

## Correspondence.

## Extra-Judicial Proceedings.

## Editor Deseret News:

Some time ago I wrote you a short article under the above caption, giving my views, in part, in relation to fees in actions in the District Courts. Since then I have been told that a portion of the certificates issued out of the Second District Court, at the close of its last sitting, wherein no criminal business was transacted, has been or is about to be paid out of the Territorial treasury. I cannot vouch for the correctness of the statement. If true, I can see but two legal grounds for such a procedure, to wit, a seeming or real conflict between the law of Congress, passed June 23d, 1874, known as the Poland Bill, and the statutes of Utah; or that the Auditor cannot go behind the records of the court, which gives credit for criminal business. If the conflict be real, and there is no later law of Congress repealing the clause quoted below, of course it must take precedence, unless declared unconstitutional. It is as follows—

"The costs and expenses of all prosecutions for offences against any law of the Territorial Legislature shall be paid out of the treasury of the Territory." (See sec. 2.)

Our revised statute, referred to in my last, page 686, sec. 10, of fee bill, says—

"Jurors shall be paid out of the county treasury of the county wherein they reside, except when serving in civil cases, and it shall be the duty of the clerk of the district court, at the close of each term of said court, to make out and give to each juror a certificate certifying the number of days' attendance of, the number of miles traveled, and amount of compensation due to, said juror in criminal cases, which certificate, upon being presented to the county court of the county from which said juror was summoned, shall entitle him to be allowed and paid by said county."

Both laws refer to criminal proceedings arising under the laws of the Territory. One says the expenses shall be paid by the Territory, the other by the county. The settlement of this question I leave to those better informed in legal lore than myself. I quote the acts to show that neither Congress nor the Territorial Legislature designed that the people should pay costs of civil suits and what might be a probable cause for auditing certificates claiming to be for criminal business when much of the time spent and all the business done was in civil actions. If my view be correct as to cause, of course the court and not the auditor must be held responsible.

That the public may know that I spoke advisedly when I said that the legislature had made ample provisions in the premises, I will quote still farther from the "compiled" laws of our Territory. A portion of sec. 3, page 681 reads—

"In all civil actions the (district) clerk shall require the party commencing the suit to pay in advance, or secure by bond, with security, the payment of the probable amount of the costs of said suit: provided, however, that the said costs shall, at the conclusion of the trial, be paid by the party against whom said costs are adjudged by the court."

A portion of sec. 12, page 688, says—

"And further provided, that no witness shall be compelled to attend any court in civil cases unless he shall receive in advance, from the party subpoenaing him, his mileage and his fee for one day's attendance, and shall not be required to remain in court longer than one day, unless he is paid in advance for each day's attendance."

Now, sir, I hold that the law upon any given point must be taken altogether, and while I have given but a small portion of the law on this subject the balance would be mainly accumulative and add little or nothing to its import. This being the case, taking the law altogether and the equity of which the court has jurisdiction as well as the law, it amounts to simply this that parties summoned to attend on the District Court on criminal Territorial business shall be paid out of the treasury referred to for their mileage and number of days spent on criminal cases, but for all time spent in civil actions and if summoned specially for civil suits mileage also must be paid by the parties to said suits.

Of course parties held for criminal suits pending, and expected to be heard at the term, who are not called for civil cases, must be paid by the people while waiting the pleasure of the Court (which is usually very tardy) for cases to be set for trial, but those spending a portion of their time in civil causes must be paid for such time by the litigants and the same be deducted from what would otherwise be their criminal fees. The law means this or it means nothing, and I am bold to say, while I owe the Judge no ill-will, that many of his rulings have much less color of law and are much "farther fetched" than this view. The law I have quoted is to the point, and no sound lawyer can mistake its application. But I regret to say that a sound lawyer is what this district lacks and has lacked for many years on the bench. With a sound, unbiased administration of the law, confidence would be restored, business would again thrive, and property, which is now over one hundred per cent. below par, would bring its full value. I am in favor of every man receiving his full pay for every hour spent in legal matters, but I am unqualifiedly opposed to one cent of the people's money going to pay for actions in which they have no legal interest. Without any disrespect to the present incumbent, it is plain that the Second Judicial District needs a lawyer and jurist for its presiding officer.

DANIEL TYLER.

## Y. M. M. I. A.—Preaching and Lecture.

SOUTH COTTONWOOD.

April 16th, 1877.

## Editor Deseret News:

On December 10th, 1876, with the united effort and kind assistance of Brother J. F. Wells, the young men of South Cottonwood were organized into a Y. M. M. I. A., consisting of a President, two Counselors, Secretary, Corresponding Secretary, Treasurer, Librarian, and a goodly number of young men members.

Our meetings, which have been held every week throughout the winter season, and have been conducted after the usual order, are well attended, much enjoyed and have already been a source of much good to many of the young people.

So far we have confined ourselves to the first principles of the gospel and subjects of a theological nature, disregarding debates and all such things as tend to mar the peace, good will, and prosperity of the association.

A very lively interest is manifested, which is readily seen in the marked improvement and alacrity on the part of one and all to do their best, to cultivate the mind, to improve their time and talent, and enjoy every opportunity which is allotted in qualifying themselves for a useful purpose in the church and kingdom of God.

The society has a good library in operation, consisting of Church works, histories, &c., which is highly appreciated, and is doing much good in the advancement of knowledge.

Sunday, April 8th, was a day well spent, and much enjoyed by the brethren of this Ward, through the very acceptable visit of Brother W. H. H. Sharp, who treated us to such a feast of fat things, principally the Book of Mormon, as probably will long be remembered.

In the afternoon, under the auspices of the Y. M. M. I. A., he again delivered a very interesting and powerful discourse on the people of the American continent, from the days of Father Adam to the grand epoch of the fourteenth century, when the bold and undaunted Columbus was actuated to cross the great deep and thus be the sixth founder of this great western land.

He commented interestingly on the journeying and history of the aborigines, as well as the most remarkable events that characterized the different periods of time—the Holy City, the flood, and tower, alluding to the antiquarian relics, ruins of towns and cities, the pyramids and ancient mounds which are so abundant on this continent, concluding with the prediction of the Prophet Daniel, giving good advice and admonition to the young men.

How strange to the reflecting mind that, with such substantial

truths and undeniable facts as can be produced, the world will be so hard to believe, but so it is, so beclouded dark are their minds so engrafted in modern Christianity, before they would believe the truth they would sooner believe a lie.

Yours Respectfully,  
E. S. DAVIES.

## Dedication of School-House.

SALEM, Utah County,  
April 18, 1877.

## Editor Deseret News.

Our new School-house was dedicated last Sunday, April 15. The meeting in the forenoon commenced at ten o'clock, being called to order by President Robert H. Davis. After singing by the choir, the dedication prayer was offered by Elder David Lant, of Payson. The speakers of the forenoon were Bishop Joseph S. Tanner, Wm. Whitehead and Edward Reid of Payson, and President Robert H. Davis, of this place.

The subjects treated upon were the large number of children among us, the necessity of having good school-houses to educate them in, and good Latter-day Saints to teach them, the gathering together of people from nearly all the nations of the earth to Zion in fulfillment of prophecy, the necessity of keeping the commandments of God, our first love for the gospel, and the seemingly natural inclination of the people, after gathering to these valleys, to want to get rich.

The speakers in the afternoon services were Brothers I. M. Coombs and David Lant, of Payson, and Brother Thomas D. Evans, of Spanish Fork. The subjects spoke upon were the necessity of dedicating our dwelling-houses, as well as school and meeting-houses, &c., also the necessity of keeping that which has been dedicated to the Lord sacred, the inconsistency of wanting more revelation while, comparatively speaking, we lay those we have got to one side and pay no attention to them, the necessity of giving our children good gospel education while we are giving them book learning, the necessity of being prayerful and prepared to defend the principles of the gospel at all times.

Much valuable instruction was given during the day, which it is to be hoped will long be remembered and treasured up by those present.

At the close of the meeting a vote of thanks was given to the committee for their unswerving zeal in pushing the work to its completion. The Spanish Fork choir was in attendance and assisted in the singing.

The house is twenty-four by thirty-six feet square and is well finished outside and in. The seats are so arranged as to conveniently seat about one hundred scholars. We also have a Sunday school, which is very well attended. The school committee, Brothers Soren P. Christiansen, John H. Plumb, and Moses Curtis, have been very diligent in gathering means and getting the citizens here to assist in building the house, and the result is a house they may well be proud of.

The Y. M. M. I. Association in this place is doing well. The health of the people in general is very fair, considering so much sickness being prevalent through this part of the country this spring.

Our grain crops look well, considering the cold weather we have had of late.

Respectfully your brother in the gospel.

L. H. JACKMAN.

**LAWs** concerning Naturalization, Citizenship, Elections, Supervisors of Elections, and United States Marshals at Elections, in pamphlet form. Price 15 cents. Two copies, 25. For sale at the DESERET NEWS Office.

## NOTICE TO CREDITORS.

In the Matter of the Estate of  
JOHN ELLIS, Deceased.

Notice is hereby given by the undersigned, Administratrix of the Estate of John Ellis, Deceased, to the Creditors of, and all persons having claims against the said Deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said Administratrix, at her residence in Bountiful, Davis County, U. T.

Dated at Bountiful, April 9, 1877.  
HARRIET ELLIS,  
Administratrix of the Estate of  
John Ellis, Deceased.

C. J. GUSTAVESON. C. H. MARTIN.  
TO St. GEORGE.

ALL persons fitting out for St. George or elsewhere, will do well to call at the Co-op. Harness Shop, Second South Street, one door west of State Road, where they will find it to their advantage to buy SADDLES, HARNESS, WHIPS, &c.

C. J. GUSTAVESON &amp; Co.

C. J. Gustaveson, wishes to say to his friends and old customers, that having returned from his mission to Europe, he can now be found at his old shop, doing business and will be pleased to have their patronage.

## MOUNTAIN WARBLER!

THERE being several hundred copies of the above Song Book remaining unsold, they can be obtained at the Deseret News Office for 25 cents per copy.

WM. WILLES.

S. L. City, March 31st, 1876.



Having secured the agency of the celebrated Engines, I am prepared to furnish Engines and Saw Mills of the best quality at low prices and on liberal terms. The Ames Engines are made of the best material in the best manner and with late improvements and fully warranted in every respect.

Parties wishing to buy are invited to call and see Sample Engines.

Turbine Wheels of the best pattern furnished at Manufacturers Prices and Freight.

Also, on hand a full stock Schettler Wagons and latest improved Farm Machinery.

All letters of inquiry promptly answered.

GEO. A. LOWE,  
Half Block south of Theatre, Salt Lake City.

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"I had no appetite; Holloway's Pills gave me a hearty one."

"Your Pills are marvellous."

"I send for another box, and keep them in the house."

"Dr. Holloway has cured my headache that was chronic."

"I gave one of your Pills to my babe for cholera morbus. The dear little thing got well in a day."

"My nausea of a morning is now cured."

"Your box of Holloway's Ointment cured me of noises in the head. I rubbed some of your Ointment behind the ears, and the noise has left."

"Send me two boxes; I want one for a poor family."

"I enclose one dollar; your price is 25 cents, but the medicine to me is worth a dollar."

"Send me five boxes of your Pills."

"Let me have three boxes of your Pills by return mail, for Chills and Fever."

I have over 200 such testimonials as these, but want of space compels me to conclude.

**For Cutaneous Disorders,** and all eruptions of the skin, this Ointment is most invaluable. It does not heal externally alone, but penetrates with the most searching effects to the very root of the evil.

HOLLOWAY'S PILLS invariably cure the following diseases—

**Disorder of the Kidneys.**—In all diseases affecting these organs, whether they secrete too much or too little water; or whether they be afflicted with stone or gravel, or with aches and pains confined in the kidneys over the regions of the kidneys, these Pills should be taken according to the printed directions, and the Ointment should be well rubbed into the small of the back at bed time. This treatment will give almost immediate relief when all other means have failed.

**For Stomachs Out of Order.**—No medicine will so effectually improve the tone of the stomach as these Pills; they remove all acidity occasioned either by intemperance or improper diet. They reach the liver and reduce it to a healthy action; they are wonderfully efficacious in cases of spasms—in fact they never fail in curing all disorders of the liver and stomach.

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**Important Caution.**—None are genuine unless the signature of J. HAYDOCK, as agent for the United States, surrounds each box of Pills and Ointment. A handsome reward will be given to any one rendering such information as may lead to the detection of any party or parties counterfeiting the medicines or vending the same, knowing them to be spurious.

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There is considerable saving by taking the larger sizes.

N.B.—Directions for the guidance of patients in every disorder are affixed to each box.

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It contains 360 pages, handsomely printed on fine paper, and is written in language plainly understood by every one.

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## The Quickest, Surest and Cheapest Remedies.

Physicians recommend, and Farriers declare that no such remedies have ever before been in use. Words are cheap, but the proprietors of these articles will present trial bottles to medical men, gratis, and will guarantee more rapid and satisfactory results than have ever before been obtained.

**The Centaur Liniment, White Wrapper,** will cure Rheumatism, Neuralgia, Lumbago, Sciatica, Caked Breasts, Sore Nipples, Frosted Feet, Chillsblains, Swellings, Sprains, and any ordinary

FLESH, BONE OR MUSCLE AFFECTION.

It will extract the poison of bites and stings, and heal burns or scalds without a scar. Lock-jaw, Palsy, Weak Back, Caked Breasts, Karache, Toothache, Itch and Cutaneous Eruptions readily yield to its treatment.

Henry Black, of Ada, Hardin Co., Ohio, says: "My wife has had rheumatism for five years—no rest, no sleep—could scarcely walk across the floor. She is now completely cured by the use of Centaur Liniment. We all feel thankful to you, and recommend your wonderful medicine to all our friends."

James Hurd, of Zanesville, O., says: "The Centaur Liniment cured my Neuralgia."

Alfred Tush, of Newark, writes: Send me one dozen bottles by express. The Liniment has saved my leg. I want to discontinue it, &c.

The sale of this Liniment is increasing rapidly.

**The Centaur Liniment, Yellow Wrapper,** is for the tough skin, flesh and muscles of

HORSES, MULES AND ANIMALS.

We have never yet seen a case of Spavin, Sweny, Ring-bone, Wind-gall, Scratches, or Pol-Evil, which this Liniment would not speedily benefit, and we never saw but a few cases which it would not cure. It will cure when anything can. It is fully to spend \$20, for a Farrier, when one dollar's worth of Centaur Liniment will do better. The following is a sample of the testimony produced.

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"Some time ago I was shipping horses to St. Louis. I got one badly crippled in the car. With great difficulty I got him to the stable. The stable-keeper gave me a bottle of your Centaur Liniment, which I used with such success that in two days the horse was active and nearly well. I have been a veterinary surgeon for thirty years, but your Liniment beats anything I ever used."

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