appellant, argued a few days ago, was also then handed down.

The decision of the lower court (Judge Barton) was affirmed. The opinion was by Judge Smith and concurred in by Judge Merritt and King.

Wright was convicted of stealing a Union bicycle, valued at $75, the property of David T. Edwards, and sentenced to eighteen months in the penitentiary. The defendant appealed, claiming that the judge erred in giving the charge to the jury, especially in that part which instructed the jury that "the value thereof was the offense was committed or not material, if it was committed at any time within four years of the time when the defendant was indicted." Evidence was introduced at the trial by the defendant to show the wheelman claimed the bicycle was stolen, for the purpose of trying an alibi, and that being at a place where the theft was committed he could not have been the guilty party. The exception to the charge was taken for the reason that it was to effect an instruction to interpret the evidence, insufficiency of evidence to justify the verdict was also set up.

THE GOLD EXCITEMENT.

Prospects for a Rich Mine at the Mouth of Little Cottonwood.

Considerable excitement is being exhibited over the reported gold discovery in the foothills near the mouth of Little Cottonwood canyon. Many people have taken a trip to the location of the discovery, and it is a topic of general discussion on the streets of the city. The surrounding country is being very closely examined by large numbers of prospectors.

The office of Westcombe & Martin is being thronged with people anxious to see the valuable specimens of free gold quartz, which were taken out of the ledge will tonight. It is claimed that some very rich ore, every piece showing gold to some extent.

Many mines in the past names of rich discoveries in the same locality have been developed, but none of them have been developed, N. Westcombe, however, thinks. Westcombe is North express confidence that they have the vein to stay, but have not explored it to a sufficient depth to state its permanency. It is expected that further developments will soon be made. Mr. H. P. Martin is president of the New state company, which owns most of the claims, and J. W. Westcombe is secretary.

Charity Ball.

The charity ball to be given under the auspices of the H. R. lodge at Younger's hall, Market street, on Thursday evening, is attracting a great deal of attention and the prospects for its success, socially, financially and otherwise are very bright.

Professor Stephens.

Worn out with cares and labors of a musical character, Prof. E. Stephens has been compelled to take a rest for his work. He private pupils are classes he accordingly sets to letter to patiently as they can until next week, when he hopes to resume work.

The Result.

In the case of J. M. Stokes and John T. Donnellan vs. the Centennial Eureka Mining Co.—from the Fourth district, reported on the 8th inst. of the decision—Judge King has decided the issue in favor of the plaintiff.

THE CITY CANVASS.

Fourth and Fifth Precinct Returns are Footed Up.

Judges of Election in the Third Precinct Know Nothing of the Six Ballots Which Appear.

The canvassing board to handle the Salt Lake county returns for delegates to the Constitutional Convention went to work at 9 o'clock without heading on definite ground today, and then proceeded to take up the Third precinct count, and then adjourned in relative quietude. The results in the precincts completed were as follows:

Fourth Precinct.

	Vote	Majority
A. S. Paddock (R)	[illegible]	
Joseph Hyde (R)	[illegible]	[illegible]
A. W. Ware (R)	[illegible]	
H. B. Brownell (R)	[illegible]	
C. E. Benedict (R)	[illegible]	
C. E. Benedict (D)	[illegible]	
Robert N. Wright (D)	[illegible]	
Joseph Scott (D)	[illegible]	
Joseph Scott (R)	[illegible]	
Joseph Scott (D)	[illegible]	

Fifth Precinct.

H. G. Cummings (R)	[illegible]	
W. S. Spencer (R)	[illegible]	[illegible]
A. S. Paddock (R)	[illegible]	
H. B. Marshall (R)	[illegible]	
H. B. Brownell (R)	[illegible]	
C. E. Benedict (R)	[illegible]	
C. E. Benedict (D)	[illegible]	
Robert N. Wright (D)	[illegible]	
Joseph Scott (D)	[illegible]	
Joseph Scott (R)	[illegible]	
Joseph Scott (D)	[illegible]	

In the matter of the Third precinct, the judges of election of the three polls were examined as witnesses, H. B. Barnes and O. H. Daily being called last evening and Monday. Newman, Hayward, Rich, Hendricks, Fogarty and Dunn being called today. Mr. Lorenzo, chairman of the Utah Commission, and Mr. Parks, were notified, but the gentlemen could not give any statement of the proceedings, as the judges notified that the ballots were all right when they left their possession.

The canvassing board stated that it would decide the question whether or not to go into the called books. If they should decide to do so, the principal thing will be legal proceedings instituted with regard to the two opened by the Commission.

AMUSEMENTS.

THE GRAND.—The fourth week of the new opera house opened last night in the presence of a fair audience, and a good one too, but one that held its well with the usual Monday night average. After seeing the show company in a center lot the the management thus sketch of The Pioneer, and a wildly fabulous into the the Tower Hall, it is impossible not to feel a delightsome respect for their abilities. All the more so to the men of the Tower Hall, that the show is of the little light-weight order, and need no attempt to make an impression swallow it. That last night's audience did not swallow it, but seemed heartily to enjoy the situation, into emphasizing the story now well it must have been done. As it stood to the audience, Mr. Clarke and Miss Cooke, which warranty to say for the neighborhood twice, have grown to be the prime favorites with the audiences, earned off the honors. Miss Cope did a small part (nothing?) Miss Keenan plays at a boy's part very excellently, and showed more her versatility by Mr. King and Mr. Kyle were both fair, and Mr. Hammond, though he had a funny made up fashioned on the lines of the Private Secretary, did not bring out of his role all that it was capable of producing, and like Lou Denver Jr. would have made it stand head and shoulders above anything else in the cast. In the certain fairness—very neat little sketches—one of which with was done by Miss Bates, some passion with by Mr. Fawcey, and some fairly good work by Mr. King. Mr. Wayne had a lengthy round for some of his sentiment, he deserves to be cast in light popular selections, however, and such selections all over as Wilson Barrett usually offers for so small a number of instruments.

Clayton Nesbit is booked for next week. It is probable that Mr. Fawcey will 2d the leading boy, as Mr. Neff is unable to have Dexter. Other days unidentified are Betty, School, May Blossom and Sweet Lavender.

MISS BARNOCK has been engaged to assume her successful little skit, A Box of Monkeys, in Ogden.

THE BOOTHS hold the Theater house tomorrow night, Thursday night and Saturday afternoon.

WARDE AND JAMES engagement at the Theater opens next Tuesday evening in Henry IV, with James as the fat knight and Warde as Hal.

Tabernacle Choir Notice.

All choirs who consider themselves or desire to retain their places in the Tabernacle choir are requested to be present at the rehearsal Thursday night to receive special instructions from the directors of the Choir, and also attendance made is imperative. If any absentees are to be present, they should send in to the secretary, a note containing part and number, name, ward and residence, not later than next Monday.

EVAN STEPHENS, Director.

Z. C. M. I. Ball.

Tomorrow evening (Wednesday, Jan. 23), there will be held at Clitanjeno's dancing academy the annual ball of Z. C. M. I. employes, and a good enjoyable time is anticipated. No written invitations have been sent this year, but "the boys" of the store will communicate with those of the institution's friends desirous of attending. The grand march begins at 8:30 p. m.

GOT A DOUBLE DOSE.

Police Justice Smith's Humor of Dealing Out a "Contempt" Within.

The relentless Commercial Exchange patrol, on Commercial street, was the cause of an exceedingly noisy demonstration last night. W. H. Shore, C. Johnson, H. Nelson, P. Rasmussen and John Dick proceeded in making night miserable. With all the latest [illegible] in vogue, the Officer Rosetta attempted to investigate he was unlikely represented to enter, but as the door was locked he, together with three other members of the force, remained entrenched in the outside from 1:00 a. m. until 4 o'clock this morning. On the jury breaking on the patrol, cards were not at hand for each and front door and invited to accompany to the city hall. John Doe, who had taken up his temporary abode in the cool cellar, was also one of the party.

Anxious for the prisoners, our Honor fell by allowing Rosetta to do the same after office hours.

Jane Doe was discharged.

The "defiants" were fined $5 each with the exception of Johnson.

"What do you say to the charge of disturbing the peace, Johnson?"

"Not guilty, your honor."

"How many drinks have you had today, Nelson?"

"Don't my business."

Question repeated.

"I am sorry to be fined for disturbing the peace and not to have my private personal affairs pried into," remarked the worthy Swedish to the question of the amount of spectacles on the south side of the circle.

"Five dollars for each and, promptly interrupted the court.

Again the question was put with a low growl, "Can six men fined $25 for protesting?" asked Johnson [illegible].

Nelson thought it a large joke and hardly refused to answer. Finally he was not away, promising to come up and appear at 2 o'clock tomorrow.

ON ACCOUNT OF A LITTLE DOG.

The Canine Causes a Family Row Which Landed the Head of the Household in Jail.

In the police court today Louis St. Clair, a one legged man, pleaded guilty to the charge of drunkenness and disturbing the peace.

Mrs. St. Clair, on being sworn, testified that her husband came home last night in the drunk state. he has been in for the last two months and remained at bed, chasing her out of the house, at the same time hurling a lamp at a neighbor who came to intervene.

According to St. Clair, the whole affair was brought about by a harmless little canine. The defendant some years ago bought a dog, which his wife objected to and told him that both he and the dog must take up their quarters in the barn. Which, according to his story, allowed him to do cabinet but to drown his sorrow in her bed. Decision in the Bowery hereafter, which terminated in nearly a sleepless night.

Justice Smith took from a metal [illegible] and remarked that if he found officers to keep the peace in all probability Mr. St. Clair would languish many days in the county jail. He expressed pained to hasten to go his home, and now he would give him another chance and would let him off this time with a fine of thirty dollars.

OGDEN.

OGDEN, UTAH, Jan. 22, 1895.

Suit by Ogden City.

City Attorney R. H. Whipple has brought suit against Dexter Horney county for collection of license due to say into the city treasury the sum of $7,352.35. Mr. Horney retained this amount of the taxes collected in 1893 until the city would allow him a credit of $7 on each tax sale certificate made to the city in sale for 1893 tax.

Leg Amputated.

Dr. Rich amputated the right leg of Jedediah Clinton near the knee. The boy has been suffering from a diseased foot and had to submit to the operation in order to save his life.

Notes.

David Evans left for a ten days' trip to San Francisco.

Lewis C. Kelsey, of Salt Lake City, and Emelia B. Foss, of San Francisco, were married on Sunday afternoon by Rev. Charles F. Richardson.

The county clerk issued a marriage license yesterday to Robert Taylor, of Park City, and Miss Kate Woodward, of Willard.

Real estate transfers yesterday aggregated $25,000.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

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

TODAY'S QUOTATIONS.

New York—Silver, 99c; lead, $2.[illegible]. London—Silver, 27 9-16d.

ORE AND BULLION.

Walk, Fargo & Co received today: Pennsylvania, $1,[illegible]; Ore, $2,[illegible]. Total, $[illegible].

McCornick & Co received today: Hanover bullion, $4,000 silver and some ore, $4,[illegible]. Total, $8,[illegible].

T. R. Jones & Co received today: Ore, $7,[illegible].

REAL ESTATE.

[illegible]

NEW YORK STOCK EXCHANGE.

New York, Jan. 22.—Stock market opened [illegible]

STOCKS AND BANKERS.

[illegible]

BONDS.

[illegible]

DEATHS.

[illegible]

A SPECIAL RATE FOR EAST.

Mr. H. M. Taylor, manager of the Denver branch of the Overland Wheel Company, is here with the coming wheels, for the coming year. The latest model of the wheel known Vidal make it a dainty and very wheelish. That has imported it follows the wheel that it is so cool particular to ladies. Drop into Jennett's, 39 E. First South street, and view them to-morrow and make your final selection.

MILLENNIAL STAR
JOURNAL OF DISCOURSES
Both sets in one.
TIMES AND SEASONS,
Vol. 5, 1844.
FOR SALE AT
DESERET NEWS OFFICE.

For Beauty.
Pure complexion, fair skin, soft hands, bright eyes, good health, are all secured by using Pinkham's Sanitary Shaving Powder. It is a delicate antiseptic.

Dr. Price's Cream Baking Powder
World's Fair highest Medal and Diploma.

R. K. THOMAS,

26, 28, 30, 32, East First South Street,
Salt Lake City.

767 19/36 YARDS of

Black Silks,

Taken from the Shelves, Measured and Marked as Below.
Send for any Piece just as it is Advertised, and we
Will send it to you provided it is not already
Sold when you send.

No	Yards of	$1 10	Taffeta	Per	$ 7 50
10½	"	1 00	"	"	6 00
12	"	[illegible]	"	"	6 00
8	"	1 00	"	"	6 00
11½	"	1 10	"	"	6 60
10	"	1 10	"	"	6 00
5¼	"	1 00	"	"	5 00
8¼	"	85	"	"	5 00
10½	"	1 25	Surah	"	10 00
5½	"	1 25	"	"	5 00
10½	"	1 10	" wide	"	6 00
5¼	"	1 25	"	"	2 00
5¼	"	1 25	Peau de Soie	"	6 00
9	"	1 05	"	"	9 50
10½	"	1 00	"	"	10 00
4¼	"	1 10	"	"	4 00
15	"	1 00	"	"	12 00
6¼	"	1 05	"	"	6 00
7½	"	1 05	"	"	8 00
11	"	1 00	"	"	11 00
11½	"	1 00	"	"	12 00
12	"	1 05	"	"	14 00
7½	"	1 05	"	"	8 00
12	"	60	Glace	"	7 00
10½	"	2 00	Faille	"	5 00
7½	"	1 00	"	"	9 00
7½	"	1 20	"	"	9 00
11	"	1 75	" wide	"	14 00
10½	"	1 25	"	"	13 00
5¼	"	1 00	"	"	5 75
7	"	1 20	Rhadine	"	7 00
10½	"	2 00	Bengaline	"	14 00
4¼	"	1 00	"	"	7 50
4¼	"	1 75	Gros Grain	"	8 00
7½	"	1 20	"	"	8 00
11	"	2 00	" wide	"	14 00
11½	"	1 40	"	"	11 00
5½	"	1 40	"	"	5 00
14½	"	2 00	"	"	24 00
6	"	1 40	"	"	5 00
5½	"	1 35	"	"	10 00
6¼	"	1 50	"	"	6 00
8	"	1 50	"	"	8 00
3½	"	60	"	"	2 25
5	"	1 00	"	"	5 00
9½	"	1 25½	"	"	1 75
7½	"	1 75	"	"	8 00
9½	"	1 75	" wide	"	10 00
10½	"	1 00	"	"	10 00
10½	"	1 00	Rhadame	"	10 00
14	"	1 50	"	"	16 00
5½	"	1 50	"	"	6 00
11½	"	1 75	"	"	12 50
8½	"	1 50	"	"	14 00
12½	"	1 00	"	"	14 00
12½	"	1 35	"	"	16 00
7½	"	1 07½	"	"	8 00
8	"	2 00	"	"	9 50
4½	"	1 75	"	"	6 00
10½	"	1 65	"	"	17 00
7½	"	1 15	"	"	9 50
10½	"	1 75	"	"	13 00
5	"	1 35	"	"	5 00
10½	"	1 10	"	"	14 00
9½	"	1 20	"	"	10 50
14	"	1 05	"	"	10 00
5½	"	1 35	"	"	6 00
3½	"	1 30	"	"	4 00
11	"	1 75	"	"	10 00
11	"	1 75	"	"	13 00
10½	"	1 00	"	"	10 00
3½	"	1 25	Jersey	"	3 00
11½	"	1 07½	"	"	11 00
13	"	1 00	"	"	13 00
10	"	1 25	"	"	10 00
11	"	1 40	"	"	11 00
7½	"	1 40	"	"	7 00
10½	"	1 40	"	"	10 50
14½	"	2 10	Brocade	"	20 00
9	"	70	"	"	6 50
12	"	2 10	"	"	17 50
11½	"	2 00	"	"	14 00
11½	"	1 50	Crystal	"	14 25

767 19/36 Yards
ACTUAL COUNT.
NO FICTICIOUS FIGURES.

R. K. THOMAS.