

THE VALIDITY OF DIVORCES.

A BILL was introduced in the House at an early day of the present session, for the purpose of providing means whereby the validity of divorces decreed under the old law of this Territory, now repealed, can be ascertained and established or disproven. As there seems to be some misunderstanding of its object and provisions, we will here briefly explain them, and also the necessity for some measure of this kind.

The old law provided that a person seeking a divorce must either be a resident of this Territory at the time of the filing of the petition, or be a citizen of the United States. It was *long ago* repealed, and the new law, which became operative on January 1, 1879, provided that the plaintiff must be a resident of the Territory at the time of the filing of the petition, and must be a citizen of the United States. The consequence of this was that many divorces were granted under the old law, which were not valid under the new law.

Now, there is no doubt that some of these persons who were granted divorces under the old law, and who have since remarried, are in a very awkward position. They have been divorced, and yet their marriages are not valid. This is a very serious matter, and it is the purpose of the bill introduced in the House to provide a means whereby the validity of these divorces can be ascertained.

The bill introduced, but which naturally excites some suspicion because of the bad odor of "patent divorces," merely provides the means whereby such persons may come into court and have the validity of their divorces established by judicial decision. Such persons before entering complaint must have been continuously for one year next prior to the filing of a bona fide resident of the Territory.

The bill must be served with process as provided by law in original divorces. If the former suit was brought in the Probate Court, the new suit may be brought in the Probate Court, but if in a District Court, then in a District Court. The Court is also authorized to pronounce on the validity of a marriage which has been the consequence of the divorce sought to be validated, but not on any other kind of marriage.

Careful examination of the bill discloses no such cause for suspicion as some entertain. It is carefully guarded and only makes it possible for a person having in good faith procured a divorce under the old law, fully complying with its provisions, to have his divorce tested and pronounced upon by a Court having jurisdiction.

The benefits of this will be that if such it proves on judicial examination of all the facts and circumstances in the courts of Utah, it will be held as valid in other parts of the Union, on the constitutional provision that "Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State." This provision of Article IV, Section 1 of the Constitution has been applied by the Supreme Court of the United States to decrees of divorce, the validity of which has been passed upon by a court having jurisdiction.

As the case now stands such persons who are in doubt by the old law, and who are in a very awkward position, will have the effect of precedent and give rise to the idea that all Utah divorces are valid—have no way of proving whether their divorces are valid or invalid. This bill provides the manner in which their position can be determined. It appears to us that it can do no harm to any one, and that it opens the way by which alone justice can be done to parties who have acted honestly under a law now repealed, but which was on our statute books for twenty-six years.

qualified to act as Notaries; the public should make a note of it:

Beaver County.—Edward Folger, Beaver; Thomas, Grand; Frank Olmstead, Beaver; J. H. Duxbury, Minersville.
Big Elder County.—E. F. Johnson, Wm. V. Helfrich, Corning; Wm. T. Riley, Kelton.
CACHE COUNTY.—Hiram K. Cranby, Jas. H. Martineau, Jas. A. Leishman, Chas. Frank, Logan; John Donaldson, Mendon; Henry Blair, Richmond; Chas. C. Shaw, Hyrum.
DARKE COUNTY.—Chas. C. Pearson, Woods Cross; Wm. Thurston, Hountiful; Jos. Baran, Kaysville.
IRON COUNTY.—John Chatterly, Cedar City; John W. Brown, Farmington.

JACK COUNTY.—Wm. R. May, Nephi; Jas. M. Wayne, Diamond; John Ryper, Nephi; Patrick Cusick, Zareka; C. H. Blanchard, Jr., Silver City.
MOHAVE COUNTY.—Joseph S. Giles, Fillmore.
MORGAN COUNTY.—Jesse C. Little, Litchford; Samuel Francis, Moquist.
PIUTE COUNTY.—None.
RICH COUNTY.—None.
SALT LAKE COUNTY.—M. M. Knight, Wm. A. Goring, Chas. H. Bailey, Dehl, Chas. K. Gilchrist, Wm. McKay, Salt Lake City; J. C. M. Brough, J. A. Varnes, Park City; Henry F. Williams, John T. Culley, Nephi; Chas. E. B. Wills, John A. Marshall, Edward W. Wiggins, Wm. G. Van Horne, James McKnight, Thomas A. Briley, Samuel H. Pratt, Z. B. Wills, Joseph L. Musgrave, B. B. Young, Heber J. Grant, Joseph F. Simmons, Charles W. Sturges, William Brodewyer, Edward E. Guthrie, J. A. Jackson, Jas. C. Williams, Cooper, E. G. Matthews, B. H. Schettler, John D. White, Chas. F. Blandin, Sidney W. Darke, Robert H. Hines, John Manning, Edward Martin, John A. Bailey, John B. Diller, James Lowe, Bernard Loth, E. D. Hoge, Eli B. Kelley, Harnel Pratt, Samuel E. Linder, Charles L. Linder, L. S. Miller, Otto Van Trott, Lewis J. Holmes, Salt Lake City; John McDonald, Henry Shields, Alta; Henry Thompson, Frank Webb, L. B. Kinney, Wm. Brunton, Bingham; Andrew Cahoon, South Cottonwood; Jas. T. Monk, Big Cottonwood; B. Greenwood, Star Springs.

SEMPER COUNTY.—J. P. Christensen, Ephraim City; Henry N. Larter, Aaron Hardy, Moroni; J. D. Page, Mount Pleasant; David C. Land, Chester; James Johnson, Geo. Brough, Spring City.
SERIE COUNTY.—Wm. Morrison, B. T. Young, Richfield.
SUMMIT COUNTY.—Robert A. Waddell, John L. Stacey, F. W. Hayt, John K. Belyank, W. J. Snyder, Joseph L. Heywood, Jacob I. Greenwald, Park City.
TOWNE COUNTY.—E. M. Lyman, Towne City; Wm. B. Sage, Ophir; James G. Brown, Stockton; J. R. Clark, Granger; J. H. Walcott, Ophir; H. E. Miller, Lewiston.

UTAH COUNTY.—James E. Danahy, John E. Booth, Provo; Charles Mank, Spanish Fork; Elijah Mayhew, Pleasant Grove; And. J. Stewart, Jr., Provo; John P. Hardy, Lehi; M. G. Coombs, Payson; Wm. Greenwald, Spanish Fork; L. D. Crandall, Charles D. Evans, Springville; Frank Bink, Forest City; H. C. Cuthler, Lehi.
WEAVER COUNTY.—Henry Fitzhugh, Utah Indian Reservation; M. J. Shelton, Heber City; Jos. H. Black, Lehi.

WASHINGTON COUNTY.—Henry A. Chaffin, Gunlock; E. G. Woolley, St. George; David E. Whedon, W. P. Poole, Silver Reef.
WEBER COUNTY.—D. W. Folschay, W. C. Strohm, Wm. Critchlow, N. Tanner, Jr., A. R. Heywood, H. W. O. Marquay, S. A. Kanner, Ogden; Wm. W. Smith, Plain City.
 The above list is from the official records in the office of the Secretary of the Territory.

Too much care cannot be taken in ascertaining if the notary consulted has power to act as such, inasmuch as commissions are expiring at the rate of from eight to twelve per month.

UTAH LEGISLATURE.

COUNCIL.
 Tuesday, Feb. 10, 1880, 2 p. m.

Councilor Smith presented a petition from Frederick Kessler, asking compensation for services rendered as President of the Board of Directors of the Utah Penitentiary, and moved its reference to the committee on Penitentiary. Read and so referred.

Councilor Galt presented a petition from John Williams and George Taylor, asking compensation for services as jurors, and asked that it be referred to the committee on claims and appropriations. Read and so referred.

G. F. No. 14, "Defining, recognizing and acknowledging vested and accrued rights to the use of water, etc.," was taken up on its second reading by sections, as amended by the committee on irrigation and claims; pending which, the bill was laid over.

Councilor Wells submitted the following reports:

Mr. President:
 G. F. No. 1, "An act in relation to Guardian and Ward," was, on the 9th inst., at 4 p. m., forwarded to his Excellency, the Governor, for his consideration and approval.

(G. F. No. 15), "An Act to amend section 1444 of Compiled Laws of Utah," and (G. F. No. 24), "An Act changing the boundaries and county seat of Kane County," have this day, at 5 p. m., been forwarded to his Excellency, the Governor, for his consideration and approval.

The following communications were received from the clerk of the House:

Mr. President:
 I am directed to inform your Honorable Body that the House has this day received a communication from his Excellency, the Governor, announcing his approval of (H. F. No. 50), "Equalizing taxes upon transient herds."

I am directed to inform your Honorable Body that the House has this day passed H. F. No. 59, "Amending 2nd Act entitled 'An Act for the protection of keepers of inns, hotels, etc.'"
 I am directed to inform your Honorable Body that the House has this day passed H. F. No. 60, "To incorporate Nephi City."

I am directed to inform your Honorable Body that the House has this day adopted the accompanying concurrent resolution, presented by Mr. Hatch; and has appointed Messrs. Hatch, Lyman, Penrose, Smith and Preston the committee on the part of the House.

The House joint resolution providing for the appointment of a joint committee "to prepare and submit a bill dividing the Territory into Council and Representative districts," and an Act of Congress, approved June 19, 1878, was read, and the words, "and to appropriate the legislative representation of the word 'electors,'" was amended, and was sent to the House for its concurrence in the amendment.

to act with the committee of the House.

The following communications were received:

Mr. President:
 I am directed to inform your Honorable Body that the House has this day passed H. F. No. 43, Relating to the proceedings of Probate Courts.

I am directed to inform your Honorable Body that the House has this day passed H. F. No. 54, Amending sections 1,603 and 1,692 of the Compiled Laws of Utah.

Council took a recess till 8 p. m., when it resumed its session.

The second reading of (G. F. No. 14), "Defining, recognizing and acknowledging vested and accrued rights to the use of water, etc.," was resumed, and, pending which, the bill was committed to the committee on irrigation and claims, with instructions to have it reported, with the committee amendments incorporated.

(H. F. No. 53), "Creating Castle County," was taken up and the second reading of the bill was referred to the committee on counties, read and adopted. The title was read and amended to read, "A Bill creating Emery County," and the bill was then approved, the bill passed, and was sent to the House for its concurrence in the amendments.

(C. F. No. 29), "To punish persons entering into or upon railroad cars in certain cases," was taken up. The amendments proposed by the committee on railroads were read and adopted. The bill passed, and was sent to the House.

Council adjourned to the regular hour.

HOUSE.

Tuesday, February 10th, 1880, 3 p. m.

Mr. Carrington, Chairman of municipal corporations, presented the following report:

Mr. Speaker:
 Your committee on municipal corporations, etc., to whom was referred a petition for an Act to incorporate Nephi City, herewith submit said petition, with a bill as prayed for, and recommend the passage of said bill.

H. F. No. 66, "To incorporate Nephi City," was read and passed.

Mr. Carrington, then presented the following report:

Mr. Speaker:
 Your committee on municipal corporations, etc., to whom was referred a petition for an Act to amend the charter of incorporated cities, herewith return said bill with an additional section as an amendment, and recommend its passage as amended.

H. F. No. 57, "A bill amending the charter of incorporated cities," was read and passed.

Mr. Preston, chairman of enrollment, presented the following report:

Mr. Speaker:
 Your committee on enrollment report that they have carefully enrolled an act providing for the organization of San Juan County, and defining the boundaries thereof, and have this day at 3.30 m., forwarded the same to the Governor for his approval.

The following message from the Acting Governor was received and read:

Utah Territory,
 Executive Office,
 Salt Lake City, Feb. 10, 1880.
 Hon. Orion Pratt, Speaker of the House of Representatives.

Sir,—I have the honor to inform you that I have this day approved, and filed with the Secretary of the Territory, H. F. No. 50, An act providing for equalizing taxes upon transient herds.

Mr. Dunsberry presented petition of Oliver Thornion and 53 others, asking for the extension of the boundaries of American Fork City, and moved its reference to the committee on municipal corporations, etc. Read and referred.

Mr. Farr, chairman of Judiciary, presented the following report:

Mr. Speaker:
 Your committee on Judiciary, to whom was referred H. F. No. 56, A bill amending sections 1,603 and 1,692 of the Compiled Laws of Utah, has this day, at 3 p. m., read the bill by sections, and passed.

On motion of Mr. Lyman, H. F. No. 54, "A bill amending sections 1,603 and 1,692 of the Compiled Laws of Utah," was read the third time by sections, and passed.

Mr. Farr, chairman of Judiciary, presented the following report:

Mr. Speaker:
 Your committee on Judiciary, to whom was referred H. F. No. 65, respectfully ask leave to report back said bill with amendments, and recommend its passage as amended.

Amendments read and adopted.

On motion of Mr. Penrose, H. F. No. 48, "Relating to proceedings in Probate Courts," was read and passed.

Mr. Penrose, chairman of education, presented the following report:

Mr. Speaker:
 Your committee on education, to whom was referred H. F. No. 47, "A bill providing for the establishment and support of district schools, and for other purposes," beg to report the same back without amendment and recommend that it be put upon its passage.

H. F. No. 47, "A bill providing for the establishment and support of district schools, and for other purposes," was read the first time, and on motion of Mr. Francis, the usual number were ordered read, and the bill made special order for Thursday, 12th inst.

Mr. Hatch presented the following resolution:

Resolved, The Council concurring, that a committee of five members be appointed on the part of the House, to join such committee as may be appointed on the part of the Council, to prepare and submit a bill dividing the Territory into Council and Representative districts, in pursuance of the provisions of an Act of Congress, approved June 19, 1878.

Read and adopted.

The Speaker appointed Messrs. Hatch, Lyman, Penrose, Smith and Preston said committee, on the part of the House.

House adjourned until Wednesday, at 2 o'clock p. m.

COUNCIL.

Wednesday, Feb. 11, 1880.

Councilor Merrill presented a petition from A. S. Storard and 62 others, citizens of Richmond, Cache County, asking for a new city charter, with an accompanying bill (C. F. No. 25), "To incorporate Richmond City, Cache County," and moved that the petition be read and the bill, without reading, and the petition be referred to the committee on Municipal corporations and townships.

The petition was read, and the bill and petition was so referred.

Councilor Caine introduced three petitions, to wit: Curtis and 238 others, citizens of Park City, remonstrating against the incorporation of Park City with the boundaries proposed in a former petition from the citizens of that place, and moved its reference to the committee on municipal corporations and townships. Read and so referred.

H. F. 66, "to incorporate Nephi City," was taken up on its first reading, and, on motion of Councilor Teasdale, passed its first reading by its title, and was referred to the committee on municipal corporations and townships.

A communication was received announcing that the House had passed H. F. No. 59, creating a jury land in civil cases.

H. F. 56, "to amend an act entitled An Act for the protection of keepers of inns, hotels, and boarding houses," approved February 15th, 1878, was taken up on its first reading, and, on motion of Councilor Merrill, passed its first reading and was referred to the committee on judiciary.

Proceedings in progress.

Mr. Grover presented petition of Thomas Miller and 23 others, in relation to foul brood in bees. Referred to committee on agriculture.

Mr. Dunsberry presented petition of M. Tanner and 29 others on the same subject. Referred.

Mr. Fisher presented petition of T. B. Clark and 52 others, residents of Farmington, in relation to the "no fence" law. Read and referred to committee on agriculture.

Mr. Farr presented petition of Gilbert Belknap, collector of Salt Lake County, asking for \$33.50 remission of certain taxes. Referred to committee on claims, etc.

Mr. Farr, chairman of Judiciary, reported H. F. No. 67, Amending sections 2108 and 2115 Compiled Laws, defining grand larceny; a substitute bill for H. F. No. 5, rejected.

H. F. No. 67 was adopted as substitute, read the second and third times. Further action was postponed until to-morrow.

Mr. Farr, chairman of Judiciary, reported back H. F. No. 59, "To provide for a jury fund in civil cases," with amendments. Amendments adopted, and bill read second and third times and passed.

Mr. Farr, chairman of Judiciary, reported back C. F. No. 23, "The opinion bill," with amendments. Amendments adopted and bill read and passed.

A message from the Council was received announcing the passage of C. F. No. 28, "To punish persons entering into or upon railroad cars in certain cases."

C. F. No. 29, was read the first time and referred to the committee on counties.

Proceedings in progress.

DIED.
 In the Ninth Ward of this city, February 10th, 1880, of inflammation of the stomach, JACOB DAVIS, of John and Mary Obed; born May 12th, 1822.

Funeral at Ninth Ward School House, at 10 a. m., Friday, the 12th. Friends invited.

At Hobbs City, Washoe County, January 17th, 1880, of lung fever, EDWARD FRANKLIN, son of Blanche W. and John Jones; aged 2 years and 8 months.

In Mendocino, Rich County, Utah, February 4, 1880, CHRISTINA M., daughter of David and Janet Moffatt and wife of Henry Grove, Jr.

Deceased was born March 25, 1850, in Virginia Temple Parish, Scotland; she leaves a husband, five children (the youngest two weeks old), many relatives, and a large circle of friends to mourn her loss. She died in full faith of the gospel.

WANTED.
 A GIRL to do general housework. Apply to J. H. Smith, at the residence of J. H. Smith, third and a half blocks east of Deseret bank.

28th QUORUM.
 THE usual monthly meeting of this Quorum will be held this evening at 7 o'clock, promptly, at the Council house. A full attendance is desired. By order, R. P. MCNEAL, Clerk.

WANTED.
 A WIT NEAR A HEALTHY LADY, with good references. Apply, day or night, to J. H. Smith, at the residence of J. H. Smith, third and a half blocks east of Deseret bank.

LAND CLAIMS.
 PARTIES ABOUT TO MAKE FINAL proofs, or who have any kind of land business to attend to, will do well to call at the office of C. H. A. W. AT A. N. E. E. E. of Z. C. M. L., Salt Lake City, U. T., before going to the land office. He will give information how to proceed, FREE OF CHARGE.

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PROGRAMME:

PART I.
 1. Overture, "Guy Mannering," Bishop, ORCHESTRA.
 2. Piano Duet, "Madame," Gottschalk, Miss Anderson.
 3. Cornet Solo, "Hurdy-Gurdy Polka," Nicholson, Mark Groun.

4. Serenade, Miss Ida Stenhouse, Schubert.
 5. a "Pastoral Symphony," Handel, Full Company.
 b "All We Like Sheep."

PART II.
 6. a "Carpenter in America," Jacob, Jamon.
 b "Sleigh Bell Song," ORCHESTRA.
 7. Violin Solo, First Concerto, Viotromsky, Rosini.
 8. Selection, "Wm. Tell," Rossini.
 9. Song, "Serenade," Miss Emma White, Rosini.
 10. "Grand March Up," CHORAL BRASS BAND.

The Orchestra will be assisted by CAPT. LAMAR, Clarinetist.
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