

# DESERET NEWS.

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - APRIL 2, 1879.

## SWISS AND GERMAN EMI-GRATION.

We publish this evening a circular to the Swiss and German Saints in this Territory, inviting their co-operation in the work of aiding the poor Saints in their native lands to gather to Utah this season. We trust the call will not be made in vain. There are a great many German-speaking people in this Territory, most of whom have vastly bettered their temporal condition by their change of residence. They should remember the struggles and trials through which they passed in the Old World, and sympathize with their co-religionists who are now in the difficulties from which they have been rescued. They are under obligations before God and the Church to help out the faithful poor of their native countries.

What is to be done must be done quickly. The time for the season's emigration is close at hand. Means to be available this year must be collected and forwarded at once. If the agents nominated in the circular will be prompt and active, a considerable amount may be raised among the Swiss and Germans for this praiseworthy object. The example of the Welsh Saints last year is worthy of imitation by people of other nationalities. We do not think sectional feelings should be encouraged. We do not admire clanishness. In this Church, and particularly at its headquarters, there should be neither English nor American, Scotchman or Swede, German or Danishman, Swiss or Italian; all should be one in the bonds of the Gospel and the citizenship of the Kingdom of God. And yet it is quite natural and eminently proper for the natives of different countries who have gathered to the mountains, to desire their compatriots to share with them in the blessings of Zion and the advantages of a new country. We therefore heartily endorse this movement among our Swiss and German friends and hope to see it well supported.

There is no danger that the funds thus accumulated will be diverted from the object intended. The names of the brethren attached to the circular are a guaranty of good faith, and all who wish to aid in the gathering of the Saints from the valleys and hillsides of Switzerland and the various States of Germany, will do well to hand in their subscriptions, whether the amounts be small or great, to the agents appointed, or to the committee in this city, without delay. In doing this, they will in no wise lose their reward. Let the work be done quickly and a strict account be kept by every person handling the funds, so that the name of each donor and the amount paid, may be placed on record and everything may be done "on the square."

## COLLECTION OF THE TAX ON CO-OPERATIVE ORDERS.

LAST Fall many of the co-operative stores and a few individuals were required by the Collector of Internal Revenue to make return for the purpose of taxation, by reason of section 19, Act of February 8, 1875, of the amount of notes used for circulation and paid out by them. Under this head the orders they had issued payable in merchandise were listed, and forwarded to the Commissioner of Internal Revenue for assessment in December last. Thereupon Z. C. M. I. of this city and the Brigham City Co-operative Mercantile and Manufacturing Association employed counsel to resist the assessment of the tax, on the ground that these orders were not liable to it. They had a hearing before the Commissioner, but questions arising as to the facts of their use, time was given to take testimony touching that point. Meanwhile the entire

list awaited the result of a further hearing on the law as applicable to the state of facts established by the testimony.

The Collector informs us that by last night's mail he received back the list with the tax assessed, also the penalty of 50 per cent. for not making return at the proper time, on the amount of such orders issued or paid out during the six months ending November 30, 1877, accompanied by a letter, saying, "These assessments were made so that no question could arise, as to the validity of the assessment, by reason of the 15 months' limitation; subsequent periods are still under consideration."

By this the Collector understands that the Commissioner has not yet decided the main question—as to the liability of these notes to the tax of ten per cent, but was obliged to assess for said period to save the possible rights of the Government, because the assessment could no longer be postponed without becoming outlawed. Having been assessed the Collector says the taxes must be paid within ten days, and he has sent out the usual demands for assessed taxes according to law.

Should the Commissioner decide upon full argument that the notes are not liable, or should it be taken into the courts and be so held by them, the money will be refunded.

For taxes the assessment of which is barred by the 15 months' limitation—see Sec. 3182 U. S. Revised Statutes. The only recourse of the government is to sue for them.

This explanation has been furnished by the Collector, with the request to publish as of interest to those who are liable on this account, or who are believed to be liable by the Internal Revenue office.

We presume that the parties notified will take the precaution of obtaining competent legal advice before taking any action in the premises. We have no doubt that the assessment of this tax is invalid and we fully believe that it will eventually be so declared. The tax was undoubtedly intended to be levied on notes issued by banks and other corporations, or by firms or individuals, for circulation, and redeemable in money, and the orders now assessed are not of this nature and character.

The enforced collection of the amounts assessed, with the penalties, is very arbitrary, although it may be in accordance with the letter of the law, and money once in the United States Treasury is very difficult of redemption. Still we hope for final justice, and believe that it will be obtained. The matter now pending before the Commissioner is in good hands, and if it does not reach a favorable issue with him will doubtless be taken into the courts.

## CIRCULAR.

To the Swiss and German Saints throughout the Territory of Utah.

According to a call which has been made in the *Stern* of this month, by the president of the Swiss and German mission, to raise means to help to emigrate some of the poor Saints in those nations, a committee has been elected by the Swiss and German Saints of this city, to take the matter in hand, and appoint agents throughout the Territory to solicit donations and forward the same to Elder Henry Reiser, president of the German meetings in this city.

All money that may be received up to the 10th day of April should be forwarded to Henry Reiser, watchmaker, Salt Lake City, so that it can be made available for the first company of our emigration, which will start on the 15th of May from Switzerland. All the means received after that date will be forwarded in time for the second emigration.

The following brethren are invited to act as agents:

J. U. Stucki, Paris, Idaho; S. Bal-  
lief, Logan; Fredrich Theurer, Providence; Martin White, Mill Creek Ward; Peter Lautensak, Lehi; Professor Karl G. Maeser, Provo; Jacob Walsen, Payson; John Hasler, Mount Pleasant; John Alder, Mantti; Henry Eyring, St. George; Conrad Nageli, Santa Clara; Ulrich Brinner, Toquerville; Conrad Abeg-  
glen, Midway, Provo Valley; Peter Pfister, Tooele City; Thomas Bis-  
singer, Fairfield, Rush Valley;

and Cedar Fort Theodor Brandly, Sevier Stake.

Brethren, we expect your support and co-operation in this noble work. Any donations, no matter what nationality it comes from, will be thankfully received. Your brethren in the gospel,

HENRY REISER,  
AUGUST THOMSTORFF,  
CHRISTIAN WILLIE,  
P. F. GOSS.

Committee of emigration for the Swiss and German mission, Salt Lake City, Utah, March 24, 1879.

The above action meets with our approval, and we would recommend the Saints of Swiss and German nationality to assist all they are able.

JOHN TAYLOR,  
Trustee in Trust.

## TRUSTEES AND SCHOOL MEETINGS.

We have received the following from a correspondent in one of the country school districts:

"Our school trustees called a meeting of qualified voters, to vote for or against the levying of a tax for the purpose of building a school-house. We voted by ballot. All in favor of the tax wrote 'yes' on their ballot, all against the tax wrote 'no' on theirs. The result was: 25 yes, 10 no, 4 blank. The chairman announced 39 votes, consequently lacking one vote of the necessary two-thirds to enable the trustees to levy and collect the tax."

"What we wish to know is this—Is the decision of the chairman correct in regard to the blanks which neither said 'Yes' or 'No?' Again, Are we obliged to bide the decision of the chairman, or can the legal voters compel the trustees to call another meeting? All the information you can give will be thankfully received through the NEWS."

We think the Chairman was in error in counting the four blanks, which cannot be considered votes in any sense. They were simply four nothings, and no number of nothings in and of themselves can be made, by any process of reason or mathematics, to amount to something. Therefore there were only 35 votes, and as there were 25 "ayes" and only 10 "noes," the necessary two-thirds majority was clearly in favor of the tax, and the result should have been so declared.

Under these circumstances the Trustees ought to call another meeting and allow the people to express their views and desires on the question at issue. If the trustees manifest an unwillingness to discharge this duty, the county superintendent should be informed of the facts in the case and requested to urge the trustees to act according to the popular wish. Under section 605 of the Compiled Laws of Utah, the county superintendents are required, among other things, to "see that the trustees are diligent in the discharge of their duties."

There is no limit in the law to the number of school meetings that may be called in one year. If it is a fact that by error of the chairman or other impropriety the vote of the majority has been set aside, the trustees, who are elected to act for the people are, we consider, in duty bound to call another meeting as provided in the statute, because the law takes the authority to do so from the body of the people and vests it in the trustees. This duty is mandatory. The law says that five permanent residents may call a meeting in an unorganized school district, "but if the district be organized, then said notice shall be given by the trustees."

We do not suppose that the people in the district in which this difficulty has arisen desire to proceed to legal extremities. That is not the way for brethren to settle their disputes. If the strong arm of the law is to be invoked, to use the words of our correspondent, "in order to compel the trustees to call another meeting," a writ of *mandamus* would have to be obtained from the District Court, requiring them to call the meeting, and the trustees are liable to be sued on their bonds for non-performance of the duties of their office.

But there is generally no need to resort to the law, because there is "a more excellent way." The county superintendent will, no

doubt, instruct the trustees in their duty, and it is hardly to be supposed that they will attempt to oppose the wishes of the majority of the people when the matter is considered in an amicable and reasonable spirit. And there are means provided for the settlement of disputes among brethren which are far preferable to litigation. There are two sides to every question. We have only viewed this on one side—that which has been presented to us. There may be reasons for the action of the trustees in this matter about which we are not informed. But we are perfectly safe in the foregoing remarks, based on the statements and queries of our correspondent.

We hope this will prove satisfactory; that the trustees will see the propriety of calling another meeting, that the citizens will avoid any attempt or threats of compulsion, that when the meeting convenes, the qualified voters of the district will attend *en masse* and not leave this duty to a few, and that in every district where a school-house is needed, the citizens and the trustees will be liberal-minded and vote and collect such a tax as will furnish all the school accommodations that the district requires, governed, of course, by the abilities of the people to pay it. Let all be done in harmony, in the spirit of union and brotherhood.

## TOOELE REDIVIVUS.

THE "Liberal" usurpers of Tooele die hard. It was only through fear of the consequences of their disobedience of the mandates of the District Court that they were induced to perform their duty in officially canvassing the returns of the election. But on Saturday, the 29th inst., W. B. Schuyler, Probate Judge; W. C. Kydall, Selectman, and Enoch Martin, Clerk, met in the Court House, Tooele City, and duly canvassed the returns, which were precisely the same as reported in full in this paper. The following, who were the People's candidates, were declared elected by majorities ranging from 222 up to 319:

F. M. Lyman, Representative to the Legislative Assembly and County Recorder; H. S. Gowans, Probate Judge; S. W. Woolley and D. H. Caldwell, Selectmen; John Pickett, Sheriff; John Gillespie, Coroner; W. R. Judd, Assessor and Collector; T. Atkins, Jr., Treasurer; Joshua R. Clark, Superintendent of District Schools; Lysander Gee, Prosecuting Attorney; besides a number of precinct officers.

On request of the candidates present, the clerk, after some hesitation, during which the law on the subject was read to him, issued certificates of election to the above-named officers. Whereupon Mr. Atkins presented to Judge Schuyler his official bond, duly qualified, which the Judge said was good and which was filed by the clerk on the Judge's instruction.

Mr. Gowans, meanwhile, had presented his official bond to the outgoing Treasurer, who said he would approve it; but the Clerk, Mr. Martin, falsely informed the former officer that the new party had taken possession of the office, when he said "If that is the case I shall not approve of the bond under the circumstances." Mr. Gowans then went to the newly installed Treasurer, who approved and filed the bond as the law directs.

Judge Gowans then appointed F. M. Lyman Clerk of the Probate Court, when the bonds of the selectmen and County Recorder were presented, filed and approved. All these official bonds had been prepared with great care, the sureties being first-class and their property qualifications indisputable.

Mr. Martin, the Clerk, evidently acting upon a preconceived plan, left the office under pretence of going to his supper, handing the key to Mr. Gillespie, the Coroner, stating that he would return, but if the latter wished to leave before his return, he could lock up the office. Martin then circulated the report that the new officers had forcibly taken possession of the Court House. Coroner Gillespie, finding that Martin did not return, and learning that he had been near by and would not enter, and the safe being left unlocked, sent messengers to Martin, with a written request for him to come and lock up the safe and the office, but he de-

clared he would never go back until he was "installed by a United States officer."

A short session of the new County Court was then held, and the amount of bonds for the Assessor and Collector decided, when the court adjourned until 10 a. m. on Thursday, April 3d.

The ex-officials swear vengeance against the new incumbents, and are endeavoring to create the impression that they have been frightened or forced to vacate. Of course there is not the slightest foundation for such an idea, as the People's candidates had all the law as well as the justice on their side, and the case of the defeated "Liberals" was utterly hopeless. All they can do now, consistently, is to come into court, report their proceedings and clear themselves from any color of contempt of the mandamus issued by Judge Schuyler, when they can retire into private life, where we hope they will shine brighter as peaceable citizens than they have done in the offices to which they have hung on with the grimness and tenacity of dark despair.

## NOTICE.

The Forty-ninth Annual Conference of the Church of Jesus Christ of Latter-day Saints will convene at the Large Tabernacle in this City, at 10 o'clock a. m., April 6th, 1879.

JOHN TAYLOR,

President of the Council of the Twelve Apostles.

## Local and Other Matters.

FROM FRIDAY'S DAILY, MARCH 18.

**Police Court.**—Mrs. Beck, somewhat familiar with the inside of the city jail, was fined \$5 this morning for being drunk and disturbing the peace.

Mrs. Hunter was fined \$10 also this morning for the same offense.

Two of the fair sex being brought up in one day on these charges does not speak very well for Salt Lake City.

**Fatal Shooting at Silver Reef.**—The following special dispatch comes per Deseret Telegraph Company:

SILVER REEF, Utah,  
March 28, 1879.

Editors Deseret News:

A desperate shooting affray occurred last evening between John Diamond, deputy sheriff, and Jack Truby, a miner, in which both were killed. Joseph Bush, Truby's partner, was arrested this morning as accessory to the killing. The inquest and examination will be held to-morrow. Both men were universally respected.

**Conference Display.**—The mammoth grocery window of Z. C. M. I. has been newly dressed and decorated to attract the attention of visitors to Conference. Varieties of the staple groceries, including various kinds of tea, coffee, rice, sugar, etc., kept by the institution, are exhibited in large bowls or cans, with the prices neatly marked, and ornamented with many colored cans of preserved fruits and vegetables. The whole arrangement is very pleasing to the eye, and reflects much credit upon the taste and ingenuity of Mr. Geo. Manwaring, the popular salesman who executed it.

**Exciting Accident.**—As the express train from Ogden entered the suburbs of Salt Lake, this morning, the attention of the passengers was drawn toward an exciting scene that was transpiring on one of the side-walks in the 19th Ward. A horse attached to a buggy sped along the walk until it turned the corner, where the vehicle was capsize and the animal began leaping and prancing in an alarming manner, but was unable to proceed further, while a lady who had just risen from a prostrate position was gazing wildly at the picture, and gesticulating on the hopelessness of despair. What occasioned the accident is not known; but the freedom of movement indulged in by the lady, showed that she had sustained no serious injury.

**Scarcity of Water.**—Everything portends the coming season will be exceptionally a dry one. Our early