THE SUPREME COURT.

Three Cases Argued Before That August Body Today.

THE "TRIBUNE" LIBEL SUIT.

The Question of Jurisdiction in the Removal of an Administrator —Suit vs Pearson.

There were three cases argued and submitted in the Supreme court today, all but one of the judges were in attendance.

R. C. WELLS ESTATE CASE.

In the matter of the estate of H. C. Wells, deceased, D. P. Wells, administrator, respondent and appellant, vs John Kelly et al., contestants and respondents; appeal from the Fourth district, Judge Miner presiding, H. H. Rolfe is attorney for appellant; Nels Peterson and T. D. Johnson for respondents.

On October 29, 1892, Henry C. Wells died in Box Elder county, Utah, leaving real and personal estate therein. On November 15 administration was duly granted to David P. Wells by the probate court of Box Elder county, on the same day filed his bonds in the sum of $2,000. On February 1, 1893, D. P. Wells filed an additional bond for $500. On October 14, 1893, C. L. Wells and John Kelly petitioned the probate court to remove D. P. Wells from the administration, charging waste, mismanagement, fraud, etc., against him. The court made an order on October 23rd, suspending the powers of D. P. Wells as administrator, and for a citation to issue for him to appear November 27, 1893, and show cause why he should not be removed. Two citations were issued and returned by the sheriff that administrator could not be found within the county. On October 28th the court ordered "that a new citation be published once a week for four successive weeks in the Brigham City Enterprise in lieu of personal notice."

On November 27th the court made an order revoking two of the notices of D. P. Wells, and ordered his removal and the appointment of John Kelly as administrator.

An appeal was taken to the district court, the appellant holding that said order was without jurisdiction of the mode of said administrator, and the other matter of said proceeding, because no personal service of citation issued unto D. Wells, and that the published notice was void because it did not contain the date of said citation and was not published in the paper designated.

The lower court dismissed the appeal taking Kelly's counsel, and an appeal was therefore taken to the Supreme Court.

TRIBUNE LIBEL CASE.

The statement in the case of Amos Pearsons, plaintiff and appellee, vs the Tribune Publishing company, the claim and responsibility, was on trial. The appeal is taken from the decision of Judge Rolich in a third district. The attorneys for appellant are Jos. A. Williams and Jos. M. Zane, and C. W. Powers, D. Chisholm and Miner & Hills appear for respondent.

This was suit for libel brought by Pearsonmaker against the Tribune publishing company for publishing an article charging the Fernet maker falsely with carrying Irish from their home into Cur ins Hanson upon the Lake desert, with the preconceived design that some she might perish of hunger and exposure." Appellants say that the judgment of the lower court be set aside and that a new trial be granted.

SUIT VS PEARSON.

The next case argued was that of Joseph Hall, plaintiff and respondent, vs Charles E. Pearson, defendant and appellant. The appeal is taken from the Third district, G. W. Barton, judge. E. D. Wilcox appears for respondent and H. H. Rolfe for the appellant.

This is an action brought by respondent to recover from appellant the sum of $75.14, which it is alleged appellant in May, 1891, received from respondent and 21 other persons—which it is claimed have assigned their claim to respondent—in excess of necessary charges and expenses of obtaining seeds for some forty acres of land situated in a toulevard twelve rods in width which theretofore had surrounded the city of Bountiful in Davis county, and of which land plaintiff alleges himself and the assignors the owners. It is alleged that appellant, in collecting said money, represented that he was the agent of the probate court of said county. The suit was brought in behalf of 22 persons, but no trial was obtained as to five of them. On the others the jury came for plaintiff in the sum of $75.14. The defendant moved for a new trial, which was overruled and an appeal taken.

Appellant asks that the judgment and order of the district court be reversed and the case remanded with instructions to enter judgment in favor of defendant—costs of action.

CASE DISMISSED.

The case of the Mammoth Mining Co., plaintiff, vs Josh County and H. L. McCune, defendants, was dismissed because no undertaking on appeal by defendants has been filed and that no notice copy of the transcript has been served.

ADMITTED TO THE BAR.

Wm. F. Davis, of Montana, was admitted to practice at the bar of the Supreme court, on the motion of J. W. Judd.

AMUSEMENTS.

LAST NIGHT'S CONCERT.—The new organization which is to start on a six weeks' preliminary tour this week under the name of the Salt Lake Concert Company, gave its first entertainment last night at the Theater. The main interest in the event was to ascertain how Miss Viola Pratt and Mr. H. S. Goddard, who have been studying in New York for some time past, and who have a very fair audience, considering that full prices were charged, and that practically the whole town had heard Tuesday at half prices the night before, came out to greet them. The concert in the way was a gem, and though the program can be improved it will be on the road, yet the artists making up the company showed that they possess the material for one of the finest all round concert companies that can be found among the traveling organizations of the day. Salt Lake will have no reason to blush for its reputation as a musical center with representatives like these. Miss Pratt and Mr. Goddard, of course, received much applause, and easily they deserved it. Their improvement has been tremendous, and Miss Pratt's advance in the past year is as marked as it was in the two years previous. Allied with her rich voice, which is growing strikingly resolute of that of Annie Louise Cary, is an attractive personal presence, perfect taste in dress, a carriage, and a winning style which stamp her as an undoubtedly successful concert artist. The duet between her and Mr. Goddard, rendered in Italian, and partially acted by the two, was the cleverest and daintiest thing of the night; Miss Pratt's solo, a selection from Verdi, was grandly rendered; Mr. Goddard's Tchaikowsky song showed his noble voice to full advantage, and he was even more happy in his accompaniments. We are not advocates of encores as a usual thing, but where a program is so short as that of last evening, and where there are two singers in whom the audience is in a sort of homecoming reception—we think an encore should have been yielded, especially as the audience seemed literally to fetch to life Miss Pratt and Mr. Goddard in at least one little ballad in dialect, namely Dudley Buck's. Krause and Weihe were both down for numbers and everyone knows what that means. Truth compels us to say, however, that owing to extreme nervousness, neither gentleman was at his best, while Edward's duet gave Miss Lois well in the selection assigned her, accompanied as she was by Mr. Weihe, but we think her selection could be improved on for a popular concert song. The same could be said of the trio by Mrs. Edward, Mr. Pyper and Mr. Goddard, which, while decidedly taking, was not out of the ordinary enough to satisfy people who know of what those three voices are capable. Mr. Pyper never in his life sang anything better than his "novel" selection, and the audience testified to it by an enormous round of applause; he was too happy in the Bigelow number, which should be pitched lower to bring it within his range. The company plays in Park City Friday night, and goes south Monday, the tour extending to Delta, Chepeuns, Lehanon, Ogden, Preston and home. There seems to little question about its success. If it is managed right. The express will not be heavy, and the artists all enjoy a local fame that should draw well even more than one night in many places. The program will undergo some needed changes, and among them we suggest the introduction of something more ambitious for Krause; an operatic trio in place of the one by Randegger; a meeting on the more popular video for Mrs. Edward, and the injection of a little more English and less Italian. The duet in the foreign tongue by Miss Pratt and Mr. Goddard should by all means be retained, but beyond that we would stick to the language which Shakespeare taught was good enough for him, and to which Milton did not disdain to sing. The good people of Provo, Manti, Springville, Grand Junction, Pueblo and other points where the company is to sing will, we feel sure, be better satisfied to take their money's worth in the vernacular. Mr. Gillette, the manager, informs us that the company will give a sacred concert at the Grand Sunday night.

AS TO CONVICT WORK.

The City Prisoners Will Break Rock as Soon as Guards are Appointed.

It was expected by persons unfamiliar with the necessities in the case that the city prisoners would have been put to work this morning under the order of the Council made last night which was to the effect that they must give value received for the food paid for by the taxpayers and for their breathing of the precious air within the walls of the old jail.

But the facts in the case are that the guards have not yet been appointed, and the kind of men confined in the city jail are not of a class who can be depended upon to go out in the morning without some one to look after them, work all day and return to be locked up at night. The guards will be appointed by Chief Platt without unnecessary delay and the prisoners put to work accordingly.

Land Office.

The following filings were made in the local land office under date of June 3:

Uriah T. Jones, of Cedar City, Iron county, homestead entry of the east half of the southwest quarter, the southeast quarter of the northwest quarter, and lot 3 of section 1, township 37 south, range 10 west.

Mary A. Jones, of Cedar City, Iron county, coal declatory statement for the southeast quarter of the northwest quarter of section 36, and the east half of the southwest quarter and the northwest quarter of the southwest quarter of section 35, township 36 south, range 10 west.

Kate H. Fife, of Cedar City, Iron county, desert entry of the east half of the southwest quarter, the northwest quarter of the southwest quarter, and the southeast quarter of the northwest quarter of section 13, township 35 south, range 11 west.

George H. Mower, of Fairview, Sanpete county, desert entry of the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of township 12 south, range 5 east.

Andrew Rasmussen, of Manti, Sanpete county, homestead entry of the southwest quarter of section 6, and the south half of the southwest quarter of section 5, township 20 south, range 8 east.

Olive L. Fife, of Salt Lake City, coal entry of the southeast quarter of section 36, township 15 south, range 2 east, in Juab county.

James A. Butler, of Spanish Fork, Utah county, homestead entry of the southeast quarter of section 35, township 8 south, range 3 east.

Nielstrup Pleads Not Guilty.

J. P. Nielstrup, who was arrested by Sheriff Tichy on a warrant issued by Commissioner Pratt, on complaint of the Thatcher Milling & Elevator company, was arraigned this afternoon and entered a plea of not guilty. Defendant is accused of obtaining money under false pretenses, by inducing parties to cash checks for small sums drawn by him on banks in which he had no funds.

Sacred Heart Academy.

The seventeenth annual commencement exercise of the Sacred Heart academy, Ogden, will begin Tuesday, the 18th inst., at 10:30 a.m. An excellent program will be rendered on that occasion. The class of '95 consists of Margaret McGovern, Helen M. Alberts, Daisy C. Hayes, Jean M. Graham and Lorna Osborn.

Late Police Orders.

John Fellow, who admitted in the police court this afternoon to being a drunken fellow, was fined $7 for his tribulous conduct. Poor old Mike Hyde is back at the jail again, this time serving five days for drunkenness. The disciples and ever troublesome John Doe forfeited $5 for violating the liquor ordinance.

Twenty-Third Quorum.

The regular monthly meeting of the Twenty-third quorum of Seventies will be held in the Seventh ward meeting house tomorrow (Thursday) evening, commencing at 7:30.

LITERARY NOTE.

The American *Industrial Reporter*, the monthly gazette of the Patriotic Hereditary Society, for June, is a beautiful number. The leading article is on the capture of Louisbourg, in 1745, by the New England troops, and biographies of the men who took prominent part in this naval expedition, with the official list of officers. The June number also contains the full minutes of the last annual convention of the Sons of the American Revolution and Sons of the Revolution. Historical Register Publishing Co., 125 South Sixth street, Philadelphia.

Apropos of recent important changes in the management and personnel of the Chicago daily press, Mr. Willis J. Abbot contributes to the June Scribner's Magazine, under the caption "Chicago Newspapers and Their Makers," an exceedingly graphic account of the past and present journals of journalism in the Western metropolis. Mr. Abbot asserts that the great Chicago dailies are all well printed, cleanly edited and dignified, and that in these respects they excel most of their competitors in the Eastern cities, just as their news columns excel in the range of telegraphic reports.

There are several unpublished sketches in the collection of pictures which appears in McClure's Complete *Life of Napoleon*, but none more curious than a series made during the Egyptian campaign. It will be news to many well-read persons that on the staff of scientists and literary men which accompanied Napoleon to Egypt there was an official painter, one Dubreux, an artist of skill. Dubreux drew, while on this campaign, rough sketches of all the principal generals. These sketches are remarkable for their fidelity to life, and are valuable historical documents. A number of them have been reproduced for the McClure collection through the courtesy of their owner, Baron Larrey, of Paris, whose father was chief surgeon to Napoleon in Egypt, and who got these sketches from Dubreux.

One of the professors at the Wisconsin experiment station has invented a simple device for sterilizing milk. The Wisconsin station professors are public spirited enough to give their inventions to the dairymen of the country free. The device for sterilizing milk and cream makes them keep sweet a week, and it will be millions to the products of dairying.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's clearing house exchanges amounted to $247,604. Same day last year, $207,446.

TODAY'S QUOTATIONS.

New York—Silver, 60½ bid, $3.12½.
London—[illegible]

ORE AND BULLION.

T. R. Jones & Co. received today: Base bullion, $3,895; Ores, $19,500. Total, $19,900.

McCornick & Co. received today: Silver and lead ores, $4,000.

STOCKS AND MARKETS.

New York, June 5.—Stock market opened quiet at lower figures. Speculation after half an hour dulled, but the force of the sentiment prevailed and quiet. The market at 11 was steady.

Share speculation the market up to 12 o'clock and the closing market heavy with increased selling up to 1 p.m. New Jersey Central.

NEW YORK STOCKS.

New York, June 5, 1895.

Money	[illegible]	Pacific Mail	[illegible]
Exchange	[illegible]	Reading & Co.	[illegible]
Pacific Mail	[illegible]	Reading 1st	[illegible]
Adams	[illegible]	St. Paul & Omaha	[illegible]
Burlington	[illegible]	Preferred	[illegible]
Central Pacific	[illegible]	Green Bay	[illegible]
Northern Pacific	[illegible]	Preferred	[illegible]
Preferred	[illegible]	Texas Pacific	[illegible]
Northwestern	[illegible]	Union Pacific	[illegible]
Preferred	[illegible]	Wells Fargo	[illegible]
Rock Island	[illegible]	Western Union	[illegible]
New Jersey Central	[illegible]	Sugar	[illegible]
Del. Lackawanna	[illegible]	Distillers	[illegible]

CHICAGO MARKET.

Chicago, June 5.

Wheat—June, [illegible]; July, [illegible]; Aug. [illegible].
Corn—June, [illegible]; July, [illegible]; Aug. [illegible].
Oats—June, [illegible]; July, [illegible]; Aug. [illegible].
Pork—June, $12.[illegible]; July, $12.[illegible].
Lard—June, $6.[illegible]; July, $6.[illegible].
Ribs—June, $6.[illegible]; July $6.[illegible].
Barley—[illegible].
Rye—[illegible].
Timothy—$2.00.
Flax—$1.[illegible].

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COURT COULDN'T MOVE HIM.

Ex-Deputy Collector of Internal Revenue Murphy, who Guarded His Records, Speaks in Praise of Paine's Celery Compound.

Ex-collector of internal revenue Thomas F. Murphy of Maine, who was brought into prominence all over the country during President Cleveland's first administration by refusing to allow certain revenue officials to purloin or remove records, endorses Paine's celery compound.

Mr. Murphy is a born executive. He has a vigor of no mean order, has been employed as editor and editorial writer on several papers, is strong and thoroughly at home as a speaker and a convincing writer, and is universally liked by persons he represents. He is a Republican, but is independent in politics, and is popular with all parties who welcome a strong leader and railway train.

In the running competition of a public life for ten years he was passing Paine's celery compound to a fellow passenger. The person to whom he addressed the conversation had been laid up with an ailing. The malady left him in a bad way, a word of expression of spirits and a disinclination for business.

"If not, the same way," said Mr. Murphy. "Same symptoms were with me and I felt the dry fever and weak. The light of water was enough to make me quiet and wakeful like a crazy person. It was each would almost drive me to distraction. I began the morning I got up in bed, and I sat alone, so tired as any one could ever be the whole day. Hearing so much about Paine's celery compound, I decided to try it. I took two bottles and was well. I was a wonderful change. After a few days I found that our celery I was changed into solid, refreshing sleep. In six weeks I was myself again. My eyes, which had been so strained that I had to wear glasses, I can read without them. Paine's celery compound, accurate, their normal condition, and vitality without stronger lens than the grip marked me for a friend. I can speak now for Paine and for Paine's celery compound this spring."

The Perfume of Violets

The perfume of the fair, the glory of the sun, the charm of the moon, all wide number in Pinney's window flowers.

Owing to numerous requests, Dr. Shelmerdine has consented to sacrifice part of his vacation, and remain in Salt Lake during June, so that those who have been unable to be fitted with glasses, can avail themselves of his skill.

Glasses that do not fit are dear at any price, whether they cost one cents or two dollars. Properly fitted glasses will lengthen the life and vitality of the eyes, by removing all strain.

Go and see him if your glasses are not right. He has given such universal satisfaction that you will not make a mistake in calling and having a talk with him immediately.

The following are a few prominent people of the city that have been benefited by Dr. Shelmerdine's work:

ELIAS MORRIS, 10 West, South Temple.

A. H. WOODRUFF, wholesale department, Z. C. M. I.

GEORGE REYNOLDS, secretary to the presidency, Mormon church.

JOHN NICHOLSON.

G. G. RYWATER, superintendent machinery, Salt Lake Temple.

CHARLES WILCKEN, city water master.

N. A. EMPEY, fire and police commissioner, of the firm of Clark, Eldredge & Co.

ISAAC BARTON, Barton & Co.

JOSEPH E. TAYLOR, the undertaker.

R. G. McNIECE, pastor Presbyterian church.

THOMAS McINTYRE, grocery department, Z. C. M. I.

J. W. SHIPLER, the photographer.

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—CASH—

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May 8th Seventh Choice.
May 9th Eighth Choice.
May 10th Ninth Choice.
May 11th Tenth Choice.
May 13th Eleventh Choice.
May 14th Twelfth Choice.
May 15th Last Choice.

We shall take the intervening days going through the stock and marking everything down for this sale. It will embrace goods from every department.

Merchandise has never been offered as low as prices we shall name, and it will pay you to come from all directions to attend this

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Specialties.

Ladies' Waists, Boys' Waists,
Ladies' Wrappers, Boys' Pants,
Ladies' Capes, Men's Ties,
Ladies' Jackets, Men's Suspenders,
Infants' Cloaks, Men's Shirts,
Infants' Capes, Men's Shoes,
Summer Knit Underwear,
Ladies' Muslin Underwear,
Straw Hats for Boys and Girls
Hosiery, Gloves, Ribbons, Etc., Etc

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