

This morning Brady again made a winning of \$22 and naturally enough Smith wanted his \$10 back. But the more fortunate gambler was not to be hoodwinked so easily and he flatly refused point blank to give up any of "dis chile's mun." "Give me dat mun," demanded Smith angrily, but the other fellow wouldn't give up "dat mun" worth a cent.

The two fellows jangled with each other until jangling ceased to be a virtue. Then they resorted to harsher measures, the whole affair terminating in Brady's brandishing a revolver, with which he hit his companion over the head felling him to the ground and inflicting an ugly wound after which, he took a shot at him for luck, and then skipped, making his escape through a Commercial street restaurant, then on to State street, where he suddenly disappeared.

The shot went wide of the mark, and further than stirring up excitement, did not affect Smith in the least. When the assaulted man had regained composure he bled himself forth to J. Honie Taylor's barber shop, where the wound received was bathed and then he went forth in quest of medical attention.

Brady is described by Smith as being "a big yellab fellab," one of the tallest colored men in the city. He has not been here long, but long enough to be easily identified by the officers who are hunting him. The man assaulted says his name is Robert Smith, but he is familiarly known among his colored friends as "Gene."

A dispatch to a morning paper from Omaha Monday gave an account of an interview with Mr. John W. Doane, one of the receivers of the Union Pacific, in which he was reported as saying, in relation to the Oregon Short Line, the sale of which took place in this city a few days since:

"The sale was perfectly satisfactory in every particular to the receivers. The property sold for exactly what we expected it to bring, and we were assured by Mr. Carr, the purchaser for the reorganization committee that there would be no changes in the present friendly relations now existing between the Short Line and the Union Pacific. Mr. Carr announced the appointment of W. H. Bancroft as general manager; S. W. Eccles as general freight agent; D. E. Burley as general passenger agent and Mr. Butler, of the Boston law firm who he had much to do with the committee, as the treasurer. He did not give out any other of the officer."

For the purpose of confirming this statement a representative of the News called on these gentlemen. Mr. Burley was first seen, and stated that he knew nothing of the appointment of himself to the position referred to. His latest information was to the effect that the matter had not yet been decided. Mr. Eccles had no information to give out.

Mr. Bancroft was then sought and in response to inquiries stated that the only appointment which he was aware of was that of general manager, which was deemed necessary in order to have someone to look after the affairs of the line until the organization was effected. Mr. Nich-

ols, when approached, confirmed the statement of Mr. Bancroft.

Mr. Carr was seen just as he was starting to the depot to depart for the East this afternoon, and stated most emphatically that the only appointment made so far was that of Mr. Bancroft, as general manager and further that nothing further would be done in the matter of appointing officers until the reorganization was effected. He had nothing to say as to the probable persons to fill the other offices named, but the ones mentioned in the dispatch are thought to stand a good chance.

An important opinion has been handed down by the State Supreme court on the law relating to preferred creditors in case of assignments. The opinion was given in the case of the Wyeth Hardware and Manufacturing company, appellant, vs James Spencer-Baleman company and George H. Horne, assignee.

The complaint states that on June 27, 1896, the defendant company declared itself insolvent and assigned to George H. Horne for the purpose of paying the claims of its creditors. In the deed of assignment the claims of certain creditors are preferred over that of the plaintiff and required to be paid in the order of preference indicated. The plaintiff prayed that a receiver be appointed, that the deed of assignment be set aside, and that the assets of the corporation be distributed pro rata among the creditors.

To the complaint the defendants interposed separate demurrers, which were sustained, and, the plaintiff electing to stand on its complaint, the court entered judgment of dismissal and for costs. From this judgment the plaintiff appealed.

The important question presented is, whether an insolvent corporation, in this State, has power in the disposition of its corporate property, to prefer, by deed of assignment, one creditor or class of creditors over other creditors whose claims are equally meritorious. The contention of the appellant is that the assets of the assigning corporation are a trust fund for the benefit of all the creditors.

The court goes into the question at great length, quoting the State Constitution and certain statutes of Utah that are relied upon by the appellants for the limitation of corporate act; and the rule established in other states is also considered, with citations from authorities, both English and American. The conclusion is that the law always has allowed preference of creditors, and now allows it; that this is a long and well-established doctrine, which no court will overthrow in the absence of a prohibitive statute; that no law in Utah applies to interfere with the existing rule, under which the business interests of the State have grown up.

The question of rights of corporations in regard to assignments and preferences was a very important point in the case, and after very full consideration was decided on the weight of authority and reason, that corporation rights as to property actually and lawfully owned and possessed, differed in no essential from individual ownership, and the law of

assignment and preferences rested on the same basis.

The judgment of the court below was affirmed, the opinion being written by Justice Barton.

In an interview with Mr. Rognoon I learned the following facts respecting the bass plant in his great reservoir in Juab county, and the most extraordinary development and promise the introduction of spawners forebadows:

He told me that on the first day of May, 1896, he received from Mr. M. C. Newell, fish and game warden of Utah county, 90 spawners, which weighed from three and one-half to four pounds each; that the total cost of the plant when turned into the reservoir at Mona was but \$25; that now, at a conservative estimate, he has from this plant one million young bass, the longest eight and one-half inches long and weighing half a pound; that their growth was so rapid that in a week's time he could see they had increased in size. His reservoir has an area of three and one-half to four square miles, and is fed from springs; its water is fresh and limpid, and of about the same temperature as Utah lake; its greatest depth is twenty-three feet, which comprehends an area of one-half square mile. This year he expects to market \$5,000 worth of bass, and after the second year, when they will weigh, say two pounds apiece, he believes that the income from his bass plant will amount to \$10,000 per annum. He says they are gamey and fat, and that the meat is juicy, flaky and white, and in every way two to one better than mountain trout, and decidedly "the best fresh water fish I ever ate." He calls the plant a great one, and a big investment. The company has already given the city council of Panguitch a number of spawners to stock adjacent waters.

Now, what about the one thousand and one reservoirs, ponds, lakes, lakelets, artificial, found in all parts of fair Utah; will the legislators please make a note of this suggestion, which I most respectfully offer for the good and profit of yourselves and your constituents, viz: that without unnecessary delay, you secure bass and sun-fish spawners and seed all your available waters at once, and never stop building ponds until every possible spot not otherwise profitably employed in all the land, is converted into a fish farm. While you can raise bass in almost any kind of water, if not too cold, the clearer and fresher the water the better the edible and marketable qualities of the fish.

Question: Won't they become so plentiful that the market will be glutted? Never! The surrounding states will absorb tons of your fish, the products of private waters, while the public waters will supply home consumers. Away with so much pork, beef and mutton! Away with the tons of imported fish! And ah! How much cheaper and more wholesome, and withal, fish farming will yield rich, year great returns for the trifling cost (a mere bagatelle) of seedling, catching and marketing the product. An acre of water can be made far more valuable than an acre of the richest soil.

A. MILTON MUSSEY.