The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 229. THURSDAY, AUGUST 31, 1893. SALT LAKE CITY, UTAH. VOL. XXVI

THE CHURCH CASES

Passed Upon by the Territorial Supreme Court this Morning.

JUDGE ZANE WAS REVERSED

As to the Tithing Yard and Historian Office, which is Not Subject to Escheat.

The following important opinion was handed down from the bench of the Territorial Supreme Court at this morning's session in regard to the Church cases:

United States of America, respondent, vs certain real estate known as the Tithing yard and offices and William B. Preston et al, appellants.

Justice Smith said—This is an action begun by the United States against certain real estate belonging to the late corporation of the Church of Jesus Christ of Latter-day Saints, to forfeit and escheat the property. The property involved in this particular action is part of lots three (3), four (4), five (5) and six (6), block eighty-eight (88), plat A, Salt Lake City survey, commonly known as and called the Tithing yard and offices. The defendants, William B. Preston, Robert T. Burton and John R. Winder, are alleged to be claimants as trustees of the property for the voluntary religious association known as the Church of Jesus Christ of Latter-day Saints. James P. Freeze and Spencer Clawson intervened in behalf of themselves and all other members of the religious association known as the Church of Jesus Christ of Latter-day Saints, claiming that the property belonged to that religious body. The defendants Preston, Burton and Winder answered the complaint. Freeze and Clawson, by their petition in intervention, set up substantially the same facts as alleged in the answer of the trustees. The case was tried by the court without a jury. Findings of fact and conclusions of law were made and judgment entered in favor of the United States, escheating and forfeiting the property. The defendants and intervenors appeal. Two assignments of error are made which we deem it necessary to consider upon this appeal.

First, that the court erred in deciding that the property was subject to forfeiture or escheat, for the reason that upon the facts found it appeared the Church of Jesus Christ of Latter-day Saints had a vested interest in said property on or before July 1st, 1862.

Second, the court erred in deciding that the property was subject to forfeiture or escheat, for the reason that upon the facts found all proceedings to forfeit or escheat the property were barred by section 1047 of the Revised Statutes of the United States.

This section of the Revised Statutes was pleaded both by the defendants and the intervenors in bar of the action. We will consider these objections in the inverse order in which they are stated. Section 1047 relied upon is as follows: "No suit or prosecution for any penalty or forfeiture pecuniary or otherwise, accruing under the laws of the United States, shall be maintained except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued." The forfeiture claimed in this case arises under section 3 of the Act of July 1st, 1862, which is as follows: "That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any territory of the United States during the existence of the territorial government, of a greater value than $50,000, and all real estate acquired or held by any such corporation or association contrary to the provisions of this act shall be forfeited and escheated to the United States, provided that the existing vested rights in real estate shall not be impaired by the provisions of this section." The title to the land in controversy was acquired by the Mayor of Salt Lake City in November, 1871. In 1872 it was conveyed to the trustees of the corporation of the Church of Jesus Christ of Latter-day Saints for the use and benefit of said church. Title remained in said trustees until the third of March, 1887. It is claimed by the appellants that more than five years having elapsed since the perfect title to the property was acquired by the Church, that no action can now be prosecuted by the United States to forfeit or escheat the property. We have been cited to no case upon this question exactly like the one at bar. Several cases have been cited in which it is held that section 1047 applied to debts and civil actions and forfeitures as well as to criminal cases. It was so held in the case of Adams vs Woods, 2 Cranch, 336, which was a suit to enforce a penalty founded on the act of the 22nd of March, 1794. First statutes at large 347 prohibiting the slave trade. It was held that the action was barred, not having been begun within the period prescribed by the statute. Marshall C. J., discussing the question, says: "It is pretended that the prosecutions limited by this law are those only which are carried on in the form of an indictment or information, and not those where the penalty is demanded by action of debt. But if the words of the act be examined they will be found to apply not only to any particular mode of proceeding, but generally to any prosecution, trial or punishment for the offense, and the court held that the action of debt for the penalty was a prosecution and was barred by the Statute of Limitations. We think Section 1047 includes civil as well as criminal proceedings. But the difficulty in the case at bar is that the language of section three of the act of July 1st, 1862, is that all real estate acquired or held by any such corporation or association shall be forfeited, etc. Counsel for appellant do not deny but that the property in question was held in violation of this statute within five years preceding the commencement of this suit. The cases most nearly in point, it seems to us, are those arising under the internal revenue laws, where proceedings in rem for forfeiting real estate are repeatedly provided for. For instance, land remains forfeited for being used for the purpose of distillery, [illegible] (3281-3291) Revised Statutes of the United States. Under such statutes it has been frequently held that the property is subject to forfeiture on account of continuous use of it, notwithstanding the use may have begun more than five years before the commencement of the action. In contemplation of law the land itself is guilty, and it is the guilt of the land that makes it forfeitable by reason of its being employed in an unlawful use.

Waples proceedings in rem section 174 says: "Lands are forfeited for use in contravention of law. The violation of law by the use of the land is in some instances by the owner, but not necessarily so. It is not the owner's guilt but the land's guilt by its use that renders it forfeit. There is an offending person and an offending thing, but the proceedings are against the latter." At section 182, the same author analyzing section 3 of the act of July 1st, 1862, above cited, says: "The thing to be seized and condemned is Territorial real estate worth more than $50,000.00. The offense of the thing is being acquired or held by the religious or charitable association to the amount forbidden. The jus in re arises from the contravention of law." We believe this to be a proper construction of the statute before us, that the property either acquired or held in violation of the law within five years before the commencement of the action is subject to forfeiture.

The remaining question which we deem it necessary to consider is whether or not the property involved in this action comes within the proviso found in section 3 of the act of July 1, 1862.

The proviso is as follows: "That existing vested rights in real estate shall not be impaired by the provisions of this section." The findings of fact in this case show that the land in controversy in this action was first laid out in 1849, then taken possession of by the representatives of the Church known as the Church of Jesus Christ of Latter-day Saints. That Church was a voluntary sect until January, 19, 1851, when it was incorporated, and that the corporation subsequently possessed it up to and including July 1, 1862; that buildings and other improvements of considerable value were built thereon by the Church, and that the Church was in the actual possession and use of the property and the improvements thereon until the 1st day of July, 1862. That in November, 1871, the land was entered under the townsite act by the mayor of Salt Lake City. That Brigham Young, who was then President of the Church, claimed the land under the townsite law, and it was conveyed to him by the mayor of said city, as trustee for the Church aforesaid; that it afterwards passed by mesne conveyance to Robert T. Burton, who held the title on the 3rd day of March, 1887, as trustee for the Church. The question arises whether or not this parcel of land is forfeitable to the Government of the United States, under section 3 of the Act of Congress of July 1st, 1862, which we have already quoted at length in this opinion. It is claimed by counsel for the government that inasmuch as the townsite law had not been extended over the Territory of Utah at the time of the passage of this act, nor had the public surveys been extended over the lands in controversy, that the Church had not nor was it possible for it to have acquired any vested interest in the lands in controversy at or prior to the time this act took effect. That it had no interest which the government was bound to respect. We do not deem it necessary to decide whether or not Congress had authority under the Constitution to ignore a right such as the Church had in these lands in July, 1862. The real question is whether or not this act manifests an intention on the part of Congress to preserve or ignore that right such as it was. We seriously doubt whether Congress had that unlimited control over the property rights of persons upon the public domain, which counsel for the government insists upon. The city of Salt Lake was founded in 1847. In 1850 the territorial government was organized. Congress passed the Organic act and thereby extend an invitation to the citizens of the government to establish their homes in the Territory. Under this invitation citizens took up their abode here in great numbers prior to the passage of the act of 1862. It was of course indisputably necessary that these settlers should found cities and villages at once and enter into possession of portions of the public domain, cultivate, build upon and otherwise improve the same, notwithstanding that neither the townsite law, nor the public surveys had yet been extended over the Territory. In 1862 Salt Lake City was a town of several thousand families, and large sums had already been expended in buildings and other improvements by the inhabitants within the corporate limits of the city. Now it is claimed that Congress had the power in 1862 to have withdrawn all land within the city from sale, and to have driven the inhabitants of the city therefrom. We think it may well be questioned whether such action on the part of the government would not be in violation of that provision of the Constitution which ordains that no one shall be deprived of his life, liberty or property save by due process of law, but it is not necessary for us to decide this question. In our view of this case, if it be conceded that Congress has the authority under the Constitution to perpetrate such an act of cruelty and oppression towards its citizens as that above indicated, it is certainly not to be lightly presumed that the government contemplated any such wrong or injustice.

This brings us to the question of what is the meaning of the proviso "that existing vested rights in real estate shall not be impaired by the provisions of this section."

In Cooley's Constitutional Limitations, page 440, the author says: "[illegible] as a shield of protection the term vested rights is not used in any narrow or technical sense, or as importing legal power of control merely, but rather as implying a vested interest which it is right and equitable that the government should recognize and protect, and of which the individual cannot be deprived arbitrarily without injustice." It is clear by the decisions of the Supreme Court of the United States that the Church had at the time of the passage of the act of 1862 an interest in the lands in controversy in this action which the law recognized and such as the courts of the government would recognize and protect. It had a right of possession which the courts would have enforced against any one who disturbed it in its possession. It had an interest such as it could encumber by way of mortgage, and the Federal courts would have enforced the mortgage. It had an interest such as it could contract to sell and convey, and specific performance of such contract would have been enforced by the courts.

See Stringfellow vs Cain, 99 United States 610.

Hussey vs Smith, 99 United States page 20.

Lamb vs. Davenport, 18 Wal. 307.

An examination of these cases will show that according to the rule established in the Supreme Court of the United States, if in 1862 the Church had entered into a contract with one then an occupant of the tithing house property for the purchase thereof, upon a proper tender being made, the vendor had refused to convey, the courts of the United States would have compelled a conveyance, or had the Church refused to accept a conveyance and make payment according to contract, the vendor could have had a decree enforcing the payment. Suppose the Church had acquired the interest which it had in the tithing house property at the time of the passage of the act of 1862 in the manner just suggested, it is clear that it would have had no better or greater interest or right than it in fact had at that time. And yet if the contention of counsel for the Government is correct, the same court which rendered the decree enforcing such contract against the Church would be compelled also to hold that the Church had no estate or interest in the property vested or otherwise. In the case of Lamb vs. Davenport, 18 Wal. 307, the defendant Davenport had acquired possession by purchase of certain lots upon public lands of the United States in the city of Portland, Oregon. After the title had been perfected the owner of the title undertook to recover the property. Davenport defended upon the ground that he was the equitable owner. Mr. Justice Miller in delivering the opinion of the court says: "The equity which Davenport sets up in his cross bill arises from transactions anterior to the issue of the patent certificate of Lownsdale, and indeed antecedent to the enactment of the Donation law of Congress, under which Lownsdale's title originated. It is not necessary to recite in this opinion all of these transactions. It is sufficient here to say that several years before any act of Congress existed by which title to the land could be acquired, settlement on and cultivation of a large tract of lands, which includes the lots in controversy, had been made and a town laid off into lots and lots sold, and that these are a part of the present city of Portland. Of course no legal title vested in any one by these proceedings, for that remained in the United States, all of which was well known and undisputed, but it was equally well known that these possessory rights and improvements placed on the soil were by the policy of the government generally protected, so far at least as to give priority of the right to purchase whenever the land was offered for sale and where no special reason existed to the contrary. And though these rights or claims rested on no statute or any positive promise the general recognition of them in the end by the government and its disposition to protect the meritorious actual settlers who were the pioneers of emigration to the new territories, gave a decided and well understood value to these claims." And so we find here; the possessory rights of the several occupants, including the Church, of lots in the city of Salt Lake, together with the improvements thereon at the time of the passage of the act of 1862, had a well understood value. And it was this valuable estate or interest which Congress intended to preserve unimpaired by the proviso of section 3 of the act of July 1st. It is evident that it was not the intention of the government by its legislation to disturb or in any manner interfere with any interest, whatever the nature thereof might be, which had been acquired prior to the passage of the act. The act looked to the future only; this much is apparent from the face of it. If we look to the debates in Congress upon the passage of the law, we find that such was unquestionably the general purpose of the framers of this act. Section 3 of the act was an amendment reported by the judiciary committee of the Senate to the House bill. In the Congressional Globe of 1862, page 2506, will be found the statement of Senator Bayard of that committee. In reporting this section without quoting his language it is sufficient to say that he declares clearly the purpose of Congress is to prevent the Church from acquiring any other or further property than that it then possessed, except it be within the limitation of the section. We are aware of the fact that the arguments of legislators in debate on the passage of a law cannot be resorted to for the purpose of giving a meaning to the terms found in the statute, but they may be resorted to in ascertaining the general object of the legislative enactment.

See opinion of Justice Field in Ah Kow vs Nunan, 5 Sawyer, 552.

Again, this is a penal statute, and according to a fundamental rule of interpretation it is to be strictly construed against the government, and it is to be liberally construed in favor of the person or corporation sought to be charged with its penalties. As was said in Chase vs. N. Y. Central R. R. Co., 26 N. Y. 526: "In statutes giving a penalty, if there be reasonable doubt of the case made upon the trial or in the pleadings coming within the statutes, the party of whom the penalty is claimed is to have the benefit of such doubt." Now if this proviso is not intended to preserve and protect just such a right as the Church had in this parcel of land, it is entirely clear that there is nothing which it could preserve or protect, and this must have been known to Congress. While the language of the section is general, it is a matter of common knowledge that it was aimed at the Mormon Church in Utah. As was said by Mr. Justice Field in the case just cited in the 5th Sawyer, "The class character of this legislation is none the less manifest because of the general terms in which it is expressed. We cannot shut our eyes to matters of public notoriety and general cognizance. When we take our seat upon the bench we are not struck with blindness and forbidden to know as judges what we see as men, and where an ordinance or general in its terms only operates upon a special race, sect or class, it being universally understood that it is to be enforced against that race, sect or class, we may justly conclude that it was the intention of the body adopting it that it should have such operation and treat it accordingly." There was no United States land office established in Utah until long after 1862. Congress is presumed to have known that the legal title to no single foot of land in the Territory had passed from the government to any individual or corporation at the time this law took effect. As we have shown, it was intended to affect only the rights and interests of the Mormon Church in Utah. It cannot be seriously claimed that the purpose of Congress in the proviso of section 3 under the circumstances was to preserve and protect only some legal vested estate or interest in land for the reason that it was impossible to do this. The Church against which the legislation was directed could not have prior to that time acquired any such interest. We are of opinion that the property involved in this action was not subject to forfeiture or escheat under the provisions of the act of 1862, and that the judgment of the court below should be reversed and the case remanded with directions to dismiss the action, and it is so ordered.

We concur, MINER, J. BARTCH, J.

The United States, plaintiff, vs Garde House and Historian Office et al, defendant. Smith, J.

This proceeding is in its general features like the case of the United States against the Tithing yard et al, just decided, and is governed by the decision in that case, except for the difference in the state of facts.

The property called the Garde House property, being the east half of lot 5, in block 75, plat A of Salt Lake City, as shown by the findings of fact, was not acquired by the Church until 1877 and the Church had no interest in it on July 1st, 1862; hence under the construction reached in the Tithing yard case the property just described as the Garde House is subject to forfeiture and the decree escheating it to the plaintiff should be affirmed.

As to the property described in the complaint and findings as a part of the west half of lot 5, block 75, plat A in Salt Lake City, commencing at a point 14 rods west of the northeast corner of said Lot 5, thence south 10 rods, thence west 7 rods, thence north 10 rods, thence east 7 rods to the place of beginning, and called the Historian office and grounds, it appears

That the property was acquired by the Church in 1859 and was then substantially improved, and that the Church was on July 1st, 1862, and ever since has been, in the actual possession of this property.

We hold that the Church had a vested interest in this property at the time of the passage of the act of 1862, and that it was reserved to the Church and not rendered subject to escheat by the provisions of that act as contended in our opinion in the tithing yard case.

We deem it proper to add to this opinion the following which was omitted from the opinion in the principal case. It was suggested rather than urged on the argument that the right of the Government to a forfeiture in all of these cases was already adjudicated in favor of the Government by the decision of the Supreme Court of the United States in the case of United States vs Church, 136, U. S. 1.

We cannot agree to this view; that was an action commenced in this court under special powers conferred on this court by the act of March 3rd, 1887.

It is not to be contended that this court had any jurisdiction in the premises except that conferred by that act. An examination of the act and the provisions of sections 17 and 13 will show that the jurisdiction of this court was limited to two subjects:

First—To appoint a receiver for the property of the Church corporation until it could be disposed of, and finally to dispose of it for lawful purposes of like nature with those of which it had been given to the Church.

Second—To set apart and place in the hands of the trustees the real estate of the Church used for places of worship, parsonages and burial grounds.

This we think was the full extent of the jurisdiction of this court in that case, and this seems to have been the view of both this court and the Supreme Court of the United States in deciding that case.

This being the case, of course the right of the government to escheat the property proceeded against in these actions was not and could not have been involved.

This view is fully supported by the opinion of the Supreme Court of the United States in the case referred to. In the opinion 136 U. S. 64 the court says: "This suit is in some respects an auxiliary one instituted for the purpose of taking possession of and holding for final disposition the property of the defunct corporation in the hands of a receiver and winding up its affairs. To that extent and to that extent only the decree of the circuit court has gone.

In the proceedings which have been instituted in the District Court of the Territory it will be determined whether the real estate of the corporation which has been seized (excepting portions exempted by the act) is or is not to be escheated or become forfeited to the United States."

See 136, U. S. 64.

From the above citation it will be seen that the Supreme Court expressly holds that the matter of whether the property in controversy here is subject to escheat and forfeiture is still open for adjudication.

This action is instituted by express authority of section 13 of the act of March 3rd, 1887. It is and was intended to be a proceeding wholly independent of the action in the Supreme Court provided for in sections 17 and 25 of that act.

It results from the conclusions announced that the decree in this case should be affirmed so far as it declares a forfeiture of the Garde house property, and in so far as it declares a forfeiture of the Historian office property it should be reversed and remanded to the district court with directions to dismiss the action.

We concur, MINER, J. BARTCH, J.

The United States vs The Church Farm et al. Smith, J.

The findings of fact in this case show that the Church first acquired an interest in the real estate proceeded against in this action and which is known as the Church Farm in the year 1874, and in accordance with the views expressed in the case of the United States vs Tithing yard the decree of the district court declaring the property escheated to the United States is affirmed.

We concur, BARTCH, J., MINER, J.

The United States vs the Church Coal Lands and A. M. Cannon, Trustee. Smith, J.

The Church first obtained an interest in the lands proceeded against in this case on April 3rd, 1880, as shown by the findings of fact and not disputed.

In accordance with the opinion in the United States against the Tithing yard, the judgment of the district court declaring the land proceeded against herein escheated to the United States is affirmed.

We concur: MINER, J. BARTCH, J.

TO BE APPEALED.

Counsel on both sides have given notice of appeal to the Supreme Court of the United States.

THINGS POLITICAL.

Politicians Awaiting the Result of the Business Men's Meeting.

ACTIVE WORK WILL SOON BEGIN.

An Address in Which the Liberal Maladministration is Expected to be Warmly Scored.

Marked interest is being manifest in the probable outcome of the meeting to be held at the Walker House tomorrow night in pursuance of the action of the business men who assembled at that place on Monday evening last.

At that meeting on motion of Mr. O. J. Salisbury a committee was appointed to draft an address to the people setting forth the necessity of electing a citizen's ticket, the address to state the financial condition of the city and the recent maladministration of its affairs. This after being ratified will be circulated among the citizens for their signatures.

It is stated that the address which is being drawn up now will be a terrible arraignment on the Liberal administration and will contain a review of its deficits, steals and blunders. The social and gambling evils and police scandals will probably be passed over in silence. Irregularities in office and reckless and criminal extravagance are considered sufficient to show the people that a change in municipal administrative affairs is necessary. There is some question as to whether the committee will specifically point out the wrongdoing of individuals as for instance the shortage of $1751 in the accounts of Louis Hyams, the first Liberal city recorder, within a few months after his election; the remarkable discovery that Mr. Clute, the progressive and high valuation assessor and collector, had gone into private life, forgetting to leave $22,000 of the taxpayers' money with the city treasurer; the alleged misappropriation of thousands of dollars in the sanitary department; the peculiar and shady transactions of Superintendent of Waterworks Ryan, to be investigated by the grand jury; the bold confession of the fire chief; the recent work connected with the expenditure of funds in the erection of the joint city and county building, the "steal" that is said to be on in the purchase of land for the gravity outlet sewer and an almost infinite number of other things of kindred character.

There is no doubt, however, that the fact of the city being plunged into the debt beyond its lawful borrowing capacity will be made plain and emphatic. In the meantime the regular politicians, aside from the men connected with this movement are resting on their oars awaiting developments. Whatever the result may be it is pretty certain that active political work will commence within the next few weeks.

POLITICAL POINTERS.

The Wasatch Democratic club of the Third precinct held an enthusiastic meeting last night. The session was a business-like one and the policy to be pursued during the coming campaign was discussed at length.

The Liberals are making a thorough and quiet canvass of all the precincts in order to ascertain their voting strength, and in every instance are they preceding the regular deputy registrars.

The Americans are more determined than ever and declare they will capture the Liberal primaries and thus secure consequent official perquisites.

W. W. Riter, a member of the business men's committee on address, has been going carefully over the books of the municipality at the City Hall the last two or three days for the purpose of securing data for the address to be submitted at the meeting at the Walker House tomorrow night.

Jake Greenwald and Charlie Stanton apparently have none of the attributes of Damon and Pythias. Jake declared today in an outburst of political wrath: "If that fellow (Stanton) is nominated again on the Liberal ticket I will knock him out if it takes all of my Jewish, bolo, society and political friends to do it. Oh no, Charlie will not win next time." This statement was made with an emphasis that is seldom exhibited by Mr. Greenwald, even in his most earnest moments.

Should the improbable happen and an Americanite be nominated for mayor on the Liberal ticket Jake Greenwald declares that he will resign from his position as a member of the Liberal city committee.

The Americanians held an enthusiastic meeting last night. There was considerable warm talk on the part of the fellows who are most interested in the maintenance of the institution. The man who gave the oath, signs and grips away was not there, and it is safe to say that he was not even suspected.

The city committees of the respective political parties are holding a goodly number of meetings these days and nights. When it comes to frequency, however, the Liberals are away in the lead.

The first annual stockholders' meeting of the Utah Democratic club will be held on Monday evening next at 8 o'clock, in the office of George E. Blair in the McCornick building. The meeting will be held for the purpose of electing trustees and other officers of the club for the coming year.

It was rumored in political circles today that the Liberal organ was about to turn Populist. The impression is the result of the following, which appeared in that paper this morning:

"Local Democrats and Republicans are getting sick of their old party affiliations. There is no hope for them in either party. The Democrats have betrayed the silver cause, and the Republicans have even worse than betrayed it. The feeling is growing stronger daily in favor of a new party, and it won't be a free trade party, either. Something more will doubtless be heard in a few days on this line."

"Of all the men who are members of the Americanian society" said a well-known citizen today, "not one of them has been as frank and open in admitting that fact as Councilman Heiss. He has never yet equivocated when spoken to in regard to the matter."

The Americans have a screamer and an accelerator in their organization. Messrs. Taylor and Skewes are both said to be members in excellent standing.

FROM PLEASANT GROVE

Heavily Afflicted.—"Bee Trees" Located.—Notes.

Correspondence Evening News.

PLEASANT GROVE, Aug. 30.—Mrs. J. W. Bender, of American Fork, lost his only child this morning from membraneous croup. Her husband died early this summer, and soon after her death she buried two children who died from diphtheria. This last bereavement leaves the poor woman without husband or child. The good people of the ward are extending every sympathy in their power to the afflicted widow. She came to Utah a short time ago from the Northwestern states.

The district schools of Pleasant Grove will reopen Sept. 4th.

John Vale, of Midway, has succeeded in locating several "bee trees;" and from one "gum" he took twenty gallons of honey last week. He reports there are a great many bees in the mountains.

William E. Clark and John L. Swenson will start for the World's Fair this week. D.

Home Rule for Utah.

A special from Washington to the *Herald* this morning says:

General Wheeler, of Alabama, chairman of the House territorial committee, said today that he was preparing and would introduce at the earliest day possible a bill for the admission of Utah, New Mexico, Arizona and Oklahoma. He feels confident this Congress will admit them into the Union.

Opening of the District Schools.

The district schools of Salt Lake county open next Tuesday morning, September 5th, for the school year 1893-94. In several districts new school houses have been built, and much interest in educational matters is manifested throughout the county.

Fetched Back.

Deputy Marshal Cammock arrived from Cheyenne at noon today, and brought back H. H. Lambe, the alleged bicycle thief. The defendant was taken before Commissioner Pratt at three o'clock to plead to the charge against him.

As to His Mental Condition.

Frank Wilson is being examined in the probate court this afternoon by Drs. Meacham and Worthington and Probate Judge Blair, in regard to his mental condition.

The Funeral.

The funeral services over the remains of the late Edgar J. Anderson will be held in the Sixth ward meeting house on Saturday next, September 2nd, at 12 o'clock noon.

Charges Against U.S. Commissioners

In regard to charges recently preferred against Messrs. E. P. Johnson and John M. Coombs, U. S. commissioners of Brigham City, Utah, the Territorial Supreme Court this afternoon appointed Clerk Joseph P. Bache to take testimony in the case and report to the court.

On An Account.

The M. S. Ascheim Mercantile company of Park City brought suit in the Third district court today against Philip Morgan to recover the sum of $478.50 and [illegible], balance of account.

Notaries Public.

Frederick S. Wayle and Thomas W. Partridge, of this city, were this afternoon commissioned notaries public for Salt Lake county.

Sheriff of Utah County.

Acting-Governor Richards today issued a commission to John A. Brown as sheriff of Utah county, he having been appointed to succeed Sheriff Fowler in that capacity. Mr. Fowler had resigned in order to accept the position of chief deputy marshal of the First district, under United States Marshal Brigham.

TRIUMPH NUMBER ONE

Denver Stormed and Captured by the Tabernacle Choir.

BIG AUDIENCE, FINE SINGING.

Honors Divided Generously Among the Performers.—Encores and Enthusiasm.—Kansas City Tonight.

Special Telegram to the NEWS.

RUSSELL, Kansas, Aug. 31.—The Tabernacle choir gave its first concert in Denver last evening, and in spite of many fears regarding the dull times a most magnificent success was scored. The receipts amounted to over twelve hundred dollars of which the choir managers carried away eighty per cent.

Fully five hundred people were turned away, and three hundred, mostly ladies, remained standing through the whole program, which, owing to frequent encores, was prolonged fully three-quarters of an hour. The consent of the Mayor had to be obtained to put in one hundred extra chairs.

Decided hits were made first by Weihe, second by Easton, third by Mrs. Pugsley, Pyper and the chorus in the prison scene from Il Trovatore. Next came the ladies' chorus. All these were immensely encored, as were also Mesdames Pugsley and Allison in their duet, and the Rigoletto quartette. Weihe and Easton created a furore and the latter sang as an encore to Annie Laurie, the typical Mormon hymn, "O My Father," which was greatly appreciated.

Presidents Cannon and Smith occupied a box. The choir sang admirably and looked charming. All the ladies were in white, all the gentlemen in black with white ties. The local managers offer a return engagement on the same terms.

We left Denver at midnight, took breakfast at Ellis and will arrive at Kansas City at 6 tonight.

On Account of Poor Health.

Elder John Black, Jr., of Kanosh, Millard county, called at this office this afternoon, having returned from the Southern states a couple of days ago where he has been laboring as a missionary since March, 1892.

Elder Black was released on account of ill health, having been the unwilling victim for months past of chills and fever. His missionary duties were all performed in Mississippi and Alabama. He continued at his post where the Elders were doing good work until he became too ill to remain safely longer in the field. Since his return he feels much improved though he is still visited with alternate spells of "freezing and burning" with a regularity unpleasant and undesirable. He will leave for his home in the south on Monday next.

The Cut Confirmed.

The following official telegram confirms the dispatches received by the newspapers a few days ago in relation to a cut in salaries of Union Pacific officials and employes:

OMAHA, Neb., Aug. 28, 1893.

Effective September 1, 1893, reductions will be made in all monthly salaries upon the following basis:

Salaries ranging from $50 to $100, inclusive, 10 per cent.; over $100 to $200, 12½ per cent.; over $200 to $300, 15 per cent.; and over $300, 20 per cent.

E. DICKINSON, General Manager.

Approved.

A Silver Crown.

The Welsh ladies of the centennial state are making arrangements to exhibit a handsome crown of Colorado silver, studded with Colorado garnets, which the Cymrodorian society has offered to the winner of the first prize for the best poem on George Washington at the Eisteddfod next month at the World's Fair. A silver eagle will be given as the second prize. Those who have the matter in charge are: W. A. Brubaker, Josiah Hughes, J. O. Jenkins, William Evans, William Knowlton, Martin, E. G. Owens, M. A. Ellis, Aggie Jones and A. J. Ash.

Went by Default.

Judgment by default was entered in the Third district court this morning, for the sum of $255, $25 attorney's fee, and $28 costs, in the case of the Commercial National bank of Salt Lake City vs Fred W. Scarff and Murray C. Goebe.

The Governor's Return.

Governor West is expected back from his Californian trip tomorrow morning.

WITHIN OUR GATES.

H. E. Grow, of Ogden, has come, seen and been conquered by the incontestible evidence that the metropolis is a bigger place than the junction.

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W. W. Roach made a descent from his local habitation in Parley's canyon today and went back during the cooler hours of the afternoon.

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Arthur and Winnie Smith and James C. McGarry, son of the deputy marshal of that name, all of Beaver, passed through yesterday en route to the Agricultural College at Logan.

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T. M. Ferron and wife, of Huntsville, in the blooming Ogden valley, came down from there yesterday and have gone back. They report all and everything at peace in their neighborhood.

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Washington Jenkins of Ogden, a stalwart Democrat, was here today discussing with party friends the ins and outs of what is and ought to be going on.