(Continued from Page One.)

THE SUPREME COURT.

equitably to find out whether it is so." This petition did not even set out that the claim is not valid, and asked further instead that the application should have been made before the land was ever published. Mr. Brown, we said, has added small stuff that land had been at pale ent, except the rents of the real estate, which Congress has directed should be held till the further order of the court.

Attorney F. S. Richards argued that neither the indemnity nor the receiver had been per sued here. The order of the court having been entered of record, some notice must be taken of it, and he did not understand that any one could now come in and overrule it. Waite admitting that the receiver had a right to employ counsel—in fact it was his duty to do so in any important case—Mr. Richards observed that the court would, of course, determine when legal services were necessary and proper under the circumstances, and allow compensation accordingly. In this case it appeared from the review of the court that the receiver had employed P. L. Williams, George A. Peters and Mr. Brown, and he did not know who else. When the court finally adjudicated this claim of the petitioner it had a right to consider whether the employment of Mr. Brown was necessary and property chargeable to the fund. The presumption was that their bonds did show what they formally stated, it did not necessarily follow, because petitioner was employed by the receiver and performed certain services, that therefore he should be paid out of the fund. If a proper allowance had already been made or ordered, he thought this court would not include the former action of the Supreme Court.

In his closing reply, Mr. Brown contended that he had presented correctly by filing a petition in this court. It was after Mr. Peters resigned, he said, that he was employed by the late receiver. He exerted the influence usual in the matter. They could not open it up wide for him, replied the judge, but there is no money in the treasury long, we will settle that when we get the money."

The court took the case under advisement.

BOY WRIGHT.

At the last term of the Third district court a youth named Boy Wright was convicted of stealing a organ, valued at $75, the property of Orson V. Richards, and sentenced to eighteen months in the penitentiary. An appeal was taken to the Third district court and the case heard before Judge R. W. Smith on an agreed statement of facts, after the overruling of the demurrer, which set forth, first, that the complaint did not contain sufficient to constitute a public offense, because it contained no law under which the prosecution was brought was unconstitutional and in excess of legislative power conferred upon the Legislature by the laws of the United States.

The district court entered the Ruling of the U. S. commissioner, and from this judgment Mr. Harkness appeals to this court.

Among the assignments of error it is set forth that the court erred in finding the defendant guilty as charged in the complaint on the agreed statement of facts, because neither of these helped the doing of any act that constituted a crime under the definition of the crime given in said act; also this finding that the boy was legally sentenced to the asylum of correction of juvenil, and not until more than five months after vacancy occurred, in face of the statute creating the house, which provided that the term should not end with the service and consent of council appoint, and that all vacancies shall be filled within one month from the time that the vacancy shall occur."

The prosecution is represented by District Attorney Judd and Assistant District Attorney Howat; Judge J. E. Carlton and Attorney for Gentile Young are counsel for the appellant.

BIG ALLOWANCE.

At Monday's session of court it was stated that the sum of $2,295.15 in excess of the amount ($1,000) which Receiver Winder was previously authorized to expend was paid out by him. The report of the receiver was presented to their honors and revised, together with all the vouchers for the work done, to Clerk J. P. Bache to examine and report.

This morning Mr. Bache reported that he found everything correct and the court thereupon approved the report and allowed the extra expenditure.

RULINGS.

In the case of C. O. Whitlemore, appellant, vs Thomas H. Cope et al (Third district—Judge R. A. Merritt), the motion to dismiss was overruled.

In the case of John Elliott vs John Dolan et al, Edward Austin and William F. Tipping, appellants (First district—Judge H. W. Smith), the motion to strike name from the calendar was denied.

In the case of the Ogden State Bank, appellants, vs Charles M. Brough (Fourth district—Judge Miner), the motion to dismiss was granted.

In the matter of the Henry C. Weik estate, application by appellant to prove exceptions, the case having been remanded by the Fourth district court, was referred to Clerk Bache to take proofs and report.

Land Patents.

The following land patents have been issued from the general land office:

Susan J. Murdock, of Beaver county, desert land patent to southeast quarter of southwest quarter and southeast quarter of northwest quarter of section 34 in township 29 south, range 9 west.

Franklin W. Murdock, of Beaver county, patent to southeast quarter, east half of southwest quarter and southwest quarter of southwest quarter of section 26, southeast quarter of southeast quarter of section 28, west half of southeast quarter and southwest quarter of section 34, east half of northeast quarter of section 32, township 29 south, range 9 west.

John R. Alstead, of Salt Lake county, desert land patent to east half of southeast quarter of section 19 in township 2 south, range 4 west.

Probate Orders.

In the probate court today in the matter of the estate of Joseph Rudy, deceased, a hearing was had on settlement of decedent's account and objections thereto. Account allowed.

Estate of Dennis Dignan, deceased. Order made allowing administrator to sell personal property.

In the probate court yesterday an order was made by Judge Hiles confirming the sale of seventy-one feet by twenty rods of ground in the estate of Samuel Kamps, deceased, for $2,500. The property is located east of Lincoln Park, and the purchaser is Samuel N. Kamps.

In the estate of Emily J. Wolleser, deceased, an order was made allowing the final account and distribution of property.

Estate of James T. Chamberlain, deceased, an order for private sale of real estate set for January 28.

Estate of Martin Anderson, decree of settlement of account and final distribution.

Franklin R. Jackson was appointed guardian of the estate of Ester J. Jackson, an insane person, the petition to give bond in the sum of $500.

It's a Boy.

There is at least one business man who is satisfied with present conditions and future prospects, viz., William O. Lee, of Taylorville, the happy father of another boy, born January 14, 1895. Mother and child are doing well.

Municipal Reports.

Annual reports from the heads of several of the municipal departments have reached the Mayor and from them he hopes will promptly set about the task of making up the message, which promises to be an interesting document.

Foreclosure.

A foreclosure suit was filed in the Third district court this morning by Jefferson H. Wilson against Alexander N. Gillespie, Fred Loseberg and Wilbert Stone, the plaintiff's attorney being J. E. Dennis.

Personal.

Mr. Thomas Carter, of Dover, Oklahoma, is in this city on a brief visit, and while here will be the guest of Mr. and Mrs. J. A. Riley. Mr. Carter has been traveling extensively of late in Oregon and California, and comes to Salt Lake with the idea of locating here.

Ward Reunion.

The Bateman ward will have their old time annual ward reunion in their new assembly rooms on Friday evening, January 18th, dancing to commence at 8 o'clock. Our friends from other wards will be made welcome.

F. KITLES,
WM. LAMBSON,
G. R. EMERY,
Committee.

UNDER JUDGE BARTCH'S RULING

The Utah Commission Appoints a Canvassing Board for Salt Lake County.

The Utah Commission met at 2 o'clock this afternoon and appointed W. H. Dale, George L. Nye and Jos. H. Hard a canvassing board for Salt Lake county. They then adjourned until 10 o'clock tomorrow morning.

Land Office.

The following filings were made in the local land office under date of Jan. 16:

Lemuel A. Pace, of Harmony, Washington county, desert entry of the southeast quarter of the southeast quarter of section 22 and the east half of the northeast quarter of section 27, township 39 south, range 13 west.

Joseph E. Saniger, of Salt Lake county, desert entry of the north half of section 26, township 19 south, range 1 west.

William E. Andrew, of Salt Lake county, desert entry of the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter, the west half of the southwest quarter of section 27, the northeast quarter of the northeast quarter, and the east half of the southeast quarter of section 28, township 19 south, range 1 west, 280 acres.

Marriage Licenses.

The county clerk issued the following marriage licenses today: Jonas Bickel, 27, and Catherine M. Holdwood, both of this city; Charles G. Smith, 24, of Salt Lake, and Annie Nelson, 21, of Logan, Cache county; Edward James Hall, 21, and Emma Lindsay, 23, both of this city.

An Italian Row.

Joseph C. Balzaro and Paul Balzaro, Italians, who run a small store near Franklin avenue, were arrested this afternoon by Deputy Sheriff Steele, on a warrant issued from Commissioner Greenwood's court charging them with violently assaulting another Italian, Emil Demonstate, on the 14th inst.

As to Warrants.

The county court is in session this afternoon. The warrant question is up for discussion and there seems to be a good probability that County Attorney C. O. Whitlemore will be instructed to institute summary proceedings to compel the county treasurer to recognize warrants drawn upon the special fund.

FISH AND GAME REPORTS.

They Come in From Utah and Cache Counties.

Interesting at Fish-Hatchery Being Prepared—Numerous Other Reports.

SALT LAKE, Jan. 15, 1895.

Editor Evening News:

The enclosed reports from the fish and game commissioners of, respectively, Utah and Cache counties, so much will explain the absence of our report, especially those who are interested in operations and in the protection of the game of the Territory.

I will add that the outlook for obtaining free transportation for the "whole carload" of white fish fry from Hackensack City is at present very encouraging.

Yours truly,
A. MILTON BROWN.

PROVO, UTAH, December 28, 1894.

A. M. Brown, Esq., Territorial Fish and Game Commissioner, Salt Lake City, Utah:

Dear Sir—According to notice requesting a report from me as county commissioner, I take pleasure in submitting same. I have submitted my report in detail somewhat in my issue for 1894 to the county court. I am pleased that game which under the laws is protected is not suffering to any great extent from hunters, as are protected, but this, of course, is not the rule in all cases. I find that the figures below represent, as near as one can gain from close observation and information, somewhat the amount of fish caught and marketed:

Suckers, [illegible] and all other numbers [illegible] pounds (retailed at 8 cents, $7,[illegible]), wholesale at 2 cents, $2,[illegible]; 6,000 pounds (retailed at 25 cents, $1,500), wholesale at 10 cents, $600; 25,000 pounds (retailed at 25 cents, $6,000), wholesale at 10 cents, $2,500; total catch, 2,[illegible] pounds; total retailed, $[illegible]; total wholesale, $3,[illegible].

I have appointed two regular deputies for this county, which are of a great benefit in helping to enforce the law. During the year twenty-one arrests for unlawful fishing and killing have been made, seventeen cases tried and fined $[illegible]; four cases are still pending, the one of the cases of bulldozing of officers proving to be another appearance to-morrow. I have called the attention of the county court to the matter of large canals being filled with one or more in the spring of the year, when the water is diverted for cleaning out purposes, and great many small fish are destroyed in those cases. And asked that ordinances be provided by which they would be arrested and prevented in the face for making, and have recommended that a small sum be set aside to defray the expense of a [illegible] to be a [illegible] and [illegible] fish [illegible] [illegible] [illegible]