THE SUPREME COURT.

The Tax Sprinkling Tax Appeals Argued and Submitted.

A U. S. COMMISSIONER FOR PROVO.

The Case of Joseph E. Gallagher and others Against the Yosemite Mining Company.

No opinions were handed down at the day's session of the Territorial Supreme Court, but a few more may be expected soon.

The business before their honors during the sitting was as follows:

NEW COMMISSIONER.

A. O. Smoot Jr., of Provo, was appointed a U. S. commissioner for that city.

MOTION TO DISMISS.

In the case of Olsen vs. Bagley a motion to dismiss by the respondent was submitted.

SPRINKLING TAX APPEALS.

The cases of O. H. Pratt et al, plaintiffs and appellants, vs. E. D. Chase, assessor and collector of Salt Lake City, defendant and respondent; and O. H. Pratt et al, plaintiffs and appellants, vs. Henry T. Dyer, treasurer of Salt Lake City, were consolidated and argued together.

In the first named case Attorney H. H. Lewis appeared on behalf of the appellants and in the second the arguments were made by Richards & Hanson. Judge Judge represented the city in both.

The two suits are almost identical. Appeal is taken from a judgment of the Third District court (sitting at Provo) in favor of the defendants, who had demurred to the complaints filed by the plaintiffs. The plaintiffs brought an action to enjoin and restrain the defendants from collecting a sprinkling tax levied against their property as a local assessment, and prayed that the city ordinance under which the tax was made to be declared void. The defendants filed a general demurrer to the complaints, which was sustained by the lower court, and the plaintiffs refusing to amend by their counsel, judgment was entered for the defendants. A interest is therein now sought. The sprinkling districts take in exactly the same lots in both suits, namely, Nos. 1 and 2.

The appellants sought to argue the point of the court below holding the ordinance and levying the tax constitutional, and denying the allegation that portion of the lower court was in error. They say, a declaration that the ordinance were void and that the tax void. That the City Council has the charter power "to levy and collect taxes for general and special purposes on real and personal property," and, in providing for "grading, sprinkling and cleaning of streets," but the Legislature had never conferred upon it, in express terms, the power to levy taxes by local assessment for the sprinkling of streets. Appellants claim that no such power exists in the city, and that the so-called ordinances creating sprinkling districts and levying a tax not to be on abutting property to pay for sprinkling the streets are void and void.

All the judges sat and listened to the arguments, at the conclusion of which the cases were submitted.

MINING LITIGATION.

The case of Joseph E. Gallagher, William H. Remington and George M. Hall, plaintiffs and respondents, vs. the Yosemite Mining & Milling Co., defendants and appellants, came next.

This was an action brought by Remington and Hall as plaintiffs in interest, and Gallagher as trustee, to recover a deed of trust given by the defendant company upon its mining properties, on September 13, 1888, to secure the sum of $11,875.00; also to recover the sum of $18,267.54, alleged to have been paid by plaintiffs to prevent defendants' properties at a sale under a prior deed of trust; further, to recover $49,995.67, alleged to have been expended by plaintiffs, over and above all receipts, in the care and preservation of the defendant company's properties. Defendants denied conformity to plaintiffs with the condition of a trust agreement under which they acquired legal title to the properties; alleged gross mismanagement and wasteful expenditure by plaintiffs, and that out of the losses and profits of the properties in their care and possession they had been overpaid for all their legitimate disbursements, and were indebted to defendants in a large sum.

The properties involved are a group of six unpatented mining claims located on the main mineral belt of Bingham, surrounded by other old and paying mines, etc., and situated in West Mountain mining district.

The case was tried by a referee, who found the main issues for the plaintiffs, and that the defendants were indebted to Remington and Hall in the sum of $35,495.76 over and above all receipts by them from the issues and profits of the said property and premises. Exceptions were overruled by the Third district court and a new trial refused, the present appeal being from the order overruling the motion for the same.

Counsel in the case are Attorneys Arthur Brown, M. M. Kaighn and Frank Hoffman for the appellants; Hon. J. L. Rawlins, Attorney General, and Attorney W. H. Dickson for the respondents.

ADMITTED TO PRACTICE.

Messrs. Daniel Harrington and Elijah Farr were this afternoon admitted to practice at the bar of the Territorial Supreme court, the former on motion of Hon. J. L. Rawlins, and the latter on motion of Attorney J. E. Hoyt.

The Trust Case.

Percy G. Brooks is having a hearing in Commissioner Pratt's court this afternoon on a charge of having deed from to his possession, the complaint having been sworn to by Fish and Game Commissioner Barrett.

At the Sumner School.

At the time of going to press today a very entertaining program was being rendered at the Sumner school. Two sessions were held between the eighth grade scholars of the Sumner and Fourteenth schools at the former building. The first was a declamatory contest between Misses Lilly Fawson and Bessie Eudes of the Fourteenth, and Misses Kate Maddison and Le-Breezes of the Sumner. A debate also occurred upon the subject, Resolved, that the steam engine has been of more benefit than the printing press, the affirmative were Charles Barker and Henry Kirkham, of the Sumner, and on the negative, Hunter Patterson and Robert Morris, of the Fourteenth. The musical part of the program consisted of the singing of America by both assembly, a piano solo by Miss Alice Baldwin and a vocal duet by Misses Lizzie Sabin and Lizzie Smith.

Eighteenth Ward School.

The Eighteenth ward Independent school, of which Mr. G. M. Mumford is principal, closed its year's work today with an interesting program of exercises, as follows:

Opening Song and Address.
Prayer.
Song, "When Shall We Meet Again."
In the Spring (a dialogue) ..... Minnie Clark, Ella Mumford, Ella Ashton, Ella Mumford, Ella Ashton, Minnie Clark, Ella Mumford, Ella Ashton, Minnie Clark, Ella Mumford, Ella Ashton, Minnie Clark