

the school law, in force June 4th. The first two provide for a levy of a county school tax not exceeding 8 mills on the dollar, while the school law, or "act creating a State board of education," requires a levy for county school tax, to be made at the time of making the annual levy of all other county taxes, of not to exceed 2 mills on the dollar, to be levied by the county commissioners.

On June 4th, when the school law took effect, the maximum levy was already fixed at 3 mills on the dollar. The question is whether the school law is in conflict in this particular. The proviso in the school law reads: "Provided that the said tax shall not exceed 2 mills on the taxable property of the county."

"The proviso," says the attorney general, "is apparently so indefinite as to be absurd. The real intent of the Legislature cannot be as expressed in the language. It was, of course, intended to prescribe a limit for the levy, and one may well assume that the limit was to be a certain amount upon the dollar, etc. The levy must be made upon taxable property, not exceeding a certain amount upon the dollar. But the law as written does not so say. Without taking time to apply and elaborate rules of construction and interpretation, I may say that I do not find in the examination of the several provisions on the subject, an intention of the Legislature sufficiently expressed to change the maximum of the county school levy fixed by the revenue law which is dealing directly with the subject. I am of the opinion that the proviso of the school law, above quoted, is inoperative and that the maximum levy is as heretofore, 3 mills on the dollar."

### RETURNED ELDERS.

The News had a pleasant call Tuesday from Elder Erasmus S. Larsen, whose home is in Coveville, Cache county. Elder Larsen has just returned from the Middle Tennessee conference, where he has been laboring for over two years preaching the Gospel. He left home April 28, 1894, and has traveled and visited among the people living in several counties of Tennessee, and has also preached considerably in the city of Nashville. His labors have been a source of much joy to him and good health has been his lot during the whole time of his absence.

Elder James W. Saville in Mill creek, this county, paid the News office a visit Tuesday, having returned from a mission to England. He left for that country on May 19, 1894, and has been laboring in the Liverpool conference. He arrived home again on July 5th. He reports having enjoyed excellent health during his absence and says the mission in England shows many signs of advancement.

Elder John Johnson of Elsinore, Sevier county, reached this city Friday morning on his return from a mission to New Zealand. He left this for that country August 12, 1893, and hence was absent nearly three years. For the first five months he labored exclusively among the Maoris, and for the next seven months he was among both natives and Europeans. He was

then assigned to the city of Auckland, where he labored until his release, a period of about two years. When he first went to Auckland there had been no missionaries there for about seven years, though there were a few widely scattered members of the Church. Such progress has been made that there are now enough members for a good branch. Future prospects are very encouraging. Elder Johnson was clerk of the Australasian mission from the time he went to Auckland.

Elder John G. Young of the First ward, this city, went to New Zealand in company with Elder Johnson, and returned with him, but was not his companion in the mission field. Elder Young labored in the Otago district the whole time of his mission, exclusively among Europeans. He met with good success, and the prospects are bright in that field.

Tuesday Elder S. H. Wells of St. George, Utah, called at the News, having returned Monday afternoon from a mission to the Southern States. He left St. George April 11, 1894, anticipating a journey to Samoa; but in this city was directed to the South. In Chattanooga he was assigned to the Mississippi conference, where he labored about six weeks with Elder J. W. Walker. He was then called, in company with Elder J. K. Nicholson, to go to Texas, and was the first Elder to preach the Gospel in that state in late years. He remained in Texas until released to come home. Most of the time his health has been good, although he had four months of chills and fever, but is now recovered. He enjoyed his missionary labors and met many kind people. Good success attends the labors of the Elders in the Lone Star state. Elder Wells has assisted in organizing two Sunday schools. The work has a good prospect in the state. Elder Wells speaks very highly of the hospitality of the people, who are above the average in intelligence and education. He will stop in Salt Lake about a week before proceeding home.

### DAMAGE BY FLOODS.

From accounts that have been coming in ever since Monday morning it appears that much damage has resulted, in some of the southern counties of the State, from recent rains. Monday afternoon the worst flood ever experienced at Fillmore, came rushing down the canyon. Just ahead of the volume of water came some boys on horseback who, as they entered the town, shouted a warning that a flood was coming. An enormous body of water swept down out of the canyon and over that portion of the town lying on the bottom lands, inundating and devastating grain and lucern fields, gardens, etc. As the flood came down from the mountains it tore up trees, ground together and crushed boulders, and carried onto the farming lands large quantities of driftwood, etc. The damage will amount to thousands of dollars.

A singular phenomenon immediately preceded the run of water down the canyon. For half an hour before this occurred a powerful and very disagreeable odor filled the atmosphere. A number of persons came near being caught in the flood, which would un-

doubtedly have drowned them. So far as known no lives were lost, but there is anxiety for the safety of persons employed in the mountains. Measures for the relief of damaged persons have been taken.

At Kanab and Meadow, towns in Millard county, heavy floods occurred, doing considerable damage. Bridges and dams were swept away, and farming lands were inundated.

Floods also occurred in Sanpete county. At Fairview the track of the R. G. W. was so heavily covered with debris that trains had to stop running until the rubbish could be cleared away. Standing crops were beaten down, barns, etc., were swept away, streets were submerged and much damage was done. Several washouts of the grade of the R. G. W. occurred in Sanpete and Sevier counties, and it is known that several towns in those counties were visited by heavy rains which must have done more or less damage, but detailed information has not been received.

### PAY OF DEPUTIES.

The following opinion was communicated by Attorney General Bishop to the State board of equalization, on the 11th inst:

Gentlemen—I have before me your favor of June 20th in which you ask for my opinion upon the following question, submitted to you by the assessor of Tooele county, "Can the county court pay my deputies what they consider would be fair compensation for days wages, when they work by the day, or can they only pay them two-thirds the salary of the assessor, based upon what would be his reduced to day?"

Section 10 of Chapter 124, laws of Utah of 1896, provides: "That if in the judgment of the board of county commissioners the duties of any officer cannot be discharged by the principal therein, then said board of county commissioners may allow such officer a deputy or such number of deputies or assistants as in their judgment may be required to do the business of such office in connection with the principal, for such time as may be necessary, and at such salary as they may designate; the salary of any one of whom shall not exceed two-thirds of the amount fixed for the salary of the principal, the salaries of such deputies shall be a county charge."

It clearly appears from this section that the county commissioners are empowered to employ deputies or assistants to county officers when in their judgment the work cannot be discharged by the principal, but the Legislature has seen fit to place a limitation upon the amount to be allowed such deputies or assistants. Under this law the wages of the deputies or assistants cannot exceed two-thirds of the amount fixed for the salary of the principal, whether employed by the year, month or day, and the manner of employment and the payment of such deputies or assistants are subject matters for determination by the board of county commissioners.

I have the honor to be, very respectfully yours,  
A. C. BISHOP,  
Attorney General.

The postoffice at Deer Park, Wash., was entered on Wednesday night by robbers, the safe blown open and \$54 worth of stamps stolen. There is no clue to the identity of the robbers. Deer Park is a small village about 27 miles from Spokane.