

ent. Since the Czar's return from Moscow, fresh precautions are being taken for his safety. No one is allowed to know 24 hours in advance what the Czar's movements will be. The police are in active communication with the Vienna, Berlin and Paris police.

LONDON, 3.—An English cabinet council, suddenly summoned, met today. It has not transpired what was the purpose of the hasty meeting.

The *Daily News* this morning says France maintains its attitude of resistance against England's proposal for a single commissioner to be nominated by the Khedive, and who shall undertake the joint control of the Egyptian debt. France has never varied from the position that the joint control still exists, and can only be broken by the mutual consent of the two powers which established it.

The *Times* Berlin special says: Dufferin's mission to Egypt has doubted Bismarck's confidence of a fair and peaceful settlement of Egyptian affairs.

St. Petersburg, 3.—*Golos* considers Egypt will become a British Mediterranean colony, the same as Tunis will become a French colony; that the transformation of the Mediterranean is bad for the powers who failed to make the Egyptian question an international one.

Cairo, 3.—At the trial of Arabi Pasha the books of the railway will be produced in evidence for the purpose of proving Raouf Pasha, president of the court martial, and Ismail Pasha, president of a preliminary court, with other persons, went to Kafr el Dwar to inaugurate works of defence, with rejoicing and gratification at the prospect of success. Arabi has always protested that his judges were accomplices.

Vienna, 3.—There was a riotous demonstration of a serious character here to-day. Three hundred members of the Shoemakers' Union, which the authorities dissolved a few days ago, gathered in High street, shouting "We must have blood!" "We must have a blaze!" The police were badly used and several wounded. The troops dispersed the mob.

Mecca, 3.—The Cholera has reached Jeddah.

The King of Corea issued an edict declaring the disorders in his dominion were evidently due to his own mal-administration of government affairs, and ordering that the insurgents who have been captured be released. This step has been taken by the king for the purpose of assuring the allegiance of his subjects to himself if the governments of China or Japan should renew their attempts to annex Corea.

Tucson, 2.—A *Star* special from Guaymas, Mexico, of the 2nd says: The Governor left this city on the 28th ult. His troops were marched to the depot to go to Hermosillo, but revolted and surrendered their arms to Col. Garcia, commander of the Federal troops. He then left on a special train with only 32 men out of 140. Members of the legislature and his employees before his arrival at Hermosillo, state that the troops in the city all surrendered their arms to Gen. Reyes on his arrival. His escort of 32 men did the same. Gen. Reyes gave an escort to the Governor to protect him from the populace from the station to his residence. The populace appeared indignant with him, and he was greeted with "Death to the Governor!" "Down with the tyrant!" Public indignation appeared the same on the following days. He asked from the legislature leave of absence for three months, which was granted. On the evening of the 29th he was attacked by the populace in his house, endeavoring to break in. Gen. Reyes was compelled to send Federal troops to quell the mob and save his life. The city authorities were perfectly powerless to protect him. He promised to leave the State immediately, and next day he left on a special train with a guard given by Gen. Reyes to protect him from insults and attempts at assassination. He was accompanied by some members of the legislature and the Prefect from Guaymas. All is now peace and quiet. Business, which for some days had been paralyzed, is reviving.

Laredo, 3.—A band of hostile Indians, numbering about 50, made a raid on a ranch near the town of Hualachexa, Mexico, last night, seizing some 15 or 20 persons and capturing a lot of stock; then made good their escape.

Cairo, 4.—The Khedive has ordered indiscriminate arrests in the provinces of the discontented. A

large number of respectable persons now in prison will soon be liberated. Ragheb Bey, the medium of communication between the Sultan and Arabi Pasha, has been brought before the commission. He will be summoned for the defence at the trial.

Alexandria, 4.—Said Pasha has formed five companies of 110 men each, he proposes to organize a squadron of 150 mounted police for duty in the suburbs. He is completing arrangements for the organization of a strong body of police for the whole country. The British have fixed on seven military stations to be connected by telephone.

Berlin, 4.—The Duke of Aosta has betrothed the Princess Theresa, of Bavaria, and the Duke of Genoa has betrothed the Princess Isabella. Both ladies are cousins to the King of Bavaria.

Madrid, 4.—It is stated that government, although persisting in its decision not to deliver the Cuban refugees to the British, have resolved to institute an inquiry into the circumstances of their capture.

Tunis, 4.—China has protested in such violent terms against the French expedition to Tonkin, that Duclerg will not reply to the protest. The submarine cable conference was brought to a close. Questions of the liabilities of jurisdiction have been settled for the best general interest. Thirty-two delegates signed the protocol.

St. Petersburg, 4.—Persian authorities, alarmed at Russia moving her military station, have transferred the naval and military station nearer the Persian frontier, or from Ashutida to the River Karasias, from whence Astarabad is only a short distance.

Irish members of Parliament have selected Kenny, resident of Manchester, as a candidate for Ennis.

The *Daily News* says: The Cuban refugee question raises the question of national honor. That the English government must endeavor by firm resistance to induce Spain to alter her determination not to surrender the refugees, but on severer remonstrances being needed force will be employed.

MORE GUBERNATORIAL APPOINTMENTS.

Governor Murray has issued the following proclamation, making more appointments to positions properly in the gift of the people:

TERRITORY OF UTAH,
Executive Office,
Salt Lake City.

To all whom it may concern: Know ye, that by virtue of authority in me vested, I, Eli H. Murray, Governor of said Territory, do appoint:

MORGAN COUNTY.

A. D. Shurtliff to be probate judge of Morgan County.
N. O. Hansen to be county clerk of Morgan County.
Ole Gaarder, Jr., Thomas Walker and Jacob Bowman to be selectmen of Morgan County.
Frederick Kingston to be prosecuting attorney of Morgan County.
A. Peterson to be assessor and collector of Morgan County.
Edward W. Hunter to be surveyor of Morgan County.
Conrad Smith to be justice of the peace of Morgan precinct, Morgan County.
James H. Murphy to be constable of Morgan precinct, Morgan County.
Leonidas Clark to be justice of the peace of Peterson precinct, Morgan County.
John Green to be constable of Peterson precinct, Morgan County.
Frederick Clark to be justice of the peace of Canyon Creek precinct, Morgan County.
William Dickson to be constable of Canyon Creek precinct, Morgan County.
Henry Toome to be justice of the peace of Croydon precinct, Morgan County.
Jacob Mole to be constable of Croydon precinct, Morgan County.

UINTAH COUNTY.

Isaac Burton, Sen., to be probate judge of Uintah County.
G. W. Crouch to be county clerk of Uintah County.
William Ashton to be assessor and collector of Uintah County.
Pardon Dodge to be prosecuting attorney of Uintah County.
J. N. Russell to be sheriff of Uintah County.
Wm. C. Britt to be justice of the peace of Ashley precinct, Uintah County.

SALT LAKE COUNTY.

J. B. Griffin to be constable of Bingham precinct, Salt Lake County.

CACHE COUNTY.

Thomas Rowland to be assessor and collector of Cache County.

TOOELE COUNTY.

Theodore Burmeister to be prosecuting attorney of Tooele County.

UTAH COUNTY.

James McBeth to be selectman of Utah County.

BOX ELDER COUNTY.

Elias Wright to be county clerk of Box Elder County.
J. W. Guthrie to be mayor of Corinne City, Box Elder County.

SUMMIT COUNTY.

Thomas Cupit to be justice of the peace of Park City Precinct, Summit County.
James R. Lane to be constable of Park City Precinct, Summit County.

BEAVER COUNTY.

J. H. Dupax to be Justice of the Peace of Minersville Precinct, Beaver County.
Said appointees to hold the said offices for the term required by law, and they are hereby requested and directed to at once proceed to qualify as required by law, and upon forwarding to the Secretary of the Territory evidence of said qualification the commissions for said several offices will be issued to the said appointees respectively.

In testimony whereof I have hereunto set my hand and caused the Great Seal of the Territory to be affixed. Done [SEAL] at Salt Lake City, Utah, the Twentieth day of October, A. D., 1882.

ELI H. MURRAY, Governor.
By the Governor:
ARTHUR L. THOMAS,
Secretary of the Territory.

JUDGE EMERSON'S DECISION.

FULL TEXT OF THE RULING IN THE OGDEN MANDAMUS CASE.

The following is the full text of the decision of Judge Emerson, given on Monday in the First District Court in the Mandamus case of J. N. Kimball vs. F. D. Richards, as it appears in the *Ogden Herald* and reported by James Taylor, Esq.:

In this mandamus case I gave such investigation as I have had time. I looked over such authorities as I could reach, both here and in Salt Lake City, and will give a decision, this morning, without very extensive reasons. I have written no opinion upon the case. I have had no idea but what it would be appealed. Then would be the time to write an opinion. As the members of the bar who practice before me know, it is very seldom that I write an opinion.

The first point raised, aside from the point decided by the argument, which may not be mentioned here, is the demurrer, and it is a point to which I have given perhaps as much attention as any, and that is whether this was the remedy or not; whether this was the proper remedy. For these things, of course, you are all familiar with the statute upon relation to mandamus. It may be issued by any court in this Territory except Justices, to compel the performance of an act which the law specially designs as a duty, resulting from an office, trust, or station or to compel the admission of the party to the use and enjoyment of a right or office to which he is entitled, and from which he is unlawfully kept by such tribunal, bar, or person. And this writ shall be issued in all cases where there is not an adequate remedy in the ordinary course of the law.

I do not know now, not having given the question thought enough, what force should be given to the latter clause of that section: "or compel the admission to the use of an office to which the party is entitled and from which he is unlawfully kept by any board or corporation." In my view it is not necessary to give my construction upon the latter clause of said section; although it does seem to me that it would vary somewhat from the common-law use and force of any law on mandamus; that is it goes further.

While I may state that the general rule is that ordinarily it is not to be used to try the title to an office, but this is where there is some fact in dispute, it can be used to settle a contested election, though it cannot be used where there must be a trial. But in the case before me, in the case submitted, there is nothing to decide except a question of law. All the Court has to do is to construe the statute and tell what the law is and what the authorities are. Of course, it was thought that it could not be used where the right is doubtful. Perhaps we cannot say that the law is doubtful, because the law is safe. It is certain that it simply rests upon the Court to give expression to the law and to state what the law is. And this is all there is to do in this case.

There is nothing set up in the case that requires the trial of any facts, but all depends upon the construction that is to be given to certain statutes: the statute of the Territory in relation to holding over, and what is known as the Hoar amendment. I dismiss these and give it as my opinion that in this case mandamus is the proper remedy.

I have looked over the demurrer carefully and the answer raises no issue. There is no material issue raised in any way in the answer, but it is not necessary for me to determine what force shall be given to the al-

legation in the complaint that the person now holding the office is a polygamist. At any rate the answer does not raise any issue upon that point. The answer says that since 1862 he has never married another woman and is not a polygamist under the purview of any statutory law of the Territory. The answer raises no issue upon the complaint and there is no issue raised in the answer to any other allegation in the complaint.

The relator in this case has set forth his repeated efforts to file his bond and oath of office. His bond was drawn as in compliance with the statute, and the oath of office was attached, and some five or six repeated visits made to the residence of the County Treasurer with whom the bond was to be filed. He states that he could not find the officer, who was away from home; that he made repeated inquiries among other County officers, and the same answer was given. Upon the last visit he then left the bond with the oath of office with the wife of the Treasurer, stating to her what it was, and asking her to deliver it to him; and she stated that it was her custom to deliver official papers to him and that she would deliver them upon his return. The allegation is that he returned on the 23rd of September, and that he has returned no answer in relation to it, and that the bond and oath of office were still in his (the Treasurer's) possession as far as he knew. This amounts to a compliance with the statute, and all that was necessary for him to do, and the last day of his return was some days before the proceedings commenced, and the only answer of denial is that he did not return until the 29th. Of course, it is not material.

Upon the whole view of the case I have determined to grant the peremptory writ for the remedy and demanding delivery of such articles as are mentioned in the petition.

Of course, now, I have simply, briefly, and summarily given my views without going into any argument.

After the announcement of the decision defendant made application for an appeal and stay of proceedings. At two o'clock p. m. the court met to hear arguments. Arthur Brown, Judge R. K. Williams and Judge Harkness argued the case for the defendant, and Kimball & Heywood for complainant; at the close of which the Court granted the application and fixed the bonds at \$2,000, cost of suit \$200.

ANNIVERSARY PARTY.

AN AGREEABLE GATHERING AT THE GARGO HOUSE.

The seventy-fourth anniversary of the birthday of President John Taylor, November 1st, was made the occasion of a very pleasant social gathering at the Gargo House, last evening. The guests numbered about one hundred, and with the exception of Presidents George Q. Cannon and Joseph F. Smith, and their wives, were mainly members of President Taylor's family—children, grandchildren and other relatives.

A bounteous supper was served at six o'clock, the grown guests filling the long dining table while the little children formed a pleasing picture as they sat at the second table. After the repast the company engaged in pleasant social conversation and were regaled with delightful singing and music from the piano. Everything passed off in the most agreeable manner and many were the heartfelt wishes of long life and happiness to our esteemed and respected President.

KILLED BY A CAVE.

JAMES MCNEIL IS SUDDENLY CALLED TO HIS LAST ACCOUNT.

The following special dispatch was received this morning from Silver City, Tintic, Utah:

James McNeil, a miner, was killed about 12 o'clock last night, by a cave in the Crimon Mammoth mine. He was caught by the falling timbers and killed instantly. He came from Colorado last month, and has a partner named Fitzgerald, at Frisco. There is nothing to show where McNeil is from, but his fellow miners think he is from Pennsylvania. A coffin has been ordered from Salt Lake, and a coroner summoned.

RESTORATION TO SIGHT.

THE DEAF MADE TO HEAR—NOW IS THEIR OPPORTUNITY.

Dr. J. W. Culbertson, who is now stopping at the Continental Hotel, has gained a wide reputation for his skill in treating diseases of the eye and ear. Yesterday he performed several successful operations in this city, and will remain here some days, and can be consulted at his rooms in the Continental Hotel. When Dr. J. W. Culbertson, oculist, aurist and surgeon, of Indianapolis, Ind., was here last year, he made some permanent cures in his specialty, among them that of Miss Amanda Brown, of Centerville, for cataract, who now sees to read, although blind for many years; Mr. Gilbert Belknap's son, nearly blind, of Hooper City; Miss Stewart, of Pleasant Grove, was cured of granulated lids, was nearly blind; Mr. Desire Dulouch was cured of deafness; Orlof Rose's son, of Morgan, deaf and dumb from birth, now hears and is learning to talk, speaks some words distinctly. These are only some of the cures, as he has cured club feet, spinal curvature, piles, catarrh and many cases of cross eyes, which entitle him to the highest consideration by those needing his service. The Doctor has made quite a number of delicate operations in the last few days, among them one on Mr. Chas. Blackwell, of Morgan, blind fifteen years and now sees, says his wife has become gray since he last saw her; an operation on a son of Mr. J. McFarland, 13 years old, born blind, sees objects, but will have to learn to name them by their appearance, like a child; also on Mr. Thos. Rich, for cataract, and Mr. Wolf, of Frisco, for a growth on the eye, and many others of our best citizens of different troubles of sight, hearing, etc.

de&w 1t

Send to the "Deseret News Office" for Warrants, Quit Claim and Mining Deeds, Mortgages and all kinds of Legal Blanks.

SHEEP! SHEEP!!

Thoroughbred Merino Rams and Ewes, also some fine grade Bucks, for sale cheap. Enquire of Alma Pratt, two miles south of Temple Block, Salt Lake City.

Dr. Lasper recommends Kendall's Spavin Cure in the highest terms, and thousands of eminent physicians do the same. See advt.

"Utah and Its People," for Sale at the "Deseret News Office," 25 Cents a Copy.

EDWARDS' LIGHTNING JUMP-SEAT BUGGIES.

Avery combined Gang and Sulky Plows, the J. I. Case Plow Co.'s Sulky and Walking Plows; Fish Bros. & Co.'s world-renowned Four Spring Mountain Wagons; Kelly Steel Barb Fence Wire.

John W. Lowell will receive a large supply of above goods during the next ten days, and intending purchasers will find it to their interest to call and examine his stock before purchasing elsewhere. daw

Simplest in Construction.

Most substantially made and not liable to get out of order, are the Aultman-Taylor and Kingsland-Ferguson Vibrators, the best Threshers ever brought to this country.

SW & W

County Licenses, Applications and Bonds, for Sale at the "Deseret News Office."

WHOLESALE PRODUCE LIST

List of Buying Prices of Produce in the Salt Lake Market, corrected Semi-Weekly for the DESERET EVENING NEWS, by Z. C. M. I. and others:—

Wheat, Old.....	\$0 @ 55cts. #bushel.
Wheat, New.....	55 cents #bushel.
Cats.....	\$1.85 # 100 lbs.
Barley, New.....	1.40 " "
Shelled Corn.....	1.50 " "
Flour, XXXX.....	2.75 " "
" XXX.....	2.50 " "
" XX.....	2.20 " "
Bran.....	1.00 " "
Shorts.....	1.10 " "
Butter.....	32 " pound.
Eggs.....	32 " doz.
Beef on foot.....	33-4
Mutton, dressed.....	8 1/2 to 6c. p. lb.
Pork.....	9 @ 10cts. "
Wool.....	14 to 15c. p. lb.
Hides, Dry Flint.....	10 " 14-12, "
" Salted.....	9 " 12-12, "
" Green.....	4 " 6c. "