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EVENING NEWS.

Decision of Chief Austice White, do-livered in the Third District Court, Salt Lake City, Nov. 26th, 1875. TARTEM SOT SAME Sarah M. Pratt, appellant, Coust. Third Brigham Koung, appelles; Third Coust. Third Brigham Koung, appelles; Tries, Octob

and towns upon the public lands," and the act of the territory of Utah, of February 17th, 1869, prescribing rules and regulations for the execu-tion of the trust arising under said

of February 17th, 1869, prescribing rules and regulations for the execution of the fruit stricing under spid act of Congress was to enable the inhabitants of clies and towns settled upon the public isade of the United States to secure a title to such innabitants of the public isade of the United States to secure a title to such innabitants of the government by paying to the government of the county in which such city or town 'may be situated. The properties of the several measure before of the county out in case the elegal title for the inhabitants of the county in the propose of the select the several measure before of the fell title for the inhabitants of the county in which the same was estuated. Whatever may involve the purpose of congress with reference to cities and towns who were necupants of the lands on the purpose of congress with reference to cities and towns who were necupants of the lands of the batte of certifory in which the same was altusted. Whatever may involve the purpose of congress with reference to cities and towns who were necupants of the lands cembraced within the limits of the entry contemplated with the manual of its surface to the inhabitants of the lands cembraced within the limits of the entry contemplated within the lim

It confers the right, defines its charthe manner of its consummation.

The power conferred upon the territorial legislature is to execute the trust. It has no power to interfere with the individual rights

terfere with the individual rights which vested or became vested under the act of Congress.

If this proposition be true, then we are to look to the act of Congress alone to determine who are entitled under it. The primal fact which gives the right to the inhabitants of the city or town as a community is that they have settled and occupied the public lands as a city or town, and the primal fact that gives to any individual a right to any lot or subdivision of such public lands, is that he or she was the occupant of such lot or subdivision. Occupancy is the central and leading

to any individual a right to any lot or subdivision of such hot or such public lands, is that he or she was the occupant of such lot or subdivision. Occupancy is the central and leading idea of the grant, and upon this, in a positive or qualified sense, must depend any right which can be asserted under it. It is in trust for the several use and benefit of their respective interests. The execution of this trust, as to the disposal of the lots in such town and the proceeds of the sales thereof, is to be conducted under rules and regulations prescribed by the legislative authority of the state of territory. What these rules and regulations shall be interested legislative discretion, limited only by the condition that they must be in furtherance of the execution of the trust and must not voltate its letter or its spirit. As to rights which may accrue to individuals under the grint the legislature can only make rules and regulations to eliminate and define, and establish them. As to the rights which accrue to the community, it has the right to dispose of the proceeds of the sales. In determining what are the rights of individuals under the act of Congress the rules and regulations adopted by the legislature could be looked to at most as only a legislative exposition or construction or the act of congress, and could not be regarded as authoritative or binding upon the court as a legislative enactment. There being no controversy as to compliance with the rules and regulations enacted by the territorial regislature in bringing the daims of the panies before the judge of probate in the

before the judge of probate in the court below, and none as to the segularity of the appeal to this court; the court will not look to the act of the legislature of Feb. 1869, in the determination of the question at last itself to the construction of the act of Congress as the source from which whatever rights may be asserted, by either of the parties, must flow, and as the standard by which their respective claims must be tested and determined.

[TO BE CONTINUED] TO BE CONTINUED

John Hodge, a laborer employed at a sugar refinery at Breeknock, in Scotland, met with a feirful death on Saturday morning, October 23, through falling into one of the caldrons through which the hot liquor was passing. He was literally bolled to death, and his body was not recovered for about two hours after the occurrence.

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