

tiffs from their residence for a year at a time does not constitute the abandonment of the homestead right, when it appears that it was their bona fide intention to return and live upon the premises.

In order that all interested may more fully understand the extent of the decision the "News" presents to its readers a syllabus of the case, as follows:

1. Homestead—Exemption Rights—Waiver.—Under section 3429, C. L. U. 1888, as amended by section 11, chapter 71, session laws 1896, p. 215, the homestead exemption is not a privilege conferred upon the head of the family, but an absolute right, intended to secure and protect the home against creditors, as a means of support to every family in the State, and no waiver of the homestead right could effect the interest of the wife or children composing the family.

2. Same—Homestead—Value Limit.—When the homestead consists of one or more pieces of land, is within the value limited by statute, and is established by selection or occupancy, the Constitution, and statute enacted under it, is a positive prohibition against a levy and sale thereof by creditors of the owner of the homestead.

3. Homestead—Occupation—Selection—Notice to.—If the premises occupied by the debtor as a homestead is of less value than the limit fixed by the statute as exempt to the head of the family, it is exempt from execution without any necessity on the part of the debtor to formerly select the land as a homestead, and any sale thereof upon execution, will not effect this title thereto, or deprive the actual owner thereof of his homestead right therein. In such case the selection is sufficiently manifest by the ownership, residence, use or occupation, and a sale thereof, under execution, may be set aside, as a cloud upon the title.

4. Same—Sale—Execution—Selection of Homestead.—If the selection of a homestead be made before execution, levy and sale, of more than the amount in value, as limited by statute, or it thereafter becomes enhanced in value, such homestead is still liable for the debt of the execution creditor to the amount in value in excess of the limit exempt by statute. In such case, or if the homestead consists of more than one piece of land, neither of which exceeds the exemption limit, it is optional with the debtor which piece he may select and retain as exempt in full, or which piece or pieces may be partially or wholly sold. But the homestead cannot be sold unless the officer making the sale, receive a bid greater than the amount exempted by statute if contained in one parcel. If the owner or officer making the sale cannot agree as to the value or partition thereof, then appraisers are to be selected, before sale. The debtor is not required to take steps to select and preserve the homestead exemption against the invasion of a creditor before such levy and he is called upon to make a selection of his homestead. If the homestead consists of more than one piece of land, jointly exceeding the exemption limit, the selection must be made as provided by statute. In such case the debtor is entitled to notice, before sale, in order to be able to select his appraisers in case of disagreement between himself and the officer making the sale.

5. Residence—Selection—Homestead—Written Declaration.—The statute does not contemplate that the debtor shall go abroad to purchase a homestead, and within the exemption limit in value, in order to secure its exemption.

Nor was it contemplated that the head of the family should make a written declaration announcing the selection of any particular piece of land as his homestead at any time before execution levy thereon, in order to protect his homestead rights therein.

6. Absence From Residence by Homesteader—Adandonment of Homestead.—The continual absence of the homesteader from his residence for a year at a time, when attending to his occupation out of the State, but with a bona fide intention to return thereto, does not constitute an abandonment of the homestead right.

7. Residence Upon Homestead.—In order to claim a homestead, under the statute, it is not necessary that the debtor reside upon the land claimed as exempt, provided the land be used for the family support, and as the whole or part of the homestead unimproved.

8. Kimball was the owner of only two separate lots of land in Salt Lake City, of a joint value of less than the exemption allowed by law, and during his absence from the State, with his family, for nearly a year, upon a mission, the lots were sold upon execution to satisfy a judgment against him, without any notice to him of the levy or proposed sale. One of the lots adjoined the residence of his mother, where he and his family dwelt, when in the city, and had no building thereon except an outhouse. This lot and outhouse were used in connection with his residence as a home and means of support of his family. The other lot was also used as a means of family support but was located in another part of the city. Held, That as Kimball had no opportunity of selecting or claiming his homestead until after the sale thereof on execution to the plaintiff, and the officer making the sale having made no demand upon Kimball to select his homestead, or appoint appraisers, but having sold the land without notice, a court of equity should set aside the sale as a cloud upon the homestead right of Kimball.

Chief Justice Zane concurred in the decision. Justice Barch filed a dissenting opinion, a synopsis of which, appeared in the "News" of July 6th.

PICTURED ROCKS.

There is a locality on the southern shore of Lake Superior where, for miles, the perpendicular cliffs rising from the water are said to exhibit most wonderful pictures. That people see pictures there is true—I have seen many myself. That all persons see the same pictures is impossible for the reason that the beholder's imagination has much to do with the pictures.

The aforesaid cliffs are superimposed layers of sandstone of different colors. For ages the action of frost, mud and water upon the rocks has blended the colors in all kinds of figures and lines. Some early explorer of the upper lake region saw the cliffs and their colors and named them "The Pictured Rocks." Then came the gaping crowd of tourists sweeping past year after year on stately steamers and gloat into ecstasies over—it did clearly know that.

I have found in Little Cottonwood canyon pictured rocks far more majestic than those of Lake Superior. They are on the face of a white and blue cliff having a perpendicular face of perhaps six hundred feet. The pictures are not produced by action of the elements now beating upon the rock, but were made long ago when the earth was comparatively young and all this mountainous land lay flat and undisturbed at the bottom of a vaster Pacific ocean than that of today. The pictures are outlines of white limestone running through blue; or of blue

lines in the white rock, but chiefly the former. The pictures are glyphs, and may be called hieroglyphs, because there are features of the cliff that clearly suggest the Nile valley, and, since it is said to be becoming clear that ours was the home of earliest mankind and Egyptian one of the oldest civilizations, imagination may figure some ancient god laying down sediment in the ocean that in later ages would bear testimony to the sons of men and women.

On the towering sky line of this magnificent cliff stand the prototypes of those three great pyramids that rise from Egyptian sands, the wonder of the world. Near them my fancy half sees, also, the Sphinx and other odd shapes of that ancient masonry. But the strangest thing about it all is the glyph writing on the pyramids. I am half inclined to think it contains directions for finding the treasures hidden beneath, and may endeavor to "promote" an English company, "limited," to search. The only obstacle is my conviction that if the company should find anything the Alta buzzards would "jump" it.

Writing of pictures and features of the rocks reminds me of a face to be seen in Franconia Notch in the White Mountains of New England. It is the most perfect thing of the kind I ever saw, and, seen in profile, the resemblance to a human face is remarkable. Then there is "Rooster Rock" on the Columbia near Portland, Oregon. A gigantic brown Leghorn appears to have straightened himself up one morning, in the long ago, to wake the farmer's wife on the opposite shore, when he suddenly underwent some such change as in popular belief occurred to Lot's wife.

But, joking aside, I know of a mountain feature in Utah that is very wonderful. I discovered it years ago and have returned to it again and again to assure myself that it remains. I have, often thought of mentioning it, but its very strangeness has deterred me for the reason that many will say it was only an attempt to pander to "the—Mormons."

I am going to call attention to it now because I want to know if any other person has ever seen it. I shall not give the location because I want my knowledge of that in reserve, for the present. The fact, then, is that upon the apex of a mountain in Utah there appears a gigantic outline of a sleeping giant or dead knight whose face, seen in profile, bears a most singular likeness to the death mask of Joseph Smith, the Prophet of the Mormons and the founder of their Church. I am satisfied that if I were a Mormon I would see in this likeness the hand of the Lord in placing the semblance of is coming representative on the summit of the mountains overlooking the promised land of His people in the latter days.

There is only one point from which this figure can be seen and I would like to know if any eyes save my own have made the discovery. I can assure you, however, that I make no mistake about it, and will undertake to lead an excursion to view it at any time when the dreaming days of October have cooled the fires of old Sol.

CHARLES ELLIS.

Alta, July 26, 1898.

THE CALIFORNIA DROUTH.

Elder Joseph H. Davis of the Sixth ward of this city, who has been laboring as a missionary in California, returned home Wednesday evening, and to a "News" representative drew a very somber picture of the state of affairs that exists there as a result of the drouth that has held the Pacific coast country in its withering grasp for the past year or more.