NO SPRINKLING TAX.

Supreme Court Declares the Assessment Illegal.

IS WITHOUT AUTHORITY OF LAW.

Those Who Fought the Special Tax Were On the Right Side in the Controversy.

The opponents of the special sprinkling tax ordinance can jubilate today. The Supreme court this afternoon handed down a decision in the case of Orson H. Pettit et al, plaintiffs and appellants, vs Harry T. Duke, treasurer of Salt Lake City. This is what is known as the sprinkling tax case and is one of great importance to taxpayers. There seems to be a general impression that the tax was levied without authority of law and was therefore illegal and void. The decision of the court below should have been overruled and the injunction granted. Judgment of the lower court accordingly reversed.

O. H. Pettit et al, appellants, vs E. R. Platt, assessor and collector in Salt Lake City. The question here involved was the same as in the above case, and the judgment of the lower court was therefore reversed on the same authority.

The latness of the hour at which the decisions were rendered prevented an extended synopsis of the rulings being given today.

GULLS AND GRASSHOPPERS.

The Former Devouring the Latter in Tooele County.

A gentleman who lives near Lake Point, in Tooele county, in conversation with a NEWS representative today, stated that myriads of grasshoppers were devouring vegetation in his neighborhood. According to his statement, the air is literally burdened with them, and a person walking through the fields has them flying in his face, and, if he is not careful, into his mouth.

The situation is being relieved, however, by the old time foe of the farmer, the gulls, which come in our flocks, gorge themselves on the insects and then fly to the lake. On reaching the water, the gentlemen states that the birds disgorge by vomiting up the insects on which they have gormandized which they are ready for another meal. The gentleman has been a close observer of the habits of the gulls, and declares they have a strong attachment for each other. When one is shot, its cry of distress instantly attracts the attention of every other gull within hearing, and they seem able to hear the sound at a great distance. They will gather and circle around the hurt bird, making a great outcry.

The gull does no harm to any useful thing, and it is wanton to shoot of a most inoffensive character in Salt Lake.

Gave Himself Up.

J. M. Ackerman, the sport, charged with vagrancy and suspected of having a hand in the Fort Douglas robbery a few days ago, and who had a bench warrant issued for his arrest by Justice Smith, returned to Salt Lake this afternoon from Ogden. He telephoned that fact to Chief Pratt and was arrested by Detective Aron Paul, after which he was released on his own recognizance.

High Priests' Meeting.

The regular monthly meeting of the High Priests' quorum of the Salt Lake Stake of Zion will convene in the Assembly Hall on Saturday, July 28th, at 11 a.m. ELIAS SCORBY, Clerk.

Fighting Sensboys.

Sammy Blundell and Harry Scott, a brace of rather tough newsboys, were up in by the police today on a charge of fighting.

AMUSEMENTS.

BOWING THE WIND sale opened at the box office this morning. The company is playing in Denver this week to heavy business, and will open here Monday night. Mr. Frohman wired Manager Burton yesterday that the crew any brought all the scenery and properties of the original New York production.

Statehood Day Speakers.

That there will be a flow of oratory at Saltair on Statehood Day, Wednesday, August 1st, is evident from the list of able speakers which was given out late this afternoon. The gentlemen who will be heard on that occasion are Hon. George Q. Cannon, Delegate Rawlins, Judge Dickson, Chief Justice Merritt, Judge Goodwin and Hon. John T. Caine.

Land Office.

The local land office has one filing under date of July 27, the homestead entry of Milton I. Jennings, of Lehi, Juab county, for the northwest quarter of the southeast quarter of section 32, township 11 south, range 1 west.

The register and receiver rendered a decision in the case of Wm. W. Keel vs Chas. E. Curtis and Seth C. Robertson. Judgment was in favor of the contestee.

Those Classic Busts.

SALT LAKE CITY, July 27, 1894.

The joint city and county building is a monument indicating the enterprise and public spirit of the citizens of this city and county that all may justly point to with pride. The beautiful grounds surrounding it afford a landscape in harmony with the building, and there are many other objects of beauty that will be admired by generations to come.

The opportunity that has been improved by our present mayor and county judge to have their features engraved in stone for the public gaze and admiration, while no doubt very gratifying to their personal vanity and ambition, may not prove so satisfactory to other members of the community. While not questioning the motives of the gentlemen in using the means provided for the erection of the grand structure to immortalize themselves, their wisdom and judgment in doing so is justly a subject for criticism.

Future generations, in gazing upon and admiring the classic features, will undoubtedly take it for granted that they were men of great eminence who had rendered services to the human race that entitled their portraits to be engraved in stone, to be thus transmitted down through time; and will naturally suppose that in point of intellect and brain development they were the representatives of the age in which they lived. While we may not find fault with their honors for not showing a larger development of intellect — for no doubt it would be gratifying to their honors if their graven images represented the brain development of a Webster—still it cannot be disputed that in placing them as finite proportions will judge, it will be an injustice to the intelligence of this day and county. Taking into consideration the difference that is usually regarded to exist between the intellectual giants of the age and the average man, what status will we occupy in their estimation at our passing? Their honors no doubt have done all they could to improve the which Some Nature endowed them with, yet if some Nature has not been more prodigal in her gifts, should they take undue advantage of us before our children in this way?

CRITIC.

Sunday School Excursion.

The Seventh ward Sunday schools and their friends will have a day's outing at Saltair on Tuesday, July 31st. An enjoyable time is anticipated.

At Garfield Tomorrow.

The Logan Tabernacle choir and other Cache valley attractions will come down from their home in the north tomorrow and for the benefit of Garfield, where they will spend the day in merry pleasure.

THE SUPREME COURT.

Opinions Handed Down at This Afternoon's Session.

There Was An Avalanche of Them This Time—Many Admissions to the Bar.

An adjourned session of the Territorial Supreme court this afternoon, convening shortly before 2:00. There was a full attendance of members of the bar, including a sprinkling of attorneys from the neighboring towns.

OPINIONS.

In the case of Joseph R. Toronto vs Salt Lake City, the judgment of the lower court (Third district) was affirmed with costs to respondent.

Ogden Paint, Oil and Glass company vs Warren G. Child et al. Judgment of the lower court, (Fourth district) reversed with costs, with directions to dismiss respondent's title.

Mexican International Banking Co. vs Henry Lowenstein, defendant and appellant (Third district.) Order of the court below granting a new trial reversed and the cause remanded for dismissal of the action.

L. W. Bacon vs John H. McClintock et al, appellants. Judgment of the court below (Third district) affirmed with costs.

Joseph Ballotti vs Societe Anonyme des Mines de Lexington, defendant and appellant. Judgment affirmed with costs to respondent.

Julius Foley vs Salt Lake Brick Transit Co., appellants. The court thought the verdict for $5,000 excessive by $2,000 the amount which plaintiff was entitled to remittitur or a new trial. Unless, therefore, plaintiff consented to such reduction, the judgment of the lower court is to be reversed. Otherwise to stand affirmed.

Crawford vs Spencer. Affirmed.

Hyde Park vs E. R. Parsons et al, appellants. Judgment and order appealed from affirmed, with costs to respondent.

William H. Whitehill, plaintiff and appellant, vs Hector A. Mears et al. Judgment of the Third district court affirmed with costs.

A. F. Lawson, plaintiff and respondent, vs Alfred Thompson. Judgment of the Third district court affirmed also.

Harriet Tuttle Drake et al., appellants, vs Rachel Bogel et al. Judgment of the Third district court again affirmed.

Springville City, plaintiff and respondent, vs Don C. Johnson. This was a question of taxation as to certain lands. Judgment of the lower court (First district) affirmed.

Jens Olsen, plaintiff and respondent, vs Hyrum Bailey. Judgment for plaintiff in the lower court affirmed with costs.

L. E. Chamberlin, appellant, vs W. W. Willets and Ogden City board of education. Judgment of lower court affirmed.

Thomas Cupit vs Park City Bank, defendant and respondent (Third district.) Judgment of the lower court overruling and discharging the attachment on appeal and the cause remanded for further proceedings.

W. L. Burrows et al, respondents, vs Oliver L. Kimball et al (First district.) Judgment of the court below reversed and a new trial granted, on the ground that the Territorial legislature has no right to pass the law giving authority to the county court to lease sections 16 and 36, reserved by the United States for common school purposes, as was attempted in the case at bar, namely 14 rodds, range 1 west.

The register and receiver rendered a decision in the case of Wm. W. Keel vs Chas. E. Curtis and Seth C. Robertson. Judgment was in favor of the contestee.

ADMITTED TO THE BAR.

The examining committee reported favorably on the following candidates for admission, and they were therefore admitted: Morris Arthur H. Winfield, Herbert G. Townsend, Henry Shindel and H. C. Moritz.

The court adjourned at 3:15 till August 31st, at 11:00.

A MODIFIED ORDER.

It was Signed by Chief Justice Merritt This Morning.

THE COPPER PLANT BONDS.

A Stipulation Between Counsel—City Treasurer Duke May Open the Bids, Etc.

Counsel representing the respective parties in the matter of the proposed sale of the copper plant bonds having entered into a stipulation by which City Treasurer Duke will be allowed to open the bids and hold the proceeds, if a sale is effected, until a final decision is rendered by the Third district court, Chief Justice Merritt this morning signed the following order. The title in the case is James A. Cunningham vs Salt Lake City and the Salt Lake Copper Manufacturing company, et al.

In this case Brown & Henderson, attorneys for the plaintiff, Dey & Street, for the Salt Lake Copper Manufacturing Co., and E. D. Hoge, city attorney, of Salt Lake City, and attorney for the other defendants, personally appeared before the court, and in open court agreed and consented to the following order:

"That whereas it appears that the bonds now in the hands of the committee mentioned in the complaint are part of a genera issue of bonds authorized by the City Council of Salt Lake, by ordinance approved May 15, 1892, and it is desirable that the said bonds may be converted into money, the money to be held by the treasurer of Salt Lake City, to await final determination of this cause, and the proper disposition of said proceeds.

Therefore, it is ordered that the city treasurer of Salt Lake City, Harry T. Duke, be and he is hereby authorized to open the bids made for said bonds, and to make sale thereby if sufficient and proper bid be since therefor, and to receive the money therefor and to hold it as city treasurer until the final determination of this cause and the proper disposition of said bonds, and that the said committee, as such, be and they are hereby exonerated from any responsibility relating to said sale. That said trustees hold said bonds until a sale thereof, as aforesaid, or until the transaction placing said bonds in the hands of the trustees and authorizing their sale by said trustees is held to be invalid, if such decision shall be made on the hearing in this cause, in which event the bonds to be placed in the custody of the city. And it is further ordered that the said plaintiff be, and he hereby is, allowed to amend the complaint herein within twenty days from this date, or such further time as may be allowed by the court or by stipulation of the parties; and that it a statement of facts in said cause be agreed upon, that the said cause upon the information herein may be submitted and heard upon such agreed statement of facts; but in case such statement of facts cannot be agreed upon, that then the hearing upon said injunction shall be had in the ordinary way, but shall be postponed until said complaint is so amended and the answer thereto is filed. The restraining order heretofore issued in this cause is hereby continued in force as usual, except as modified by this order; and the said Harry T. Duke, treasurer, is hereby required to keep possession of the said bonds or the money received therefrom until the final determination of this cause."

EDUCATIONAL MATTERS.

Lecture This Morning.

This morning at the department of physical culture of the University of Utah, Dr. Babcock delivered a lecture on the eye, speaking not only of the anatomy and physiology but also referring to the more common diseases and errors of refraction that this organ is subject to. Each part of this important organ was described in turn and some of its common ailments explained with a reference to the hygiene of the eye so important to the schoolchild. Some of the European schools have shown a marked reduction of eye complaints under improvements of heating, lighting, ventilating and seating. Errors of refraction such as myopia hypermetropia, astigmatism, were illustrated and care only explained. The simple means of detecting these important errors which lie at the disposal of teachers by which they may judge when a pupil needs the oculist's attention were given.

It is not generally understood how easy it is to produce simple lenses and astigmatism and how they will enable people to detect these common abnormalities and place the pupil in a way of getting relief. The muscles of the eye and their sensitive relation to changes in attitude were explained, quite a simple exercise and a little talk on this subject of the soul.

"Street Worship."

The summer school of the University of Utah is indebted to Prof. G. M. Marshall for a most instructive and entertaining lecture, illustrated by the stereopticon, given last evening to a full house on the anatomical and physical laboratory of the University of Utah.

The lecture consisted of clear delineations of the views presented together with humorous incidents which were interspersed throughout. The lecturer began by speaking of the tendency of all nations of people to "Deer-worship." Americans are not inclined to this, though they are less inclined to bow down to idolatry of street men. At the just, he was making their fellow beings serve the street, probably in the whole, Americans are wanting in reverence.

The various portraits of country were represented during the evening. The body of the lecture contained short colonial history extending to Mt. Vernon and its associations and reaching its climax in the character of George Washington, the "Father of His Country."

The first state thrown upon the wall was that of the old Spanish fort at St. Augustine, Fort St. Marco, which is still in a good state of preservation and has long been used as a prison for Indians. Geronimo was confined there for some time after his capture.

Payson "Times" Sales.

A crazy man from Scapda owning a sanitarium adding the statements which appeared from Costello on the accession train Tuesday. He said he was a great sinner and [illegible] he was a Jonah in the [illegible]. He he wasn't.

During the interview in Carbon Tuesday a stranger [illegible] with a fit and for a time had complete [illegible] his own way. All [illegible] however, and he was [illegible] and managed again on the general position of candidates.

The Payson [illegible] has [illegible] the free run on [illegible] during the past two weeks. [illegible] start in the morning [illegible] and expect to continue [illegible] for the balance of the week. This is an industry that should be encouraged, and every citizen is invited to call and inspect the quality of the product.

The infant girl of Mr. Cal Simons died its few minutes at Central Wednesday morning. The mother was sitting on the platform waiting for the train and fell off in some way. In falling the child was struck, and the mother thought it was not much injured. Although the child died on the way home and cried almost continually during the night. An examination was made until yesterday afternoon when Dr. Tibbs was sent for. The man at investigation and found that there was a good big bruise in the upper lobe of the right brain. The injury is doing all he can, but the [illegible] consequences medical and [illegible] may work an irreparable injury to the child.

OGDEN.

OGDEN, UTAH, JULY 27, 1894.

WELL LOADED.

Giant Powder, Fuse, Etc., Found in the City Jail of this Place.

An arrest which has caused considerable comment among the citizens of Ogden was that made by officer Ferguson at a late hour on Wednesday night of a man who gave his name as G. F. Brown. Brown was seen hanging around the depot yards and when sold by Ferguson that he was wanted, turn and run and refused to halt until a point shot was fired and about half a dozen other officers were on the spot. Immediately after the arrest he was taken to the city jail and underwent the regular search and no pockets were found to contain two sticks of giant powder, one box of plain caps, six dynamite cartridges with fuses, about ten feet of fuse, a knife and two cents. The charge of vagrancy was booked against him at a time too late for a more serious charge will be made. Yesterday afternoon he was thoroughly examined and an exact description taken of him, a picture of him was also placed upon a card by the photographer for future reference. He now lingers in the city jail awaiting a preliminary examination before Judge Bagley and his case will undoubtedly be brought up before the special grand jury which has not yet been discharged. Brown will be held to answer any charge which they see fit.

Held Under Bonds.

E. E. Wade, the stocker arrested on Monday last on a charge of obstructing United States officials was before Commissioner Halsted yesterday and was held to await the action of the grand jury. His bond was fixed at $1,000 which he was unable to secure and was accordingly placed in the county jail.

Sales.

About 1,000 people witnessed the circle exhibition given by the Salt Lake boys, Eaton and Grandell, last evening.

The city is still under special police patrol.

Mrs. McDermott was before the magistrate yesterday charged with disturbing the peace. She received some good counsel and was allowed to depart.

Real estate transfers to the amount of $5,500 yesterday.

Clerk Lutwinge issued a license to wed to Thomas Lutsen, aged 22, of Ogden, and Annie M. Bingham, aged 18, of Brigham City.

Parley Jones was run in last night for being drunk and disturbing the peace.

The C. P. pay car went south today.

There are still two companies of tramps camped at the depot.

One of the two men who left San Francisco thirty days ago, walking a tour around the world for a wager, arrives in Ogden at 5 o'clock yesterday, having walked twenty-six miles from Corinne in the morning. He left for the East this morning. The second man is about forty miles behind him and will arrive in the junction city this afternoon.

The home city train was an hour and forty-five minutes late this morning.

Randel, the editor who was shot by an unknown person here some time ago, is progressing very favorably (in words reported). He will not lose the injured member.

THIRD EDITION.

Dockmen Warned to the Check by Commissioner.

PARIS, July 27.—A duel with swords was fought between M. Paul Deschanel and M. Clemenceau today. The duel was a result of an article published in Le Matin, Clemenceau's paper, which Deschanel claimed was an insulting reply to a speech made by him in the Chamber of Deputies during the discussion of the government's anti-anarchist bill.

Congressmen Denied Admission.

NEW YORK, July 27.—The steamer Saginaw wings across from Sao Domingo of an attempt to assassinate President Heureux. Twelve or more persons are implicated. Their aims became known to the president, who arrested the conspirators. Behanlin, who three previously attempted the president's life, was shot on July 14. One conspirator was imprisoned and the remainder allowed to go.

The Population of Michigan.

LANSING, Mich., July 27.—Secretary of State Gardner has returned to University Hill the results of the first count of the population schedule of the recent census. The total population of the state is 4,451,564, as compared with 2,093,889 in 1880, and 1,853,908 in 1884. The increase in four years has been 19.93 or 6.93 per cent. Money [illegible] $6,210 or 20.93 per [illegible].

There are seventy incorporated cities with a total population of 941,676, or [illegible] per cent of the total population. Increase since 1890, 31.39; in Detroit and 16,150 in Grand Rapids. This is more than 35 per cent of the increase in the state. Since 1884 the rate of increase in population in forty-nine cities is increased of less than about four fifths of the rate of the state.

Under Lock.

ST. PAUL, MINN., July 27.—Reports from the northwest [illegible] and the Dakotas [illegible] of 11 at 10 o'clock in more cooler today.

Highest Award.

The Royal Baking Powder company, whose new advertisement appears on the 4th page of this issue, [illegible] the highest award for their great exhibit. The award signed by the company is for having received the highest award for artificial [illegible] powder, [illegible] the [illegible] exhibitors in competition with others.

COMMERCIAL.

SALT LAKE CITY BANK CLEARINGS.

Today's clearing house exchanges amounted to $[illegible]. Same day last year, $[illegible].

TODAY'S QUOTATIONS.

NEW YORK.—Stocks [illegible], $5,[illegible].

LONDON.—Money [illegible].

ORE AND BULLION.

Wells, Fargo & Co. received today from Delta, [illegible].

[illegible] & Co. received today from Ophir, $1,500; bullion, $5,200. Total, $6,700.

STOCKS AND BARGAINS.

NEW YORK STOCKS.

New York, July 27, noon.

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]