

neer of this place) while working with a threshing machine got on top of the machine to fix some bolts while it was still running. He slipped and lost his footing and went head first into the threshing, the teeth of the cylinder tore the back of his head off, also his shoulders. His arms and part of his body were badly torn. The horses were stopped as quickly as possible and he was taken out. He was, of course, unable to speak and lived only about twenty minutes. He was a quiet, industrious young man and leaves a wife and three children. Father, mother, sisters and brothers and many relatives to mourn his untimely death. The sad affair has cast a deep gloom over the whole community. His face was not marred in the least and he looks as natural as ever only that he is pale and white through the great loss of blood.

WM. C. MCGREGOR.

Following is the report of State Treasurer Chipman for the month of September:

Receipts—	
September collections (see list)	\$ 2,411.97
Balance on hand August 31, 1897	29,081.19
Total	\$31,493.16
Expenditure—	
State warrants redeemed—	
General fund account	\$ 7,798.04
State university lands	400.00
Balance on hand September 30, 1897	23,295.12
Total	\$31,493.16

Memorandum—	
Balance in funds September 30, 1897:	
State district school fund account	\$ 5,347.49
General fund accounts	6,630.60
State school fund account	2,167.26
University land accounts	9,149.26

Totals . . . . . \$23,295.12  
RECEIPTS ITEMIZED.

1897.		
Sept. 1—Beaver county	12.05	
Sept. 1—Summit county	64.00	
Sept. 1—Salt Lake county	354.54	
Sept. 2—Sanpete county	332.50	
Sept. 2—Sevier county	17.82	
Sept. 2—Sevier county	275.67	
Sept. 2—Sevier county	8.41	
Sept. 2—Utah county	14.03	
Sept. 2—Utah county	50.00	
Sept. 4—Iron county	17.78	
Sept. 4—Iron county	21.55	
Sept. 4—Boxelder county	7.91	
Sept. 4—Carbon county	11.88	
Sept. 7—Uintah county	12.52	
Sept. 7—Uintah county	.22	
Sept. 9—Weber county	839.56	
Sept. 9—Morgan county	25.60	
Sept. 22—Utah county	.48	
Sept. 23—Tooele county	26.45	
Sept. 28—State engineer, fees	20.00	
Sept. 30—Supreme court fees	300.00	

Total Sept. collections . . . \$ 2,411.97

Attorney General Bishop sent the following opinion to State Auditor Richards today, in answer to the question as to whether he would be required to re-record a brand in the name of an heir of an estate which had formerly belonged to the decedent of said estate, application being made therefor under the law of 1897:

In answering your question it may be pertinent to observe that under the statutes of this State, a brand, when duly recorded, constitutes a property right, and as such is the subject of assignment in the same manner as other personal property. It might also be the subject of bequest and be disposed of by the will of the decedent. In the absence of any such bequest, however, the title thereto would vest in the executor or administrator as against all

others, and would be subject to administration the same as other personal property belonging to said estate.

If sold or assigned by the administrator, it must be done in the manner provided by law, and, as is usual in such cases, by an order of the court having jurisdiction of the subject matter. The assignee of an owner of any brand might make application to have the same re-recorded in his own name and when satisfied that such assignment had been duly and legally made, it would be your duty as recorder of marks and brands to grant the application.

So, too, the assignee of the executor or administrator of the deceased might also apply to have the same re-recorded in his name, and when satisfied that such assignment had been duly and legally made, it would be your duty to re-record the same in his name.

From the foregoing observations it follows that the heir of a decedent, as such, has no legal right to have re-recorded in his name a brand which belonged to his deceased ancestor, nor would it be incumbent upon you, as a public officer, to recognize such application.

At a meeting of the State board of horticulture held today, the following letter was drafted to be sent to the various fruit growers of the State:

To all Nurserymen: Realizing that the interests of the tree grower and tree planter are closely allied, the State board of horticulture takes pleasure in congratulating all nurserymen upon the great revival of interest apparent in the matter of fruit tree planting throughout this State. There is no room for doubt that the judicious planting of properly grown stock will, for many years to come, prove remunerative to Utah farmers. There is a growing tendency to patronize Utah nurseries exclusively and almost without exception. We believe the patronage thus bestowed is merited. In view of this very gratifying condition, the State board of horticulture believes that the nurserymen throughout the State will readily co-operate with this board in all reasonable efforts to eradicate every form of injurious insect and disease from the stock.

"In compliance with the provisions of the horticulture law the State board will insist upon strict enforcement of the sections requiring disinfection of nursery stock. The attention of all persons concerned is especially called to sections ten(10) and eleven (11) of the horticulture law. The various county fruit tree inspectors acting under the direction of the State board of horticulture, will be charged with the enforcement of the law on this subject. In the work of disinfection herein referred to, the formulas approved by the department of agriculture at Washington will be insisted upon."

The letter is signed by President Thomas Judd, Vice-president O. H. Blomsterberg and Secretary J. A. Wright.

At the meeting it was also decided that a bulletin on the winter storage of fresh fruits and the fall cleaning of orchards should be issued in the near future, and any one making application to any member of the board can get a copy free of charge.

FROM SATURDAY'S DAILY, OCTOBER 8.

Carl J. Baren, the earliest and one of the most highly respected settlers of Moab, was drowned at that place on Thursday evening. A heavy storm had just swept over the valley, and in attempting to cross Mill creek he was carried from his horse and drowned. His body was not recovered and it is feared that it has been borne into the Grand river. The deceased had a

son attending the Agricultural College at Logan.

Benjamin F. Whittemore, well known in this city for the past twenty-five years or more, died from heart disease at ten o'clock last night. Two years ago he was stricken with paralysis and since that time has been in poor health. He was in the seventieth year of his age, and leaves a wife and one son, the later, proprietor of the Railroad Exchange.

A private telegram received at the office of Studebaker Brothers at two o'clock this afternoon, announces the death at Alma, Michigan, at noon today of Mr. P. E. Studebaker, vice-president and treasurer of the big manufacturing firm which bears the name of himself and brother.

Mr. Studebaker was 60 years of age. His death was due to heart disease, with which he had been troubled for the past two or three months. His home was at South Bend, Indiana, and his remains will be laid to rest in that city. The deceased was well known in this city and had many warm personal friends here. His last visit to Salt Lake was in March, 1893. Two of the brothers have now passed into the great beyond. The first was J. F. Studebaker, who died nine years ago. Two more remain. They are Mr. Clem and J. M. Studebaker, president and second vice president of the company respectively. The local branch office will remain closed until further orders from the chief office.

Four convicts escaped from the State prison yesterday afternoon. The prisoners were working on the new pipe line that is being constructed between the State prison and the reservoir in Parley's canyon, and in some way it seems they obtained possession of a pistol which had been secreted in the bank. With this they overpowered Guard John Van Steeter, and one of the prisoners possessed himself of the guard's uniform.

They then awaited their opportunity, and when Mr. H. A. Stearns and wife came along in a buggy about 4 o'clock in the afternoon, on their way to Starbuck's ranch in Parley's canyon, the man in the guard's uniform stepped out and ordered them to halt. Stearns did so, but when ordered to alight, protested, asking what he had done to be thus treated by a government officer. He was required to get out, when the prisoners took his overcoat and drove away in the buggy. One of them took his watch out of his pocket and looked at it, but returned it, saying they did not want any plunder. Mrs. Stearns was patted on the shoulder by one of them and told not to be frightened, that they had been badly treated in jail and were going to make their escape. The men took the buggy and proceeded up the canyon to a point above the waterworks, where they abandoned the buggy and took to the hills.

Mr. Van Steeter returned to the prison and gave the alarm, and a large number of men were soon on the search for the convicts. Word was also sent to Park City and other places and every effort put forth to capture the fugitives, whose names are Frank Edwards, W. H. Brown (colored) David Jones and Henry Tracy. Six other prisoners were at work with them, but made no attempt to get away. A reward of \$50 has been offered for the capture of each of the runaways.

The men were all new occupants of the State prison, Edwards having been sentenced to ten years at Ogden on September 17th last. His alias is Chas. Clive; he is 21 years of age, 5 feet 10 inches in height, weighs 154 pounds, has gray eyes and brown hair.

W. H. Brown, the mulatto, was sen-