DESERET EVENING NEWS.

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DESERET NEWS PUBLISHING CO.

Telephone 526.

CITY OFFICERS HOLDING OVER.

The recorder of Mount City sends the following inquiry under date of December 20:

A question has arisen in my mind as to whether the term of municipal officers now in office expires by limitation, or do they hold over until the first State Legislature shall make provisions for the election of new officers. Article 23, sections 10, 12 and 16, of the State Constitution seems to infer that the present officers hold over until such provision is made.

Please answer, and oblige many inquiring minds.

The sections of the Constitution referred to provide that all officers, civil and military, "now holding their offices and appointments in this Territory by authority of law" shall continue to do so until superseded under the Constitution; that the Legislature, at its first session, shall provide for the election of officers whose election is not provided for in the Constitution, and shall fix the time for the commencement and duration of their terms; and that the provisions of the Constitution "shall go into force from the day on which the President of the United States shall issue his proclamation declaring the State of Utah admitted into the Union." Section 2 of the same article, which our correspondent seems to have overlooked, contains the provision that all laws of the Territory now in force, not repugnant to the Constitution, shall remain in effect until changed in due course.

Under the declaration of the Constitution the word "now," as it refers to office holders, cannot be applied to any date prior to that on which the President issues his admission proclamation, for the plain reason that the Constitution does not go into effect until that date. This principle was clearly set forth in the recent decision of the Supreme court upon the question as to whether or not women had a right to vote, and was not affected by any doubt which arose to some minds on the suffrage question through the language of the enabling act. It, then, the municipal officers referred to are in regular possession of their offices on the date named, there is basis for a claim to remain in possession until ousted by operation of State law or by the laws of the Territory continued in force by section 2 referred to. As it is definitely settled that the President's proclamation will not issue till January 4, 1896, then municipal officers whose terms expire on January 1 retire on that date in regular order.

As to the terms of municipal elective officers, the law now in force on the subject, and continued in operation by the Constitution, provides that on the Tuesday next after the first Monday in November, 1895, and biennially thereafter, there shall be held the elections for such officers, who will assume the duties of their position on the first day of January next succeeding their election, and continue in office two years. As these municipal elections were held in 1895, the officers elect will take up official duties January 1, 1896, and all officers whose terms expire on that date will retire. There is no peg in the Constitution for them to hold over on.

As to the hold-over talk which has been indulged in, we assume there has never been any thought by those well informed that such retention of office was authorized by the Constitution of laws. It has been mere "talking," but has had the effect of deceiving some people who had not the opportunity of giving careful study to the subject. If the President's proclamation had been issued, say December 15, every municipal officer elected at the November general election would have been entitled to his office on the first of January, 1896, by virtue of laws in effect under the Constitution. Section 10 referred to does not prolong any officer-holder's term. That section directs the Legislature, at its "first" session, to do certain things. Suppose the Legislature fails, shall it be said that a subsequent Legislature cannot do the work without an amendment to the Constitution? Suppose the Legislature acts, can it be said that no subsequent Legislature can create a new State office or change the term of one previously created by law, except through Constitutional amendment? Certainly not; yet that section says that at the first session of the Legislature, provision shall be made for "all officers" not arranged for in the Constitution. But courts will not give to the Constitution an interpretation unpublished in character or substitute of the National Constitution.

If section 16 were alone there might be room for controversy, but it is not. Section 2 continues all laws of the Territory until changed, and those two sections must be construed together. That would leave certain State or non-existent officers only to be added under section 10, the election of county, precinct and municipal officers being clearly provided for elsewhere in the Constitution itself, and excepted by the express language of section 10 from the inevitably inference regarding the first session of the Legislature. The same rule may be applied to section 16, where all persons "now" holding office are regularly superseded under the Constitution, at the expiration of definite terms, by the provisions of section 2. Elective and appointive officers would come and go as now if no law on the subject should be made by the State Legislature.

There has been much said of a "deadlock" being the result of the issues of the Constitutional Convention in official ballots. Close examination, however, shows that the difficulties condition is elsewhere, and that the framers of the Constitution produced what is the main is a clear and comprehensive document whose provisions the courts may apply without fear of serious complications.

CALLED AWAY.

The Christmas mail brought from Colonia Juarez, Mexico, news that will cause a feeling of sorrow in many hearts, and elicit deep sympathy for the bereaved. The tidings conveyed was of the death of two estimable women whose former home was in Utah. One was the wife of Elder George Teasdale, of the Council of Apostles. As suggested in the letter which appears in another part of the News and which tells of her death, Sister Teasdale was widely known in connection with foreign missionary experience as well as at home. The reference in the letter to her story at the Liverpool office of the British mission recalls a period in her career which is an indication of her noble character and the esteem in which she was held by all associated with her. During the four years in that mission field every Elder in the mission and all of the great number of Saints with whom she associated had for her that affection which goes out to the pure and noble mother who manifestly devotes her energies to the fulfilment of sacred duties. Although a young woman at that time—from 1849 to 1853—she was looked upon as an exemplary mother in Israel, and all had a feeling of tenderness for the kindness she displayed and her faithfulness in the Gospel cause. As it was with her there, so was it in other places and with other duties.

It is well said of Sister Teasdale that a good woman is gone from earth to continue her mission of love in the spirit world. The same may be said of Sister Whipple. It is an occasion of deep sorrow to have to part with loved ones in the very prime of life, and the News joins with hosts of others in extending confidence to Brother Teasdale and others who are bereaved. We realize, also, that with the faithful Saints there is great consolation in the knowledge that the separation will not be for long, but that in His infinite justice and mercy God will restore husband and wife, parent and child, to each other in the immortal life which shall never more know the sorrow of such a parting, when the grave is overcome and death is swallowed up in the victory of the resurrection of the just.

TRAVELERS IN PULLMANS.

If the decision of Judge Boswell, of California, holds good after being tested in the higher courts, the traveling public will be able to invoke in self-defence a principle not heretofore available therefor. The question at issue arose in the case of Charles Peake vs the Pullman Palace Car company. Peake had his coat and vest stolen last July, while he was a passenger in a Pullman car, and brought suit for the value of the garments. The decision was in his favor in the lower court, and the car company appealed. On the appeal the case again went in Peake's favor. In the opinion given on Saturday Judge Boswell held that the defendant company, in the conduct of its business, is bound to supply its cars with sufficient servants of suitable capacity and experience, and to keep by such servants, a reasonable and continuous watch over its cars and their contents during the night, while the passengers are asleep. The court declares that "it is the duty of the defendant to guard its patrons not only from thieves without, but from thieves within, and defendant complies its duty in this respect by requiring the porter to watch the entire length of the car during the night, while the car is in motion. There is no reason why this watch should be relaxed when the car arrives at a station. If it is generally known that there is no night watchman in the car while at a station, such a time would naturally be selected for the perpetration of thefts." Upon this statement the judge held that as continuous watch was not kept, the defendant company was guilty of negligence, and responsible for the loss to the passengers.

The application of such a rule general principles would make the car company more careful in its employment of porters, both as to their fidelity in observing company rules and also as to their reputation for honesty; for it would be difficult to convince travelers that robberies in Pullmans are not sometimes committed by the very persons employed to guard the passengers, lest as policemen sometimes are tempted to violating city ordinances. At the same time the doctrine of Judge Boswell must be applied with caution to prevent a more serious abuse than that which it is intended to correct.

TENNESSEE CENTENNIAL.

Tennessee is an commonwealth of vast resources of coal, iron, marble and slate, as well as of wheat, cotton and tobacco, and thoroughbred horses and cattle. Her people are energetic and patriotic, and they propose to honor the one hundredth birthday of the state with an exposition elaborate in proportions and beautiful in detail. In this endeavor all other states and foreign countries, individuals and interests, are invited to take part. Nashville, where the Tennessee Centennial and International Exposition will be held, is a city of 100,000 people, who are giving their money and their enthusiasm for the success of the World's Fair of 1896.

A story is going the rounds of the press of an expedition being sent out from the Rosebud Indian agency to plunder the grave of an old Sioux chief buried in 1864. It is said that the Indian, Winding Hawk, had buried with him ornaments whose value was not understood by the Indians, $50,000 in gold coin. As the basis of the story is an allegation that when the Mormons were migrating from Nauvoo in 1847 they had a dispute with Indians at Fort Laramie over a cow and a number of United States troops took up the fight on behalf of the Mormons and were killed by the Indians, the expedition is not likely to gain much credit. The gold coin part of the story is probably as mythical as the yarn about a squad of soldiers being slain while seeking to return a Mormon emigrant's cow—an event which cable only in imagination.

The Discovery Saved His Life.

Mr. G. Calldwell, Druggist, Beaversville, Ill., says: "To Dr. King's New Discovery I owe my life. Was taken with La Grippe and tried all the physicians for miles about, but of no avail and was given up and told I could not live. Hearing Dr. King's New Discovery was [illegible] I sent for a bottle and [illegible] use and from the first dose began to get better, and after using three bottles was up and about again. It is worth its weight in gold. We won't keep store if [illegible] without it." Get a free trial at Z. C. M. I. Drug Department.

Cure for Headache.

For a remedy for all forms of Headache Electric Bitters has proved to be the very best. It effects a permanent cure and the most dreaded habitual sick headaches yield to its influence. We urge all who are afflicted to procure a bottle, and give this remedy a fair trial. In cases of habitual constipation Electric Bitters cures by giving the needed tone to the bowels, and few cases long resist the use of this medicine. Try it once. Only Fifty cents at Z. C. M. I. Drug Department.

Bucklen's Arnica Salve.

THE BEST SALVE in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction or money refunded. Price 25 cents per box. For sale by Z. C. M. I. drug department.

A. E. Kingsbury, of Fillmore, Cal., had the misfortune to have his leg caught between a rail and a stone and badly bruised. Ordinarily he would have been laid up for two or three weeks, but says: "After using one bottle of Chamberlain's Pain Balm I began to feel better, and in three days was entirely well. The peculiar soothing qualities which Chamberlain's Pain Balm possesses I have never noticed in any other liniment. I take pleasure in recommending it." This liniment is also of great value for rheumatism and lame back. For sale by druggists.

Gen. W. Jenkins, editor of the Santa Maria "Times," Cal., in speaking of the various ailments of children says: "When my children have croup there is only one patent medicine that I ever use, and that is Chamberlain's Cough Remedy. It gives some medical properties that relieve the little sufferers immediately. It is, in my opinion, the best cough medicine in the market." If the remedy is freely given as soon as the croupy cough appears it will prevent the attack. It is also a great remedy for whooping cough. There is no danger in giving it to children, as it contains nothing injurious. For sale by druggists.

Jno. Lotz, of 1a Rue, N. Y., says "I have been troubled with indigestion and biliousness for years. Parker's Tea has cured me." For sale by F. J. Hill & Co., and Nelden Johnson Drug Co.

Stop! You have just so much laid aside for Xmas presents. Jensen, the Jeweler, has 60 that want.

The direct line to Kansas City, St. Louis and Atlantic points is via the Missouri Pacific Railway, from Portal. Through sleeping and chair cars, and all connections made in Union Depots in the city. If you are going East and care for a comfortable ride through the grandest scenery of the Rocky Mountains on trains, see that your ticket reads via Missouri Pacific Railway. Elegant chair cars gratuitously free to holders of regular train tickets.

D. S. Rogers, C. P. & P. A., 21 Main Block, Salt Lake City.

The best salve in the world. Refund in order $25.00.

BOWLES & SON,
Established May 1, 1878. Salem

Now, dear, shall I buy you a Silver Gilt Ice Jug, Jensen's, Jeweler.

BOWLES & SON,
Established May 1, 1878. Salem

Parker's Hair Balm cures hair and scalp diseases. Dandruff. For sale by F. J. Hill & Co., and Nelden Johnson Drug Co.

VERY PRETTY DISHES at VERY CHEAP PRICES.

Pretty Chop Coffee, Saucers and Plates, 10, 15, 20, 25, 35 cents each.

Dainty Cake or Cream Pitchers, 10, 15, 20, 25, 35 cents each.

Fancy Chop Salads, Icecreams and Preserve Dishes, 10, 15, 20, 25, 35 cents each.

DINNER SETS.

56 Pieces Complete for Six Persons.

Pure White, Blue, Brown and Rich Gold Spray Decorations. Prices per set, $4.95, $5.95, $6.00, $6.75, $7.50.

DINNER SETS.

100 Pieces Complete for Twelve Persons.

Pure White, Blue, Brown and Rich Gold Spray Decorations. Prices per set, $9.75, $9.00, $9.50, $10.00, $11.25.

Water Sets (3 pieces glass) 90c.

Tea Sets (3 pieces glass) 95c.

Bouquet Holders (little beauties) 10c.

Blue, Brown and Rich Gold Spray Decorations.

Cup and Saucer Sets of Twelve Pieces, 55, 65, 75, 90 cents per set.

Great American Importing Tea Co.

245 Main St., Salt Lake City.

We operate 100 Stores and Agencies. Write for Price List.

CANDY FREE TO ALL.

HOLIDAY EXCURSIONS.

Via Union Pacific.

December 24, 25, 31, and January 1, the Union Pacific will sell excursion tickets to all points in Utah, and connect on the system with 150 miles, at one fare for the round trip. All tickets good returning until January 2nd.

Xmas is coming, go to Jensen, the Jeweler.

When baby was sick, we gave her Castoria.
When she was a child, she cried for Castoria.
When she became a Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

Salt Lake Theater.

Lessee and Manager ..... Manager

Commencing Christmas Matinee, and Three Nights.

America's Representative Tragedian.

Mr. Louis JAMES,

In a series of magnificent scenic productions.

Christmas Matinee, VIRGINIUS
Christmas Night, MACBETH
Thursday Night, MARMION
Friday Night, HAMLET

Prices—$1.00, 75c, 50c, 25c. Seats, boxes and loges, $1.50.

NEXT ATTRACTION

MR. THOS. KEENE.

Monday, December 30th, Tuesday 31st, Tuesday, December 31st, afternoon 31st, Friday evening. Sale of seats begins Friday, December 27th.

CHRISTMAS WEEK.

Lyceum Theater.

MAETINE and PEPPER, Mgrs.

WEEK OF DEC. 23.

Our Own Stock Company, in

FORGIVEN

Or JACK O'DIAMONDS.

Matinee Christmas day and Saturday. The Lyceum on Christmas will be a holiday event for the children, and their parents and friends. The matinees will be for 10c, 20c and 30c to all parts of the house. Night prices will be at the usual, and we give every child who comes a beautiful Christmas gift, free of charge, to the price of admission, and only by use of coupon.

Evening prices 10c, 20c and 30c.

A FEATURE OF THE SEASON.

GRAND OPERA HOUSE

Every Evening and Saturday Matinee.

WEEK BEGINNING MONDAY, DEC. 23.

J. B. ROGERS, Mgr.

SPECIAL CHRISTMAS MATINEE

THE GRAND OPERA HOUSE CO.

Will present the Beautiful Romantic Drama

HELENE

Special Christmas Matinee

Now is the Time to Buy!

We are Selling out at COST, Over Twenty Varieties of

HEATING & COOK STOVES

Z. C. M. I. Invites Buyers.

Our Irreproachable MILLER STEEL RANGE

is Still in the Lead

We have a Good Steel Range only $31.

Call and See It.

Young Married Couples Will Save Many Dollars by Trading With Us

T. G. WEBBER, Supt.

A Durable Christmas Present!

A Home Made Woolen Dress,
A Home Made Shawl,
A Home Made Suit of Clothes,
A Home Made Silk Handkerchief,
A Home Made Pair of Blankets,
A Home Made Pair of Stockings,
A Home Made Pair of Socks,
A Home Made Woolen Shirt,

For Sale by

Cutler Brothers Co.,

36 Main Street, Salt Lake City. AGENTS PROVO WOOLEN MILLS

WANTED.

FIVE OR TEN LOADS OF STRAW AT the Salt Lake City Brewery.

EVERYONE TO KNOW THAT WE ARE selling a variety of [illegible] and second hand goods than any other house in the West. Wagons, [illegible] stoves, furniture.

FURNITURE.

ON ACCOUNT OF OUR LARGE AND ITS [illegible] goods, any thing in the furniture line you have to sell we want. Come and see us before selling. Wagner, [illegible] Main street.

NOTICE.

THE ANNUAL MEETING OF THE stockholders of the East Bench Water Delivery Company, will be held at the office of the company, in Salt Lake City, Utah, on Tuesday, January 14, 1896, at 11 o'clock a. m.

J. R. CAMERON, President.
G. R. JACK, Secretary.

NOTICE.

THE ANNUAL MEETING OF THE stockholders of the Salt Lake Rapid Transit Company will be held at the company's office in Templeton Block, 165 Main street, Salt Lake City, Utah, on Tuesday, January 14, 1896, at 11 o'clock a. m.

J. R. CAMERON, President.
G. R. JACK, Secretary.

NOTICE.

THE ANNUAL MEETING OF THE stockholders of the Pioneer Fuel Company will be held at the company's office, room 5, Dooly Block, Salt Lake City, Utah, on Tuesday, January 14, 1896, at 11 o'clock a. m.

J. R. CAMERON, President.
G. R. JACK, Secretary.

MUST BE SOLD.

A NICE 4 ROOM HOUSE ON SIXTH East, a bargain, a good home for some [illegible]. Also three cottages, one room and kitchen. All these properties have water in the residence and are in splendid condition. Cost two to be sold for the money. Cash or on easy terms. CHAS. S. HOGEN, Room 8 Templeton Block.

Typewriters at Your Own Price.

BOUGHT, SOLD, EXCHANGED, QUALITY guaranteed. R. N. Wetzel, Gen'l Gen. Agt.

FOR SALE.

OUR CLOTHING-CUT TICKETS, SINGLE coupon, 10 M., good for [illegible] 50 M., $4 coupons, $3.50 M. [illegible] 1 lb. Popcorn, $1.00; No. 2 Hash, $3.50 M.; [illegible] Hash, Dry Cures, Sausage, 10 and 12c. Sh. 1 cut wood Equit, $3.50 M.; clear cedar Equit and cedar, $3.50 M. Will stand to select from. Thos. Jones, agent for [illegible] Co.

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JAS. H. MOYLE,

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Rooms 16 to 20 Constitution Building, Opp. Z. C. M. I.

L. M. WARDELL & THOS. ADAMS,

Attorneys-at-Law and Land Attorneys.

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Residence and office, 115 south Juvenile East. Office hours, 9 to 10 a. m., 12 to 2 and 5 to 8 p. m.

Consultation free.

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DOCTOR IRA LYONS

Has Removed to Atlas Block, 36 West Second South.

DR. MINER.

Office and Residence, 113 North West Temple Street. Telephone No. 65.

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DR. E. M. KEYSOR.

Dentist.

Rooms 4 and 5 South-Auerbach Building, 1st floor, 164 Main St.

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Surgeon Dentist,

16 Main St. Anesthetics Administered.

Chicago Dental Parlors

Can extract teeth without pain—new method, painless as water. Set of teeth, $5.00. Bridge work, per tooth, $5.00. Temperance fillings, $1.00 up. Silver, 50c. Gold fillings, $1.00 up. Silver, 50c. Cleaning, $1.00. All work at eastern prices. Come and be convinced. 170 State street, Salt Lake City.

DR. J. R. KEYSOR.

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Parlors in the new Loftin Block, 280 Main Street.

First door north of Walker House.

TEETH MAKE FACES

And J. R. Keyser Dental Parlors makes the teeth the best for the lowest prices. Remember, you are not getting a cheap set of teeth for a cheap price, but a high-class set of teeth for a cheap price.

Good Set of Teeth $5.00
Better Set, ... $8.00
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DR. J. B. KEYSOR

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Pennsylvania Saponifier is the original and all genuine concentrated lye for family soap making and general household use. Excuse of imitations. The success of the article has induced unprincipled parties to imitate it. Ask grocers unless Pennsylvania Saponifier Manufacturing Co., Philadelphia, is stamped on the box. Ask your grocer for it and take no other.

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Established in 1874.
Incorporated in 1890.

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