DESERET EVENING NEWS.

Tuesday, August 4, 1896.

HEALTH REPORT.

Death Rate for the Month—Diseases Reported.

The health department report for July gives the total number of deaths for the month as 45, or a percentage of 8.22, compared with a death rate of 10 for the same month last year, or a percentage of 8.24. The causes of death and number for each are as follows:

Cholera infantum 6, diphtheria 2, puerperal fever 1, typhoid fever 2, phthisis pulmonalis 5, erysipelas 1, apoplexy 3, convulsions, paralysis 2, heart disease 1, heart valvular disease 1, epithelioma 3, bronchitis pneumonia 2, cirrhosis of liver 1, acute gastritis 1, gastro-enteritis 1, gastric congestion 1, epithelioma 1, intestinal obstruction 1, chronic nephritis 1, diphtheria disease 1, bilious colitis, cholelithis 1, shock following accident 1, falling down a shaft 1, dysentery 1, old age 6, senile gangrene 1. The sex has been males 28, females 19; married 20, widowed 2, single 24, white 42, colored 3.

WILL BE ARATED.

Sanitary Inspector John Greenwell has made a thorough circuit calling at the cesspool cutlooks at Twenty-First and South Temple streets and now notifies the parties maintaining the nuisance that it must be immediately cleaned. If the order is not complied with the parties will face a judgment of law. Mr. Greenwell has served repeated personal and written notices on the proprietor of the hotel and now has concluded that the limit of patience has been reached.

FOR THE MIDLAND.

Judge Hiles on the Rights of the Attorney General.

In the quo warranto proceedings instituted by the state against the Utah Midland railway company to dissolve the corporation and appoint a receiver, Judge Hiles yesterday rendered the following opinion:

The complaint in this case is brought in the name of the State of Utah, by the attorney general, to have the judgment of the court dissolving the corporation and for the appointment of a receiver to take charge of its property and assets.

Certain persons who claim to be creditors of the corporation appeared in the court and asked leave to file a complaint in intervention and to demur to the complaint.

The court under the objections of the plaintiff, sustained such intervention and demurrer to be filed.

The demurrer to the complaint is, first, that this court has no jurisdiction of the subject of this action; second, that the complaint does not state facts sufficient to constitute a cause of action.

The first ground of demurrer, namely, that this court has not jurisdiction of the subject of the action, must have been considered by the court in its own motion even if no one had appeared in the action, and cannot now be reserved and pled to the complaint.

As before held in Morris, I am of the opinion that the jurisdiction of the district court, in an action of this character, does not depend upon the amount involved, nor upon the number of creditors of a corporation, but rests in the court and exercise of its equitable powers in such cases, arises from the nature of the action itself, and is inherent in the court by virtue of its equitable powers.

The act of March 7, 1896, relative to the action of the attorney general in behalf of people, seems to me to be in harmony with the rule of the Legislature of this state expressed March 7, 1893, enacted "An act defining the duties of the attorney general and fixing the amount of his fees," together with sec. 3399 of the Compiled Laws of Utah, and has the original jurisdiction of the district court