JUST RECEIVED PROF. CARL LINN, creating these offices, the manner of ready to exclaim, stat magni nomi- tiemen to the contrary notwith- that all their (the defendants) acts FORMERLY OF NEW YORK CITY, Protestonal Plano and Organ Tuner, Regulator and Repairer. Thirty years expe-tionos. Only First-class work done. By Orders by Mail or jeft at my residence at the Morgan College, opposite the 14th Ward Meeting House. were illegal and void, and also that EVENING NEWS time the right to prescribe as to the term of office,—whether it should be two, four, six, or ten years, or for life, if it saw proper. Ever since the Territory had been organized the term of the offices in question had been prescribed, indeed so far as the Auditar is concerned, his term way to continue for two years, and until his succersor was elected and quali-fied. The defandants held their offices by virtue of Territorial sta-A CAR LOAD OF lection, etc., it had at the same nes umbra! tanding. Mr. Marshall's argument, Published Dally, Sundays Ewcepted AND PARLOR STOVES AT FOUR O'CLOCK. PRINTED AND PUBLISHED BY THE CLASS IN OBSTETRICS. TIN ROOFING AND GALVANIZED BATHS DESERET NEWS COMPAN BY SPECIAL REQUEST OF MISS E. R. Snow Smith Dr. Romania B. Pratt will commence her class in obstetrics Nov. 1st, 1882, in her office over Godbe & Pitts' FOUR AND FIVE FEET LONG. At 25 per cent. CHEAPER than was Offered Before. CHARLES W. PENROSE, EDITOR Drug Store. Lectures three per week for five months. During the course Drs. Anderson and Ben-edict will each deliver six practical lectures. asked to deal also with those who the government - they had been asked to deal also with those who were not in that enviable state of matrimony. Coursel then occupied the attention of the Court on the power to hold over, stating that the authorities were unanimous in the doctrine that where there was no sho offices by virtue of Territorial sta- amendment, and upon which Mr. O. S. WALSH. tute. It was a well settled rule, that Marshall placed so much stress; all Saturlay, - October 14 ,1882. where power was given or conveyed that could possibly be said of it was, Fee per Course, Former Students, Books, (3) by a superior to an inferior, that that it asked what legal successors English Tin Store, Kimball Block by a superior to an inferior, that that it asked what legal successors that power might be exercised by might be appointed because it be-the latter with the same force and effect, as if used by the former him-self. And in this light counsel re-garded the Territorial law providing for the office of Auditor of Public should appoint the successors, it 12.00 Manakin, Skeleton, Instruments and Plates REGULAR DELEGATE ELECTION. doctrine that where there was no elec-tion the officer holds over by reason But what a spectacle it would to br fliustration. Please send orders for works early 'as they have to be received from the east. d257 & s td BOOTS ! BOOTS ! SHOES SHOES ! garded the Territorial law providing gress had said that the Governor of the clause, until his successor be should appoint the successors, it accounts. The power to create the was very clear there would be no office had been delegated to the Ter- ground for a contest; but as it har. TUESDAY, NOVEMBER 7, 1882. was not the fault of the people; on the contrary, they were willing and anxious to hold the election; if the people had refused to elect new officers there might be some ground PEOPLE'S TICKET. office had been delegated to the Territory by the Congress of the United States in the Organic Act; and it was therefore, just as valid and binding DO YOU WANT SOLID pened the law gave no such power to any one man. Mr. Marshall had alluded to Congress in For Delegate to Congress, terms unusually dignified, such as, as a direct act of Congress to the HOME-MADE to the argument of counsel, and also by the said gallant officers, with same end, would be. And this del-"grave and reverend senators," JOHN T. CAINE. whom, his friend would have this Court believe, could do no wrong. Now, (said the Colonel) any body, argument by referring to many auegated power not only authoriz d Court believe, could do no wrong. Now, (said the Colonel) any body, your honor, that knows as much the Legislature to create the office Boyon want the best AXE in the **BOOTS & SHOES?** of Territoriel Aud.tor, but to preworld? Ask for E. J. Simmons MEET thorities, and going over some refer- liberty in one hand and a metrall-THE PEOPLE'S CONVENTION. scribe the term of office, and the thorities, and going over some refer-red to by opposing counsel, in order to show that the law bearing on the "holding over power" quoted by the other side was not applicable to the case at bar. EUTTER. time thereafter that the officers about these "grave and reverend Do you want the best SHEEF OUR editorial space is occupied to- should continue in office, namely, senators," as you and I, knows very well that there is more poetry than prose in that kind of talk. Why, sir, your experience and mine has taught us that these "grave and day with minutes of proceedings in until his successor should be elected the mandamus cases. We have only and qualified. It had been clearly SHEAR madet Ask for MEER HUTTER DOUBLE ARCH SPRING nd take no other. room to say a few words about the ment, in his opinian, was unanswercase at bar. People's Territorial Convention, which closed on Friday afternoon. It was a spirited yet orderly and well conducted assembly, and when it got down to business dispatched it in earnest and vigorous style. The platform or declaration of principles meets, with encomiums on every Mr. Merrett concluded his very Counsel then quoted at considera-The best solid Steel SHOVELS and If so, see those MANUFACTURED by SPADES are made by SIMMORS HARDWARE CO., ST. LOUIS. SOLOMON BROS. & GOLD Don't fail to call for Stockton's LUCERNA" OF WEED SCYTHE. It is far SUPERIOR to anything on the Market. in earnest and vigorous siyle. The and qualifications. After this they platform or declaration of principles platform or declaration of principles which they d'd, what? Repeal the you get close to them, they, your meets with encomiums on every hand and it certainly contraits fa- by extending the term of office two senar. Counsel then the intent of Congress. In this sage of this legislation. All AXES, HATCHETS and other MAIN STREET. EDGE TOOLS, POCKET KNIVES SCISSORS and SHEARS, bearing be Trade Mark of KEEN HUTTER are SUPERIOR to any other. WALKER BROTHERS vorably with the abusive enuncia. years, and until the successor should be the intant of Congress. In this sage of this legislation. tions of the clique which is seek- be elected and qualified. These tors that figured at the bottom of way must the legislation in question The court then took the case un-The above Goods can be Purchase ing to stamp out of existence every statutes must be construed together; ed their utter ignorance, grave and in regard to the Hoar amendment of the wholesale Hardware Dealers n Salt Lake and Ogden. reverend, no doubt, as they might there was no ambiguity of language. be, with existing statutes governing The intent was to fill vacancies; but d103 ly remnant of popular government now and counsel would lay it down beleft to the people of this Territory. youd a matter of dispute that the The choice of a candidate to be the amendment of the act of '78 must BRIEF TELEGRAMS. these cases; and because of consumthe difficulty in this whole case was standard bearer of the party and to of which it was made amendatory, grave and reverend senators, Mr. there were no vacancies to fill, at At Panama there was a light least the cases of the defendants shock of earthquake at midnight on were not those vacancies; those men the night of the 12th, but no dama-Marshall, yes, sir, actually Mr. represent Utah in its entirety in the as to the constituency and term. Forty-Eighth Congress and the re-maining session of the Forty-Sev-Marshall, comes into court and, with were not disgualified, they had not age was done. an air of seriousness, refers your become guilty of any crime, and honor to authorities on the rales of they were not charged with any an air of seriousness, refers your FALL 1882. The American Humane Society in session at Buffalo, N. Y., yester-day offered a reward of \$500 for a enth, was made after due considera-two years and until his successor construction, in the hope that this crime, Webster defines the word "fic-titious" thus: "Feigned; imaginary; not real; counterfeit; false; not gen tion of the qualifications of the sev- should be elected and qualified, and court would so far forget itself as to Passing from this barnch of the attempt to harmonize the inconsiseral nominees. The names of other he understood that it had been concase, Mr. Merritt next took up the painless brand for cattle. gentlemen had been freely men- ceded that Mr. Dickson's argument tencies of an amendment to the question of the mode to be pursued At the cattle sale at Philadelphia uine." Such is the character of the civil sundries appropriation bill, tioned and their talents and abilities was based on that assumption; for which counsel complimented the to obtrin a remedy. If the Court catalogue prices of pianos and oryesterday, 61 head of polled Angus with the territorial statutes bearing should find there are no vacancies, gans, differing some in the enorand Gallaway cattle were sold The widely discussed, but Hon. John T. gentleman on his good judgment in on this case, so as to make an auto- then there was an and to the matmity of the offense in proportion to sale aggregated \$28,720. Caine was fixed upon as the can- not attempting to attack something cracy of a republican Territory. ter. The certificates of the ap the quality of the instruments; for be it understood that many of the didate who, under all the circum- that was unanswerable. It could that was unanswerable. It could Countel did not deny these rules of pointees, adorned though they might not but be conceded in the case of construction in places where they be with the Great Serl of the Terri-Counsel did not deny these rules of The burglars who robbed Count BARGAINS CALL ON not but be conceded in the case of construction in places where they be with the Great Serl of the Terri- Andrasy's palace of a large amount the auditor and that of sheriff, were not applicable; but the rule tory of Utah, were worthless. But of valuable property some time ago, cheapest made instruments rate stances and demands of the times, about the same on the catalogues as would fill the requirements likely to whose cases were at issue, that they that was paramount to all those if the Court should say there were were arrested yesterday in Vienna, first-class ones. This condition is and which could not be set aside to vacancies, then they contended accommodate any others, was, that that plaintiffs had not pursued be made. We heattily endorse the held for two years and until their Austria. regretted by some of the leading makers, but they are powerless to change because many dealers insist nomination and expect to announce successors were elected and The assailants of the tax collecnomination and expect to announce his election in November, by a majority so large as to put any dis-pute upon it out of the question. New Jersey, by which they would negligible to office, tors in Taculaya, Mexico, are sen-WE OFFER tenced to terms of imprisonment on the present policy being continu-f.om six to sixteen years. Three of ed, for the reason that it gives them the eleven criminals are still at a better chance to get high prices by The thanks of the people are due to show that the provision providing making purchasers believe that in offering them a \$1.000 plano for \$650 or a \$280 organ for \$150, that they ,000 is hereby appropriated must be done by writ of quo 100 TY DI for a specified term of office, and to pay John Doe for services," there until the successor was elected and was no need to refer to rules of conwarranto. The gentlemen on the the Delegates who have so well represented them in convention, and we have no doubt that their services will be duly appreciated. Now let us all work for a victory at the next election which shall be at once a triversh to the stated, that if there was any The garrison at Fort Douglas will otherside had attempted to show be increased by four companies of the Sixth Infantry, but officers of are giving immense bargains, when in fact the instrument may be exto this rule. The cases which had been cited, however, had no direct the War department at Washington deny any fears of trouble with the ingly very low prices. A business man in this city thinking that he could get a first-class piano at the could get a first-class pian triumph to the people and a caution to conspirators against popular rights. The officers in question for a term of 2 or 4 years and until their successors were elected and qualifiwould be usurping the functions of In most of the cases referred to by the Legislature. The functions of the opposite side there were actual ed, there might be some ground for argument in the case. But where the law specifically provided 2 years or 4 years, as the case might be, and un-Julia Ward Howe has been chosen the opposite side there were actual use his influence to effect sales THE RAID UPON THE OFFICES. the judicial branch of the governpresident of the association for the vacancies, which was not the fact among his friends. It was very disment was to explain the statutes advancement of women, and among the vice-presidents are Alida Cavery of Maryland, and Clara B. Colby of Nebraska. in the present instance. Mandamus could not lie in this suit; the plain-COL, MERRITT'S CLOSING ABOUappointing to him when shown that I could have furnished the instruwhen they needed construction, ap-Owing to pressure upon our space, yesterday afternoon, we were com-palied in sourceport its mandanus case before Chief Justice Hunter, to the closing one-until to-day. Col. Merritt's argument-the closing one-until to-day. Col. Merritt's argument as brief as possible, and his labors, in fact, had been much lightened by the very exhaustive argument made by the server exhaustive argument made of by the gentlement that because by the very exhaustive argument made col by the gentlement that because by the very exhaustive argument made the down or the Territory might fill very which and color to fill any var-thas in the trial of this case, which in econstruction should follow that the part of the trial of this case, which in econstruction should follow that the the very exhaustive argument made conserved to be his dupy to the wery exhaustive argument made the very exhaustive argument made conserved to the trial officers would have been that in the trial of this case, which in econstruction should follow that the the versary dupy legal argument the conserved the the analt be distered to the second the the trial officers would have been elected had it not been for the fill in avy avage with the versary of the trial officers would have been elected had it not been for the fill in avy avage with the versary of the trial officers would have been elected had it not been for the fill avy the tri til the successor was elected and qualified, there was no question of plying the well-known rules when ment for \$425, with a reasonable profit to myself. Recently a lady had a plano selected for her in New York, at a cost of \$500 delivered in this city, which she highly prized. The tuner did not convince her that tiffs must seek reliet in quo warran-The tuner did not convince her that she could have purchased the same class of plano by the same maker from me, for \$300, that being the regular price. Many similar cases have come to my knowledge. I have just been offered by two difmaking it. They said, in effect, you have rights, no doubt; but this right of mandanus must be granted to us, you must be ousted from office; you must give up all the papers belonging to the office; you must be tossed out npon the cold charity of the world, and if you have any rights, you must bring your writ of quo warranto and try it. And why? Because they said they had an apparent legal title, a title which they claimed was suf-ficient to make mandamus lie in this case; and they supported their claim by numerous authorities, which, counsel maintained, had no bearing upon the case in question. In conclusion, Mr. Merrett conthat in the trial of this case, which involved a purely legal argument in a court of justice—they had hoped and expected that they would be met with purely legal arguments. But that morning, and during a por-tion of the time the previous day, there had been injected in this case a stump speech. The learned coursel there had been injected in this case a stump speech. The learned counsel upon the other side seemed to have forgotten the forum, and thought that doubtless he was upon the somewhat different to that of the trade generally. I buy the very best instruments of their class, at the lowest possible cash prices, and sell them on their merits. I carry no shoddy instruments. I have no "leaders" or catch price goods. I have no sliding scale of prices. I have but one PRICE TO ALL, which is plainly marked on all goods from a Jew's harp to a Concert Grand Piano. All my goods are precisely as represented. <text><text><text><text><text> which, counsel maintained, had he bearing upon the case in question. In conclusion, Mr. Merrett con-tended that, looking at the statutes of Utah, looking at the acts of Con-gress, it was not the intention of Conthat doubtless he was upon the hustings taking a part—as he could, ably and eloquently, as he always in this argument, if indeed it because certain "grave and reverend tims of the Asia disaster censure the captain for want of judgment in leaving port in the face of a storm and censures the board of steamboat inspectors for not seeing that the vessel carried a proper certificate, WALKER BROTH Ex-Governor Tabor was seen at the Palmer House Chicago last night and denied that any attempt had D. O. CALDER. been made to cause his arrest grow-ing out of certain mining interests as intimated in the dispatches. He Importer and Jobber in Musical stated that he had no time to go into Merchandise. the details of the affair. FALL 1882. 72 East Temple Street, The Post's Marshfield (Mo.)special says: Sheriff Laclede, on a passeng-er train near here this morning, re-cogniged B. B. Taylor, a desperado, who with his two brothers murder-SALT LAKE CITY. who with his two brothers murder-ed the sheriff and deputy sheriff of Hamilton county, Tennessee, on September 14th last, and as Taylor resisted arrest the sheriff shot him dead. It is thought a brother of Taylor was on board, but he has dis-4_ STOVES! appeared. MARRIED. MACKNIGHT-ALEXANDER-At Ja on the Island of St. Helena, South Atlantic Ocean, in the Episcopal Church of St. James, by the Rev. Dr. Henderson, on the 28th day We beg to inform our patrons and the general public that of August, 1885, Mr. James A. MacKnight U. R. Consul, son of J. McKnight, Esq., of this city, and Miss Lydin C. Alexander, of We are exclusive Agents for, and carry regularly in stock a nor's salute from one of the batteries; the whole population turned out to witness the line of Stoves which are unexcelled in this or any other Terriand what was intended by the parties to be a quiet and unassuming core-mony, was transformed into an exciting and brilliant affair. **NEW YEAR'S** SAN FRANCISCO!

| 100 Pieces Plaid Linsey | | 10 cts. pr. yd | | |
|-------------------------|-----------------------|-----------------|-------------------|--------------|
| 50 " | Grey " | 10 | 4 | |
| 100 " | Kentucky Jeans | 10 | u | |
| 50 " | Fine Jeans | 1212 | 84 | |
| 100 " | 27 inch Plaids | 10 | " | |
| 50 " | Heavy Cheviots | 10 | " | - 34 - 44 |
| 100 " | Dress Plaids | 10 | a ', [], | |
| 50 " | Red Flannels | $17\frac{1}{2}$ | 4 | 8 |
| 100 " | Best Light Prints | 5 | 6 | 1 |
| 50 " | Wash Poplins | 5 | a] | 1 |
| 100 " | Matlasses Dress Goods | 5 | a di | A Castor |
| 50 | Plush Trimmed Cloaks | \$4.00 | oach | 1 |
| 100 | Plush Dolmans | 5.00 | . 6 4. | Ser all |
| 50 | Plaid Shawls | 1.25 | - 41 | Sec 4 |
| 100 doz | Corsets, worth \$1.00 | 75 | | 1 |
| 50 " | " " 75 | 50 | 4 | |

EV

Sati

LOCI

, 188 We

11, 18 Box

Car

Be

Ban yemit ty 17

wi remit ary 2 Uta

1882, Da 1882, Par

(882, Bt. and 1 1883. Pal

4, 18

Bet

31, 18

Oct

The

availa clusio

The ort o

Broth

Pri

Th

Oa bents was i mans ports

Contract East local Ban men His an m a son out, to be Lat about a good

Po qual buah then rates preo mont tion anot

the E



