

respectively would be attached to or united with other existing school districts in Salt Lake City lying south of the districts so divided.

That the other school districts herein named would be attached to or united with other existing school districts to form new districts.

Said affiants say that they are advised by their counsel and allege the fact to be that said County Court has no jurisdiction whatever conferred by law to hear or determine on matters presented by the petition aforesaid, or to grant the prayers of said petition, or in any manner to divide, unite or change the school districts above named. That each of said districts was organized more than fifteen years ago, and has ever since been and now is a duly organized and existing school district.

That in December, 1888, in pursuance of law, the inhabitants and taxpayers of the above named twelfth school district levied for school purposes, upon the property within said district, a special tax amounting in the aggregate to \$14,000; that said tax has been collected, and \$10,000 thereof has been expended in buying a lot with a school building thereon, the legal title to which is held by the said trustees of said twelfth school district, in trust for the use and benefit of the inhabitants and taxpayers of said district, for school purposes; that \$4000 of the sum so collected is being expended for the purpose of carrying on a school in said district.

That if the petition of said Wm. M. Stewart be granted by said County Court, the inhabitants and taxpayers of one-third of the area now embraced in said twelfth district will be deprived of their beneficial interest in the school buildings and school funds to which they have so as aforesaid contributed by special tax, and will be added to and united with other school districts in which they have no such beneficial interest, and to whose school buildings or funds they have not contributed, and where they may again become subject and liable to pay special school taxes for the erection of school buildings in the district to which they are so added. That they will also be injuriously affected by being deprived of the right to send their children to schools so contributed to by them, by special tax, and will be compelled to send their children to less conveniently situated schools.

(A statement, similar in its nature, is made regarding the other districts represented.)

That the above named districts of Salt Lake City not herein mentioned as to be divided if the petition aforesaid be granted, are by said petition proposed to be united with other existing districts embracing large areas and numerous inhabitants, to form new school districts.

That such added inhabitants have no interest in and are not *cestuis qui* trust in the school buildings already erected in said districts respectively, or in the school funds so as aforesaid raised by special tax, for school pur-

poses, in such existing school districts.

That no equitable provision has been made for school buildings in the proposed new school districts to be organized, and such division of some districts and uniting of others would so injuriously affect the equities of the inhabitants and taxpayers of the respective districts so divided or united as to render it impracticable to make a fair adjustment of the same; and affiants further say that the said County Court of Salt Lake County is wholly without jurisdiction to settle or adjust the equities so affected.

Affiants further say that the school trustees hereinbefore named have been duly elected as such trustees, have been duly qualified and have been and are engaged in the discharge of the duties imposed upon them by the law and their office; and have been and are now executing the aforesaid trust in behalf of the inhabitants and taxpayers of the respective school districts aforesaid. That if the aforesaid petition of the said Wm. M. Stewart be granted by the County Court aforesaid the dividing and uniting of school districts, as therein proposed, will abolish the office of such trustees and prevent them from further executing the trust aforesaid in behalf of the inhabitants and taxpayers of their respective school districts, and affiants say that they are without any speedy or adequate remedy in the ordinary course of law.

These affiants make this affidavit on their own behalf and on behalf of other trustees hereinbefore named at their special instance and request, and also on behalf of said above-named school district for the purpose of procuring a writ of prohibition to be issued out of this court to said County Court to prohibit and restrain said County Court, and each and every the persons comprising the same from further proceeding in the matter of said petition, and from granting the prayer thereof, and that upon the final hearing said writ of prohibition be made perpetual.

Wherefore affiants pray for the issuance of such writ and for such other and further relief as they may be entitled to in the premises.

J. B. WALDEN,  
RUDOLPH ALFF,  
F. M. BISHOP,  
WILLIAM NELSON,  
J. F. MILLSPAUGH.

Subscribed and sworn to by each of the above named persons, this 6th day of November, A. D. 1889.

W. G. VAN HORN,

[SEAL.] Notary Public.

In the District Court in and for the Third Judicial District of the Utah Territory, Salt Lake County.

J. B. WALDEN, Rudolph Alff, F. M. Bishop, William Nelson and Jesse F. Millsbaugh, plaintiffs,

vs.

The County Court of Salt Lake County, George W. Bartch, Probate Judge, Elias A. Smith, Richard Howe and O. P. Miller, selectmen and members of said County Court, defendants.

WRIT OF PROHIBITION.

The People of the Territory of Utah, to the Court of Salt Lake County, Utah Territory, and to George W. Bartch, Elias A. Smith, Richard Howe and O. P. Miller, members of said County Court, greeting:

WHEREAS, J. B. Walden, F. M. Bishop, Rudolph Alff, Wm. Nelson and Jesse F. Millsbaugh, on the 6th day of November, 1889, represented to this court by affidavit that the said County Court was proceeding to act upon a petition of Wm. M. Stewart, County Superintendent of District Schools of Salt Lake County, asking a division and uniting of school districts in Salt Lake City, and that such proposed action injuriously affected the rights and interests of affiants and other inhabitants and taxpayers of the respective school districts of said city, and that any action by the said County Court in the premises was without any authority of law whatever, and that said County Court has no jurisdiction to take any proceedings whatever in the matters proposed by said petition, or to grant the prayer of said petition, and that any action whatever by said County Court in the premises was to the manifest damage and grievance of said affiants and without authority of law. Wherefore affiants have prayed for relief and our writ of prohibition in that behalf.

We therefore, being willing that our citizens should in nowise be oppressed, do command you that you, and each of you, do desist and refrain from any further proceeding in the matter of the aforesaid petition of Wm. M. Stewart, County Superintendent of Schools as aforesaid, until the 21st day of November, 1889, and until further order of this court thereon, and that you show cause before our said court at the time last aforesaid, at the Federal Court Room of this Court, in Salt Lake City aforesaid, why you should not be absolutely restrained and prohibited from any further proceedings in the matter of the petition aforesaid. And have you then and there this writ.

Witness Charles S. Zane, Judge of said Court, at Salt Lake City, the 6th day of November, 1889, and my hand and the seal of said Court.

HENRY G. McMILLAN,  
[SEAL.] Clerk.

ARRESTED FOR MURDER.

On Monday, November 4, a Priesthood meeting was in progress in the meeting house at Payson, when a force of deputy marshals surrounded the building. One of them tried the vestry door but found it locked, when Deputy Mount went to the front door and entered. Some one was speaking at the time. The officer whispered to Daniel Sargeant, and asked if George W. Hancock was in the room. Mr. Sargeant went to where Mr. Hancock sat, and told him he was wanted at the door. Mr. Hancock went to