

esteem and affection for you, and cannot offer you any stronger men and testimony of the same, than our sincere prayer to God, that he will bestow upon you (our beloved and faithful friend) the choicest blessings of heaven and earth; long life of usefulness in this world and life eternal in the presence of the King of Kings in the celestial kingdom of our Heavenly Father. And more, we beg you to accept of our heart-felt thanks and sincere attitude of your brethren in the priesthood.

GEO. KENDALL,
W. H. WARNER,
THOS. CRAWLEY.

Committee in behalf of the Priesthood.

GUS HENRIOD, Secy.

MOMENTOUS QUESTION.

Those who have read the arguments before the Supreme Court of the Territory, published in the News in the case of Kimball vs. Richards on appeal from the First District Court, are able to see the trickery which was resorted to for the purpose of ousting the officers elected by the people, and forcing to their place the appointees of a Governor under a strained and absurd interpretation of the singular piece of legislation known as the Hoar Amendment. But as many persons may not have taken time to wade through the full report, we will give a brief explanation. The first dodge resorted to by the appointee of the one-man-power was to prevent argument looking to an appeal to the Supreme Court of the United States, by interposing a motion for a remittitur forthwith. This would be, in effect to obtain execution from the Court below compelling Judge Richards to go over to Kimball, the papers, records, &c. of the office of Probate Judge of Weber County. This trick was detected however, the Court deciding in favor of the arguments in regard to the appeal.

The next dodge was characteristic of the lawyer who assisted Mr. Kimball in the case, and who is notorious for sophistry, cunning and bold assumption, but not for success in an unblushing effrontery and torpid sinuosity. It was, to make it appear that the issue merely involved the possession of certain books and papers without money value, and not the office for which his client was contending. The object of this was to take the case out of the jurisdiction of the United States Supreme Court, in which, there is no doubt whatever in most minds, that a decision would be rendered fatal to the hopes of the aspirators who wish to force themselves or their friends into office against the will of the people. Under section 702 of the Revised Statutes of the United States, "The final judgments and decrees of the Supreme Court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, shall be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, may be reviewed and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal." If it could be made to appear that the matter in dispute had no intrinsic value, or that its value could not be determined, the lawyers imagined that they could prevent any appeal.

But it will be perceived from the words in the above quotation printed in italics, that the value of the matter in dispute may be ascertained by the oath of either party. Counsel for appellant showed clearly that the real matter in dispute was the office of Probate Judge of Weber County, the possession of the books, papers, etc., being merely incidental. And it appears from the record that though the salary of that office is not fixed by law, the appellant has made oath to the effect that the fees and emoluments thereof are of the value of over one thousand dollars. Judge Williams proved that, by law, fee offices are property as such as salaried offices, the only difference in a dispute of this kind being that the value of one can be ascertained by proof while that of the other is known. Mr. Brown went further, and contended that it was not the province of the Territorial Court to determine the money value of the matter in controversy, but that the Supreme Court must decide it on appeal. He also contended that the Act of Con-

gress gave the right of appeal and that the power to refuse it was not vested in the local Court. It was for the appellate Court to decide on its own jurisdiction of the case, and all that the lower Court could do on notice of appeal was to decide what would be an appropriate bond; a lower Court could decide on its own jurisdiction, but could not determine the jurisdiction of the higher.

Judge Harkness and Mr. Kirkpatrick, in their close and convincing arguments, showed conclusively that appeal lies in a case of mandamus; that in passing upon the question the present Court grants the appeal provisionally and is not committed to the validity of the appeal, which must be determined by the appellate Court; that the case is one of grave importance to the people of this Territory, involving the right to many local offices; and that the whole case ought of right to be remitted to the higher tribunal. All these positions were fortified by reference to authorities.

When contrasted with the pitiful quibbles, fanciful hypotheses, and jumped-at conclusions of the respondent and his unscrupulous helper, the law, logic and lucid deductions of the appellant's counsel shine out as a sure guide to all who wish to arrive at a proper understanding of the merits of the case, and cannot but have great weight with the Court. The decision is to be given on Thursday when it is to be hoped that the matter will be relegated to the Court of last resort, and as the amount and sureties of the proffered bond have already been accepted, nothing will then stand in the way of final adjudication upon a question which has agitated the public mind ever since Congress, without proper understanding of the situation, hurriedly committed itself to the nonsense of the Hoar Amendment.

SCHOOL TAX ASSESSMENT.

WE are in receipt of the annexed communication:

SOUTH HOOPER, Davis Co.,
February 26th, 1884.

Editor Deseret News:

Sir—Will you please inform your readers through the NEWS if it is illegal for those not registered to vote for or against a special school tax, and oblige the trustees of the 16th School District of Davis County.

Yours, etc.,
EDWIN PARKER, Trustee.

No, it is not illegal. The law provides that a special tax, not to exceed two per cent. in one year, may be assessed and collected for any school purposes, as shall be decided by a two-thirds majority vote of the property tax-payers resident in the district. It should be observed that those who vote on the tax must not only be property tax-payers but residents of the district, and that there must be a two-thirds majority vote of such persons who are present at the meeting, called by a notice given ten days previously by the trustees, and either advertised three times in some newspaper published in the county and having general circulation therein, or posted in three public places in the district. It must also be borne in mind that if the tax is for the payment of teachers, the property of non-residents cannot be taxed. If the tax is for the building, repairing or furnishing of school houses, such property can be taxed as well as the property of residents.

Some confusion of mind on this question occurs in consequence of the provision of law in regard to the election of school trustees. That is different from the voting on a special school tax. Only registered voters can vote at a meeting called for the purpose of electing a school trustee.

If there be any dispute as to the right to vote of any person who is a resident of the district, present at a meeting duly called for deciding upon a school tax, the oath of such person, or his tax receipt for the past year, or a copy of the tax list showing that such person owns taxable property in the district, is sufficient evidence in law as to his right to vote.

The trustees should remember that under the amendments to the school law made in 1882, they are required to file with the County Superintendent, within ten days after a meeting held for the assessment of a school tax, a copy of the notice of said meeting and also a copy of the minutes thereof, to be kept on file by the Superintendent,

subject to the inspection of any member or tax-payer of the district.

AN INTERESTING TRIP.

ANCIENT RUINS—SAM BRANNAN—A GENUINE BULL FIGHT—A RICH REGION.

We have received a call from Brothers Joseph M. Phelps and Jno. Cozens, both of Montpelier, Bear Lake County, Idaho. They have just returned from a long, arduous and interesting trip through the South and West. They proceeded to California by railroad, and from Los Angeles started for Arizona. At Maricopa Wells they left the railroad and traveled by other conveyance to Mesa City, on Salt River, where President A. F. Macdonald is located. There they found almost the entire population engaged in constructing a canal to convey water to their lands, having on that enterprise spent at least \$8,000 during the last three months. The travelers proceeded thence to Phoenix and Fort McDowell, on the Verde. In that locality they visited some ancient ruins of great interest, relics of the dead past evidently long prior to the Spanish invasion. The buildings were about 280 feet long by 200 wide and from one story to one and a half high, the apertures that had held the joists in position being plainly visible. The walls are built to the plumb and are of rock. Three miles from these ruins is what appears to be an ancient cemetery. A man in search of precious metals has cleaned out fifteen rooms, but has found only relics in the shape of grinding mills, various styles of battle-axes, perfectly formed pottery of thirty-two different patterns. Near Mesa City are other ruins, in the shape of concrete walls with several coats of plaster, including a hard finish surface.

Accompanied by President Macdonald the two travellers passed through Salt River, Florence (on the Gila) and Santa Cruz valleys, via Tucson, to San Pedro valley, visiting St. David. They then took the railroad to Guaymas, on the coast of California. There they met a character known to a number of our citizens—the notorious Sam Brannan. He is partially paralyzed, in the depths of poverty, residing in a little shanty, friendless; and living in the most groveling forms of vice. When the visitors saw him he was half naked and filthy, a pitiable spectacle to behold. His great Yaqui land scheme had fallen through, and he admitted to his visitors that he did not own a foot of land. The travelers learned that the Yaqui Indians in Sonora are at deadly enmity with the Mexicans and are determined fighters. They are reported as capable of placing 10,000 fighting men on the war path inside of twenty-four hours. They are a high spirited, energetic, independent race, kind and hospitable to friends, but revengful to those who seek to impose upon them.

The travelers visited Hiramisillo, a Mexican city of 20,000 inhabitants, during the prevalence of a feast. Among the proceedings was a bull fight, which Messrs. Phelps and Cozens witnessed. The spectators numbered nearly 12,000, among whom were hundreds of finely dressed ladies, who appeared to glory in the sport. One of the bull-fighters was killed and three badly injured, but these incidents did not appear to abate but rather heighten the pleasure of the audience. A bull on which a Mexican was astride, spurring him into fury, ran against a horseman. Horse and rider were rolled over and crushed against the barricade, the bull in the meantime goring at his prostrate foes. The horse regained his feet, ran in ahead of the bull, and kicked him with his heels, with great desperation and powerful effect.

The travelers visited Magdalena and several other Mexican towns, receiving uniform kind treatment. They also spent some time in Santa Rosa, California, with some relatives of Mr. Phelps, named Cooper.

The land in Sonora, Mexico, is described as exceedingly rich, producing oranges, dates, and nearly all other kinds of fruits, the climate being tropical, in profusion. Cotton is also cultivated with abundant success. Water is deficient, and if artesian wells could be obtained it could be transformed into an earthly paradise, so far as productiveness is concerned.

Paralytic strokes, heart disease, and kidney affections, prevented by the use of Brown's Iron Bitters.

THE MANDAMUS CASE.

APPEAL ALLOWED AND BOND APPROVED.

This afternoon at 4 o'clock the Supreme Court of this Territory rendered its decision in the case of Kimball vs. Richards. The appeal was allowed, the supersedeas bond in the sum of \$2,500 approved and the motion of respondent for remittitur denied. Judge McBride asked the Court to note an exception.

STRENGTH

to vigorously push a business, strength to study a profession, strength to regulate a household, strength to do a day's labor without physical pain. All this represents what is wanted, in the often heard expression, "Oh! I wish I had the strength!" If you are broken down, have not energy, or feel as if life was hardly worth living, you can be relieved and restored to robust health and strength by taking BROWN'S IRON BITTERS, which is a true tonic—a medicine universally recommended for all wasting diseases.

501 N. Fremont St., Baltimore

During the war I was injured in the stomach by a piece of a shell, and have suffered from it ever since. About four years ago it brought on paralysis, which kept me in bed six months, and the best doctors in the city said I could not live. I suffered fearfully from indigestion, and for over two years could not eat solid food and for a large portion of the time was unable to retain even liquid nourishment. I tried Brown's Iron Bitters and now after taking two bottles I am able to get up and go around and am rapidly improving.

G. DECKER.

BROWN'S IRON BITTERS is a complete and sure remedy for Indigestion, Dyspepsia, Malaria, Weakness and all diseases requiring a true, reliable, non-alcoholic tonic. It enriches the blood, gives new life to the muscles and tone to the nerves.

NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

JAMES W. SMITH,
Plaintiff,
vs.
FLORENCE A. SMITH,
Defendant.

SUMMONS.

The People of the Territory of Utah, send Greeting, to Florence A. Smith, Defendant,

YOU ARE HEREBY REQUIRED TO APPEAR in an action brought against you by the above named plaintiff in the Probate Court, of the County of Salt Lake, Territory of Utah, and to answer the complaint filed therein within ten days, (exclusive of the day of service) after the service on you of summons—if served within this County; or, if served out of this County, but in this district, within twenty days; otherwise within forty days.

The said action is brought to obtain a decree from this court dissolving the marriage contract existing between said plaintiff and you. And you are hereby notified that if you fail to appear and answer said complaint as above required, the said plaintiff will apply to this court for the relief prayed for and cost of suit.

Witness, the Hon. E. Smith, Judge, and the Seal of the Probate Court of Salt Lake County, Territory of Utah, this 14th day of Dec., in the year of our Lord One Thousand Eight Hundred and Eighty-two.

D. ROCKHOLT, Clerk.

TUTT'S PILLS

SYMPTOMS OF A TORPID LIVER

Loss of Appetite, Bowels costive, Pain in the Head, with a dull sensation in the back part, Pain under the Shoulder blade, fullness after eating, with a disinclination to exertion of body or mind, Irritability of temper, Low spirits, with a feeling of having neglected some duty, Weariness, Dizziness, Fluttering at the heart, Dots before the eyes, Yellow Skin, Headache generally over the right eye, Restlessness, with fitful dreams, highly colored Urine, and

CONSTIPATION.

TUTT'S PILLS are especially adapted to such cases, one dose effects such a change of feeling as to astonish the sufferer. They increase the Appetite, and cause the body to Take on Flesh, thus the system is nourished, and by their Tonic Action on the Digestive Organs, Irregular Stools are produced. Price 25 cents. 33 Murray St., N. Y.

TUTT'S HAIR DYE.

GRAY HAIR OR WHISKERS change to a Glossy Black by a single application of this Dye. It imparts a natural color. Acts instantaneously. Sold by Druggists, or sent by express on receipt of... \$1.00. OFFICE, 33 MURRAY ST., N. Y. (Dr. TUTT'S MANUAL of Valuable Information and Useful Receipts will be mailed FREE on application.)

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Cures Consumption, Colds, Pneumonia, Influenza, Bronchial Difficulties, Bronchitis, Hoarseness, Asthma, Croup, Whooping Cough, and all Diseases of the Breathing Organs. It soothes and heals the Membrane of the Lungs, Inflamed and poisoned by the disease, and prevents the night sweats and the tightness across the chest which accompany it. CONSUMPTION is not an incurable malady. HALL'S BALSAM will cure you, even though professional aid fails.



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Is sure in its effects, mild in its action as it does not blister, yet it is penetrating and powerful to reach every deep seated pain or to remove any bony growth or other enlargements, such as spavins, splints, curbs, ring-bones, callous, swellings and any lameness and all enlargements of the joints or limbs, or for rheumatism in man or for any purpose for which a liniment is used for man or beast. It is now known to be the best liniment for man ever used, acting mildly and yet certainly in its effects.

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