A VARIED PROGRAM.

Martha Turner Wins in Her Actions Against the Banks.

THE GRANISVILLE TRAGEDY.

Judge Zane Directs that Master Burt be Returned to His Guardian.—The Counterfeiters.

The announcement having been previously given by Chief Justice Zane that he would this morning make another setting of civil jury cases, members of the bar filled not only the entire space within the enclosure, but standing room immediately behind was at a premium. The settings are given in another column of this issue. It was nearly 11 o'clock when this portion of the morning's business had concluded, and then the following matters were taken up:

MARTHA TURNER WINS.

His honor opened the day's program by rendering a decision in the case of Martha Turner vs Wells, Fargo & Co., the trial of which recently occupied two or more days.

He said—The court is of the opinion that the deceased, Minnie Barton, had the right to make this assignment, that she had the capacity, at the time of making it, to understand the nature of the transaction, and that it was not the result of undue influence. It seems, from the evidence, to have been her set purpose for weeks before her death to make the assignment, and that being so, it follows that the findings and judgment in this case should be in favor of the plaintiff, Martha Turner. The same ruling, I suppose, applies to the cases of Martha Turner vs the Union National bank and the Utah Title and Insurance company.

On motion of Attorney W. C. Hall, for the defendants, Judge Zane granted a stay of thirty days.

HE IS LUCKY.

Assistant District Attorney Stephens—In the case of the People against Henry Soule, alias James D'Orsay, indicted for forgery, I desire to dismiss the same. The defendant is a negro, and at the time the offense was committed he was in the employ of Dr. Kendall, as coachman. He is confined in the penitentiary some eight months awaiting trial, which could not be had for one reason and another, and I released him upon his own recognizances in order that he might re-enter Dr. Kendall's service. The doctor is going to New York and he wishes to take Smith with him.

Judge Zane granted the order of dismissal.

THE COTTRELL DIVORCE CASE.

Attorney W. H. Dickson made mention of the divorce suit of Margaret Emma Cottrell vs Lamed Cottrell, in which he is acting as counsel for the plaintiff. He asked that the case be set down for hearing at an early date, for the reason that the defendant was giving considerable trouble by breaking into the house and otherwise terrorizing his wife and children. This, he urged, necessitated a speedy disposal of the matter.

Judge Zane set the hearing for Wednesday, May 10th.

PARK CITY MANSLAUGHTER CASE.

At the recent trial of Thomas O'Neill, indicted for manslaughter at Park City, the jury disagreed and the case has to be tried de novo. On application of Assistant District Attorney Stephens the court set May 24th for the second hearing.

THE GRANISVILLE TRAGEDY.

Hiram McBride and John Benson, charged with the murder of Dr. Elliott at Granisville, were next arraigned and plead not guilty to the indictment.

District Attorney Varian asked Judge Loofbourow, the defendants' counsel, whether he would be ready to go to trial with the case this term; to which the judge replied that he doubted it.

After some little conversation it was decided to let the matter stand over for the present.

THE CUSTODY OF MASTER BURT.

Judge Zane did not take many moments to write off the latest grievance arising out of the guardianship of Wallace J., the three-year-old son of Sheriff A. J. and Mrs. Burt.

Readers of the NEWS will remember that some time ago Mrs. Burt obtained a divorce from her husband, and the child was, by a decree of the court, placed under the guardianship of Mr. Wm. Grossbeck, by consent. Mrs. Burt, however, the other day got possession of the boy and refused to give him up again.

Judge Powers, on Thursday, on behalf of the guardian, applied for a writ of habeas corpus, which Judge Zane issued, directing Mrs. Burt to produce the child in court this morning. Now Attorney Emerijl Jones sought to have the decree modified to the extent that the mother be awarded the custody of the little one; but Judge Powers demurred, asking that young Wallace be returned by the person agreed upon.

Attorney Jones said he desired to put in an answer.

Judge Zane said the child must be returned to the guardian, Mr. William Grossbeck; then if the parties desired it later, a motion could be entered to change the decree. By consent of both sides the order consigning the child to Mr. Grossbeck's custody was made; therefore, if any change were now to be made it must be done hearing where both sides would have an opportunity of being heard. The court declined to take up the matter on the writ of habeas corpus.

Judge Powers—Then the order is that the child be returned to Mr. Grossbeck?

Judge Zane—Yes. I suppose there is no danger of the child being mistreated by Mr. Grossbeck?

Attorney Jones—It is a boy of three years, and he was allowed to stray away one day last week.

Judge Zane—Sometimes a boy of three years will get outside the gate. That's nothing very uncommon. (Laughter.)

Attorney Jones—Yes, but we propose to show that he was neglected.

Judge Zane—The child must be returned to Mr. Grossbeck, according to the decree. You have the law in your own hands and must take the proper course in this matter.

Attorney Jones—The boy is here, and if that is the order of the court he will be turned over.

Judge Zane (sharply)—That is the order.

Mrs. Burt, who was present with the little chap, was greatly distressed and declined to surrender the child. It was not until Mr. Grossbeck insisted and several of Mrs. Burt's friends used their kindly persuasion that she yielded him up to the guardian. She cried bitterly and before parting with the little fellow hugged and kissed him passionately. The child also cried lustily on being again separated from his mother. It was a pathetic scene, altogether, for those who witnessed it.

THE LAST OF THEM.

The court then proceeded with the trial of the last of the counterfeiters, Philip N. Vallas, who was defended by Attorney Armstrong. He is charged with having in his possession, on April 11th, a silver dollar, with intent to utter the same.

District Attorney Varian prosecuted. The case was in progress at 5:30.

HINES AND HIBBARD.

The case of Daniel Hines, one of the counterfeiting gang, resulted the jury in Judge Zane's court about half o'clock yesterday afternoon. Hines is an ex-convict, having been sent up from Provo for assault with a deadly weapon. The jury found a verdict of guilty on one count—that of having counterfeit money in his possession. The defendant waived time for sentence and was given three years in the penitentiary.

W. A. Hibbard who plead guilty on Thursday to making counterfeit money and having in his possession tools for the manufacture of the same, was also sentenced by Judge Zane late in the afternoon. Hibbard is only twenty-eight years of age but has already served five years in the Utah penitentiary for a robbery committed about seven years ago. "Well," said Judge Zane, "you have made a very bad start in life, and under the circumstances I cannot see that you are entitled to leniency. I hardly know what to do with you, as it doesn't seem to do you any good to be punished. However I will sentence you to three years on each count." Hibbard was rather taken to on hearing this.

CIVIL JURY CASES.

Another Setting Was Made This Morning by Chief Justice Zane.

In the Third district court this morning the following settings of civil jury cases was made:

WEDNESDAY, MAY 10TH.

Margaret Emma Cottrell vs Lamed Cottrell—W. H. Dickson; Homan & Zagg.

John White vs U. P. Railway Co.—J. A. Williams; Williams & Van Cott.

Solomon Bruscelor vs Robert Foster et al—S. H. Lewis, C. Ira Kreis; Williams & Van Cott.

A. C. Standart vs A. A. Parsons et al S. H. Lewis, C. Ira Kreis; Booth & Gray.

THURSDAY, MAY 11TH.

Harriet A. Partridge vs C. M. Freed—C. C. Wattsmarr; Grant H. Smith.

G. S. L. & H. S. R. R. Co. vs Hyrum P. Folsom—Loofbourow & Kahn Zane & Putnam.

Emma A. Williams vs—Loofbourow & Kahn.

FRIDAY, MAY 12TH.

L. S. Whitehead vs Wm. Litchfield et al—J. M. Thomas; Glenn & Gunter.

J. P. DeWesley vs N. Jacob et al—Reed & Case; Rawlins & Critchlow.

Re J. H. Townsend vs S. L. Dup. & Nat. Gas Co.—Rawlins & Critchlow; W. G. Van Horne.

MONDAY, MAY 15TH.

M. Newcomb vs F. C. Wells et al—D. J. Frew; Reilly & Kaine.

N. F. Newell vs Jerome Williams et al—Rawlins & Critchlow; Loofbourow & Kahn.

Martin Fossell vs Jerome Williams et al—Same attorneys.

John Livingstone vs Jerome Williams et al—Same attorneys.

Wm. H. Hurd vs Jerome Williams et al—Same attorneys.

TUESDAY, MAY 16TH.

R. S. Price vs Laura M. Snellgrove—Booth & Gray; J. H. Hurd.

Tom Ferguson vs Geo. Nicholson—D. J. Frew; J. G. Sutherland.

St. V. DeSieur vs N. Am. Asphalt Co.—Arthur Brown; Bennett, Marshal & Bradley.

WEDNESDAY, MAY 17TH.

Carey Leonard Lumber Co. vs Vincent Hawser—Bowman & Zipf; Anthony Kronz.

H. B. Bitner vs R. J. White—A. Howat, Geo. W. Nye; Loofbourow & Kahn.

W. S. Stubbs vs F. S. Snellgrove—A. Kocman; J. H. Hurd.

THURSDAY, MAY 18TH.

Union Pacific Railway company vs D. W. Stafford—J. H. Hurd.

E. C. Davis vs R. M. Ellertsen et al—Powers & Hiles; Williams & VanCott.

Elizabeth B. Tucker et al vs Salt Lake City—Stephens & Schroeder; E. D. Hoge.

FRIDAY, MAY 19TH.

G. F. Dalton vs A. M. Musser—Glenn & Gunter; Richards & Marks.

A. F. Sippedy & Co. vs J. A. Sullan—J. W. Judd; Grant H. Smith.

Wm. Glossman vs O. S. L. & U. N. R'y Co.—Zane & Putnam; Williams & VanCott.

MONDAY, MAY 22ND.

Henry Dinwoodey et al vs Salt Lake county—Rawlins & Critchlow; Walter Murphy.

James W. Sinnock et al vs Nat. Co. op. R. & L. Assn—Dey & Street; Lee & Pratt.

Sarah Greenleaf vs J. E. Bentley et al—Frank Pierce; Powers & Hiles.

TUESDAY, MAY 23RD.

Barney Morgan vs Ontario S. M'g Co.—Powers & Hiles; Bennett, Marshal & Bradley.

A. T. Schroeder vs John M. Young—Stephens & Schroeder; Williams & Van Cott.

Jack Dalton vs H. Grossbeck—Bowman & Zipf; Reilly & Kaine.

WEDNESDAY, MAY 24TH.

Amos Hyrum Fielding vs Thos. McEvey et al—Thos. Adams; Frank Pierce.

THURSDAY, MAY 25TH.

Jennings & Hurd vs Frank Kunkel et al—D. N. Straup; C. W. Hall.

FRIDAY, MAY 26TH.

Homer J. Crandall vs R. H. Bully et al—Booth & Gray, Stephens & Schroeder; Bennett, Marshal & Bradley.

Martin Lowen, administrator, vs Fredg Co.—S. C. Hall; Williams & Van Cott.

MONDAY, MAY 29TH.

Salt Lake Building & Loan Association vs Mabel A. Johnson—Richards & Rhodes; Rahlin & Talbot.

E. E. Rich vs Wm. Paterson et al—Frank Pierce; Loofbourow & Kahn.

Richard H. Brown vs C. F. Loofbourow et al—Walter Murphy; Wm. Kahn.

TUESDAY, MAY 30TH.

H. Altman et al vs Daniel Quinlan et al—Sapperts & Schroeder; J. W. Corey.

John Monahan vs Bullion-Beck & Champion Mining Co.—J. J. Rogers, C. F. Loofbourow; Marshal & Hyde.

Charles E. Morrison vs John A. Groesbeck—Marshal & Hyde; Rawlins & Critchlow.

WEDNESDAY, MAY 31ST.

John P. Swensen et al vs George Price—H. B. Watson, S. S. Markham; Baldwin & Talbot.

PROVO.

Judge Blackburn's Decision Affecting National Banks.—The Last Spanish Mine.—Brief Bits.

Special Correspondence.

PROVO, April 28.—The decision of Judge Blackburn overruling the demurrer in the Williamson vs National Bank of Commerce case was a surprise to the bankers of the city, and they have commenced making preparations to fight it in the Supreme Court. The case has been the principal theme of discussion in legal circles. Attorneys, however, are shy about giving an opinion on the ruling, not speaking of it in the light of a vastly legal question, and one of vital importance to the national banks of the Territory.

W. Wilson and N. A. Neilson, the salesmen charged with permitting gambling in their place of business, were granted a change of venue from Justice Alexander's court to that of Justice A. L. Booth. The case against Wilson was dismissed by the city attorney. N. Hour pleaded guilty and was fined $20.

The Frenchman Charbonnas continues to work his lost Spanish mine, a couple of miles southeast of this city. His eight men have left him and have commenced suit to recover their $2.10 wages, but his faith in the mine remains unshaken, although he is left alone in his work. His latest scheme to interest capital in his mine is to get up a big excursion into the hills.

Thomas B. Clark, aged 73, attended the dedicatory exercises of the Salt Lake Temple. He was also present at the laying of the corner stone of that noble structure, as a member of Capt. Bailey's band, which played in connection with the Nauvoo brass band, two Temple marches composed by Captain Bailey for the occasion, "Uncle Tom" played an opinionated, the base instrument of that date.

Louie, the child of Orson Bennett, aged two years, died yesterday morning of membranous croup. The funeral services were held today at the family residence.

The execution of Enoch Davis, the wife murderer, set for June 9th, has been postponed, awaiting the decision of the U. S. Supreme court.

Reed Smoot has imported a prize English shire draught horse. It is a beautiful specimen of horse flesh.

Two Colorado gamblers, who had located in the city, have been ordered out by Marshal Brown. They are reported to have gone to Eureka.

Today's Probate Court.

Estate of Herman Hyde, deceased. Order made setting Thursday, May 11th, for hearing petition for settlement of account.

Estate of Edward M. Byram, deceased. Order made suspending the functions of John J. Byram as administrator and citing him to appear in court on Tuesday next to show cause why his letters of administration should not be revoked.

Estate of Christian F. W. Fulmerson, deceased. Thursday, May 11th, set for hearing petition for letters of administration.

Suing the County Collector.

Attorney Daniel Harrington this afternoon, on behalf of the plaintiff, Walter L. Price, filed in the Third district court a suit against Leonard G. Hardy, county collector. The plaintiff complains that he was wrongly assessed in the sum of $47.15, for property belonging to his wife, by Assessor Lynch, and that pursuant to such assessment the sum above named was demanded from him by the collector. He paid the money under protest, and now seeks through the courts to recover it back.

Died Today.

William Gallagher, an old Chicago resident, died in this city of consumption today. His remains are being embalmed by Greaves & Sons today, and will be forwarded to Chicago for burial tomorrow.

Judgments Confessed.

In the Third district court this morning confessions of judgment were entered in the following cases:

Burnham, Hanna, Munger & Co. vs J. W. Jones; $6,30 (with $4.15 interest and costs), balance of account.

Hart Bros. vs J. W. Jones, for $152.25 (with $5.85 interest).

Sabbath Services.

The usual religious services will be held in the Tabernacle tomorrow at eleven, commencing at 2 o'clock, and in the various Latter-day Saint meeting houses in the city in the evening.

SAVINGS BANK.

3RD MARKET STREET.

Pays subscribed capital, $500,000. Pays interest on deposits. Loans money on approved real estate security only. Makes no speculative investments. Does a general banking business. Interest allowed on time deposits. Drafts payable in Europe. Buys and sells domestic exchange. Receives deposits in Savings department, subject to check, without notice, and allows interest thereon. Loans money on approved security. Receives deposits in Commercial department, subject to check, and allows interest thereon