Elder Thomas W. Lee also spoke and testified to the truthfulness of the Gospel. He looked for the time in the near future when all those holding the holy Priesthood would have to wake up to their duties and perform them, or the Priesthood would be taken away from them.

Monday, 2 p. m.—The general and local authorities of the Church as presented last Conference were presented and unanimously sustained. Reports by some of the Bishops were given; as a rule the people felt like pressing on. The Bishops all felt well and desired to do their duties.

The names of the home missionaries for the ensuing three months were presented and unanimously sustained.

Elder Teasdale then spoke. He had been pleased with the spirit of the conference. The speaker spoke at some length upon the evils of round dancing and masquerade balls and the bad results that come carrying these to an excess. Elder James E. Steele made a few closing remarks. He felt to thank those who had contributed to the success of the conference and hoped the people would carry the spirit of the conference to their home and put the same into practice.

H. L. HANSEN,
Stake Clerk.

DECISION IN THE PRATT CASE.

The Supreme Court handed down an opinion Thursday in the case of Arthur Pratt, appellant, vs George Swan, city auditor, reversing the case and remanding the cause with directions to the lower court to grant the writ of mandate as prayed for. The court holds that the office of chief of police was not abolished and that Pratt, not having been lawfully removed, is entitled to hold the same and receive the salary of the office.

Pratt made a demand of Swan for a warrant in payment of five months' back salary due him as chief of police. A refusal on the part of the auditor caused the chief to make application for a writ of mandate to compel him to issue the warrant. The petition was presnted before Judge Cherry and the defendant interposed a demurrer which the court sustained. Pratt refused to amend when the petition was dismissed. The case was then appealed to the Supreme Court and arguments were made March 12th.

The court finds that the most important question to be determined is whether the office of chief of police was abolished by the revised statutes.

Judge Powers, who appeared for the chief, contended that there was no intention on the part of the Legislature, in enacting these statutes to abolish the office; that the same was still in existence and that Pratt having been appointed therto under a tenure during good behavior was still entitled to hold the office and draw the salary therefor.

City Attorney Hall, however insisted that the law which created the office had been repealed and the office therefore abrogated; that the abrogation of the office removed the chief and that he was not therefore entitled to exercise the duties of the office, or receive its emoluments.

The determination of the question, the court finds, requires a consideration of the laws under which the office was created and the several provisions of the revised statutes, including the repealing act which the court holds has a bearing on the case. The court also finds that the question not only involves the office of chief of police but also the entire police force in the cities affected by the statutes.

These offices, the court says were created by the act of 1894, chap. 37, session laws, page 33, and were for the police and fire departments on a non-partisan basis.

"While that act," says the court, "was repealed by chap. 72, session laws, its provisions were substantially re-enacted."

The court then cites the case of Pratt vs board of police and fire commissioners, which reviews the statutory provisions respecting the tenure of office, and holding that Pratt was entitled to hold the same during good behavior, which meant for life, unless it should be otherwise provided by statute, or unless he became guilty of improper conduct such as would justify a removal.

"It is not contended," says the court, "that the officer was removed for misbehavior or improper conduct, for, although it is admitted that one time charges were preferred against him, it was also admitted that no hearing was ever had, and that no removal was ever effected by reason of such charges but the respondent insists that the laws, by virtue of which the office was created and the appellant appointed, were repealed and superseded by the rvised stateutes, and that the office was not continued but abolished, and the appellant in that manner removed."

The court then considers the provisions of the revised statutes applicable to the case at bar in order to determine their effect upon those of the act of 1894, as re-enacted in 1896.

"In the general plan of revision," it says, "there was no design to absolutely repeal all the statutes of the State. Nor will a court assume, because of the repealing clause, that in such plan there was an intention to abolish offices necessary to the public good, or to remove the incumbents thereof. The evident design in the plan of revision was to continue in force the great body of the statutes, with some modifications and amendments, as well as to continue in existence the officers necessary in the execution of the laws, under the revised statutes. The object, doubtless, was not to abrogate, or change the law to any great extent, or to abolish offices or remove incumbents, but to reconcile contradictory enactments and discrepancies, to remove doubts and weed out superfluous matter, to give the sanction of positive law to rules which had previously been promulgated and stood alone on the authority of usage, deduction and judicial decision, and to render all enactments of statute law more concise, clear, accurate and practical."

The court further holds that the old statutes, in practical operation and effect, must be regarded, by the courts, in construing the revised statutes and acts of amendment and repeal, as continued and modified rather than as abrogated and new ones enacted, although, in terms, all were repealed.

Says the court: "The intent of the Legislature must prevail, even though opposed to the literal sense of the terms, and control the strict letter of the repealing statute, and where a particular construction, which appears to be included within the terms, would lead to absurd consequences, the court will, out of respect to the Legislature, adopt some other construction which will avoid such consequences, if from the whole purview it may fairly be done. The Legislature can never be presumed to have intended an absurd thing."

Referring to chapter 6, section 213, of the revised statutes for 1898, and especially to sections 245, 246 and 248, the court says:

"Thus it will be seen that in the revised statutes there is ample provision to create and maintain a fire department in the large cities, to create and maintain a police force in the small cities, and according to respondent's theory, provisions defining the powers and prescribing the duties of the chief of police, and other public officers in large cities, with their offices abrogated. It is not clear that such a contention leads to an absurdity. Would the able counsel, who argued this case, seriously undertake to maintain that the Legislature intended to protect the peace and good order of small communities, to guard against the ravages of fire in large cities, and, at the same time, to ignore the peace and welfare, the lives and property of the populous cities, leaving them to the evil propensities of the criminal classs who are wont to infest such cities?

"No such design can or will be imputed to a co-ordinate branch of the government. Nor are there any circumstances in this case which would warrant such imputation. Again, why define the powers and prescribe the duties of an officer whose office has been abolished? Counsel say, because the city council has power to create the office by virtue of section 214, c. 6, which provides: 'The mayor, by and with the advice and consent of the council, may appoint all such officers and agents as may be provided for by ordinance, and, in like manner, fill all vacancies among the same, except as otherwise provided by law.' This doubtless was intended to confer power to appoint such minor officers and agents as might become necessary, from time to time, in the municipal government, and the necessity for whose services might arise, and the emergency which might call for their appointment, the Legislature, owing to the narrow limits of the human mind, were unable to foresee. Or, it may be that this general provision was enacted, because of the impossibility of the Legislature entering into immensity of detail. The provision, it will be observed, leaves the appointment of such officers and agents discretionary with the mayor. He may appoint or hot as he chooses. So, the council may provide for appointment or not, or confirm or not, as it chooses. Thus, if respondent's contention be true, officers of the most populous cities of the State, which, but a few years ago, under the most solemn judgment of the legislative branch of the government, were regarded as of such grave importance as to impel the enactment of a statute whereby the incumbents were appointed under life tenure, so as to secure more efficient service by removing them as far as possible from political and other improper influences, have now came to be regarded, by the same branch of the government, to he of so little importance as to permit the creation and continuance of the officers and the appointment of the incumbents to stand on mere implication, and be subject to mere pleasure, whim or partisan zeal of a mayor or city council. In other words the legitimate result of the insistence is that the Legislature intended, by the revision and repeal, to commit the peace and welfare, the protection of lives and property of the largest communities in the State to mere discretion of the mayor and council, acting jointly, and either one having the power to defeat the will of the other; and this too in the face of the fact that for comparatively small communities, the same Legislature made ample provision for peace officers. Could an interpretation of the several statutes, which would produce such results, and impute such intention, be regarded as warranted, or reasonable, especially when the real object of the revision is considered?"

After further argument of the case and citing numerous authorities, the court finds that the office of chief of police was not abolished, but continued in existence under the revision, and that Arthur Pratt not having been removed, is entitled to hold the same as