

the ship *Buena Vista*, which sailed from Liverpool, England, Feb. 25, 1849. In crossing the plains, the company in which he traveled, was snowed in on the Sweet Water, and before relief could be sent out from the Valley, the emigrants suffered much from cold and hunger. In one night seventy of their cattle died from cold and starvation. Elder Jeremy located with the Welsh Saints west of the River Jordan, near Salt Lake City, but shortly afterwards settled in the Sixteenth Ward, Salt Lake City, where he has resided ever since. From 1849-52 he presided over the Welsh meetings, which were held weekly in this city during that time. These meetings were often visited by some of the Apostles and were generally very spirited and interesting.

In 1852 Elder Jeremy was called on a mission to his native country. He left home Sept. 16th of that year, and after a severe journey across the plains and a stormy passage over the ocean he arrived in Liverpool, England, Dec. 24, 1852. He was appointed to preside as Pastor over three conferences (Swansea, Llanelly and Carmarthen), and subsequently acted as Counselor to Dan Jones, in the Presidency of the Welsh Mission. After a successful mission, he returned home with a company of Saints which sailed from Liverpool, England, in the ship *Chimborazo*, April 17, 1855. On the voyage he acted as a Counselor to Edward Stevenson, the president of the company. During the few following years Elder Jeremy and family suffered considerably from scarcity of food, the grasshoppers destroying the crops in the valleys of Utah. As long as he had any breadstuffs, he divided liberally with his neighbors, and when all was gone, he stood his chance with the rest of the people in subsisting on roots and other things which could sustain life for a time.

At the time of the general reformation in 1856 he took a very active part in preaching to the Welsh Saints and exhorting them to renewed diligence. Later (1857-58), he participated in the expedition to Echo Canyon, making two trips out in the mountains. On one of these he served as captain of ten and on the other as captain of company; he suffered considerably from cold and over-exertion, and frequently had to make his bed on three feet of snow. In 1860 he was called on a mission to Europe. He arrived in Liverpool December 12th of that year and was appointed to preside over the Welsh Mission. While acting in that position for about three years and a half several thousand people joined the Church in Wales. George G. Bywater was his first and David M. Davis second Counselor. He returned home in charge of a large company of Saints, which sailed from Liverpool, on the ship *General McLellan* May 21, 1864. In October following he was set apart to act as a member of the High Council in the Salt Lake Stake of Zion, a position which he occupied until May, 1887, when he was released with honor because of his advanced years. Soon afterwards he was ordained a Patriarch. In November, 1875, he filled another mission to England, arriving in Liverpool Dec. 1st of that year. He traveled among the branches in Wales, and also attended to some private business; returned home in March 1876. Elder Jeremy is one of the faithful and true Elders who have shown the same noble characteristics in times of prosperity as well as in times of adversity; he has ever been true to his God and his brethren and friends; his virtues and noble example will be held in honorable remembrance by future generations.

The proceedings of the Western Congress in session at Kansas City, make interesting reading. Peruse the dispatches carefully.

SCHOOL BOND ELECTION DECISION.

The Territorial Supreme Court, on April 18th, rendered its opinion in the case of the People *ex rel* the Board of Education of Salt Lake City (plaintiffs and appellants) *vs.* G. L. Godfrey, J. A. McClernand, A. B. Williams, Alvin Saunders, and B. S. Robertson, a Board of Commissioners (defendants and respondents). It was delivered by Judge Zane in the following terms:

This was an application based on an affidavit of Richard W. Young, a member of the Board of Education of Salt Lake City, for a writ of prohibition against the defendants, prohibiting them from publishing a notice of election to decide upon the issuing and sale of bonds to raise money to purchase school-house sites and for buying and building school-houses, and from appointing judges to hold such election, and from receiving the returns thereof.

The District Court held that upon the facts stated in the affidavit the law did not authorize the issuance of the writ, and the plaintiff appealed to this court.

The fifteenth article of an act of the Legislature providing for a uniform system of free schools throughout the Territory, in force March 13th, 1890, makes the school trustees of each city of the first and second class, together with the mayor thereof, a body corporate, and invests them with the powers deemed necessary to establish and maintain common schools in the districts embraced in such cities. The City of Salt Lake belongs to the first class. This Board is in terms authorized to call elections at which to determine whether bonds shall be issued, to give the notices prescribed, to appoint judges to hold such elections, and to receive and canvass the returns thereof.

Notwithstanding the provisions of the law referred to, the defendants issued the notice of the election mentioned in the application, appointed judges to hold the same, and required the returns thereof to be made to them as such board. Had that body the power to do so? To answer this question it becomes necessary to interpret section nine of an Act of Congress approved March 22nd, 1882, known as the Edmunds law. That section is as follows: "That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes and the canvassing and return of the same, and the issuing of certificates or other evidence of election in said Territory, shall until other provision be made by the Legislative Assembly of said Territory, as is hereinafter by this section provided, be performed under the existing laws of the United States and said Territory by proper persons who shall be appointed to execute such offices and to perform such duties by a board of five persons to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party; and a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a

salary at the rate of \$5,000 per annum, and shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized. The Secretary of the Territory shall be secretary of said Board, and keep a journal of its proceedings, attest the action of said board under this section. The canvass and return of all votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such elections shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such assembly: *Provided*, that the said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy; but each house of such assembly after its organization shall have power to decide upon the elections and qualifications of its members. *And at or after the first meeting of such Legislative Assembly whose members shall have been elected and returned according to the provisions of this act*, said Legislative Assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act."

The connection of the provisions of this section bearing upon the question under consideration will be more apparent if other portions of it are omitted. Without such parts the section would read: "All registration and election offices * * * are declared vacant and * * * every duty relating to registration * * * the conduct of elections, the receiving of votes, their canvass and return, and the issuing of * * * evidence of election shall, until * * * provision * * * made by the Legislature as by this section provided, be performed under existing laws * * * by persons appointed by * * * a board of five persons * * *," who "shall continue in office until the Legislature * * * shall make provisions for filling said offices as herein authorized. * * * said Legislature may make such laws * * * as it shall deem proper concerning the filling of the offices declared * * * vacant by this act." This section declared all the election offices in the Territory vacant and provided that the duties belonging to them should be discharged by persons appointed by the board until legislators chosen at an election held by such persons should enact laws by which they could be filled. The board was authorized to appoint persons to execute the offices made vacant by the first clause of the section and none other. In the use of the language "all the registration and election offices of every description in the territory of Utah are hereby declared vacant," did Congress intend only such as were then in existence; or did it also mean