

Patriarch John Brown Dead.

At 5:20 a. m. this morning (Nov. 4), Patriarch John Brown peacefully sank into the sleep of death, at his home in Pleasant Grove, Utah county. He had been suffering from a lung trouble which made breathing difficult, and had been much distressed during the night. A moment before his last breath, he turned his head slightly as if to rest in a different position, and so quiet was the end that those by his bedside scarcely realized it at first.

Deceased was the son of John and Martha Chapman Brown, and was born October 23, 1820, in Sumner county, Tennessee. He was baptized by Elder George P. Dykes in Perry county, Illinois, in July, 1841, and removed to Nauvoo in the following October. On February 9, 1842, he was ordained an Elder by Hyrum Smith, and soon afterwards went on a mission to the Southern States and met with marked success.

On May 21, 1844, he married Miss Elizabeth Crosby in Monroe county, Mississippi. On November 12, 1844, he was ordained a member of the Eighth quorum of Seventy. He left Nauvoo in January, 1846, and went to Mississippi where he assisted in organizing a company of fourteen families of Saints, whom he led to Pueblo, on the Arkansas river. The company was joined by three families at Independence, Mo., and was disappointed at not falling in with Saints from Nauvoo. He returned from Pueblo to Mississippi in October, 1846, and went from there to Council Bluffs in the spring of 1847, arriving just in time to join the Pioneers.

He was chosen captain of the 18th tau and was one of the chief hunters of that remarkable band. As the company neared Salt Lake valley, he moved on ahead with Apostle Orson Pratt, and consequently was one of the first to get a view of the valley and lake.

He returned to Winter Quarters in the fall of 1847 with the Pioneers, but came back to Utah and settled with his family on Cottonwood the next year. In the fall of 1849 he accompanied Apostle Parley P. Pratt on a prolonged exploring trip through southern Utah, returning home the next spring. As a militia captain he was in the Indian skirmish at Battle Creek, Utah county, in 1848. When the Nauvoo Legion was organized he was placed on the commander's staff with the rank of colonel.

He filled various positions of honor and trust, civil, military and ecclesiastical, and performed a number of missions of various kinds in the interest of the work of the Lord. On Feb. 2, 1863, he was ordained Bishop of Pleasant Grove by President Brigham Young, and he held that position for twenty-seven years. On account of failing health, he was honorably released from it, and ordained a Patriarch. Previous to going to Pleasant Grove he lived several years in Lehi. He was mayor of Pleasant Grove for twenty years, when he was disqualified for civil office by the Edmunds law.

His health was precarious when his son John Z. Brown, recently started on a mission to Florida, and the latter,

for this reason, was reluctant to leave home. But the aged veteran told him it was the call of duty and should be obeyed. This was ever the rule of his life.

Most of his children were present when the end came. In response to a question as to whether he had anything to say, he replied: "No, all is well, all is right."

The funeral services will be held in the First ward meeting house, Pleasant Grove, on Sunday next, Nov. 9, at 2 p. m.

He was an honest, faithful Latter-day Saint, possessing the respect of thousands of his brethren and sisters, and bled in the confident hope of a glorious resurrection.

THEIR TERM OF OFFICE.

In view of the election of Messrs. Cherry and Norrell to the bench in this district, Judge Street asked Attorney General Bishop for an opinion as to the time to which the present incumbents shall hold, and the following reply was transmitted:

Hon. John A. Street, Judge of the Third Judicial District, Salt Lake City, Utah:

Dear Sir—I am in receipt of your communication asking my opinion on the following question: "Will the judges of the third judicial district, elected at the late election, take possession of their offices on the first Monday in January next or can they under the law take possession before that time?"

I have examined the Constitution and election law bearing upon this subject and I find the following provision:

Section 9 of Article 4 of the Constitution provides: "All general elections except for municipal and school officers, shall be held on the Tuesday next following the first Monday in November of the year in which the election is held. Special elections may be held as provided by law. The term of all officers elected at any general election shall commence on the first Monday in January, next following the date of their election."

Section 10 of article 7 of the Constitution, being provision for the filling of vacancies caused by resignation or death, provides among other things: "If the office of the Justice of the Supreme or District court, secretary of State, etc., be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment and the appointee shall hold his office until his successor shall be elected and qualify, as may be by law provided."

Section 5 of chapter 125, being an act concerning elections, is as follows: "If a vacancy occurs in the office of judge of the Supreme or district court, secretary of State, etc., the Governor shall appoint a person to hold the office until the election and qualification of his successor to fill the vacancy, which election shall take place at the next succeeding general election, and the person so elected shall hold the office for the remainder of the term."

It will be noticed that section 5, last above quoted, is identical with that of section 10, article 7, of the Constitution above quoted, except that it fixes the time of said election at the next

succeeding general election and also determines the term of office (that is, the unexpired term of the person causing the vacancy,) of the person elected.

Section 2 of chapter 125 fixes the time for holding general elections and provides that they shall be for the purpose of choosing, in proper years, officers, including district officers. Section 3 provides, "special elections are such as are held at other times for any purpose required by law, except municipal and school elections."

So far as it is provided by law there is no authority for the calling of an election to fill a vacancy in the office of district judge, at any other time than a general election, and section 5 of chapter last quoted expressly provides that said election shall take place at the next succeeding general election.

Sections 32 and 33 of this act provides for the transmission of election returns to the secretary of State. Section 34 provides that on the first Monday of December after the date of election at 12 o'clock noon, or in case of special election at 12 o'clock noon on the day following receipt by the secretary of State of the last or the returns of said special election, the State auditor, State treasurer and attorney who shall constitute a board of State canvassers, must meet in the office of the secretary of State and compute and determine the vote; and the secretary of State who is secretary of said board must make and file in his office statement thereof and transmit a copy of such statement to the Governor. Section 35 of same act provides that upon receipt of such copy mentioned in section 34, the Governor must issue commissions to the persons who from it appear to have received the highest number of votes for offices to be filled at such election.

It is my opinion that so far as the district judges are concerned, the late election was a general election within the meaning of section 5 of chapter 125 of the laws of 1896, above quoted, and that as to them it was not a special election, as a special election as defined by the statute, is such as is held at other times and than time fixed for the general election as found in section 1 of that act.

These enactments not changing in any way the provisions of the Constitution, it therefore follows that the time of the commencement of the terms of said judges would be governed by section 2 of article 4 of the Constitution above quoted, which provides that the terms of all officers elected at any general election shall commence on the first Monday in January next following the date of their election.

The provisions of the election law above quoted, 34 and 35, touching upon the election returns by a board of state canvassers and the transmission of a copy of the computation of the vote by the board to the Governor, and the authority of the Governor, upon the receipt of the copy to issue commissions to the persons receiving the highest number of votes, does not appear to be in conflict with any of the other provisions of the election law. It will be noticed that section 36 of that act simply provides for the issuing