

however, for all wishing to become participants in the suit to appoint a trustee—he having already been selected—who would file a bond for all the taxpayers and who would receive their assessments pending a decision. The matter would be crowded through with all possible haste, that a decision might be had during the January term.

After some further business, a vote was taken in which it was unanimously decided to take an appeal.

Charles Livingston and Henry Illingsworth was appointed, as a committee of arrangements and to confer with all interested parties.

The Eleventh Ward schoolhouse was Dec. 5th, filled to overflowing with taxpayers who met, pursuant to adjournment Monday night, to take final steps in regard to the appeal of the injunction suit. It was unanimously voted that Stephens and Schroeder, who had charge of the case thus far, be instructed to take it to the court of last resort. These attorneys have done very hard work upon the case and it will not be their fault if it is not won.

Arrangements were made to give a bond for the payment of the taxes and the collector will be restrained from levying upon the property. Those who desire to appeal will pay their taxes to the bondsman as trustee.

Mr. Charles Livingston was appointed and authorized to receive taxes for those who desired to appeal, and will be at the Eleventh Ward school house on Friday afternoon from four until six, and on Saturday afternoon from two until six and from seven until nine o'clock, prepared to receive and receipt for moneys which may be paid by those who desire to appeal. The money will be held by the trustees until the case is ultimately decided. If decided in favor of the school board, the trustees will pay the taxes to the collector. If decided in favor of the taxpayers, such a proportion will be returned to the taxpayers as the court decides to be just.

The taxpayers will pay their taxes to this trustee just the same as they would to the collector, and upon his giving the bond the property is released and the collector must look to the bondsman for the money. Consequently, the taxpayers have everything to gain and nothing to lose by appealing the case, as the expenses of the suit have been provided for without any payment by the taxpayers themselves. The outcome of the suit will be watched with a great deal of interest.

JUDGE ANDERSON'S RULING.

BEAVER, Utah, Dec. 3.—This is the substance of Judge Anderson's decision: Each of the seven applicants is a man of good moral character except that he is a Mormon. Last winter, after a full investigation, the Third District Court of Utah decided that a member of the Mormon Church, no matter how good his moral character was otherwise, was not fit to become a citi-

zen. Until the issuance of what is known as the manifesto, the courts of this Territory have followed that decision. Since then the First and Third District Courts have not made the fact of membership in that Church a test in the naturalization of aliens. I am sorry that I cannot agree with these decisions. The manifesto is very carefully worded. Wilford Woodruff, the President of the Church, says: "My advice to the Saints is that you should hereafter contract no marriage that is contrary to the law of the land."

At a conference immediately after the reading of the manifesto George Q. Cannon, the real leader of the Church, extolled the virtues of those polygamists who had heretofore refused to obey the law over those who promised such obedience. This manifesto does not pretend to discard polygamy as one of the cardinal doctrines of the Church; it only suspends the practice as long as it is contrary to the laws of the land. Before the anti-polygamy act of 1862 there was no law in this Territory against polygamy. If the acts of Congress against polygamy were repealed, or if Utah should become a State, there would then be no law against polygamy, and the presumption is that the people of this Territory would make no law against it, and the chiefs of the Mormon Church would then be at liberty to renew their mandates to their members to enter into polygamy, and it would then thrive in full bloom. There would not be a syllable in this manifesto against it.

The Mormon Church has courts of its own that in many instances override the decrees of the courts of the United States. Their members on taking their endowments take an oath to avenge the blood of their prophets, Joseph and Hyrum Smith, against this government. Wilford Woodruff, the present head of the Church, in his dedicatory prayer at the St. George temple prayed the Lord might destroy this nation with a besom of destruction. Polygamists when convicted have always been honored by all the members of the Mormon Church, and on going to and returning from the penitentiary were given ovations. The Church created a defense fund, employed attorneys to defend polygamists and who are still employed for that purpose. They have for many years given great trouble to this government. The position of the Church in those matters is unchanged. An alien who comes to this country and joins such an organization should never ask to become a citizen.

Mr. Barlow Ferguson appeared on behalf of the applicants, and pleaded hard for them, but the judge was immovable. The judge expressed a desire, however, that if it were possible an appeal should be taken to the Supreme Court of Utah. —*Special to the Herald.*

FEARFUL FATALITY.

A horrible tragedy occurred at Moroni, Sanpete County, on Sunday afternoon, in which a little girl by the name of Marks, 11 years old, was shot and instantly killed.

Our informant, Charles Abbott, conductor on the S. P. V. Ry., related the account of the sad affair to an *Ensign* representative as follows: It seems that the unfortunate girl's brother, Phillip Marks, had been out hunting, having with him a team and wagon. When he had returned home his older sister, Tillie, went out to meet him. Taking his rifle from the wagon, he offered it to his sister with the request that she carry it in the house for him. She, however, refused to touch the gun, and asked her brother if it was loaded. In a careless, off-hand manner, which seems to be his custom, he answered her that there was no load in the gun, and again urged her to take it in the house. Losing all fear of the weapon upon her brother's assurance that it was harmless, she took it, threw it carelessly over her shoulder and sauntered into the house. Just as she stepped into the door her little sister who was standlug near the cupboard, was heard to remark that she would get a piece of bread and preserves. These proved to be her last words, for just as the knife was thrust into the bread, the sharp report of a rifle rang out upon the air, and the little girl fell dead, without a groan, amidst the terrified shrieks of her now half-maddened sister. When the smoke from that fatal shot cleared away a fearful sight met the horrified gaze of those spectators, which no pen can describe, and no mind can imagine, unless it has experienced similar scenes. Stretched upon the floor, weltering in her own blood, lay the lifeless and almost headless body of the unfortunate child, while the floor, cupboard, walls and ceiling were smeared with blood and brains, mingled with particles of skull and locks of hair which the leaden messenger of death had strewn ruthlessly about.

Assistance was immediately summoned, but all to no avail, as death was instantaneous. It was found that the ball had entered at the upper part of the forehead and, as the child's head was bent downward, had ranged toward the base of the brain, tearing the upper and back part of the head to atoms.

It seems that just as Tillie, the girl who carried the gun, entered the house, the hammer of the weapon caught the door frame and drew it back far enough to cause the fatal discharge as recorded above.

The parents and other relatives are almost heartbroken over the dreadful catastrophe, and the whole city seems to be wrapt in gloom. The funeral at 10 o'clock yesterday morning was extremely solemn.

Our informant further says that about a month ago the same man came very near shooting his little brother on account of carelessness, a gun having been discharged accidentally while he was in the granary, the ball from which barely missed the boy's face. The carelessness of fire arms is becoming far too common and laws restricting the use of the same should be made and strictly enforced. —*Nepht Ensign.*