

STATE SUPREME COURT

Cases Argued Before That Tribunal and Taken Under Adversive.

MRS. SIMMS WANTS DIVORCE

SAYS HER HUSBAND IS IN THE PENITENTIARY FOR BURGLARY.

Roseella Benson Granted a Decree of Divorce on the Grounds of Desertion and Failure to Support.

The state supreme court was in session yesterday and listened to the arguments in several cases.

The first, which was on the calendar for Tuesday, but was not reached, was Theodore Hunsell, appellant, vs. Theasas Curtis, respondent, et al., Campbell and Eleanor C. Campbell, defendants.

The plaintiff brought suit in the district court to recover from Thomas Carter \$2,000 and interest on two promissory notes secured by a mortgage on certain real estate.

The plaintiff was granted a decree and foreclosure and the premises were sold for \$2,300, which, with interest and costs, left a deficiency of \$1,077.90.

The next case was that of Elizabeth J. Stephens vs. the American Fire Insurance Company, et al., appellants, vs. the Home Insurance Company of New York, appellants.

The plaintiff and respondent was the owner of certain personal property in Ogden, Utah, which was insured against loss by fire in the Ogden, Utah, and the American companies.

The defendant companies refused to pay the loss without giving any reason, and plaintiff brought suit and recovered judgment for \$625 against the American company, \$100.50 against the Ogden company, and \$2,001.50 against the Home company.

The defendants appealed on the ground that the contract and the facts sufficient to constitute a cause of action.

Twomey & Twomey appeared for the appellants and Rogers for the respondents, and after the arguments their honors took it under advisement.

Sidney Stevens et al., appellants, vs. the South Ogden Land, Building and Improvement Company et al., was argued by Attorney L. R. Rhodes for the appellants and by Attorney R. H. Rogers for the respondents, and taken under advisement.

The suit was brought for the appointment of a receiver to take charge of the defendant company, with power to bring suits against certain of the stockholders, who were alleged to have made fraudulent conveyances of the property belonging to the company.

The district court, on August 27, 1935, granted the receiver, and the receiver, which was sustained by the lower court, and from this ruling the appeal was taken.

A Matter of Costs. Sophia V. Benson vs. Nicholas Anderson and Nepht P. Anderson, appellants, was argued by Attorney R. H. Jones for the appellants and by Attorney Perkins for the respondent, and submitted to the court.

Boyd A. Benson, et al., appellants, vs. the Board of Commissioners of the county of Eddy, et al., respondents, was argued by Attorney R. H. Jones for the appellants and by Attorney Perkins for the respondent, and submitted to the court.

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Nicholas Anderson denied that she was the widow of Nicholas Anderson, and the decree of the probate court as final. N. P. Anderson disclaimed all right, interest or title to the land.

The district court, on December 2, 1931, found the issues in favor of Nicholas Anderson and declared him the lawful owner of the premises.

An appeal was taken to the supreme court, which set aside the decree of the district court and ordered that the plaintiff receive one half of the estate of N. P. Anderson, and Nicholas Anderson the other half, and the case was remanded to the district court with instructions to enter judgment in accordance with that ruling.

The district court in entering judgment taxed the costs to the defendant, Nicholas Anderson, and the present appeal was taken from that portion of the judgment on the ground that it was not authorized by the order of the supreme court.

Short Orders. John R. Wilson vs. John Hall; dismissed. Frank Thompson vs. William E. Dabiel et al.; dismissed. Freda Maria Johnson vs. Gustav O. Johnson; motion to strike out answer and cross-complaint argued and taken under advisement.

William Hawkes vs. Caroline Conly et al.; demurrer withdrawn and fifteen days to answer. Minnie Britton vs. Waldemar Van Cott, administrator; motion to strike out cost bill denied.

Matthew Cullen vs. M. L. Powers; order to show cause for injunction and demurrer to cross-complaint argued by the plaintiff and submitted with leave for defendant to be heard before close of case.

Vieling Gold Mining company vs. Cannon Gold Mining company; demurrer to complaint argued and taken under advisement.

Harris Ann Watson vs. A. P. Mayberry; defendant given forty days from September 2 to file affidavit in support of motion for a new trial.

Her Husband in the Penitentiary. Alice Simms has entered proceedings for divorce from Joseph Simms, alleging that the marriage took place on May 29, 1894, at Provo, Utah, and that in 1895 the defendant was convicted of burglary and sent to the penitentiary for fifteen months and is now serving his term. Plaintiff asks for a decree of divorce and for such other relief as may be just and equitable.

Divorce Granted. Roseella B. Benson was granted a decree of divorce from Francis L. Benson by default in Judge Ritchie's court yesterday morning and is now serving his term. Plaintiff asks for a decree of divorce and for such other relief as may be just and equitable.

Death in Worthless Checks. The ubiquitous John Doe is again in

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PRIVATE STEPHENS KILLED.

THE MAN FRIGHTFULLY MANGLED IN REVOLVING MACHINERY.

Went into the Power House of the Salt Lake City Street Railway Company and Fell in a Fourteen-Foot Belt Driven by a 200-Horse Power Engine—Belonged to the Sixteenth Infantry—The Regiment Takes Charge of the Remains.

Private Charles Stephens, of company G, Sixteenth infantry, was killed at Fort Douglas, while in the power house of the Salt Lake City Street Railway company on Second East street at about 3:30 o'clock last evening, when the dynamo and other machinery was running at full force and he fell into a fourteen-foot belt.

Private Stephens came down from the Fort in company with a comrade named Charles Houtand. Stephens had with him a valve and a bundle of bedlinen when he intended taking to the street car to go to his quarters at Ogden to Private Baedley, who went out on a furlough on Tuesday.

Passing the power house Stephens handed the baggage to Baedley and entered the street car and he wanted to see somebody in the power house and would be back in a minute, walked in by the widest gate and in a few seconds after Houtand heard a cry and on entering found his companion lying on the floor in a pool of blood near one of the large pulleys.

PELL ON THE BELT. Gus Stearns, an employee of the company, says he noticed Stephens immediately after he entered the street car and fell on a 14-inch belt used to drive the large pulley of one of the dynamos with the force of a 200-horse power engine.

He fell on the belt about fifteen feet from the pulley and was instantly carried along to the pulley which he struck with terrific force. The belt was so fast that it cut his head and neck for the man's body to pass between it and the belt and he was thrown out to the other side of the pulley to the floor.

His neck was broken and his head was washed to a pulp, his breast bone and the ribs of the right side literally crushed and his right shoulder and right arm mangled.

Coroner Offenbach was sent for and the military officials at Fort Douglas notified. The soldiers' ambulance soon arrived and the body was removed to the fort.

NO INQUEST NECESSARY. Coroner Offenbach, after making an investigation, decided that an inquest was unnecessary as it appeared that there was no one to blame for the horrible death of Stephens but Stephens himself. On the door by which he entered is printed in large letters, "No admittance." He had no apparent business in the power house.

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