THE SUPREME COURT.

Attorney Arthur Brown Awarded the $1,000 Compensative Counsel.

THREE APPEAL SET FOR HEARING

Three More Cases Argued Today—The City as Appellants in One of Them.

The Judges of the Territorial Supreme Court will not sit tomorrow, but upon the court's ruling this afternoon adjourned until Monday next. The following matters came up at this day's session:

BROWN VERS THE $1,000.

In the matter of the petition of Attorney Arthur Brown, asking for an allowance of $1,000 for legal services rendered to a former member of the late Corporation of the Church of Jesus Christ of Latter-day Saints, (Frank H. Dyer), Chief Justice Merritt this morning announced that the court was unanimously of opinion that the proper way of proceeding was by petition, and that the petitioner was entitled to the remuneration claimed by him.

It was therefore ordered that the former order of the Supreme Court striking the petition be now set aside, and that the present petitioner (Counsel John R. Winder) pay over to Mr. Brown the sum of $1,000 out of the funds in his hands.

ARGUMENTS.

Upon motion of Judge T. J. Anderson, Julius M. Peters, of Iowa, was admitted to practice in the bar of this court.

The application of H. G. Richards (presented by Attorney L. C. Whitney), to be admitted to practice in this court, was denied in the accustomed form.

THE TOBIN APPEAL.

Judge Cherry, counsel for the defense in the case of Charles Tobin, under sentence of death in the penitentiary, was asked by the Solicitor General (Mr. Dyer) and Mr. Winder (Counsel for the Territory) if it would suit him as the date for hearing the defendant's appeal; and his reply was in the affirmative. This case was therefore ordered, leave being given counsel to file supplemental briefs.

THE CITY AS APPELLANTS.

The first case argued was that of George T. Peay, plaintiff and respondent, vs. Salt Lake City et al., defendants and appellants.

Appeal from the First district—Judge H. W. Smith.

Richards & Richards, Sutherland & Howat and City Attorney Dyer represent the appellants; Attorneys M. M. Warner and Ira W. Hayward appeared for the respondents.

The action was for a mandamus, plaintiff, as the owner of some 1,000 acres of land on the east bank of Utah lake, of which Jordan river is one outlet, alleging that the defendants wrongfully closed and maintained dams below that river, thereby stopping the natural flow and ponding the lake to overflow its banks, damaging his crops, preventing the growth of crops, injuring the soil and rendering the place unhealthy. The amount claimed as damages was $10,000.

In their answer the defendants set up a right to erect dams in the Jordan river, contrary to grant in writing from the plaintiff and others. This, they claimed, entitled them to perpetually maintain the dams and raise the water of Utah lake to a height of 12 feet above the low water mark. They held that the same were now maintained in accordance with such grant, and not in contempt of it.

The Court charges the jury that the defendants were not liable for any damages which accrued for the maintenance of the dams at a height of 12 inches, but instructed them to find for plaintiff in nominal damages if they were maintained to a greater extent. To this charge the defendants excepted.

The jury found for the plaintiff, assessing his damages at $0.[illegible].

Motion for a new trial was made on a number of grounds, including newly discovered evidence, misconduct of the jury, excessive damages and insufficiency of the evidence to justify the verdict. Various points in law were assigned. The motion was argued and demurrers opposed.

AN OLD PURCHASED SHARE.

Hiram W. Height, plaintiff and respondent, vs. Joseph E. Parkes, defendant and appellant.

Attorney N. M. Rolfe and Judge Anderson for the appellant; Attorney John M. Zane and Sawyer & Dickson for the respondent.

Appeal from the Third district—sustained Judge Zane.

Plaintiff alleges that he is one of the heirs and devisees under the will of one Hector C. Haight, late of Davis county, Utah, and entitled by the provisions of said will to an undivided three-eighths of the estate of testator, which was left to his distributees until they should arrive at the age of 21, that the estate is still in the possession of the executor, that Alice Dorius Haight (one of the heirs) was also one of the devisees under the will, that certain employed the defendant Jesse N. Parkes to invest in the estate for him at a reasonable figure, agreeing to remunerate him for such services, thereafter, he says, effected the purchase in his name, but persistently refuses to make the transfer to him, claiming that he purchased the share on his own account.

The court below granted the prayer of the complaint, adjudging that the defendant Parkes held the share as Alice's and plaintiff's trustee, and ordered that Parkes convey the same to him.

The present appeal is from that judgment and an order overruling the motion to amend. Various errors are specified.

A "BUCKAL DIVORCE."

The case of Edith B. Romey, plaintiff and respondent, vs. Joseph Clark, defendant and appellant, came here on appeal from the Fourth district court—Judge Hilton. It was tried May 24, last, before a jury.

Evans & Rogers and A. S. Herrick were attorneys for the appellant; Bender & Dougall for the respondent.

It was alleged that in December, 1891, Will E. Swan and wife executed to one Frederick Bowers a mortgage for $15,000. This was subsequently assigned to the defendant Clark. Plaintiff claims, however, that shortly prior to the transaction above cited, Judge Hilton, in the exercise of his discretion and acting in a quasi court of equity, ordered the defendant Swan to pay to the plaintiff the sum of $10,[illegible] as alimony, and that Swan's entire interest in the property was thereby transferred to her. Plaintiff claims, therefore, that Will Swan had no interest to convey to Clark, and that the transaction was a fraud on her rights. Defendant answered by denying that Swan had any interest to convey, and that the transaction was a bona fide one, for which he paid the mortgagee $15,000. Hilton, of the district court, gave judgment for plaintiff for the amount $1,[illegible] damages.

The jury returned plaintiff's judgment, which was entered accordingly, with costs and $250 [illegible]. A new trial was denied, and the appellant gave notice of U. S. District court, an appeal is taken by the defendant.

Gamblers Forfeit Money.

Five gamblers fattened the coffers in Justice Smith's court this morning.

AMUSEMENTS.

Hopkins [illegible] is long and well advertised engagement here tonight. He brings his wife, a large supporting company and the same high honors. He certainly deserves a good audience.

THE SUGAR INDUSTRY.

A Correspondent Gives the Views in Relation to the Subject.

FARMINGTON, Utah, Jan. 16, 1895.

Editor Deseret News:

It seems that the only alternative for further manufacture of beet sugar in Utah is a reduction in the price of sugar beets of one dollar per ton. Too very soon representations to some, but to the majority I think it will not, or it should not.

I am sure it is acknowledged that in California the farmers have raised and delivered beets to the factory at a cost of $4.45 per ton. I believe it would be impossible to raise beets here for that price. While I care and am anxious to see raising beets which is cheaper, yet I have good consideration in raising grain and all the cereals, also grasses of all kinds.

If the best raisers of Lehi and surrounding country would estimate the cost of raising grain at present prices, and other products for which, practically speaking, there is no price, and it is frequently the case no sale at any price, I think none would be left now farmers who would take their attention from raising to raising the different cereals.

Last season I raised 1,000 bushels of another and wheat. On account of obligations that I had to meet I was obliged to sell at 40 and 45 cents per bushel. After deducting the cash expense of harvesting, threshing and hauling and the cost of the land, I have enough left to pay a reasonable rent on the land providing I did not own the land, leaving out in consideration of having no rent to pay. I find a very little rent to have over in the nearly exhausted for the exhaustion of owning my own land. It will be time to mind sure that I have allowed expert sorting for plowing, harrowing, drilling, harvesting and marketing all of the grain.

I wish to say in this connection that I find my experience to be the experience of many others. This condition cannot be laid to unnecessary farming, but is the supply of all the different kinds of grain, which exceeds the demand for a long succession of years.

It is for this cause that the farmers of the Montpelier valley have now adopting resolutions, looking to the cutting of large tracts of land into small farms and producing the kinds of products that are in excess of the demand, and raising the kinds that are not a surplus on the market. Now, while I have no authority or experience in the cost of beet production, yet it looks reasonable that if a sorghum mill could be made to produce a gallon of table syrup to be delivered to the factory at a cost of $25, it would then pay much better than any other product which I know anything about, providing the beets were all got rid.

It seems to me that every farmer in Utah should favor a tariff of all the sugar produced in Utah. This would not only stimulate the manufacture of sugar at home, but would be the means of placing within the reach of all the people a wholesome article which, to say the least, is worth to put next more to the consumer than the sugar we have enjoyed in from east and west. I believe this assertion is fully warranted because the home article is very much sweeter, so much less is required to be used, and thus the difference between the new article and the imported sugar.

It is very evident that those in Utah would have been very much further during the past two years had it not been for the vast sums of money unnecessarily paid for sugar that was kept at home. While I have in no instance received a dollar directly for beet or cane from the sugar factory, yet I have no doubt but that I have been materially benefited, and that somebody, if in no other manner, in the way of a superior article of sugar, which, we and the people see than it would have done had it not been for our home manufacture.

For people to be unfoundering a requires the united effort of all, realizing that what we are contributing home labor we are directly sustaining ourselves.

We are told that by our system of institutions the laws are enacted and executed with the consent of the people, which will be the case whenever the people of the next Legislative Assembly the passage of an act placing a county on all the sugar made in Utah? I think the answer should be accorded by our leading men and see by the press.

I am sure there are a deal of men who would buy the home article at a stipulated price, no matter what the price of imported sugar may be, but if a bounty was given this would insure a profit which would keep our money home, building up full blast, and perhaps in the means of multiplying cents. It is only to be hoped that the very important matter will receive at the attention and that the desired end will be reached and instead of the present future closing that more will be established and in Utah will be able to retain over one-half million dollars to circulate which at present are being sent away for sugar.

I. S. WHITE JR.

UTAH COMMISSION.

Committee Appointed to Investigate the Charges Against Clerk Blair.

IT WILL GO TO THE GRAND JURY.

Papers Served on the Canvassing Board Demanding that They Secure the Returns From the Third Precinct.

The Utah Commission had another session this morning and appointed a committee to investigate the charges made against George E. Blair, clerk of the Commission, and directing them to call the attention of the U. S. District Attorney and of the grand jury to the facts connected with the alleged frauds.

It was about noon when the meeting commenced, all the members being present. After the approval of the minutes, Commissioner Lathrop offered the following:

Whereas, The attention of this board has been called to the fact that charges of alleged frauds have been made in connection with the recent Constitutional Convention—that the county of Morgan—wherein disreputable were evident which did not appear to be just; and

Whereas, During a recent examination in this city, a statement was made by Edmund W. Tullock—a member of the staff—to the effect that, in his opinion, he found, a portion of such changes were in the handwriting of George E. Blair, a clerk of this board. Now, therefore, be it resolved:

1. That a committee of three—consisting of Commissioners Parrish, Thatcher and Lathrop—be appointed to investigate the facts pertaining to the alleged changes, and report back to this board as to the statement made by Commissioner Tullock concerning Mr. Blair therewith, and if so upon such further report there be found to be true.

2. That the said committee be directed to call the attention of the U. S. District attorney and of the grand jury to the facts connected with the alleged frauds and request that a most searching inquiry be instituted to the end that Indian frauds and the perpetrators be brought to trial.

Tullock recently testified, which was seconded by Parrish, and it was unanimously adopted.

The Commission then adjourned until Monday, Jan. 28th, at 11 a. m.

SALT LAKE COUNTY.

Following is the result arrived at by the canvassing board on the returns for Constitutional delegates in the district embracing all the precincts in Salt Lake county outside of Salt Lake City:

	Line Officers	
A. C. Anderson	[illegible]	[illegible]
A. S. Condon	[illegible]	[illegible]
A. S. Condon	[illegible]	[illegible]
A. S. Condon