

against Douglass and his tribe. Ouray says the feeling is very strong against giving up the Indians, and he is of opinion that the war faction will prevail. Ouray has done all in his power to carry out the peace policy of the government, and having failed is ready to assist the War Department whenever it shall commence.

A petition has been received in Washington asking that Delegate Cannon's right to a seat in the House be investigated. He is charged with having six wives, one of the signers is a sister of Schuyler Colfax.

FOREIGN.

LONDON, 20.—A Dublin dispatch reports that the Bishop of Cleveland, Ohio, has forwarded to the Bishop of Ross a draft for \$1,000, being part of a collection raised in Cleveland for the poor of Ireland.

The semi official note of the Paris Debats says: The ministry will resign immediately after the close of the present session of Chambers. The same dispatch says: If Desfreycinet is commissioned to form a new cabinet there is every ground for hoping that he will succeed in forming an administration imbued with every governmental spirit, and be able, by relying on the majority of the left, to solve the pending questions.

A Berlin dispatch says: The famine-threatened territory of Silesia forms that part of the province wedged in between Austria and Russia, comprising the districts of Ratibor, Kosel, Rybnik and Pless, with part of Gletwitz and Dublinitz, covering an area of 97 German square miles, and inhabited by 400,000 persons, of which 85,000 are destitute.

A Paris dispatch says: Phillipart, since his disappearance from that city, has been in Roumania negotiating for a concession for constructing a railway and telegraph lines in Roumania and Roumelia. This negotiation has now been concluded.

LONDON, 20.—A dispatch from Bombay says: It was reported on Thursday that Gen. Gough would probably retire upon Perzeran, three miles west of Surkub River, but it is now believed he will remain at Jagduluk and shortly clear the way to Ghilzois.

Gen. Arbuthnot's brigade is distributed along the road between Gundamak and Jagduluk.

Contrary to expectation, the tribes below Jellalabad continue quiet. Had Gen. Bright advanced with his whole force, doubtless the Mohmuds and Afreeds would have risen. Great efforts are making for a speedy concentration at Peshawer. Many native princes have tendered their assistance.

Gen. Robert's statement of his ability to hold his position and take the offensive on favorable opportunity have been so positive that the anxiety first felt on behalf of the garrison in Shirpur cantonments is much abated.

Steps for procuring a writ of error in the case of Annur Orton, the Tichborne claimant, were taken by Lord Rivers and Guildford Omslow, under the advice of Dr. Knealy, who applied for a similar writ in 1874, but it was then refused. It is stated that the case will be taken to the House of Lords for final decision, and that Dr. Knealy will exercise his right as a member of the Irish bar to appear for Orton before that tribunal.

Northcote, to-day, said in relation to the situation in Ireland that the government would take measures to alleviate distress in Ireland without pauperizing with the population, but while careful of the material prosperity of Ireland, would, above all, insist upon the maintenance of law and order, and would never coquette with any demands for home rule, which responsible statesmen of all parties knew would be impossible.

An official dispatch from Gen. Bright, dated Dec. 18th, informed the Viceroy of India that if Gen. Gough was unable to force his way to Cabul with his brigade, he (Bright) proposed, as soon as arrangements could be made, to hold the posts from India to Gundamak and advance on Cabul with a division numbering 8,000 men. A telegram from Perzeran, dated to-day, says there is no serious fighting, and all is well.

The substitution of American hardware in England, Australia and other markets is having serious effect on the Sheffield trade at Zanzibar. The American trade is in-

creasing, but the great drawback is the difficult transmission of funds to the United States in return for goods. About one-half of the exports to the United States go in British vessels via London.

The strong pressure brought to bear on the Sultan by the British government has nearly stopped the slave trade line. A ship is at Zanzibar with a large number of officers and men who patrol the African coast in steam cutters and launches to put a stop to the traffic. The British government has forced the Sultan to sign a treaty having the same object in view.

The Russian press is very violent in its criticisms on affairs in Afghanistan. The Gazette de St. Petersburg says: We most candidly confess that Russia would not break her heart in the probable event of Gen. Roberts' column sharing the fate of Cavagbari's embassy.

Total value of exports of domestic provisions and tallow for November, was \$8,900,706; the same in 1878, was \$9,690,482. The imports of American food products are enormous.

Requisite measures have been taken to prevent any dangerous extension of the prevailing famine and disease in Silesia. The ravages have hitherto not been extensive, and there need be no fear now that further danger will develop. The provincial authorities have voted 150,000,000 marks for mitigating the hunger of the sufferers, and 880,000 marks for the construction of roads and other relief works. The Emperor has placed at the unconditional disposal of the poor law officer, 400,000 marks, which had been contributed in commemoration of his golden wedding. Generous sums have likewise been given by the Empress, the Crown Prince and other members of the Royal family and by the public.

Intelligence from St. Petersburg represents that several officers of artillery engineers have been arrested charged with complicity in the recent Nihilist attempt on the Czar's life at Moscow. The winter palace is now illuminated all night with electric light as a precaution.

The Bavarian Chamber of Deputies has rejected the proposal to abolish the Embassies at Vienna. The Premier declared these Embassies were the sign of Bavarian independence.

Supreme Court—April Term, 1879.

J. P. KUPAU, TAX COLLECTOR OF KOOLAULOA, OAHU, vs. H. P. RICHARDS.

Assumpsit for \$5 for Defendant's Personal Taxes for 1878.

By appeal from judgment of the District Court of Koolauloa, and tried by the Court without a jury. The only matter in controversy was if the defendant be exempt under this provision found in section 513 of the Civil Code, viz: "The following persons shall be exempt from personal taxes: All clergymen of any Christian denomination regularly engaged in their vocation."

The defendant gave the following testimony: "I am a minister or clergyman of the Church of Jesus Christ of Latter-day Saints, and was in the exercise of that vocation in July (date of assessment) in Koolauloa, Island of Oahu; I profess the doctrines of the Christian religion; I do not know of any tax being assessed on our church sites; the Church at Waikiki and that at Honolulu have not been taxed, nor that of Laie; I never heard of a Church site of our denomination being taxed; our creed is shown in this pamphlet (quoted below); we are not authorized to practice polygamy in the Hawaiian Islands; I am in all respects ordained and licensed regularly as a clergyman of the Church to which I belong."

The witness exhibits a license from the Minister of the Interior to solemnize marriages, in which he is entitled "Elder," the witness saying that the Minister of the Interior asking him if he would be styled "Reverend," the witness had replied that he would be styled "Elder."

Also exhibited a certificate that "Elder Henry P. Richards, has been duly appointed to a mission to the Sandwich Islands to preach the gospel and administer all the ordinances thereof pertaining to his office, etc." Dated Salt Lake

City, Territory of Utah, Nov. 29, 1878, signed by Brigham Young and two others, as the "First Presidency."

On cross-examination the witness said—"I believe in the revelation contained in the New Testament; I believe in other revelations since then; I am not a Mahomedan; I don't accept the Koran; there are many revelations we believe that have been given through Joseph Smith, the founder of the Church; there are no later revelations than those published in the pamphlet (above spoken of); we believe all that God has revealed, and that he will yet reveal more than he has revealed; we preach faith, repentance and baptism by immersion, for the remission of sins, and the laying on of hands for the reception of the Holy Ghost; those are what we term the first principles of the Gospel as taught by our Savior Jesus Christ; we claim there are Apostles now, succeeding the Apostles of Christ, naming twelve men; we believe the Book of Mormon to be a revelation written by the Prophet; I am one of the traveling Elders of the Church; polygamy is believed in by the Church; I don't know of any of our Church sites being taxed."

Direct examination resumed. We are not authorized to practice polygamy, except at the headquarters of the Church; we believe that if it was necessary for the Lord to speak, that he would communicate as he did of old; I have no other business here than this ministry of our Church; I am supported by the members of our denomination resident here.

Hana'i, a witness for defendant, testified that he was in charge of the Mormon Church site in Waikiki, and that to his knowledge it had not been assessed during his time, three years.

The following is the creed exhibited by the defendant: We believe in God, the Eternal Father, and in His Son, Jesus Christ, and in the Holy Ghost; we believe that men will be punished for their own sins, and not for Adam's transgression; we believe that through the atonement of Christ all mankind may be saved by obedience to the laws and ordinances of the Gospel; we believe that these ordinances are, first, Faith in the Lord Jesus Christ; second, Repentance; third, Baptism by immersion for the remission of sins; fourth, Laying on of hands for the Gift of the Holy Ghost; we believe that a man must be called of God, by prophecy, and by laying on of hands by those who are in authority to preach the gospel and administer in the ordinances thereof; we believe in the same organization that existed in the Primitive Church, viz.: Apostles, prophets, pastors, teachers, evangelists, etc.; we believe in the gift of tongues, prophecy, revelation, visions, healing, interpretation of tongues, etc.; we believe the Bible to be the word of God, as far as it is translated correctly; we also believe the Book of Mormon to be the word of God; we believe all that God has revealed, all that he does now reveal; and we believe that He will reveal many great and important things pertaining to the Kingdom of God; we believe in the literal gathering of Israel, and in the restoration of the Ten Tribes; that Zion will be built upon this continent; that Christ will reign personally upon the earth, and that the earth will be renewed and receive its paradisaic glory; we claim the privilege of worshipping Almighty God according to the dictates of our conscience, and allow all men the same privilege, let them worship him how, where or what they may; we believe in being subject to kings, presidents, rulers and magistrates, in obeying, honoring and sustaining the law; we believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say, that we follow the admonition of Paul, we believe all things, we hope all things, if there is anything virtuous, lovely or of good report, or praiseworthy, we seek after these things.

Taking this testimony to be true, and there is nothing offered to contradict it, why should not a Mormon minister be held for the purposes of this statute to be a Christian minister? I find no difficulty in holding that the defendant is a minister. The counsel for the Crown argued from his taking the title of "Elder" and not "Rev.," that he had disclaimed holding ministerial office. But he testifies that such is the designation of a minister or clergyman in his denomination,

and that he is a clergyman or minister. It does not appear, why the use of the term "Rev.," should be the test of the class of persons intended by the statute. It is the custom of some other denominations to style their ministers "Elder." The Baptists and Methodists do this to a considerable extent. The ministers of the Roman Church are usually styled "Father."

It is equally clear from defendant's testimony, that he is in the exercise of his calling. He has come to this kingdom for that purpose. He exercises no other employment, and he is supported by the people of his denomination for the reason that he gives them his time and labor in exercising the ministerial office for them. The evident intention of the law is to exempt Christian ministers from the burden of taxes, on the ground that they must be supported by portions of the community, and to tax them, is to impose an additional tax on the public in the support of religion and morals. For the same reason church sites are exempt. The question remains, is the defendant, being a Mormon minister, a Christian minister? Upon the proofs offered and the creed presented, he must prima facie be considered such. He believes in Christ and preaches Him. The church is styled the Church of the Lord Jesus Christ. They accept the Old and New Testament.

It was urged, per contra, why this is not a denomination of Christians.

First—Because they accept other revelations than those contained in the Holy Scriptures. The Roman Catholics must be considered a Christian denomination, yet they receive, largely, authorities and revelations outside the canon of the Scriptures, the authority of the Fathers and of Councils. The dogma of the infallibility of the Pope, may be considered as implying a power of revelation existing in the priest, who may have been elected to the head of their church, for his infallible utterances are not supposed to be a repetition of texts of the Holy Scriptures, to which, in Christian belief he can add no sanction, but of something else not contained therein—a revelation. The same church accepts many revelations, from time to time—for a modern instance the revelations to a nun at Lourdes in France. On credence and sanction of this church, a shrine was established and a costly church built to our Lady of Lourdes, to which thousands of pilgrims resort. Every miracle believed to have been wrought by bones and relics of Saints is a belief in something beyond the canon of the scriptures. If the Mormons accept the Bible and believe in Christ, and believe also in the revelations of Joseph Smith, they must equally as Roman Catholics be considered a Christian denomination.

In Robbins' Religion of all Nations, page 6, it is said: "The religious world is divided into four grand systems, viz.—Christianity, Judaism, Mahomedanism and Paganism. Christianity is the religion of those who believe that Jesus Christ is the true Messiah and the Savior of men, and who receive the Holy Scriptures of the Old and New Testaments as the word of God. Judaism, of all those who still look for a promised Messiah. Mahomedanism, of all those who acknowledge Mohamed for a true prophet. Paganism, of all those who have not the knowledge of the true God, but worship idols."

The only people who may not be classed under one or the other of these four divisions, are the Deists and the Atheists, the latter differing from them all in owning no religion, and the former in owning no divine revelation as the foundation of their religion. Cited in Hale v. Everett, 53 N. H., 9.

The second reason why the Mormon minister should not be included, was the tenet of polygamy. We must proceed upon the proofs. The testimony is that the Mormons do not preach it here nor practice it here; and it does not appear that the subjects of this Kingdom are to go abroad to practice it. It is not proved or shown inferentially, that the Mormon doctrines in regard to marriage here, tend to immorality. It is well known to us all, that the Mormon system leads in Utah to a practice of plural marriages, which would not be tolerated here. Let that be so, still until it is shown by proof,

that the Mormons of this Kingdom are affected in their conduct by this doctrine it will not be a ground for excluding them from the privilege accorded to other denominations professing Christianity. This may be illustrated by a reference again to the Roman Catholic denomination. The doctrine of their church supports an inquisition which shall force men by unspeakable tortures and death, to profess an accord with their faith. The civil power in this Kingdom does not permit the exercise of this coercion here. It has been suppressed for the most part in all countries, yet this church which professes immutability and infallibility, must be considered to hold to the theory. In Spain and in Austria under the operation of Roman Catholic doctrine, the preaching of the Gospel as known to the Christian world, other than the Catholics, is either greatly hampered or totally suppressed. In the countries under Catholic rule an Index Expurgatorius suppresses some of the best and truest literature of the time. These things which are subversive of freedom and liberty of conscience are not practiced here, and we do not therefore exclude the church which supports, teaches and practices them elsewhere from the definition of a Christian denomination, and the Mormons must stand on the same ground. Judgment for the defendant.

LAWRENCE McCULLY, Justice holding April term. E. Preston, Attorney-General for Plaintiff. A. S. Hartwell, for the Defendant. —Honolulu Commercial Advertiser, July 19, 1879.

Mistress (to her late servant): "Well, Mary, how have you been since you left me, and where are you living now?" Ye servant: "Please ma'am, I don't live anywhere, ma'am; I'm married, ma'am."—Judy.

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