

tree spraying case which originally came before Justice Harvey, of the Second precinct, Salt Lake county. Its effects is a declaration that the fruit tree inspection law is invalid in those sections which give certain discretionary powers to the probate judge in fixing the number of times trees are to be sprayed. The court's ruling is that the authorization of the probate judge referred to is a delegation of legislative authority which the Legislature is not allowed to make, hence the law is invalid upon that point. This is the special feature of the law which was pointed out by the News last spring as being inconsistent with the primal object of the statute itself, and which was capable of being used to work great hardship. The fruit tree sprayers will now have to agree upon a bill that will be cleaner and more easily obeyed in this particular. In the arguments on this case in court, D. B. Hempstead, attorney for the petitioner, forcibly and pointedly indicated the inherent weakness of the statute as it now stands.

Provo, Aug. 27, 1895.—The Brigham Young academy opened on the 19th of August as per announcement in their circular. At the end of the first week the attendance had reached a figure far in advance of the enrollment of last year at the close of the first week, and is steadily increasing. There are about fifty pupils in the higher departments who are residents of Provo, with perhaps a like number from the rest of the county, while about 200 are from Utah Territory and 100 are from the surrounding states and territories. Every seat in the higher grades will be occupied this year without a doubt.

It is an excellent thing for a school to be cheap when it does not depend upon its cheapness for its excellence, and in this connection it is only fair to say that every thing that was possible has been done, to place the fine opportunities of this institution within the reach of every ambitious and aspiring boy and girl in Zion. Board and lodging are at a minimum, and the faculty have removed many a difficulty for inexperienced earnest young people—or better still, shown them how to overcome the difficulties for themselves, thus educating them in being strong.

Vacancies occasioned by members of the faculty being called on missions have been promptly filled by able and efficient teachers. The various departments are getting down to systematic work with remarkable celerity. A change has been made in the organization of the faculty, which gives the institution Benjamin Cluff Jr. for a president, while the departments have each a principal.

The primary department is well attended, and the kindergarten is growing in popularity, and quite a number of young ladies will take training preparatory to becoming teachers.

The following has been sent out in the heads of county irrigation societies and to other interested parties throughout the Territory:

OFFICE OF IRRIGATION COMMISSION,  
SALT LAKE CITY, Utah,  
Aug. 26, 1895.

Dear sir—This file has been advised of the coming Fourth National Irrigation Congress to be held in Albuquerque, New Mexico, September 16th, 20th, 1895.

No portion of the inter-mountain region of the great West is more interested in this than Utah. Since the First National Congress held in Salt Lake City in 1891, the importance of these yearly national conventions has become a world wide matter, and all sections of the country look to Utah to keep up its prestige as a leader in irrigation affairs.

Each county organization of the State Irrigation association for Utah has the right to elect one delegate to the congress, and it is hoped you will have a good representative sent to this convention from your section.

The railways have made a round trip rate of \$32.05, good from September 13th to October 10th, which will, we hope, bring out a large delegation, and especially we trust that as heretofore the women of Utah will be a prominent factor in this representation officially or otherwise.

Please send out this information as fully as possible in your section.

It is especially desirable that you will let this office know as soon as possible the names and addresses of those who will attend the congress from your county, whether as delegates or visitors.

Very truly yours,  
L. W. SHURTLEIFF,  
Chairman.

C. L. STEVENSON,  
Secretary.

The Nephi Co-operative Mercantile & Manufacturing company has brought suit in the First district court against Edwin Goble and Edwin Goble Jr. to collect \$317.99 on a promissory note, and for foreclosure of a chattel mortgage on 350 head of sheep, given to secure the payment of said note.

The Consolidated Implement company of Salt Lake City has commenced a suit against Henry W. Hawley, sheriff of Millard county, as principal, and William A. Ray, Maxwell O. Webb, Hiram Dwyer and Lucian H. Noyes as sureties on Hawley's official bond. Plaintiffs ask for \$349.58, alleging that on the 17th day of September, 1894, they forwarded a writ of attachment to Sheriff Hawley, directing him to levy upon certain stacks of wheat belonging to W. D. Van Noy and J. E. Van Noy; that defendant Hawley neglected to make the levy, and willfully and intentionally gave information so that it came to the knowledge of Wm. A. Ray, that he (Hawley) was instructed to make said levy, and withheld making the levy till Ray had time to go to the Van Noy and obtain a bill of sale of the wheat in payment of a debt the Van Noy owed Ray. By reason of this action on the part of Hawley, plaintiffs claim to have been damaged the amount sued for.

Friday morning the case of J. W. Scott vs Provo City came up before Justice DeMoley and a jury. Plaintiffs sue for \$299 damages by reason of expenses incurred through an accident that happened to Mrs. Scott on the 28th of December, 1894. She was walking along a sidewalk in the city and stepped through a defective curb, causing her to break her leg. Mr. and Mrs. Scott have previously sued the city in the First district court for damages for the personal injury sustained by Mrs. Scott. A jury awarded them \$1,000. The case has been appealed to the Supreme court by the city.

## RETURNED ELDERS.

Elder Enos Bennion, of Taylorsville, Salt Lake county, has returned from a mission to Great Britain. He left on June 12, 1893, and has labored the first year in Cheltenham conference and the remainder of the time in London. Elder Bennion arrived in this city, in company with several Elders and Saints, yesterday, August 30. He says he has enjoyed good health during his absence and felt well in the work in which he has been engaged.

Elder O. D. Merrill, of Richmond, Cache county, called at the News Tuesday, having just returned from a mission to the Samoan Islands. Elder Merrill left home on April 24, 1892, and was appointed to labor in the Friendly group, where he has spent all his time, he having presided over that conference during nearly the whole period of his absence.

He reports the mission in a very good condition, all the Elders enjoying their labors very much and being in good health. There are at present on the Friendly Islands ten Elders, and all feel well in the discharge of their duties, although it is a very hard task to learn to speak the language. Elder Merrill states that it is quite difficult at present to gain many converts, but he feels that the seed which is now being sown will result in good in due course of time.

## INFORMATION WANTED.

Postoffice Master Barrett has received the following letter, which he refers to the DESERET NEWS:

Will you kindly find out for me if there is such a person by the name of John Haynes living in Salt Lake City? I am his niece and would like to find out if he is still living. The last we heard of him was when he visited England, his birth place, about eight years ago. He has a brother in Leamington, England, who also wishes to hear from him. I have enclosed a stamped envelope with my address (38 Madison street, New Haven, Connecticut, care Mrs. Neale), so if you hear any tidings of him will you kindly inform me and I shall be much obliged.

MISS MARTHA HAYNES.

P. S.—If you hear of him tell him I and his brother Henry's child.

Thomas Heaps emigrated from Manchester to Salt Lake City between forty and fifty years ago. He was a painter by trade and a member of the Church of Jesus Christ of Latter-day Saints.

Any information respecting him or his progeny will be gratefully received by his niece, Mrs. Nelson Hasketh, of 888 Chester Road, Stratford, Manchester, England.

Samuel Alcock emigrated from Manchester to Salt Lake City in the year 1861. If he or his heirs will communicate with J. W. MacDuff, 14 a Hampden Grove, Patricroft, Manchester, they will hear of something greatly to their benefit, as there is a large sum of money lying in the hands of this city belonging to Samuel Alcock waiting claimants.

Utah papers, please copy.