THE AGRICULTURAL COLLEGE CASE.

Tribe Rhoe Holds that the Board of Directors are Entitled to Receive the Money.

Following is the full text of the decision of Judge Miner in the case of W. L. McCornick vs. Arthur Pratt, with the issues of which our readers are evidently tolerably familiar. It was received in Ogden yesterday morning:

In the District court within and for the Fourth Judicial district of the Territory of Utah, county of Weber.

W. L. McCornick et al., as trustees, plaintiff, vs. Arthur Pratt, auditor, etc., defendants.—The main point in this case is whether the members of the board of construction of the Agricultural College, of this Territory are entitled to the appropriation and officers.

"An office is a special trust or charge vested by competent authority." Kent gives this definition: "Office is a right and a corresponding duty to exercise a private or public trust and to take the emoluments belonging to it. The duties of the office may be of a public or private nature, and should interest and affect the public or right or interest of the State—and where the employment is by the State and the duties are public or private, the position is an office.

If not merely honorary, remain duties will be indicated, which in the performance of which will be the employment of by notice conferred upon a particular individual, who for the time will be an officer.

The officer is distinguished from the employe in the greater importance, dignity, responsibility and independence of his position, in being required to take an official oath and give an official bond, in the liability to be called to account as a public officer for misconduct or non-feasance in office, and often in the tenure of the position.

Sec. 4059 requires all officers to take an oath and file the required bond under penalty.

The Legislature in creating this board of construction must have intended to create the office with reference to the above act, as it imposes upon each member of such board the duty of giving a bond in the sum of $10,000 to be approved by the Governor and qualifying by taking the official oath on entering upon their duties. Each member is to receive "not more than two dollars for his services, to be paid upon the completion of the building, warrants for the sum so appropriated are to be drawn by the auditor of public accounts upon the order of the chairman of the board.

Any doubt could arise as to what the intention of the legislature was in creating the board, and whether in doing so it intended to create an office, such doubt is dispelled when we read from the act itself "that each member of such board shall qualify by taking the official oath before entering upon their duties.

To require the board to qualify each who by official oath is to fix the salaries of the board, it is to require them to take the official oath pertaining to an office thus created which they hold in abeyance to hold and to which they are appointed. That is, that they will perform the duties of the office to which they have been appointed to the best of their ability, and support the Constitution of the United States." "Quality" is a term used to legally assume the duties of an office. "To take the official oath" is a term that implies an office which is to be filled by the person taking the oath. It is plain that the duties of this board are not merely honorary. A public duty and duty is imposed upon them. They are to plan, negotiate and spend the sum of $95,000 for building and equipping the Agricultural College in this Territory—they are to act in their official capacity as a board of construction.

The case of People vs. Nicholas 52 N.Y. 478 and People vs. State 41 Ill. are readily distinguished from the case at bar, in many respects. The dissenting opinion of Justice Lawrence in the last cited case is supported by the great weight of authority of this country.

Sec. 7 of the Organic act conferred the power of appointing and removal of such officers in the government of Utah with the consent of the legislative assembly.

The object of this section of the Organic act, as held by Mr. Justice Lawrence in a similar case, must have been to guard the purity of the legislature, by taking from it the power of creating lucrative or important places and bestowing them on persons or party adherents, and the provisions of the act should be constructed so as to effect this purpose. For these and other reasons and without entering into a more critical examination of this question I much feel that

Defendant's demurrer to plaintiffs' petition and writ of mandate is overruled and defendant's demurrer to petition in intervention of George Thatcher et al., is sustained. Petitioners granted to defendant to answer over in three days and in default, plaintiffs' writ of mandate is granted as prayed. Payment to be made by quarter yearly installments as provided in C. L. 1888, 255, sec. 26 as prayed.

Court Notes.

Joseph H. Wilson was yesterday afternoon held by Commissioner Greenman in a bond of $500 to await the action of the grand jury on a charge of gambling.

The following cases came before the Territorial Supreme Court yesterday afternoon:

R. C. Beever, appellant, vs. A. J. White et al.; argued and submitted; C. F. Loofbourow for appellant; R. B. Critchlow and G. F. Putnam for respondent.

Zach Hurd vs. the Union Pacific Railway Company, appellant; argued and submitted; P. H. Williams for appellant, David Evans for respondent.

James Wilson vs. Joseph F. Wright, appellant; motion to dismiss respectively submitted denied and ordered that both parties be granted till the 15th inst. to file printed briefs, and case then submitted by appellant without argument.

Commissioner Greenman has filed his findings as referee in the suit of J. W. Farrell vs. Mary A. Morton. They set forth that the defendant is possessed of certain land that should be applied toward the satisfaction of a judgment entered against her, but that her other property is not within the jurisdiction of this court.

WOMAN AND HOME.

THE MIDDLE AGE UNMARRIED WOMEN OF YESTERDAY AND TODAY.

Influence of Eastern Women—A Physical Phenomenon—Shocking Scene in Town with Two Centuries—Symbolical Rings.

"If I can not succeed by the time I am thirty, I'll jump on a green apple tree and commit suicide," said someone to me the other day. "Why, I shall be an old maid then!" How many girls have uttered that same sentiment at that critical period!

The point of view of the girl of sixteen, almost twenty years ago, is to allow with a degree of coldness, or scorn, the idea of those in which our mamma's were trained, when marriage and social influence were the chief aims and ambitions proposed to the impressible heart of a young woman, and that, in the middle ground between the two centuries, marriage, the last of the old ideals, ceased to be a certain goal, and relative from marriage very much upon the condition of the old and the place of Oregon. In the last century girls were married at sixteen and twenty, and entered into the social—political, and not domestic and commercial life, and the thought that different phases of powers and performances before they had reached thirteen years and six.

The middle aged spinster of our time finds an uncomfortable position, she does not belong to the generation of her mother, in a strong sense of the changing scene, nor does she, as I suppose to possess the ambition of a Lucretia or a Lucretia. "Mr. Lucretia" is a thing of the past, which she seemed to have no distinct place in social arrangements, equally to the Dorcas of the Middle Ages, equally to the Dorcas of Angel, the Eugenia Sue Jakes, the Hows of Jupiter and many others who contributed to the Middle Ages, and to have not been able to subdue their strength of will or to display them of courage in the moment of danger. In ancient days, as Mr. Lecky thinks, people were more equally balanced in moral and intellectual freedom, that extended with man moral and religious freedom, and produced an equal share of the energies, but in the course of time and time, the last in this respect in India had their equality and power.

Then the Middle ages conquerors set an example of selfishness, thought, man or Lecky, to pay the fatal moment that the position of a married Middle-aged woman as what is usually and legally more secure and protected against arbitrary violence, and more secure in property, than that of an Englishwoman, which, in the middle, up to the last few years, was a reproach to our civilization. It is remarkable that the women who have made a name in human history have been Sibils, Maiden or Mesmerizing, the reason probably being that those people generally defer the proper age of girls to a marriageable age, while among the two forms were the sentiment of women to work less strict.

At the period day when the Pax Romana prevailed, and women to go about without fear, sentiment in the matter is a matter of responsibility, and the women of the higher classes have not the slightest desire to go abroad, but for all that their influence is very strong and sensationally, as the legion of Blood has shown, they are even more capable of taking a man with the greatest ability and courage.

A Physical Phenomenon.

Did you ever see her? I mean the clean girl—the girl who always looks neat and well groomed, under all circumstances? As the old saying is, that modesty need to be, but whether it would or not it doesn't, for the simple reason that she never gives a chance. If she wore one dressed to the up the mother don't do up all night to work and iron her dress and shirts and bodices, etc., and she would be just as fresh the customary on account of her careful toilet.

The clean girl is rarely a fashionable girl. She belongs rather to the old maid order of grey cut. Some mornings on my way down town I a stand our I amuse myself by looking around for the clean girl. I don't always find her. On the contrary, I see some pretty which surprise—buttons off or hanging by one thread, twisted ribbons and there were between my with a tie, instinctively I see behind of the hinge gloves ripped or not so fit, "vests and waists than these, I see spots of sacrilegious blood wet on the bodice, and a stain of food on her bodice, or a tear or jacket—in fact, I see a little higher, I see that her hair and hats have carelessly turned and that the hair is not completely in place, and the bonnet.

But when morning the clean girl comes upon me, and I am thoroughly when she takes a seat beside me. She smells so fresh in a clean frock and hat, hair is fine. The soap beneath her soft brown hair is as fine from that and dandruff as if she had just left the hairdresser's chair and her skin and that fresh, wholesome look which the human epidermis presents when it is kept well saturated with both hot and cold water—not to dispose and the other brings and bring the blood up to the surface and impart that glow which only cold water can give. There may be a trace of the peculiar—the clean girl's face, but it is very slight, just barely enough to make the skin.—New York Letter.

Binging Stoves.

Every good housekeeper dislikes to see a grimy stove yet often stoves usually the grimy hands required in the process of blacking. A pair of thick gloves is a covered a necessary part of the outfit any woman who uses kitchen work, and yet gloves, as she should, to keep her hands dirty. As a rule for the black blacking is used in a stove. A cake of blacking such as is sold for eight cents, eight is lasts a year for blacking one stove. If main blacking is used it will not be rubbed into the surface of the stove as it should be, but usually as a fine dust, to be allowed blown about the kitchen and some generally grimy appearance, so often seen to intended for kitchens. A fresh cake of black should not be applied oftener than once a month, when the stove should also be cleaned out and the interior of the stove thoroughly brushed out, because getting on the outside of the oil. Blacking should be worked off the new cake when it is applied and the stove thoroughly polished.

The tops of the stove, if they are of polished iron, should not be blacked, but cleaned like a steel knife with emery or brickdust. The nickel knobs and other nickel parts of the stove must be polished bright with a chamois skin or old, stretch on flannel. An ordinary pride and whiting brush is one of the best things with which to apply blacking to a stove. A stiff brush is used for the parts, to the best brush for polishing.

During the warm months the stove with the cooking fuel, and consequently, the in the kitchen, is not so bad, and we are always so hard to nothing to rub off any grease spot as soon as it occurs. If the spots are allowed to remain long enough to get on the stove, they will remain. The grease spots and other work of the stove should be rubbed off at least once a week, because the monthly cleaning when the stove is blacked.—Home Magazine.

Mothers, Keep Absent of Your Children!

There is in every community a class of people who seem incapable of receiving the education outside their own limited experience. Life runs along easily enough for them until their children grow up and begin to look beyond mere living bread and butter questions. Then the trouble commences. Topics for argument. The child seems neglected by the mother and the mother seems neglected by the child.

It is very hard for a mother who has had those years alone of the low life and to imagine herself in company and feels that life with her children is the only one. The mother of her own daughter is one of the chief opponents of her time. And yet mothers to marry must suppose to be women, and to have. Perhaps one is a law of the universe and one who attempts to mind no reports is sure to be crushed beneath them. There is some strong reliance upon young girls as the only one—the child is not beyond the pale.

It is the law of nature that you should go to school to the child and listen and be taught. Your mother's love is the sanctuary of self and acts for years. In other's love, however tender, one would a mother's love and it is not natural that it should be. Perhaps it is a law of the universe and one who attempts to mind no reports is sure to be crushed beneath them. There is some strong reliance upon young girls as the only one—the child is not beyond the pale.

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THE BOYS' LONG PANT SUITS, SIZES 14 TO 19 YEARS, WORTH 5.00, 6.00, 7.00 AND 8.00 NOW 2.50, 3.00, 3.50, 4.00
THE CHILDREN'S SHIRT WAISTS, SIZES 4 TO 14 YEARS, WORTH 25c, 35c, 50c, 75c, 1.00 NOW 10c, 15c, 25c, 35c, 50c
THE CHILDREN'S TWO PIECE SUITS, SIZES 3 TO 8 YEARS, WORTH 3.50, 4.00, 4.50, 5.00 NOW 1.50, 2.00, 2.50, 3.00
THE CHILDREN'S TWO PIECE SUITS, SIZES 3 TO 8 YEARS, WORTH 5.00, 6.00, 7.00, 8.00 NOW 3.00, 3.50, 4.00, 4.50
THE CHILDREN'S TWO PIECE SUITS, SIZES 3 TO 8 YEARS, WORTH 8.00, 9.00, 10.00, 12.00 NOW 4.50, 5.00, 6.00, 7.00
THE CHILDREN'S TWO PIECE SUITS, SIZES 3 TO 8 YEARS, WORTH 10.00, 12.00, 15.00, 18.00 NOW 7.50, 8.00, 9.00, 10.00
WORTH DOUBLE.
THE BOYS' LONG PANT SUITS, SIZES 14 TO 19 YEARS, WORTH 10.00, 12.00, 15.00, 18.00 NOW 5.00, 6.00, 7.00, 8.00
THE BOYS' LONG PANT SUITS, SIZES 14 TO 19 YEARS, WORTH 15.00, 18.00, 20.00, 25.00 NOW 7.50, 8.00, 9.00, 10.00
THE BOYS' LONG PANT SUITS, SIZES 14 TO 19 YEARS, WORTH 20.00, 25.00, 30.00, 35.00 NOW 10.00, 12.00, 15.00, 18.00
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