THE CITY TAX CASE.

The Legal Arguments Made Yesterday Afternoon and the Case Submitted.

After the NEWS had gone to press on Tuesday afternoon, the case of Hiram Johnson vs. the City Council of Salt Lake came on. Mr. Varian appeared for the plaintiff and Mr. J. L. Rawlins for the defendant. This action was brought by the plaintiff to have the city council restrained from making the proposed reduction of 20 per cent. on the valuation of real estate on the ground that such action would be an unjust discrimination against the owners of personal property.

Attorney Varian made a brief argument in opening, and Attorney Rawlins replied that the return to the writ of certiorari showed that upward of [illegible] complaints against the valuation of real estate had been filed with the city council. After considering these, Mr. Young offered a resolution making a reduction of 20 per cent. on real estate. He contended that this simply brought the valuation down to a fair cash valuation, and was not such a discrimination against another class of taxpayers as would disturb the uniformity of the assessment. The council, after investigation, concluded that the [illegible] who complained were assessed too high, but no higher, relatively, than all others of the same class. This being true, the question was what could the board do to equalize the taxes and at the same time preserve the uniformity of the assessment. The only action to take was that which had been taken. There was nothing in the record to show that the board had not acted in the spirit of the law and within the power conferred upon them by it. It was essential that the board should exercise a revisory power over the assessment, in order that justice might be done. Mr. Rawlins cited a long list of authorities in support of his position in [illegible].

Attorney Varian answered that the record must affirmatively show the jurisdiction. When the board acted upon the complaints before it, there was nothing more for it to do. It stopped in its legitimate work and entered upon the domain of [illegible], and with a series of "whereases" resolved that 20 per cent. of the tax [illegible] really should be taken off. Where was their authority for this? The board had jurisdiction of the assessment rolls for one purpose only, which was to hear complaints. Where was there any evidence that the property was assessed 20 per cent. to high? The law contemplated a full investigation of valuations, and in the absence of any fraudulent interest on the part of the assessor, the courts could not interfere. The board was really a court of review, but it was not to pass upon such cases. If there were no complaints and no appeals, there was nothing for it to act upon. It never was intended to confer upon the body the power of making assessments. That would make it a court of original instead of appellate jurisdiction. Its powers were put in motion by complaint and its action must be in the nature of review.

After counsel on either side had cited numerous additional authorities, the court took the matter under advisement.

[The above report was unavoidably crowded out of our yesterday's issue.]

Second District Court.

Business was conducted in the Second District court at Beaver Tuesday.

The case of Whitlock & Harris vs Thaddeus Fallmer et al., in which the plaintiffs, who had been indicted, convicted and sent to the penitentiary for stealing 200 sheep, but who had been subsequently pardoned out by the governor, sought to recover from the defendants the value of the sheep for the stealing of which they, the plaintiffs, had been, as they alleged, wrongfully convicted. The case occupied all day and until late at night, the jury finally coming in at 1 o'clock in the morning with a verdict for the defendants on the ground it is understood that the previous conviction of Whitlock & Harris for stealing the sheep in question prevented a recovery of the animals taken from them at the time they were first arrested.

This morning, after the sealed verdict in the above mentioned case had been rendered, the following named prisoners were brought up to receive their sentences:

Wm. Stacks, of Monticello, San Juan county, convicted of grand larceny, was sentenced to one year in the penitentiary.

Thos. Hally, a tramp miner, who in attempting to beat his way over the Union Pacific from Milford, had an altercation with the conductor and finally shot at and narrowly missed Express Messenger Hyde, who was assisting to put him off the train, was also sentenced to one year.

Duckworth Grimshaw, who pleaded guilty to adultery with his plural wife, was also sentenced to one year in the penitentiary.

The case of the Ryan-Bean Cattle Company vs. P. T. Farnsworth came up on a formal motion for the payment of costs, and by consent of the counsel the first day of the December term was set for argument in the case. The court then adjourned sine die.

Founder's Day.

There will be a grand celebration in honor of the establishment of the Brigham Young Academy in 1875, to be held Oct. 16, 1891. Services to be conducted in the meeting house, Provo, President Smoot presiding.

Following is the programme:

[illegible]

All former students and friends of the Academy, and of education in general, are invited to attend.

In the afternoon a fruit festival will be held in the academy building, and in the evening a ball will be given.

The Union Pacific and Rio Grande Western railways offer excursion rates from all points in Utah County to Provo.

A Jealous Horse.

In a fashionable boarding stable in New York is a horse called Tatters. Tatters belongs to a lady and makes a great pet of him [illegible] apples, carrots, or sugar, of which he is extremely fond. In a neighboring stall is the horse of her friend, an animal answering to the name of Phil. Tatters and Phil are on good terms, but the former sometimes throws his ears back and manifests jealousy when his mistress, after giving him an apple or a carrot, gives one to Phil. One day she went into the stable while Tatters was in the hands of the groom. He began begging for an apple and she deferred the gift until the groom had finished his work and the horse had returned to his stall. Meantime she gave an apple to Phil.

When Tatters had gone to his stall she offered him an apple, but he refused to take it, and turned his head from her in disgust. For half an hour she coaxed him, but to no purpose. Then the groom tried to induce him to take it, and then another groom made the same effort, but all in vain. Take the apple he would not, nor would he recognize his mistress in any way.

His ears drooped and he had the appearance of a child in the sulks, just as much as a horse can possibly have it. His heart was broken, not so much because an apple had been given to another horse, but because it had been given before himself had received one. But by the next day he seemed to have forgotten his grievance, and you may be sure that his owner has been careful not to offend him since in the same way.—Brooklyn Standard-Union.

A Mysterious Custom.

A pretty custom, similar to that observed in England, Scotland and the United States on St. Valentine's Day, the 14th of February, is in vogue in Bosnia on the 1st of March. This is the day indicated in the state and church calendar as the official date for the beginning of spring.

The masculine portion of the population is not favored with valentines as in this country, but the daughter, friend, sweetheart or bride may be quite sure of receiving her token of affectionate remembrance on that day. These little gifts are called martinitzas, and consist of hearts, silver or some cheaper material in the shape of hearts, stars and medallions. These little amulets bear the date March 1, accompanied by this [illegible] of the year, and any motto or inscription which may seem to the giver as appropriate.

The recipient of the martinitza wears it held by a small chain, on her arm or hung around her neck until in her walks abroad she sees a tree in bloom or hears the song of the nightingale. Then she takes it off and hangs it on the next green bush, in which she comes as an offering to Mother Nature, for whom all Bosnians have a great love.

Whether these little amulets are allowed to hang on the bushes and string by the breeze all summer, or whether after a certain time they are stealthily gathered by a superstitious collector, to be utilized for another season's use, is not stated by the German paper which tells of this pretty, if rather sentimental, custom.

A Two Hundred Dollar Speech.

A certain well known German physician of Germany's side was the victim of his own "persuasiveness" the other day. He had successfully treated a wealthy lady's daughter for diphtheria, and the lady was extremely grateful for it. When the child was thoroughly well mother and daughter appeared at the physician's office. The little girl shyly handed the physician a neat little knit purse, while the lady went on to say: "For having saved my child, doctor, I want to present you with this purse."

"But," said the physician, after an embarrassing pause, "I have sent you a bill for $200."

The lady finished, then said quietly: "Let me have the purse, please."

She took two $100 bills out of it and returned it to him with the remark, "There are $100 in there now, so your bill is paid," and left the room.

Now the doctor is cursing his silvery tongue for the bad break it made. That little speech cost him $100.—St. Louis Republic.

Procure it Before Leaving Home.

Dr. M. J. Davis is a prominent physician of Lewis, Cass County, Iowa and has been actively engaged in the practice of medicine at that place for the past thirty-five years. On the 26th of last May, while in Des Moines, en route to Chicago, he was suddenly taken with an attack of diarrhoea. Having sold Chamberlain's Colic, Cholera and Diarrhoea Remedy for the past seventeen years, and knowing its reliability, he procured a 25 cent bottle, two doses of which completely cured him. For sale by Z. C. M. I. Drug Dept. d&w

[illegible] pounds beeswax wanted at Johnson & Pratt's drug store. tf

What Does it Mean?

"100 Doses One Dollar" means simply that Hood's Sarsaparilla is the most economical medicine to buy, because it gives more for the money than any other preparation. Each bottle contains 100 doses and will average to last a month, while other preparations, taken according to directions, are gone in a week. Therefore, be sure to get Hood's Sarsaparilla, the best blood purifier. 2

CATARRH IN NEW ENGLAND.

Ely's Cream Balm gives satisfaction to every one using it for catarrhal troubles.—G. K. Mellor, Druggist, Worcester, Mass.

I believe Ely's Cream Balm is the best article for catarrh ever offered the public.—Bush & Co., Druggists, Worcester, Mass.

An article of real merit.—C. P. Alden, Druggist, Springfield, Mass.

Those who use it speak highly of it.—Geo. A. Hill, Druggist, Springfield, Mass.

Cream Balm has given satisfactory results. W. P. Draper, Druggist, Springfield, Mass.

Buy your JEWELRY on the WEEKLY TEN PER CENT. INSTALLMENT PLAN, at L. Hollander's Jewelry Store, 1[illegible] Main Street. d1m

ORANGE BLOSSOM.

Ladies suffering from any form of Female Weakness will find a sure cure in "Orange Blossom." For full particulars call on the General Agent, 125 West, Third South Street, Salt Lake City.

Do You Dine?

If yes, your dinner should begin with soup. Soup can be most easily, most economically, and most expeditiously made with

Liebig COMPANY'S Extract of Beef,

without other meat stock.

This is how a jar of the genuine looks. It has a blue signature like this on the wrapper.

Ask for Liebig COMPANY'S

RAILROADS.

Rio Grande Western Railway.

STANDARD GAUGE.

CURRENT TIME TABLE.

In Effect Saturday, August 1, 1891.

[illegible]

Utah Central Railway

TIME TABLE.

In Effect April 1st, 1891.

Passenger Trains will Run Daily, between Salt Lake and Park City, as Follows:

SALT LAKE CITY.

[illegible]

PARK CITY.

[illegible]

T. J. MACKINTOSH, G. T. & P. A.

SCENIC LINE OF THE WORLD!

THE

Denver & Rio Grande Railroad

TWO SUPERBLY EQUIPPED TRAINS DAILY

TRAVERSING THE

GRANDEST SCENERY OF THE ROCKIES

Glenwood, Aspen, Leadville, Pueblo Colorado Springs and Denver.

Pullman Sleeping Cars, Pullman Tourist Sleeping Cars, Chair Cars Free. [illegible]

For further information call on or address

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CALIFORNIA POSITIVE & NEGATIVE ELECTRIC LINIMENT

CURES CATARRH

Rheumatism, Neuralgia, Corns, HEADACHE, and ALL PAIN.

The California Positive and Negative

ELECTRIC COUGH CURE

CURES COLDS, CROUP, CONSUMPTION.

Health is Wealth

[illegible]

WE GUARANTEE SIX BOXES

[illegible] JOHNSON, PRATT & CO., Druggists, [illegible] Salt Lake City, Utah.

F. AUERBACH & BRO.

We are now showing our Advance Consignment of

NEW FALL GOODS!

You are invited to examine our EARLY FALL STYLES and FASHIONABLE NOVELTIES. We are determined to interest you, and once made our price the "proper thing."

SILK AND DRESS GOODS DEPARTM'TS

Grand Opening of Fall Purchases in NEW SILKS and DRESS GOODS.

[illegible]

DOMESTIC DEPARTMENT.

[illegible]

TO OPEN OUR BLANKET SEASON

We will sell [illegible] White California Blankets at $[illegible]. [illegible] All Wool Filled Blankets at $2.[illegible]. $[illegible] Scarlet Blankets, $[illegible]. $[illegible] Grey Blankets, $1.[illegible].

A SPECIAL CHANCE! 1 lot of Sample Blankets, slightly soiled, carried over from last season, to close at LESS THAN COST!

LACES! LACES!

THE SALE OF LACES DAILY GROWS LARGER.

[illegible]

55c. It is really surprising that 55c. will buy such exquisite Drapery Net. Also $1.15 Drapery Net, 75c.

95c. Over 100 Dress Patterns in all Silk Drapery Net, some of them worth $[illegible] per yard, for 95c. per yard.

We extend all a Cordial Welcome to our establishment.

F. Auerbach & Bro

The GREATEST TEN DAYS' SALE

—EVER ATTEMPTED BY—

S. KELLNER

—WILL COMMENCE—

MONDAY, October 5th.

This will afford all visitors to the CONFERENCE and FAIR an opportunity to lay in their FALL and WINTER DRY GOODS and GENTS' FURNISHINGS [illegible]

S. KELLNER.

205 & 207 Main St. — Wasatch Block

REMOVED TO

SORENSEN & CARLQUIST,

JENNINGS BLOCK, 23 W. FIRST SOUTH,

Will show you, at their New Store, a Fine and Complete Line of FURNITURE and UPHOLSTERY, AT LOWEST PRICES. CALL AND SEE US

ECLIPSE! * 52 E. FIRST SOUTH * ECLIPSE!

The general verdict is that the Eclipse Grocery and Fruit Company carry the very best goods in their line to be found anywhere in the city, and that, coupled with the courteous treatment and obliging manners of their salesmen, make it one of the most attractive places of business in town. We invite our friends and the public generally to call and see for themselves.

JAS. SAVILLE, JAS. M. BARLOW. | TELEPHONE No. 4[illegible] | D. S. EMERY, A. H. WOOLLEY.

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THE ONLY FIRST-CLASS HOUSE IN THE CITY.

All Modern Improvements Including Bath Rooms, Gas and Electric Lighting, Steam Heating

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[illegible] JOHNSON. | PARLEY P. PRATT, JR.

—32— THE BOYS! —34—

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Carry Everything in the DRUG Line.

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FINE WINES, LIQUORS, AND CIGARS.

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