

that city, who gave as his opinion that a case could be made against the city. The affair has not been arranged as to details as yet, but according to Mr. Barton, action will be instituted at an early date.

FROM MONDAY'S DAILY, JUNE 6.

Information is wanted concerning the whereabouts of one James A. Hodgman, who has been employed as a railroad switchman both in this city and Green river, Wyoming. Any information concerning his whereabouts will be thankfully received by his brother, Maurice R. Hodgman, of 165 E. Madison Street, Chicago, Ill.

The Ogden city fire department made a very quick run this morning about 5 o'clock in response to an alarm sent in from the cigar store, conducted by James T. Thompson at 230 Twenty-fifth street. The stock and fixtures were almost entirely destroyed by fire and water.

The stock of J. J. Okeese, whose premises adjoins the Thompson property, was also badly damaged. The loss in both cases was entirely covered by insurance. The property is owned by the First National bank of Ogden. The cause of the fire is unknown.

The Jordan River Narrows were the scene yesterday morning of the drowning of Harland Turner, the twelve-year-old son of Mr. and Mrs. William Turner of Murray. His lifeless body was taken from the water at 9 o'clock, and later in the day was conveyed to the home of the lad's parents, who were greatly shocked and grieved at the fatality.

On Saturday evening Harland, with two older boys, went to the Narrows on a fishing trip and spent the night there, camping out in the open air. Early yesterday morning preparations were made for the day's work. After talking the matter over for some time it was decided that John and Ivan Myers, the two other boys, should get breakfast ready while young Turner went to the river to catch some fish. In the course of an hour the boys at the camp began to grow nervous over young Harland's failure to return. They waited for another hour and still he did not return. Then a search was instituted for him, the foreman of the Salt Lake City Water and Electrical Power company, who lives near by joining the Myers brothers. The missing boy was soon found, his body being prevented from floating down stream by the diverting dam at the Narrows. It was quickly recovered and carried to the house of the foreman, where a vain effort at resuscitation was made. How the boy lost his balance is not known, though it is suggested that he may have fallen into the stream while under an attack of epilepsy, with which he is said to have been afflicted.

St. John, Kan., News: Elder Wm. T. Jack of this city, president of the Southwestern States mission, who has been absent from the city for six weeks, returned Monday (30th), looking and feeling well, and brings a very flattering report of the condition of affairs in his mission. Elder Jack visited all the Elders now laboring in his field except those in this conference, who will meet at St. John in semi-annual conference, June 3rd, 4th and 5th. New districts were established at Houston, Texas, and Topeka, Kans. Three branches of the Church were organized, and three Sunday schools started, one each at Dollsburg, Chickasaw Nation; Lane, Hunt county, Texas; and at Bradford, White county, Ark., where the first Saints' meeting house in the state of Arkansas has just been completed. Forty-five baptisms have occurred in the

six weeks, with prospects for more right along.

Elder Jack says: "Prospects are brighter than ever before. Prejudice is giving place to careful investigation of the doctrines taught by the Saints, and many people who in the past were ignorant of our faith and purposes, are now comparing 'Mormonism' with the doctrines of the New Testament, with favorable results."

While at Galveston he took a ride on the Gulf waters visitin' the quarantine station, Port Arthur and Fort Point, two fortresses that guard the entrance to the channel or bay, which are mounted with 65 ton guns, aside from the big guns, torpedoes, etc. Prest. Jack was much taken up with the Gulf waters and the town of Galveston, and says we should get up an excursion from St. John and intermediate points to the Gulf, so the young people could enjoy the sea breeze. The Santa Fe Ry. runs through trains, has a good line, well stocked, with excellent accommodations. Reduced rates can be secured. Elder Jack will remain in this city until fall, before going out again.

The patrolmen's room at the police station did hospital service this afternoon as it has done on many previous occasions. The patients were Harry Hockwell, a man of 45 years, and John Robinson, a boy of 14 years, both of whom had been very seriously injured in accidents in which each of the unfortunate individuals was a principal.

Both accidents occurred shortly after one o'clock. Hockwell, while perambulating in the vicinity of Sixth West and Fifth North streets, was struck by a Rio Grande Western train, with the result that his collar bone and two ribs were broken. Exactly how the accident happened it was impossible to learn before press time, although it is said that the unfortunate victim was somewhat intoxicated when it occurred.

John Robinson, the other victim, is a baseball enthusiast, and was on the diamond in a red-hot game when he received injuries that will lay him up for some time to come. It appears that Johnnie was running bases and when between second and third, another boy in an attempt to catch the ball, ran into him in such a way as to break the boy's leg in three places. The game was being played in a vacant lot off State street, somewhere between Fourth and Fifth South.

Hockwell and Robinson were given medical attention at the police station. Drs. Witcher, McKenna and Kjaerbye being summoned, after which both were removed to their respective homes, the former to 606 west Fourth North, where he lives with his brother and the latter to 637 west South Temple. The boy bore his injuries with great fortitude, as did also the man, while from the latter's appearance it seemed quite evident that he had also received severe internal injuries.

Flagstaff, Ariz., Gem: Ashton Nebeker some ten days ago came to Flagstaff and reported that the Indians came on to his premises and attempted to plant their grain on his land. He told them and their sub-agent in plain terms they could not interfere with his land but that he was willing to leave and give up the same when the law said it was not his own.

The land upon which Nebeker lives is claimed by the Indians has been allotted to them, but Nebeker and all the white settlers in that locality claim that it is not on the reservation and that he has a right to it, having lived there for years unmolested. The matter is now before the commissioner of the general land office for settlement, and E. S. Clark, Mr. Nebeker's attorney, received a telegram Monday from

the Hon. Mark Smith at Washington stating that the commissioner said he would wait for Nebeker's testimony to arrive before deciding the matter. It seems that the sub-agent at Tuba City was acting under instructions from the general agent at Ft. Defiance, which was to put Nebeker off the land.

Yesterday afternoon Mr. Fouts and Mr. Tanner, two reliable citizens of that locality, arrived here and stated that about 250 to 300 Indians were in Tuba city Monday armed with revolvers and Winchesters. They committed no violence to any one, nor made no threats, but their presence in such a large number and being in arms, is enough to create no small degree of uneasiness. It seems they are determined to try and hold this land, even if they resort to force. Joseph Tanner arrived from there last night and reports about 100 Indians still armed there, but no acts of violence by them.

What the outcome of the matter will be waits to be seen. It is a bad state of affairs and the government should hold a check on these Indians and not allow them to do as they are doing. The citizens of Tuba City are law-abiding people and the government nor its agents should not allow their rights molested. They are always willing to abide by the law.

Attorney-General Bishop today wrote and formulated the following opinion to County Attorney S. A. King of Utah county:

Dear Sir—In favor of your date June 1st you submit the following and ask the opinion of this office thereon:

"Must the county treasurer receive no money into the county treasury, except taxes, unless the same is accompanied by the certificate of the county auditor, certifying the amount to the treasurer?"

In this connection you refer this office to sections 554, 604, 612, and 6159 of the Revised Statutes, which we will examine in their order.

Section 554 R. S. provides as a duty of the county treasurer that "he must receive no money into the treasury except taxes unless accompanied by the certificate of the auditor provided for in chapter eight of this title."

The provision referred to in chapter eight reads:

"The auditor must examine and state the accounts of all persons indebted to the county or holding money payable into the county treasury, and must certify the amount to the treasurer, and, upon presentation and filing of the treasurer's receipt therefor, give to such person a discharge and charge the treasurer with the amount received by him."

Section 612 provides that it shall be the duty of the auditor to make an examination of the books and accounts of the county treasurer, the county clerk, the county recorder, the sheriff and the county supervisor during each month; and to examine the books of justices of the peace as often as he may deem necessary.

An accounting is required of the justices of the peace by the provisions of section 6159 R. S. in the following language

"When a fine is paid or bail forfeited, the justice must pay the same to the county treasurer within thirty days thereafter."

The only apparent difficulty appears to be in reconciling the language of section 612 R. S., wherein it provides that the auditor shall "examine the books of the justices of the peace as often as he may deem necessary," and section 6159, requiring justices to pay certain moneys into the treasury within thirty days after its receipt, when taken in connection with the pro-