THE SUPREME COURT.

A Local Attorney and the City Parties to One of Today's Appeals.

PROTEST AGAINST A CONVICTION.

The Handsome Proceedings Instituted by S. P. Foster against the County Court.

The Territorial Supreme court has had a busy day, for once having engaged their friends' attention. The most important of these, legally speaking, was the petition for the writ of mandamus filed by the Inter-Mountain Electric Co. against the present County court of Salt Lake county, signed on an agreed statement of facts.

AS ADVERTISED.

Upon motion of Judge Hogan, Judge Johnson, of Spring City, Sanpete county, was admitted to practice at the bar of this court.

THE CITY OF IDAHO.

The first case taken up was that of Waldemar VanCott, appellant, vs. O. P. Pratt, defendant, and Salt Lake City, garnishee and respondent. It was argued by Attorney Sutherland (Williams, VanCott & Sutherland) on behalf of the appellant; Judge Hogan and Judge Hendrick were counsel on the other side.

Appeal from Third District—Chief Justice Merritt.

The appeal raised a pure question of law—that a municipal corporation in the territory, by ordinance, adopted or make valid the law as established by the legislature and courts.

In September, 1894, the appellant obtained judgment against the defendant Pratt in the district court for $60.00. Which sum is still unpaid. A garnishment was duly served on the garnishee and return made showing there was $100 due from the city to defendant. Appellant moved for judgment on the garnishee's return, but the city waived its exemption from garnishment, and expressly recognized the validity of the claim. The court below in its judgment held that the city could be charged as trustee. Evidently Judge Merritt denies the appellant's motion and the present appeal is from that decision.

REASON FOR THE COURT.

The next case argued and counsel was that of S. P. Foster, filing petition in this city against the Inter-Mountain Electric Co., plaintiff and appellant, vs. the members of the county court of Salt Lake county, defendants.

The plaintiff was represented by Peters & Allen and Attorney W. H. Dickson; County Attorney Whitemore appeared for the defendants.

This was a mandamus proceeding brought to compel the defendants to make an appropriation out of the county funds in pursuance of the act of 1894, for materials and labor contracted for by him between November 15th and December 15th, 1894, in pursuance of a contract with the new county court, and the particulars in regard to which have been already stated in these columns.

The case now comes upon an off-hand of the plaintiff, the answer of defendants, and an agreed statement of fact.

In the present proceeding two questions are presented—Has the district court any power under any circumstances and Territorial laws to issue mandamus against the county? and, if such power exists, what is the amount of the indemnities that can be exacted?

A PROMISSORY LETTER.

In the case of the People vs. George Hughes, the prosecution was represented by District Attorney Judd and the appellant by Attorney Samuel A. King.

In November of last year Hughes was convicted in the First district court of Piute of stealing one W. M. Nichols of the sum of $100, and sentenced by Judge Smith to two years' imprisonment in the penitentiary. There is another case named Jeff Dunton under indictment for complicity in the offense, which was committed in the Fifth Durbanke county, but he has not escaped arrest. It would appear that the case arose out of a cattle-selling transaction and the plaintiff in Hughes, in taking the money from Nichols, claimed that it was his.

The lower court denied the motion of the plaintiff's counsel for a new trial, and the case is brought here on several various errors on the part of the judge in his instructions to the jury being noticed. These go for the most part, however, to the sufficiency of indemnity.

APPLICATION TO OPEN A JUDGMENT.

In the matter of the application of Edward Austin and William E. Tipping, to be allowed to open the judgment in the case of John Elliott vs. John Hatton et al. (respondents), the appeal was from the First district—Judge Smith—the court sitting in the matter to vacate a judgment for the defendants.

AMUSEMENTS.

AT THE THEATER—Strong is to take that he week at the theater, the boards of the Salt Lake stage, and that the Mormonnent patrons, that it is the best shows the interest expected for a two evening, and somewhat surprising to relate, the opening night of the two distinguished Wards and James drew only a very moderate audience, and it seems, in addition, is to be named the unfavorable character of the night, which doubtless prevented many admirers of the two artists from turning out to cheer them. Miss Ray has recovered from her illness, but Mr. Ward's voice is not yet fully restored, and he was hoarse all night. The Romeo and Juliet of Miss Ray and Mr. Ward is well known to playgoers here, and it is sufficient praise for Mr. Ward to say that his people and make up, as strength for voice, were very good. Mr. James's Mercutio is the standard Thing of the Argonaut stage. The support, for instance, the officers, dance and everything appertaining to the production, were of a very dull and thoroughly stale, the principal features in the supporting company being the very sweet Benvolio of Miss Cummins and the Queen of Mr. Lorenzo.

Tonight the long-awaited production of Henry IV will be the bill.

AT THE GRAND—For one away the best diverse entertainment the stock company at the Grand has yet produced was the performance of Hagadis, Bell the night. The audience was fair, but appreciative to the core on opening night, and the interest was at the highest and most sustained pitch, and the results at the close was the call of authors and enthusiastic cheers. Mr. Frawley played his role fine and surprised people who has thought him wooden. I honestly say, in the room he impressed me like one of the realistic lands. The entertainment in the early part of the and the farcical character of the closing part were exceedingly pleasing, and it is a decidedly good entertainer for a first performance, so far as I remember. The whole had all the ingredients of the stage diversion in his medium. A very fine point this for notice a place where an impromptu song is to be sung, and that was at the close of act three, where the making of Bell to the audience might to be taken in recession and encore, and not, as is customary, that repetition will provides repetitious repetitious repetitious to an act of Mr. Frawley's making. The Cook to the acting and singular acting author, was another subject for the family play saying today, author has Miss Kennedy, whose parting scene with death was admirably, neither has Miss Cupp, neither has Mr. Blakemore, neither has Mr. Kyle, except for two or three lapses of memory; the character was very good, better has Mr. Ross, taking the stilted walk, and Mr. Cupp was at his very best as a treacherous man. Mr. Hope seemed ill at ease. The whole production is exceedingly interesting, and the Grand has a house well worth the attention of the week.

THE GRAND THEATER—It looks very much as if the management of the Grand has gone into the theatrical stage, and the business with which Mr. Frawley received in Manager Rogers and with which that gentleman spoke of Mr. Frawley when a few days ago he visited the world for good reasons. The Valentine in the middle last evening, showed that there is very little likelihood of the present company stalking after the three weeks' notice given them Monday by Mr. Rogers expires. I feel gentlemen said to me yesterday, as I passed up to date into me that I can make money by closing up the house. The whole trouble is with the management and the company, $700 per week, only half of which, or so it is said, goes to the members of the company, is taken in profit to their managers. Other and Nell. Now I know very well that I can give a company superior in New York and get as good a house as I can here, and I can make money by closing