BT GO TO		EVENING NEWS.	Sec. 387. "If the charge is for any other offense he may be admitted to	case the certificate of probable cause for the appeal modifies the effect of	crror of Judge Wallace in his interpre- tation of the statute of C hierana.	GLO. H. KNOWLDEN. H. N. GREENE	DANGEROU
MRS. JANE S. SMITH'S			ball before conviction as a matter of right."	FILL REPERTORIE CERTS CONTRACTS TO CAR CARDED	If it be said that the Utah starute is bo, rowed from California, it may like-		
No. 20 W First South Street,		Saturday, - January 10, 1885.	Id., page 14.9	of cluse custody pending the appeal is to secure the presence of the defend-	wise be stid that the statute of Cali-	KHOWIORII & HTPEPDE	SUBSTITUTES
BASKETS.			fense not pup shable with death, a de-	ani to abide the sentence if the append	and the Supreme court of New York has constaned the provision now under	monituon & aroono.	FOR
DASKETS.		SUPREME COURT OF THE	mitted to bill. 1. As a matter of right when the appeal is from a judg-	not absolutely insure this, for the jail	consideration in favor of the right to		HORSFORD'S ACID PHOSPHAT
HENDY MAGNED		UNITED STATES. October Term, 1884, No. 1235.	ment imposing a fine only " As a	escape. We contead that the question for the court to consider in such cases	court, in the exercise of its discretion.	THEAT ENTITE,	Several inferior and dangerous "sub
HENRY WAGNER,		RUDGER CLAWSON, APPELLANT,	cases." 12., page 112.	is whether the appearance of the pris-	stances of the case, and that the stay of proceedings is of itself sufficient	LOAN	thics" for the genuine "Borsford's A Phosphate" are being offered for sale, a
SALT LAKE CITY,	. n a	<i>vs</i> ,	Sec. 401. "In the cases in which the	certainty, by ball, and that the nature of the offense, the penalty, the stand-	Indication of error to induce the court		we hereby cantion the dealers and pu- against buying or using them, as they not produce the same effect upon the
CALIFORNIA BREWERY		THE UNITED STATES, APPELLEE.	on an appeal, the order admitting him	ing of the party, and all the chroum-		INSURANCE AGENTS.	tem as the genuine "Horsford's," and uncredients in some of them are danger
LAGER BEER ALE and PORTER,		Appeal from the judgment on a writ of habeas corpus of the Supreme Court of		should be considered. In this case the	Said the court in this case: "I do not think the provisions of the law which	161 S. Main St.,	to health. Some of these " substitutes " or initat
WHOLESALE AND RETAIL.	*	the Territory of Utah.	habers corpus. Id., page 146.	his arrest to the time of his sentence	confers on a party the right of review-	UNDER T. R. JONES & COSS EANK.	are simply Dilute Phosphoric Acid, w
Second South Street, Three Doors East		APPELLANT'S BRIEF.	lows:	-a period of many months, and it was not alleged that he made any attempt	ed as a shain and mockery; nor should	##" P. O. Box, 731. 56.8	remaine "Horsford's" not only causes ironble with the digestive organs, but
dial from main Street.		On the twenty-fifth day of October, 1884, in the District Court for the	this:-	viction; nor can it be pretended that	those provisions be so construed as to permit a ministerial officer to multify	NOTARI PERSING.	ternally assists in their auton. One prephration that is being offere
NOTICE TO THE PUBLIC.		tory, the appellant was convicted of	1. In not holding the appellant en- titled to bail, and in not directing bail	vieted of a like offense and on bail in	think theright to let to built should ac-	TITLIS EXAMINED.	cale, by the gallon, contains Meta or P Phospharic Acid, which are declared i.
THE BUSINESS HERETOFORE CAR		the crimes of polygamy and unlawful	to be taken and appellant discharged. 2. In treating the case as one for the	Etsh ever attempted to rscape. The	company the right to and allowagee of a	DEEDS, MORTGAGES & LEGAL	some preparation also contains Chi
Tried on by the Salt Lake Foundry & Machine Co., in Salt Lake City, is now under		and three (3) of an act of Congress.en-	review of the exercise of the discre- tion of the district judge instead of an	sum the coart might fix, and there can	all cases and under all commissioners	PAPEES DEAILS	Acid, which is a compound of Chlor "Horsfor.Fs" contains neither of these
the management and control of the under- signed, said company baving transferred and delivered its property to me for certain		of the Revised Statutes of the United	original case depending on the exercise of the discretion of the Supreme Court	pearance could be thus secured. The	Tred, excepting always copilal cases."		These, "substitutes" are liable
purposes named in two deeds, bearing date		for other purposes," approved March	litself.	· ably other Territories, requires a lib-	sents at once the law and the sub- stantial equity of the case now pre-	S1000.00 at 10 per cent.	he found at soda fountains, beer
byeiy. The business will be carried on, till further notice, in my name and all deb a	C. C. HOMOON,	From the conviction and judgment	cise its discretion as to whether the	ball. As in offenses against the United	Scaled for decision. A reversal of the	(1980/00 at 10 per cent. Smaller amounts at 1 per cent.	<ul> <li>Cliffor "HORSFORD'S," and T</li> </ul>
due the said company will be paid to me, as no one is authorized to collect the debta		Supreme Court of the Territory of	appel <sup>1</sup> ant should be bailed or not. 4. In assuming that the district	over which the United States marshal has	order that the appellant shall be ad-	.a. 2 Call on u- before horrowing sha	NO OTHER. NEVER SOLD IN BUIL
A. G. GIAUQUE, Trustee.	TUOLOOULO	lained) rom the judge who presided at the	judge had exercised a discretion in re- fusing ball, whereas it appeared that	and could not under the laws be senteneed	Justice to anybody, while its anirm-	#2º Read our 1-1 of Cheap I operfue-	Terest S w June
	ТИПИЛСПИ'С	der the provisions of law hereinafter	said judge had not exercised any dis- cretionary power, but refused the bail	to the same punishaunt and in the same	the appellant by punishing him as for a	HOUSES AND LOTS IN	
<b>EXCELSIOR BAKERY</b>		and served on the United States marshal,	on an erroneous interpretation of the law by holding that the appellant must	fof the sentence.	appeal to this court by sentencing him		Dr. SANFORD
		and which certificate, under the law of	show and had not show a some extra- ordinary reason as a condition prece-	If the judgment is finally alligned he	to a long term of imprisonment for appealing, although the judg who	1000 but is spints toward town date mand	
No. 10 East Temple St.	Dool Datata Amanan	Imant	dent to the exercise of discretion upon	punishment, because his case cannot	tried him certified that there was prob- able cause for his appeal. It is confi-	\$550 A 4 roomed frame house and sum	1 stata
	Real Estate Agency.	judge of the District Court who pre-	The counsel for this appellant desire to impress upon this Honorable Court	the second second to a second se	duatte enhanittad that this How It	inti kinin u, int axin tom, art	
FRESH BREAD,	OFFICE:	the certificate of probable cause, to be	the extreme gravity and importance of the question presented for decision by this record. The fact that it is a novel	his imprisonment pending the appeal	of the law of Utah which leads to re-	Sold O lot 5x8 rods, well fended, oth ward,	
BUNS, CAKES	OFFICE:		this record. The fact that it is a novel and starting departure from a sub-		sive. In the conviction that the present	the state of a state state.	L
		refused Nov. 3d, 1883, upon the grounds stated in the opinion and decree, as follows :-			case will receive the attention it de-	\$9.00 Å rushe adobe lined for a well built, hard dushed, or a covers and closel, eistern, etc.; for (x)0 rods on curner,	
CRACKERS.					well as the statutory right of the citi- zen to give bail in offenses of this kind	- 2011i Matel	
	Over Daynes & Coulter's Music Store.	tence herein upon the delendent, the	uess. Nor is it permissible, periaps, in this proceeding to suggest motives	better submit at once to the indement	will be reallimed, the petitioner cou- fidently awaits the decision of this	rooms, lot ixig rod, on corner find	Is just what its name implic
PURE CANDIES, GROCERIES,		pending the appeal herein, and the mo-	for the change of procedure in ques- tion. It has often happened in judicial	and unjust it may be, than to stay the	Honorable Court 3	S of Say A brack how e of 2 large rooms and	Purely Vegetable Compound,
		court having now considered the same,	history, that prosecuting officers and judges have persuaded themselves that	this court. Certainly Congress did not	FEANKLIN S. RICHARDS, WAYNE MACYEAGH,	[5,37,17] su unier kitchen, well mit da data is ee linger, for axformats, 2 blocks transfirm have screet.	acts directly upon the Liver; ing the many diseases inciden
Bullevenp Crackers a	Notary in Office. Deeds, Mortgages,	I defendent ought not to be admitted to	it was far better in the public interest to punish the persons they esteemed	best in such cases, that it should on-	For Appellant.	SIGMA A frame house of 2 rooms , lot 21 x	that important organ, and prev
Specialty.	Leases, Agreements and Legal	bail after conviction and sentence un-	deserving of it before flual judgment than afterwards, and if the judgment	erate as an injury rather than a benefit		\$2(00) A 2story brick house of 6 rooms,	ing the numerous ailments the aring from its deranged or to
EDWARD SCRACE,	Papers Drawn.	is shown, and there being no sufficient	in this case is affirmed by this court, it will not only confer upon such officials	should be given to any Termorist		Corner, 10th wheel.	action, such as Dyspepsia, Ja
Proprietor.		that the motion and application for	the pow r to do this, but it will in ef- fect annu! the act of Congress grant-	ship, and thus in effect render nueva-	·	\$2300 A frame house adole bard of a rooms, hall, etc. on Man street.	dice, Phousness, Costivoneta, Jaria, Sick-Headache, Rheu
NOTICE TO CREDITORS	52. We have a Large List of City	and the defendent remanded to the custody of the United States mar-	ing the privilege of an appeal in the	tended should accrue from the anneal		b) $3\times10$ rods, $3\times15/5$ () A 5 room rusing how e with base	tism, e.c. It is therefore a tru
termine the second s	Property for Sale or Exchange for	shai."	no doubt, one of the objects of the de-	should be so construct as to give full	Cantle	<sup>55</sup> 1 <sup>(3)</sup> M <sup>4</sup> ment and nice porch, contern hold ing 2360 gallons of water, communication function	that " have Good Health Liver must be kept in order."
In the matter of the Estate of Paul A. Schettler, decensed.	Farms.	to prison, notwithstanding the pend-	cision, for it is quite plain that it would be sheer mockery or an unfortunate	tect the appellant from pupishment, in	Gentle	20th which: brantful location. Will ex-	DR. SANFORD'S LIVER STRIGORA
NOTICE IS HEREBY GIVEN BY THE undersigned, Executive of the Last	The second s	of probable cause, apon the sole	person who believed he hadbeen illegal- iy convicted to tell him that he had the	has been reviewed by this court	TIT O DO O DO	\$2200 A new frame rushe house of 4 rooms and module rooms of 2 rooms.	Invigorates the Liver, Regulates Bowels, Strengthens the Lastern, I
Will and Testament of Paul A. Schettler, decer ed to the creditors of, and all person		truordinary recson in support of his ap-	right to bligg the legality of his con- viction in review before this court, but	allowed in Utab pending appeal, ever	Women	situate in a good part of lown near car line, lot 25 x10 rods ; cuy water, healthy location.	fles the Blood, Assista Diention, vents Fevers. Is a Hour and N
having claims against the said deceased, ic exhibit them with the necessary vouchers	NOTICE TO STOCKMEN.	plication to be admined to ball, the	the price of his doing so, although there might be probable cause for	since the organization of the T. mitory	Who want glossy, luxariant	\$5000 Anice adole pla tered hou work rooms, charts, pointry, cellar and	An Invaluable Family medicine
within ten months after the first publication of this native, to the said Even		tion as to wrether ais ait adare could be secured at the decision of his appeal	such appeal, was the certainty that he	under the same statute now in tarm	and wavy tresses of abundant.	porch; m one of the best locations in the city, near to Brigham St.	Common complaints, DE. SANFORD'S LIVER INVIGORAT
triv, at No. 16 E., First South street, Salt Lake Uny, in the County of Salt Lake.	We have some large tracts of	by tom or nos. Futurag himself there-	ment pending his appeal which would be judicted if he did not take any ap-	heretolore proscented in the certitory	beautiful Hair must use LYON'S KATHAIRON. This	S13 10 Adolus 2 story, 5 large roms, sit- with near the Warm Spring's Bath	An experience of Forty Years,
The second	Land and Cattle Ranches, some	for his affected offense, although his	peal, and if his appeal was decided against him, he would have secured for	tice in said Fiveritary and the neral	elegant, cheap article always	Dealars. (d. s. Nierod). Call on as for par-	Thousands of Testimonials proce Merit.
CONTRACTOR AND A REAL AND A REAL A CONTRACTOR AND A REAL AND A REA	close to the city and some in	though it had been curdled by the	lumself double the punishment he	n.J. until some recent decisions to ad-	makes the Hair grow freely	\$11(0) Brick house, 3 rooms and summer kitchen; also, a humber room,	FOR SALE BY ALL DEALERS IN MEDICIT. For full information send your address
	the South and North portions	there was probable cause therefor, the	would have received, if he had submit- ted uniself to the decision of the in-	Ec parle Hoge, 18 Cal., 3; People	and fast, keeps it from falling out, arrests and cures gray-	coltar and orchard; but 3x10, fenced; 20th W.ard.	100-page Book on the "Liver and its eases," to DR, SANPORD, 34 DUANE ST., 1
donw	And the second s	FROMPHENDL, SUIVELLINE LUCH, 1997, SUCH F	Terior coult II is not incretore the	AND A PERSONAL FUEL FOR MELL TRACK	ness, removes dandruff and		MORE CITY.
donw	of the Poweitory Parties hav-	out a writ of havens cornus as an origin-	case of Rudger Clawson alone, but	The Supreme Court of Utah is an-		20000 2 mice rooms, well finished in the	
COUNTY TAX SALE.	of the Territory. Parties hav-	out a writ of havens corpus as an origin- al writ from the Supreme Could of the Territory alleging that such impulsion-	to the Territory of Utah, and presuma-	and it has also atomilate torisilarian		SGCO Environments and house, $35\chi H_{\odot}$ is the same recencil for the second s	(international second
COUNTY TAX SALE, WHEREAS, THE TERRITORIAL, School and County Taxes assessed	of th . Territory. Parties hav- ing Cattle or Sheep for Sale or	out a writ of haven's corpus as an origin- al writ from the Supreme Coult of the Territory, alleging that such imp. ison- ment was illegal; that he was eatilled to the exercise of a indicat discretion	in the Territory of Utah, and presumq- bly in every other Territory, which is now presented for decision, and if any	and it has also appellate jurisdiction from the judgments of Districts Courts on have common. This was however		isth Ward. Lot 2% x5 rods. \$1050 Bustic traine adobe fined house of 4 roma, good cellar and 3% x10 rods of ground; good location.	COOPER BRO
COUNTY TAX SALE, WHEREAS, THE TERRITORIAL, School and County Taxes assessed against Summer Marshall for the year 1 St	of the Territory. Parties hav- ing Cattle or Sheep for Sale or Exchange will do well to call	out a writ of havens corpus as an origin- al writ from the Supreme Coult of the Territory, alleging that such implison- ment was illegal; that he roas calified to the exercise of a judicial discretion in the mailer of the bail ne off-red to give, and offering to give such bail as	in the Territory of Utah, and presuma-	thorized to issue write of halows corpus, and it has also appellate jurisdiction from the judgments of Districts Courts on habovs corpus. This was, however, an origin d writ in the Supreme Court, calling men that court to determine		500.00 2 mer rooms, well fine-hed, in the 1sth Ward. Lot 2% x5 roots. \$1050 firstic trunc adobe lined house of a rooms, good cellar and 3% x10 roots of ground; good location. \$1600 New brick of 4 rooms and reilar, \$1600 high cellings, well finished, cry vater and near to business; lot 4 x5 with	COOPER BRO

Lake County, Utah Territor virtue of the authority vested in nme by the provisions of An Act of the Legislative As sembly of the Territory of Utab, entitled "An Act to Provide Revenue for the Terri tory of Utah and the several Counties there of," approved February 22, 1878, and of th

of," approved February 22, 1878, and, of the annendments (beleto), have levied upon the following named property, to with The north west quarter (N. W. %) of Lot Four (4) in Block Three (3) as platted in Plat." A" of Solt Lake City Survey, and will sell the same or so much thereof as may be necessary, to pay the Takes and Costs, at Public Auction, at the front door of the County Court House, Solt Lake City, on the Sist day of January, 1855, at 32 o clock m.

NATHANIEL V. JONES, Collector for Salt Lake County,

Coanty Collector's Office, No. 5, County Court Hou e. Said Lake Cuy, December 30th, property is made in all cases. 1884.

## COUNTY TAN SALE.

the year A.D. 194, anounting to Two dol the year A.D. F.4, mounting to Two dol-tars and to ty cents (1240) remain empaid. Therefore, I. Natannel V. Jones, Collecton for soft Lake town v. I fan Territory, hy entrie of the aution ty vested in me by Sue provisions of an Act of the Legislative As seemidy of the Territory of Utah, entitles "An Act to pointe Revenue for the Terri-tory of 4 tah, and the several counties thereof," approved February 22, 1878, and o the semiduration for the several counties thereof," approved February 22, 1878, and of the amendoment, thereto, have levied upon the following neurol property to wit: Part of Lot Two (2) in Block Thirty five (35). Plat E soft Late, Cur, survey, and wil sell the same of for much thereof as may be necessary topay the tays and costs, it public anction, as the front door of the County Court House, soft Lake City, on the 31st day of January, 1855, at 12 o'clock m. NATH WIEL V. JOXES, Control of soft Lake County.

Collision for Salt Lake County.

County Collector's Onlice, No. 5 County Court House, Salt Lake City, January 6th, 1885. d5 s2

## COUNTY TAX SALE.

WHELEN, THE TERRITORIAL Section and County Taxes assessed again t and upon the property of Neds Peterson for the year A. D. 1881, amounting swebse (±12) dollars remain unpaid.

Therefore, I. Sathamel V. Jones, Collect-or of such take tourns. Utab Territory, by writing of the antheady vorted in me by the provision of An Act of the Legislative As-seemidy of the Territory of Utab, entitled, and the Terri-tory of Utab and the several counties there of approved Ecterary 22, 1578, and of the amendment, thereto, have leviced upon the following numer property, how it.

amendments increase, in the fevred upon the following annuel property, how it: Part of Lots six (5) and Seventeen (17) in Black Fourteen (10), five acre, Plat "A." Rog Field Sarrey, Sul Lake County, and will sell the range or so much thereof as may be acressary to pay the Taxes and Costs, at public anchor, at the front door of the County Court House, Salt Lake City, on the dat day of January, 1885, at 12 o'clock M.

VITHANIAL V. JONES, Collector of Sali Lake County.

County Collector : Office, No. 5, County Court House, 5-2 Salt Lake City, January 6th, 1885.

WHY IS THE SALE OF





W HEREAS, THE TERRITORIAL A GENERAL AGENCY BUSINESS against the property of Wulliam 8. Davis for Transacted, and for non-resi apper has been graned, and where the court is which the conviction was had, has, in the cercise of his disc. e.im, refused to admit a defendant to ovil, dents a specialty, such as Buyng and Selling Real Estate, that the discretion thus exercised had Renting and Collecting Rents, been abused. "2. The court is not prepared to say. Paying Taxes, etc., etc.

MONEY TO LOAN

In sums of \$100 and upwards,

late invision." This opinion, it will be seen, trez's the original writ of habens corpus isif title is perfect and security ample. The rate of interest

HOUSES AND LOTS.	li be satisla	8	
	HOUSES	AND	LOTS.

cretion as to whether the appearance of the defendant could be reasonably the position of the appellant. secured or not by ball, whereas the re-In the first place, it is c

\$1400 An adobe house of 4 rooms, cor uer lot 4x6 rods, on car line, 120 inct ground that notwithstanding the Ward. A bargain,

\$35!) A sustic house of 2 rooms and kitchen, stable, etc., in 5th Ward, ot 4x10. Part of purchase money can reman on it.

\$13()() A new, adobe house of 3 rooms, lot 3x6, nice orchard, close to Temple Block, 17th Ward. to bail.

\$1500 A new brick house of 3 rooms and large ceflar, near Main Street, 7th Ward.

BUILDING LOTS. Building Lots in 13th Ward. Building Lots in 5th Ward. Building Lots in 21st Ward. Building Lots in 19th Ward.

Building Lots in 10th Ward, Building Lots in 10th Ward.

marshal, and for return thereto the conviction for a misdemeanor. the exercise of a discretion on the part marshal set out the opinion and decree after the granting of a certificate of of the district judge, and refused relief CORRESPONDENCE of the District Court of November 3d, 1884, hereinbefore set out at lengta. The Supreme Court of the Territory and construction of that statute, the low when it did not appear that the dismissed the writ and remainded the practical effect of which would be to discretion of that court had been

Is solicited with parties having states marshal, and, though the guaranteed to the citizens of the 'rer- not say defendant was entitled to ball, Is solicited with parties having Money to Loan. We guarrantee them good security. No Loans made except Title is perfect. A Burgest a covert, Territory of the secure that the decision of the secure that the decision of the secure that the decision of the secure the decision of the decision of the secure the decision of the secure the decision of the decisio

he petitioner to custody annourcing cannot give rise to any presumption of the judge below had been abused. That the accused would be taly to be It is manifest from the opinion of the second It is manifest from the opinion of "I. After conviction for a public come a fagitive from justice. There the court that it has omfited entirely to

offense, the sentence of imprisonment is no pretense that any attempt at es- determine the case on the merits, and pronounced thereon, a defendant is not cape has been made or is apprehended, to decide on its own judgment as to entitled as of right to bail pending an nor can it be alleged that in the entire what should be the rule in such cases, appeal by him from the judgment, but history of the Territory, any person but on the contrary has treated the case the matter of admission to will is such accused of this ohense has ever for- as one for review and respecting which cases is discretionary, even though a feited his bail, or failed to respond to the appellant should show error in the certificate of probable cause for the the demand of the constituted author- court below.

ities upon him. In addition to all this, the method of his trial aud conviction udge had exercised a discretion which is so clouded with doubt that the prewas sought to be reviewed. It will appear from the commitment that no siding judge, with the "onsent of the the court will not revise such action prosecuting officer, grants a certificate where it was not plainly to be seen that there is probable cause for besuch exercise of discretion had taken place. The judge below held that no lieving that his conviction will be rediscretion should be exercised, but that versed for illegality. If, therefore, he the appeliant must remain in custody, can be compelled to serve out his senin/ iss, as a condition precident to the ex-

in view of section 360 of the criminal tence of imprisonment really, though ercise of discretion, and as a basis for its practice act, that the defendent can be not technically, before an appeal under correise, he can show some extraordinary released on *habeas corpus*, upon the such circumstances can be determined, giving of ball, as a consideration of the right of appeal itself becomes a de-this question would involve a review justion and a snare, and the statute ason for ad Alssion to bail. It ought to be stated that this con-

struction of the statute scems to be of the ruling of the District Court granting it will henceforth stand in ordering the defendant into custody, "mock and not in mark." In such an supported by the opinion of Judge Waitace in Ex parte Marks, 49 Califorevent, all right-minded persons ought if this review can be had under the to unite in desiring that Congress had, 650, and of the same Judge in Ex with of haveas corpus, which is not a ought promptly to repeal the statute parte Smallman, 54 California, 55; but writ of haveas corpus, which is not a ought promptly to repeal the statute

the statute by the courts, and no effort

has ever been made by any one to have

we contend that it is an erroneous construction. The statute gives bail as a right when the penalty is a fine, and when the penalty is imprisonment the question is one of discretion. It is to be observed that the two classes cover all cases, and the law assumes that the judge will exercise a discre-tion in all cases in the second class. It does not assume that the discretion in construction. The statute gives bail as a right when the penalty is a fine, and when the penalty is imprisonment the question is one of discretion. It As mare matter of law, however, i is respectfully submitted that the de-cision of the Supreme Court of Utah sued ont of the Supreme Court of the in refusing to admit the prisoner to Territory as if it was really an appeal bail pending his appeal was based on is to be observed that the two classes from the decision of the court below mistaken views of the law, and should instead of being a method of testing be corrected by this court. It is bethe sufficiency of the return made by lieved that the nature of the offense of does not assume that the discretion in which the prisoner was convicted, the the second class of cases can only be practice of coursas to bail in offenses ourt below exercised a judicial disexercised in exceptional cases, where the defendant can show some extraor-dinary reason, and that the power to Utah relating the reto, unite to support exercise this discretion is dormant In the first place, it is clear that torn plainly says that that court had there is nothing in the nature of the on the sufficiency or insufficiency of the extraordinary reason is invoked. refused the application upon the dis- prisoner's alleged offense which pre-In the contrary, it assumes the continct ground that notwithstanding the cindes his being admitted to bail. offense was a misdemeanor, and a cer-Polygamy is defined and punished by

tinuous power and right to exercise this discretion in the entire class of tilicate of probable cause had been act of Conkress of March "2ad, 1882 given which suspended by the express (Statutes of U.S., 1881-82, page 39), cases, and necessarily it must be exercised on the case as it exists when the terms of the statute the execution of where it was made a peral offense, but the judgment, it was nevertheless is not declared to be a ielony. In the appeal is taken upon the same general compulsory upon the defeadant absence of an express statutory declar- grounds that apply to cases before to intuish some extraordinary rea- ation making it felopy, it must be conud-ment, except as the additional probability of guilt may effect the son why he spould be admitted to ball. The judge below ind held sidered a misdemeanor. Felony has been authoritatively defined as "any offense

that no discretion should be exercised, which by the statutes or by the com but that the appelant must remain in mon law is purishable with dcata, c Had the let, ' dature intended the con-st; action which the prosecution claim for it, the law would have been made to custody, un'ess, as a condition preceto which the old English law attached dent to the exercise of discretion, and the total forfeiture of lands or goods, read that, in cases punishable by imas a basis for its exercise, he can show or both, or which a sighter e. pressly deprisonment, bail should not be taken poless on facts shown extraordicary in their nature. The fact that the Utah

ome extraordinaly reason which clarce to be such.' 1 Bishop on Criminal Law (6th edition), sections 615, 622. Now by the common law all offenses should be sufficient for the jud-e.to consider, and grant or refuse ball ac-cording as he considered the extraor-

pendiag the appeal, and it is doubtful

the ma. shal; and, in the second place,

it presumes, notwithstanding the im-

plicit language of the return, that the

writ of review, and confers no appel- litseit.

though they may be capital felonies, are at least ballable in the discretion dinary reason sofficient or insufficient In short, the dissist judge declined to of the coult, while in misdemeanors, exercise any discretion upon the subject, because no entraordinary reason differing from feloules, the prisoner is calling for the exercise of suca discreordinar y entitled to ball as of right, tion had been shown. and the question of guilt is only mate-And yet the Supreme Court of the Territory, with this decision distinctly

rial as anecting the amount of oail. 1 Dishop on Criminal P. ocedure, And the American doctrine is that bail shall be allowed generally " the

before it, iusists upon presuming that the District Court had exercised its discretion, and that the writ of habras ball shall be allowed generally if the appearance of the defendant can be

or a short time only. \$1550 Rustic, adobe lined house of 4 rooms, pantry and summer kitch n, barn; well of good water and pump. Lo x20, 16th Ward. S185:) A rustic frame house of 6 room on car line, close to Main street

COUNTY TAX SALE. lot 2 2 x7 rods. A good location. REAS, THE TERRITORIAL School and County Taxes a seeso against Philip Garner, and forty eight \$1300 A new rustic adobe lined house \$2500 A 4 roomed adobe house with pan

ents (\$4.4.0), remain nupaid. Therefore, I, Nathaniel V. Jones, Colle or for Salt Lake County, Utah Territory of virtue of the authority vested in me b horce location and a bargain. WE HAVE A LARGE NUMBER OF

plenty of water.

551) A 5xio lot on car line, 1st ward.

\$55() A 5x10 in 1st ward, good location.

\$650 A very choice lot in 3rd ward, or ner lot 10x10.

FARMNI FARMNI

location.

neap.

10 rods deep.

pply at once,

the provisions of an Act of the Legislauv Assembly of the Territoly of Ulan, entitles "An Act to Provide Revenue for the Terri tory of Utah and the several counties there Troperties on Sale that are not ad trised for want of space, but by calling a ar office will be glad to show you of,<sup>4</sup> approved February 22, 1878, and of the imenomeats thereto, have levied upon the following named property, to wit: f these can be purchased by paying a small mount down.

Part of Lot Fourteen (14), in Elock Fours four (44), Five Acre Plat "A." Big Fier CITY BUILDING LOTS.

court below. The court assumed that the district same or so much thereof as may be necessary, to pay the taxes and costs, at public \$300 A choice building spot in 19th Ward iot 33, x19, near Warm Spring Bat auction, at the front door of the Coun Court House, Salt Lake C y, on the 31st da of January, 1885, at 12 o'clock M. \$700) For a lot 35x10, with choice frui

 $\Phi$  100 on it; also, 300 brick, 390 feet of lumber. This property is situate in A 1 lo-cation, 9th Ward. NATHANIEL V. JONES, Collector fo: Salt Lake County. Per ALEXANDER BURT, \$400 A 5x10 lot in 20th ward.

Deputy County Collector's Office, No. 5, \$550 A nice lot 3x20 near Brigham street

County Court House, Salt Lake City December 3 th, 1884. d5 s \$500 A choice lot 5x10 feneed with picke

COUNTY TAX SALE.

WHEREAS, THE TERRITORIAL School and Court; Taxes assess against and upon the property of Gus M Charke, for the year A. D. 1884, amounting to on' doilar and twenty cents (\$1.20), rema

19.74

the following named property, to wit: Lot Seven (7), m Block Thirty-four (34 Plat "E," Sait Lake City Survey, and w

ell the same or so much thereof as ma necessary to pay the taxes and costs at pub-lic auction, at the front door of the Count Court House, Salt Lake ('ity, on the 31st day until, in such rare cases, its exercise of January, 1885, at 12 o'clock M.

NATHANIEL V. JONES. Collector for Salt Lake County. 'ounty Collector's Office,

No. 5, County Court House, Salt Lake Cit Jan. 6, 185, d5 c2

## COUNTY TAX SALE.

adment plan in several parts of the city W HEREAS, THE TERRITORIAL, Behool and Congry Taxes assessed against and u,ou the property of John Moore, for the year A. Dersel, amounting to Nimety six Cents (96c.), remain enpaid. Therefore, I, Nathaniel V. Jones, Collec-tor for Salt Lake County, Utah Territo, y, by the some very valuable lots on sale. \$250 Each and 5 years time. A number of lots 3x3 rods on 10th ward bench.

Call for particulars. vutne of the authority vested in me by the provisions of an An Act of the Legis'at ve provisions of an An Act of the Legis at ve Asserably of the Territo, y of Utah, entitled, "An Act to provide Revenue for the Terri-tory of Utah and the sevenal counties there of," approved Featurary 22, 1878, and of the ametal thereto, have levied upon the following named property, to wit: Forty .40) Acres of Land in the Northeae" onartes of Section Twenty-one (24) Town \$300 For a choice piece\* of land over Jordan, fenced on two sides; \$150 water right. Can be bought on easy terms;

courts have acted under this statute nearly seven years without ever before \$1300 For a nice farm of 16 acres on of 2 rooms, orchard etc., 6 acres in lucern This property must be sold at once. giving it such a construction, is a sig-nificant fact which tends to negative quarter of Section Twenty-one (2+), Town-ship One, (1), South range One (1), West Sait Lake Meridian, and will sell the same the idea of such legislative intent, for \$2000 Over 5) acres of land in Kansas, near Jackson Co., Missouri, with had it been so intended there has been ample opportunity, by amendment, 'o or so much thereof as may be necessary to pay the Taxes and Costs, at Public Auction, at the front doer of the County Court Honse, Salt Lake City, on the 31st day of January ,18:5, at 12 o'clock M. give the law such effect. Until very buildings and a full line of improvements. recently there has been entire acquicscence in the liberal construction given

of \$500 Will buy a farm of 40 acres over \$550 For a nice building lot near Fourth clading water right. Carding water right.

\$3000 Rustie, brick lined, 5 rooms, half-closets, porch, summer kuchen ity water, lot 3x8, near Main St. On and REAL ESPATE & LOAN AGENTS.

No. 157 East Side Main St., OPPOSITE HIG FOOT.

ter them Los for the listate.

ger Houses to Re.t.

10" Hents Colkerd. LE Money Losned for other partles on first class security and thorough examination of Titles.

Wills, etc., in a care for as d systematic manner. Severa

Money to Loan.

\$1()()() To ioan on approved security.

100" We have tarties whitsent to turchase having morerts teach at a reasonable price cha B d purch sha to applying at our

Wanted.

Fome property in the 4th, 6th, 7th 9 hor 12th Wards, in crohange for a go d in in at Pleasant Grove, 11-2 ceres of it in orchard, at acres in Red Top and Timbiby, 3 work in Lucero, house at d stable on it, good water right, this perfect.

\$475 A 235x7 rod lot on 3rd South street 11th ward. \$750 For a fine lot 5x10, 5th ward, good T UCIEN HAY FOR SALP, DELIVIERD \$650 A 5x10 lot on car line,21st ward

Houses and Lots for Sale. \$4()() A splendid corner lot 10x10, 200 ward.

\$3600 of 6 rooms and a hill, closets, bath room, celar, ook room and kirchen, bay \$425 For a South and East front lox1 \$350 A lex10 corner, on instalment play 20th ward. window, water in the Louse; had 1-2 by 10 reds, period t aid n lowners 8. A bargin n

for a party why nopi sat chee.

\$1400 will buy an ad be lines of 4 1210 rods, located in 6 h Ward.

\$6500 Will buy a 1 t 9210 rods to 7 h of which rents for \$25 for month. The otor w \$550 A 3xi0 south-front, 1st South stree not ris onn be bought at a barga of it must

\$300 A nice corner 5x8 rods on corner, 6th ward. This lot can be bought on the instalment plan.

\$400 Fer a lot fx5 reds, near D. & E. G. Bannend. \$475 A 4x0 lot in 21st ward, below the water.

take fait down.

chas money can remain a lt.

\$2000 Will fur a good 2 story Adobe house of 6 rooms, located on West \$200 Per rod for building lots in 16 ward, near Utah Central R. R. \$30) Per rod for ground on 1st ward bench 'iemple treet, 4th Ward,

\$500 Will buy 40 acres of land - u tablo for \$100 Per rod for choice lots in 1st ward

\$160 For a full Lo', 10220 to s. on I ast Bench.

S130e) Will buy a lot S 1-2 by 10 rods and a bou e of 4 roo. s, to Sta Ward. \$1400 Will buy a good Brick House of 2 rooms and 2 closets, near Utah Centr JI alroad. Musit be sold on account of

marita soing to Arizona. \$2()()() For a good House of 4 moms and

summer kloopen in 9th Ward, lot 5s10 rods. \$750 Will buy a Lot, 2210 rods on South Temple Street First, and a house on a of 2 coms and summer knehen. Will take

\$3.25 Will buy a new Corner Lot fa 21st Ward; lot fail of shoice fruit trees