

identified at one time with the Pacific and Rio Grande Express companies. He had many friends in Utah who will be pained to learn of his demise.

"Butch" Cassidy and his partner, Joe Walker, the noted and daring Robbers' Roosters, were shot dead yesterday morning by a posse of officers. Last evening the "News" received word of the shooting, which occurred at the head of Florence canyon leading off from Green river. A week ago Billy McGuire and Bud Whitmore were held up by a gang in Box canyon and robbed of twenty-five cattle. The stock were driven off by the outlaws, along with other stolen cattle, the two men, McGuire and Whitmore, being robbed also of their saddle horses and compelled to walk. On Sunday morning McGuire and Whitmore reached Price afoot and at once reported the robbery to the officers.

Sheriff Allred immediately organized a posse consisting of himself, Joe Bush of Salt Lake, J. M. Whitmore, George Whitmore, Jack Gentry, J. W. Warf, C. W. Allred, Pete Anderson, J. Inglesfield and Jack Watson; and started out determined to bring the outlaws to time.

The posse came up with the gang yesterday morning. There were four of them and they were camped among the rocks near McPherson's summer camp at the head of Florence canyon, leading off Green river. The robbers were in bed when surrounded by the officers, and when the latter called upon the men to surrender, Cassidy and Walker sat up in bed and emptied their revolvers at the officers, none of the shots taking effect, however.

A hot fusillade from the posse soon brought Cassidy and Walker down, the other two men having thrown up their hands on the first command.

Governor Wells was notified last evening, and upon proper proof and identification he will pay the captors \$500 each for Cassidy and Walker.

During today the Governor has received no further particulars of the killing and capture of the desperadoes and it is therefore surmised that the information already received is absolutely correct and complete, except as to the names of the two men captured when the two others were shot. One of the names is given as Lay.

FROM MONDAY'S DAILY, MAY 10.

Cheyenne, Wyo., May 16.—The Utah and Nevada troops of rough riders arrived this afternoon about a half hour late. They were met at the depot by a tremendous crowd of citizens. United States mustering officers with Col. Wilhelm Lany, members of the Wyoming battalion, which leaves for San Francisco tomorrow. The train with the cavalry troops was not unloaded at Cheyenne, but taken direct to Fort Russell. Physical examination will be given this afternoon and continue until completed, when the boys will be mustered in and uniformed in the blue with yellow facings of Uncle Sam's cavalry. The troop from Salmon City, Idaho, arrives tonight. The boys all look well and tell of patriotic demonstrations along the line of travel.

Manti Messenger: A most sad accident happened Wednesday in which the three-year-old son of Hans Westenskow Jr. was instantly killed. In the afternoon the little boy and his mother were visiting at the home of A. C. Anderson of this city and the little fellow after arriving there commenced playing with Mr. Anderson's children. Unfortunately a horse was loose in the yard where the little folks were amusing themselves and the little boy got too near the animal which kicked him under the chin, breaking his neck. Nothing is to be seen but a blue mark under the child's chin. The

accident is a sad blow to the parents and they together with others should take warning after this most pitiable affair. Mr. Westenskow was away from home and this sad news was most startling to his ears. Funeral services were held yesterday afternoon.

It will be sad news to very many people to know that George G. Bywater is dead. His demise came at 12:10 this afternoon, and was very sudden and entirely unexpected. Apoplexy was the cause. The respected veteran was in the seventieth year of his age, and in his usual health, when the important summons came. He had been up town during the forenoon and had returned home for lunch and was sitting at the dinner table with the twenty-ninth volume of his personal memoirs before him, and was simultaneously scanning its pages and chatting with his wife and son Caleb. Suddenly he stopped eating, his head fell slowly forward, and rested upon his breast. He appeared simply to have gone to sleep. This proved to be true, but the sleep was the sleep of death.

As quickly as possible he was carried to a lounge and laid upon it, while Drs. Richards and Wilcox were summoned. They responded promptly, but on their arrival immediately announced that they could do nothing, as he was already dead. He leaves a wife and seven children. He was an unpretentious, intelligent and useful life. He had few if any enemies, and very many friends, all of whom will regret to learn of his death, peaceful and easy though it was.

George G. Bywater was born at Bedwellty parish, Monmouthshire, Wales, November 15th, 1828. He joined the Church of Jesus Christ of Latter-day Saints in his native land and came to Utah in 1854, first settling in the Sixth ward, this city. Soon after his arrival he went into the watchmaking business with Offenbach, who was the first watchmaker in Utah. He was the second conductor of the Utah Central, and a locomotive engineer on the Utah Southern, on which he had two narrow escapes from death, one on account of the breaking of a driving rod on his engine, and the other by the rolling over of an engine in the Sixth ward, in which accident his brakeman was killed. He was also master mechanic on the Utah Central for several years. He removed from Salt Lake to Provo in 1859 or 1860, and resided there for several years, during which time he served two or three terms in the city council at that place. Of late years he had charge of the machinery of the Salt Lake Temple and was only released from that position recently. He was a painstaking student and a man of scholarly attainments, as gentle as a woman and as trusting as a child. On January 1st last he finished a three years' term as member of the board of education of this city. At the time of his death he was a director of the local Cambrian association. He is the second officer of the society to pass away within a period of two months, the other being Bishop Elias Morris.

Attorney General Bishop transmitted a reply today to E. W. McDaniel, county attorney of Sevier county, on the question of assessing transient herds of cattle. Mr. McDaniel's question was as follows:

"Some of our surrounding counties seem to think the failure of owners of transient herds from this county to produce the auditor's certificate mentioned in section 2541 of the Revised Statutes relieves them from the duty of transmitting to the assessor of this county the list required by sections 2538 and 2539. Is this true? What is the effect of section 2541 construed in

connection with the three preceding sections?"

Replying, Mr. Bishop says: "The clear intentment of this title, without any limitation, seems to provide that counties the ranges of which are burdened with the support of stock for a portion of the year shall be entitled to their pro-rata share of the taxes upon such stock as may be fed upon their respective ranges for the current year, irrespective of the question as to whether or not the method of assessing and collecting the same provided therein shall have been strictly followed.

"We think such a construction should be placed upon section 2541 as would conform to the intent of the Legislature as indicated in the whole title. That section is not wholly free from ambiguity. It might be contended that the right of the county where the stock is owned and kept for a portion of the year to a part of the taxes on such stock would depend upon the presentation of the certificates of the auditor provided for in said section by the owner or person in charge of the stock to the assessor of the county to which such stock are removed before being assessed. But such could certainly not have been the intention of the Legislature. Under such a construction, in counties where a large part of the taxes arise from transient herds, the collection of the public revenue of such county would depend upon the performance of a duty enjoined by section 2541 upon the owner of such stock. Such a construction would not only be unreasonable but absurd.

"To give effect to the law as contemplated by the Legislature, I am of opinion that the expression 'to entitle them to the benefits of this title,' should be considered as applying to the taxpayer and not to the county. Any different construction would work a gross injustice to the county issuing such certificates, without fault upon its part. The collection of its revenue would be made to depend, not upon the diligence of its officers (assuming that they have issued the certificates in question) but upon the action of the property owner to whom they were issued.

"In consonance with the above holding, I am of opinion, that it is the duty of the assessing officer to make diligent inquiry concerning transient herds of stock, and whenever it is ascertained that herds are ranging in this county which are owned and ranged a portion of the year in another county, to make a list of such stock and transmit the same to the county where owned, notwithstanding the failure upon the part of the owner, or person in charge of the stock to present the certificates in question, to the end that such stock may be assessed in the proper county and school district as is provided in sections 2538 and 2539 of the Revised Statutes."

Citizens of Salt Lake to the number of several thousand were at the Oregon Short Line depot last evening to bid the gallant Utah troopers of the rough riding rifle regiment an affectionate farewell. The leavetaking was perhaps the saddest ever witnessed in Utah. For an hour or more great throngs of people crowded about the brave boys, pressed their hands, spoke words of encouragement and praised them for their patriotic performance of a grave public duty. In the eyes of the assembled multitude every volunteer was already an hero, entitled to all that was meritorious and good.

A lamentable omission, and one that produced a very gloomy effect upon all present was the omission of music. No band was present and not a tune was played. That as courageous and distinguished a troop of men as those sent out of Utah yesterday should have been permitted to depart without the rendi-