

THE BULING ON THE TAX CASE.

Oug readers will find in this issue, the decision of Judge Hunter in the BY Sutherland tax case. He sustains the validity of the Revenue Law, but rules that the uncollected taxes assessed under the old law must be collected under section 28 of the new law, and therefore cannot be cellected by distraint. This is vir-tually a decision against the Asses-sor. His Honor is clear on most of the points in his decision, but does not establish definitely his ruling on the necessity of procedure under the 28th section. If taxes not collected under the new must be collected under the provisions of the new, why does law must be collected under the provisions of the new, why does not section 19, which provides for distraint, apply to those definquent taxes? The seizure was made December 3rd, and the Collector is not required to settle until Decem-ber 31st Distraint 1s the method of collection between October 31st and December 31st, after which, as the Collector will have then paid up the full amount of the taxes, up the fall amount of the taxes, and Barr, the candidate for Se the uncollected amounts become treasurer have formed a compact to

A NEW WAY WITH THE "MOR-MONS." WE notice that many of the pub-lic journals are congratulating themselves and "Mormon"-haters generally, on a section of the Laws of Utah, by the operation of which can be had, without let or hin-drance, or any possibility of elcape for the accused. And an additional source of loy is that this sure and election the following cold shoul-der: In California the issue was source of joy is that this sure and of the Saints is one of their own deals and splits, and finally detercertain engine for the punishment

legislative construction. These glad tidings to "Christian" souls were first announced in the columns of the New York Tribune, mined in a great measure by so un-expected affair as the De Young-Kalloch affray; besides which, that section of the Union is so far re-moved from the east, that it seems and have been repeated throughout almost like a foreign country, with the land with that parrot-like in- a history and politics of its own. telligence that distinguishes the gal proceedings for the collection of the answer is demutrable. The demutrable the demutrable. The demutrable the demutrable. The demutrable the demutrable. The demutrable the demutrable. The demutrable the demutrable. The demutrable the demu

much, would it not be as well for the kind souls who are so anxious to punish the "Mormons" by extra-judicial means, to lease something of what they are boasting about? THE AFGHAN BEVOLT. The British, after a Desperate Fight We think so, and will therefore explain the matter in another article, which we will write for their special

enlightenment, and for which we of the population toward the memhave not room in to-day's NEWS.

TELEGRAPH. PAL WRITTERS CHION TRLEGRAPH LINE. EASTERN.

Political Notes

FOREIGN

GREAT BRITAIN

are all Milled.

have seen the dead bodies of the British officers at Cabul. It is ru-

in return.

A second letter from the Ameer dated September 4th, "Thousands had assembled to de stroy the British embassy. Much life was lost on both sides. I, with stroy the British embassy. Buch life was lost on both sides. I, with five attendants, have been bessig-ed all day yesterday and up to now. I have no certain news of the en-voy, whether he was killed in his quarters or captured." A dispatch from Allababat states

quarters or captured." A dispatch from Allababad,states

requires, as soon as the assessor and of enforcing the collection of a tax was by seizure and forfeiture of the property. No warrant was provid-ed for, and the general course purcollector shall have filed his bond, the county clerk " shall furnish him with a suitable book conveniently micd throughout, and headed in the way prescribed by the form, therein specially set sued by the officer was simply to make a seizure and rale of the property. In this case there was a seizure of personal property. No sale has been made because of the

are still kulter.
be statter have been noticed at Gabul for some time The beering of the population toward the memo-ber of the core defending the embasy membered but 70. They fought with the greatest bravery. It is and that the Amee's son wasfatal y holdened themselves desperately but all were killed, including Maj. Caragoarf.
The sore writement provided. It is a statutory fred. The survives salide dut and defended themselves desperately but all were killed, including Maj. Caragoarf.
The sore are the state the outbreak is due to Ruestan infrigue.
Binla, Sopt, 7, noon.-The toops have all been receiled from Pishin and the zeocoupying Candhar.
Mathe and been received the form from the vises yof Ladio for all sond y evening, announcing the deat of the taband.
Binla, Sopt, 7, noon.-The toops have all been receiled from Pishin and at a mobile ka filte the county rate for county in the population of the town of the county rate of the tab state to the state the form as and.
Bin the form of the taband to be affect the form as and.
Bin the form of the taband to the memode of the taba for the taband to be an received the towner of the taband the setstence to the filte and the setstence to the filte and contered the means and the form form in population to the repeal and the townere is towner of the taband to be affect the sale to the r

Badshah Khan, who holds the country beyond Shatargardan Pass, has offered his assistance to the British.

property is taxed, and to know that such rate is uniform in its ap-

out strictly in conformity to the then the right to proceed for the out strictly in conformity to the law, and been presented to the county court, he has the further right to know that the rate per centum, which he is called upon to pay as tax, is no more or less than he should pay, and that all others are assessed to pay an equal per centum. These are the mandatory require-trant of the statute and are so he

ments of the statute, and are so because they are all clearly for the protection of the taxpayer in the prevention of a sacrifice of his pro-perty, and by a disregard of which on the part of the cfficials, his rights might and generally would be injuriously affected, and are therefore such as it is not only incumbent upon the office to follow,

Badshah Khan, who hous has country beyond Shatargardan Pass, has offered his assistance to the British. Major Connally reported all quiet yesterday to and beyond Shatargar-dan Pass. Simis, 6 p. m.—According to au-thentic intelligence received from All Kheyl, some of the Nadises and the the sessessed valuation of his which the assessed valuation of his which the assessed valuation of his operator is taxed, and to know

Clearly this refers to the delin-quent taxes under the old law-British officers at Cabul. It is ru-mored that nine troopers belonging to the escort escaped. The latest intelligence communi-cated by the India office is to the effect that the attack on the British embassy at Cabul, was commenced by three Afghan regiments, which

traint for such taxes. The seizure of the property of the plaintiff was made on the 3d day of

December, 1878. The new law was approved Feb. ruary 22, 1878. On the day of its approval it became the law of the Territory, and the detendant was bound by its provisions. From thence forward he could only sue

ent and approval of the Lev





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change in the Territorial law relating to jurors, which puts it into the power of the prosecuting attorney to exclude Mormonsfrom a jury about to try a man for polygamy. The main difficulty now in the way is to obtain proof of plural marriages, as the ceremony is conducted in the Endowment House with great secresy."

Is not this a matter for true rejoicing among the pious and the complain of the overflow. joicing among the pious and the enlightened of the land! A plan has been discovered by which ju-rors may be excluded on account of a certain form of religious faith! A scheme has been devised by which the right of an accused person to be tried by a jury of his peers may be entirely ignored! The way is open in circulation. to convict "Mormons" by a jury

to escape! Hurrah! Hallelojah! from national banks, either on ac Thank God!

to a trial by jury. The Eureka Sentinel, after dilating upon the change in the law above named,

"One impediment remains, the of which is imperative, and that is the difficulty in proving the polygamous felony after the forms prescribed by law. Mormon marriages are celebrated with all possible secresy, and consequently evidence of their contraction is ex-tremely difficult to obtain. It seems as though the law might profitably be amended so as to ad-mit notoriety of cohabitation as proof of the polygamy which has been made a penal offense." and pocket book were burled, and says Bucholtz is not the murderer. The letter is written on one side of a plain note sheet, evidently by a German, in a diaguised hand. Penneylvania papers report the state nearly clear of tramps. This is due mainly to a revival of busi-ticeable that comparatively few complaints of the tramp nuisance were received from other states during the nest enumer. ad that is the difficulty in proving

For the comfort of those whose ardor is dampened by this consideration, we will say that evidence is of small moment in the trial of a "Mormon" by a packed jury. Rumor, common fame, newspaper stories and popular gossip will do the business, as in the celebrated the business, as in the celebrated Miles case, in which a convic-tion for polygamy was had without any definite proof that the sick list is reduced to 40, whatever of any marriage but one. Still there is another "imped- ter has occurred. iment" in the way, that is, an ap-

peal to the Supreme Court of the United States, not on the validity of the law against polygamy, but on the errors occurring in the trial; and prejudiced as that Court may be against the practice of plural

marriage, it is hardly to be thought LEWISTON, Me., S.-A sever that the highest tribunal in the rainstorm is prevailing and would doubtless reduce the vote were it not for the great interest taken in land will endorse proceedings utterly at variance with established

rules of judicature, or sanction an entire departure from the principles. of the jury system, made sacred by the practice of centuries.

The Sentinel wants the "Impedinent" of evidence removed entirely out of the way. Of course; many there are in the same mind. But we do not think its suggestion as to

Sec.

last month, notwithstanding the payment of one-tenth of the current expenses of the government marched from Cabul. in sliver. Over \$30,678,000 a Times special says: Contract-ors have been paying workmen silver, which, with the amount culation as to cause some of the

most extreme allver advocates to

wood. declaring that there is no nece for its actual circulation; it says No one even asked to have the THE TAX OASE. DECISION OF CHIEF INSTICE IIIN TER

> Sutherland V8

composed of their bitterest ene-miss! There is no chance for them Crismon et al. count of the five per cent. redemp Thank God! But stop a moment, there is still a difficulty in the way; that is, the little matter of evidence, which is generally considered an essential to a trial by jury. The Eureka the opinion of the Court states: statutory requisitions inlended for the guide of officers in the conthem, ed by an anonymous letter, post-

marked San Francisco, August 3d, recently received, in which the writer describes where the clothes and pocket book were burled, and were received from other states during the past summer.

Yellow Fever.

MEMPHIS, S - Eight cases to-day, seven white and one colored, were reported to the board of health this The power of the officer in all such cases is limited by the manner and morning. Five interments have conditions prescribed for its exerbeen reported since last night. Eleven cases to-day. Eight Applying the rule as thus laid down, and which s) far as this Court fis concerned, establishes the law, to the case now under leaths have occurred.

and there is only one case at all serious; and in this a change for bet-New York, 8 .- Jesus Altaremira-

sections of the revenue law of this territory, which are the directory and which the mandatory provis-ions thereof; which are designed to secure order, system and dispatch in proceedings; and which are in-tended for the protection of the ci-tizen. ; When by this mode the distinctive qualities of the various provisions are reached, there will be no vary great difficulty in arrivte no very great difficulty in arriv- bad m

For the purpose of this de cision only such provisions of the he referred to. Such as are direc-

the election. In Auburn, the republican legis-iative ticket is declared cafe. In Lewiston both parties claim the legislative ticket. In Belfast, the republicans are shead, and will probably win by a e, at least so far as the state of m are concerned.

Bec. 2 of the act requires that all taxable property shall be assessed at a fair cash value. The purpose of this requirement must be, to bring small majority. CIIII

ments or provisions of the statute It is reported at Simla that three had been fully complied with-nor law, his seizure would have been of the mutineers regiments have that a general compliance had been valid, if otherwise, the law had had-but that each step specifical- been complied with and the tax In official circles Ayub Khan and other chiefs are suspected of complicity in the outbreak. The British mission to Afghaniasilver, which, with the amount paid out by government, has put such an abundance of silver in cir-commanding the escort consisting commanding the escort, consisting do this he must plead in extenso, of 26 cavalry and 50 infantry, and so as to show that the mandatory

a sepoy guard of troops of the em. provisions have been complied with bassy, were lodged in two houses in the city, joined by a quadrangle. The houses were spacious, but un-be able to prove all that he pleads. fortunately, chiefly constructed of A failure to do the one, subjects his complaint to a successful demurrer, and of the other, his case to be a failure of recovery. And it is necessary that the same regularity should be observed in an answer wherein the defendant attempts to set up that his acts, whatever they wers, were performed as an officer, and under and in pursuance of a

In this case I do not think the Mr. Justice Field in French vs defendants answer] ets up as a matdwards 13 Wall. 511 in delivering ter of defence the various statutary provisions under which he seeks to "There are undoubtedly many shelter himself, in that full and perfect manner it is necessary for him to do, and that therefore as to duct of business devolved upon such parts of his answer to which them, which do not limit their the demurrer is directed in that regard, the demurrer is sustained.

power or render its exercise in dis-regard of the requisitions, ineffect-As to that branch of the case ual. Such generally are regulations wherein it is claimed by counsel for plaint iff, that the tax law is designed to secare order, system, and dispatch in proceedings, and invalid, or that a tax assessed by a disregard of which the rights of parties interested cannot be in-vidious and pernicious effect of the ariously affected. Provisions of enforced construction put upon it this character are not usually re- by the officer, and of the manner in sarded as mandatory unless accomwhich taxes have been remitted, anial by negative words import-I have to say:

ing that the acts required shall not be done in any other manner or I do not think there can be any doubt that this section on its face intended only that the county court should remit taxes when in time than that designated. But when the requisitions prescribed court should remit taxes when in are intended for the protection of its judgment they were erroneously the citizen, and to prevent a pacriassessed. The more fact that each fice of his property, and by a disc-gard of which his right might be and generally would be injuriously affected, they are not directory but mandatory. They must be follow-ed or the acts done will be invalid. Court to some supervisory board or render it vicious. Like provisions handsome full rosewood cases, with exist, I undertake to say, in nearly solid rosewood mouldings; and all the every law in the Union pertaining latest improvements. I guarantee to revenue, if not to the county them to be strong and durable, to

stand long in tune, and to give perfect The fact that it has been universally continued by the territorial officers, so far as to make it invidi-Send for catalogues, or call and see these wonderful cheap pianos at

ous cannot determine the judgment of this court, or that there has been an invidions enforcement so notorious as to be common knowledge or information. The mere assump tion of a right to do a thing, by an officer, claiming to act under a law, and to such manner as may be breed construction of the law, no matter how long pursued does no affect the validity of the law. It would be equally unjust on the part of the court to declare a law void, which on its face was deemed valid, on the ground that it had been used perniciously by had men to the furtherance of their men to so use it.

STYLE 1 .- Five octave, 2 full set eeds, 9 stops, walnut case, of new and The Court cannot presume that autiful design, with extended top, there ever was a time, even in this Territory, when it was not possible ebonized pilasters, artistically traced for this court to protect the citizen in his rights, and during all the years referred to by counsel within which the unjust construction was and elegantly gilded lines, ivory keys, for \$60; other styles, with 2 full sets reeds, at \$51, \$56, \$75, according to style

Bec. 2 of the act requires that all tarable property shall be assessed at a fair cash salue. The purpose of this requirement must be, to bring all property up on an equality of taration, and as is said by Man-ning Judge, in Clark w. Chane, 5 Mich. p. 153. "There cannot be as the counsel have advanced. If the requirement be assessed by the local authorities, these who that themselves aggrieved had their remedy. I cannot now hold the therefore that it is a nullity, basing upon such opinion such reasoning Mich. p. 153. "There cannot be as the counsel have advanced. If CHAPEL OBGAN, STYLE 5 .-Five octave, 9 stops, handsome walnut case, back finished same as front, \$75;

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