

FIRST DISTRICT COURT.

A Long List of Cases Under the Edmunds Law.

The following business was transacted in the First District Court at Ogden on Friday, Dec. 21:

U. S. vs. Wm. F. Rigby, unlawful cohabitation; plea of guilty and sentence of six months' imprisonment.

U. S. vs. A. W. Stratford, unlawful cohabitation; sentenced to pay a fine of \$100 and imprisonment for six months.

U. S. vs. John L. Anderson, unlawful cohabitation; sentenced to imprisonment for three months.

U. S. vs. James Christensen, unlawful cohabitation; sentenced to imprisonment for three months.

U. S. vs. Lars Larsen, unlawful cohabitation; sentenced to pay a fine of \$50 and to imprisonment for six months.

U. S. vs. Peter Bensen, unlawful cohabitation; sentenced to imprisonment for six months and to pay a fine of \$100.

In the foregoing cases the date of the last marriage and the age of the youngest child by the plural wife, were taken into consideration by the court, as extenuating circumstances, which fact accounts for the difference in the sentences.

U. S. vs. John Berge, polygamy; sentenced to three years in the penitentiary. In this case a notice of appeal was given, and the court, after carefully considering the matter, denied bail for the defendant, pending its hearing by the supreme court of the Territory, and he was placed in charge of the U. S. marshal.

U. S. vs. Frank Durly, unlawful cohabitation; the defendant had nothing to say why sentence should not be passed and he was sentenced to imprisonment for six months and to pay a fine of \$300 and costs.

U. S. vs. William Williams, unlawful cohabitation; arraigned and plea of guilty entered; January 14th set as date of sentence.

U. S. vs. Henry Stander, unlawful cohabitation; pleaded guilty and first day of next term set as date of sentence.

U. S. vs. Andrew Anderson, unlawful cohabitation; pleaded not guilty.

U. S. vs. Wm. Griffin, defendant will be sentenced for unlawful cohabitation and polygamy, on Jan. 14th.

U. S. vs. Girard Johnson, unlawful cohabitation; defendant will be arraigned on Jan. 14.

U. S. vs. Henry Stander, adultery, defendant arraigned and took statutory time to plead. The bonds in this case were fixed at \$1,500.

James Iverson vs. E. R. Hadley; motion to dismiss injunction sustained.

James Allen vs. William Johnson; motion to recall and quash execution heard and denied.

On Saturday the following business was attended to:

J. J. Kelly vs. A. J. Kershaw; motion of plaintiff to set aside sale, overruled, and an order entered directing the marshal to make his return.

F. J. Hart vs. E. T. Marshall; order overruling motion to set aside former order sustained.

U. S. vs. Axel Christensen; indicted for unlawful cohabitation and adultery; given till Jan. 14th to plead.

U. S. vs. James Hansen; unlawful cohabitation; given till Jan. 14th to plead.

U. S. vs. Charles John; unlawful cohabitation; plea of not guilty.

U. S. vs. Jonah Evans; unlawful cohabitation; plea of not guilty.

The accounts of the district attorney were approved.

Court adjourned to Jan. 14th, 1888.

IN FARRELL'S FAVOR.

The Weber County Treasurership Given to the "Liberal."

On Saturday night, December 24th, 1887, in the First District Court, Judge Henderson gave a decision in the case of Wm. Farrell vs. James Pingree, which he had under advisement for considerable time. The matter involved is the title to the office of treasurer of Weber County. At the next election after the passage of the law of 1886, quoted in the judge's decision, Mr. Pingree was elected to the office of county treasurer for two years. His predecessor had been elected three years before for a four years term, and the law of 1886 reduced the term of office of county treasurer to two years. The office was surrendered to Mr. Pingree, and one year later Mr. Farrell received a number of votes for the office, there being none cast for any other candidate. He instituted proceedings against the present incumbent, and claimed the office on the ground that the act of the Legislature could not affect an existing term, and therefore there was no vacancy at the time Mr. Pingree was elected, nor until a year afterward. Mr. Pingree claimed that the act went into immediate effect and that his election was proper. The facts in the case were not disputed and the question of law as to whether or not the act of 1886 operated to shorten the terms of officers previously elected was submitted in the First District Court, and was decided in the negative by the judge, in the following opinion:

FIRST DISTRICT COURT, UTAH TERRITORY,
WILLIAM FARRELL, Plaintiff,
vs.
JAMES PINGREE, Defendant.

In this cause the facts are stipulated, and

the only question involved in the case is as to whether the amendatory statute of 1886, laws of 1886, page 51, amending section 212 of the compiled laws of 1870, so changes the law that it acts upon and terminates the office of county treasurer already begun at the time the amendatory statute was passed. The section of the compiled laws above referred to, and before the amendment, reads as follows:

"SEC. 212.—The Treasurer shall be elected by the qualified electors of their respective counties at the time of the general election of the Territory, whose term of office shall be four years, and until his successor shall be elected and qualified."

The statute of 1886 is as follows:

"SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Section 212, compiled laws of Utah, is hereby amended by striking out the word 'four' in the fourth line of said section, and substituting the word 'two' in lieu thereof."

The plaintiff contends that this amendment only related to terms of office commencing after the expiration of the terms then already begun, while the defendant contends that it operated at once and terminated the terms of office already begun at the end of two years from the time of their election. And this is the whole contention.

I have been referred to a great number of cases upon the subject of the construction of various statutes. The limited time allowed me does not permit of such an investigation as I should like to make; but the authorities referred to establish some rules for the construction of statutes. In the first place, there is no doubt but that the legislature have the right to change the term of an office at any time when the office is purely a legislative one. The only question in this case is: Did it intend to do so? A well settled rule of construction of statutes is, that they should not be given a retrospective effect unless the intention is clearly and explicitly manifested in the act itself. Before the passage of this amendatory statute the people of Weber County pursuant to law, designated their treasurer for the term of four years. The amendatory statute, without any explanation or statement as to its effect, simply amended the old law by striking out four years and inserting in lieu thereof two years. I cannot believe that it was the intention of the legislature to annul and set aside the action of the electors, but that they rather intended that when the terms of office already commenced should expire, that all future terms should be for two years. Cooley's Constitutional Limitations, page 456. The People vs. Haskell, 5th California, 337.

I think that the authorities fairly establish this as the proper construction of this statute. In March last an act was passed by the Congress of the United States. And in that act it was provided as follows:

"SEC. 10. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof, shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the legislative assembly, are hereby disapproved and annulled."

Here was an express declaration that from and after the passage of that act the President should appoint the various judges of probate, and it further repealed the laws of the Territory providing for their election. This statute, as is generally known, has been construed to apply to the terms of office to commence after the expiration of the terms which had begun at the time the act was passed. The attorney-general of the United States so advised the President as to the construction of this law. In the California case above referred to, the court expressly recognized the right of the legislature to change the term and tenure of a legislative office, but they found and held that the act under consideration did not attempt to do so, upon the principle of construction above referred to, that laws should not be given a retrospective effect without an express declaration to that effect.

I am of opinion that the amendment of 1886 only operated upon terms of office, to be begun in the future; and that therefore there was a vacancy in the office at the time that the plaintiff was elected; and that he is legally elected treasurer of the county. A judgment should be entered to that effect.

U. S. vs. HENDERSON.

A Card of Thanks.

It is with a deep sense of gratitude we acknowledge the following gifts from genuine friends of the Deseret Hospital, who express their sympathy with the afflicted and needy in a most substantial manner: A one hundred dollar draft on the Union National Bank from the Walker Brothers; two gallons of wine and a gallon of whisky from Godbe, Pitts & Co.; ten dollars from White & Sons, and an immense demijohn of excellent egg-nog from Auer & Murphy.

Many happy and prosperous New Years to you all.

DR. ROUMANIA B. PRATT,
House Physician, Deseret Hospital.
December 27, 1887.

THE CARPET MUST GO.—"The carpet is destined to go," was the recent comment of an upholsterer, "and sanitary science will accomplish it. It has long been acknowledged that carpets harbor dust, musty odors and the poisons of such diseases as smallpox, diphtheria and scarlet fever. Oiled floors are the proper things, and are readily cleaned, as the oil becomes incorporated with the wood and makes a hard finish, becoming oxidized by contact with the air. Wherever coverings of any kind are necessary, for lessening sound, etc., rugs and mats can be used, and they have a pleasing, home like look. The dust and insect nuisance gives place to cleanliness, and sunlight is not excluded for fear of fading the carpets."—Philadelphia Call.

It is said that in an altercation at Cartersville, M. T. Sunday night, a man named Palmeter, either with a rock or knife, so cut over the eye J. A. Burton, formerly a soldier at Fort Shaw, that it is thought he will die.

An Electric Type-Writer.

There is considerable talk in the Patent Office just now concerning an invention patented recently, which, in the opinion of some, will be a formidable rival of the telephone. Mr. Bell's monopoly. The invention is an electric type-writer. The instrument in appearance somewhat resembles an ordinary mechanical type-writer. It has a key-board, and the types are placed on steel bars, which play upon a common center, as is the case with the type-writer. The motive power used is electricity, by means of which eyness of action is assured. No matter how heavily or how lightly the keys are struck the impression on the paper is the same. A remarkable feature of the invention used as a type-writer is that the carriage moves automatically both forward and backward. When the end of the line is reached the carriage returns to the starting point without the aid of the operator and the paper bar removes one notch, so that all that is required of the operator is to depress the keys. The most important field for the new invention is said to be in connection with the telegraph. It is said that the Patent Office that the instrument can be used both as a transmitter and receiver over a single wire, no matter how great the distance may be. The receiving instrument does not require the attendance of an operator, but prints the dispatch automatically. The instruments at both ends of the line print the dispatch sent, and a safeguard against mistakes is provided. It is claimed that the electric type-writer will be valuable as a local aid to business, and offers many advantages over the telephone.

A Reliable Establishment.

The undertaking establishment of Joseph E. Taylor, ably conducted by his son E. T., is undoubtedly one of the most complete establishments of the kind in the west. It is never taken at a loss no matter what the character or extent of the order, and as an evidence of its popularity and reliability it daily receives and fills orders outside of the Territory, while it is a standard house inside of it.



Unfailing Specific for Liver Disease.

SYMPTOMS. Bitter or bad taste in mouth; tongue coated white or covered with a brown fur; pain in the back, sides, or joints—often mistaken for Rheumatism; sour stomach; loss of appetite; sometimes nausea and water-brush; or indigestion; flatulency and acid eructations; bowels alternately constipated and lax; headache; loss of memory, with a painful sensation of having failed to do something which ought to have been done; debility; low spirits; a thick, yellow appearance of the skin and eyes; a dry cough; fever; restlessness; the urine is scanty and high colored, and it allowed to stand, deposits a sediment.

SIMMONS LIVER REGULATOR

(PURELY VEGETABLE)
Is generally used in the South to arouse the Torpid Liver to a healthy action.

It acts with extraordinary efficacy on the

LIVER, KIDNEYS, AND BOWELS.

An Effective Specific for
Malaria, Bowel Complaints,
Dyspepsia, Sick Headache,
Constipation, Biliousness,
Kidney Affections, Jaundice,
Mental Depression, Colic.

Universally admitted to be

THE BEST FAMILY MEDICINE

for Children, for Adults, and for the Aged.

J. H. ZEILIN & CO., PHILADELPHIA, PA.
d & w (1)

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One dark brown BULL, about 5 years old, illegible brand on left shoulder.
If the above described animal is not claimed and taken away, within 10 days from date, it will be sold to the highest bidder at the estray pound, Lehi, at 1 o'clock p. m., Tuesday, January 3rd, 1888.
MICHAEL VAUGHAN,
Foundkeeper.
Lehi, Utah Co., Dec. 23, 1887.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One red and white spotted COW, brand resembling "X" on left side, and J M on left hip, both ears red, and salt in left ear.
If the above described animal is not claimed and taken away on or before January 6th, 1888, it will be sold at public auction, at the City estray pound, Washington Square, to the highest responsible bidder, at 2 o'clock p. m.
M. SHELMEIDINE,
City Poundkeeper.
Salt Lake City, Dec. 27th, 1887.
d & s w 1

ELY'S CATARRH

Cream Balm
Cleanses the Nasal Passages, Allays pain and Inflammation, Heals the Sores, Restores the Senses of Taste and Smell.



TRY the CURE

A particle is applied into each nostril and is agreeable. Price 50 cents at druggists; by mail, registered, 60 cts. ELY BROTHERS, 235 Greenwich St., New York.

I CURE FITS!

When I say cure I do not mean merely to stop them for a time and then have them return again. I mean a radical cure. I have made the disease of FITS, EPILEPSY or FALLING SICKNESS a life-long enemy. I warrant my remedy to cure the worst cases. Because others have failed to do so, for not only receiving a cure. Send at once for a free trial and a Free Bottle of my infallible remedy. Write to me and I will cure you. DR. H. G. ROOT, 181 Pearl St., N. Y.

LEGAL NOTICE.

In the Probate Court of the County of Salt Lake, Territory of Utah.

In the Matter of the Estate of Mary A. Hooper, deceased.

Order to show cause why Order of Sale of Real Estate should not be made.

L. S. HILLS, THE ADMINISTRATOR of the estate of Mary A. Hooper, deceased, having filed his petition herein, praying for an order of sale of certain Mining Claim of said decedent, for the purposes therein set forth, it is therefore ordered by the Judge of said Court, that all persons interested in the estate of said deceased appear before the said Probate Court, on Thursday, the 29th day of December, 1887, at 11 o'clock in the forenoon of said day, at the Court Room of said Probate Court, at the County Court House, in the City and County of Salt Lake, Utah Territory, to show cause why an order should be granted to the said administrator, to sell so much of the real estate of the said deceased at private sale as shall be necessary, and that a copy of this order be published at least four successive weeks in the DESERET WEEKLY NEWS, a newspaper printed and published in said City and County.

Dated November 25th, 1887.
ELIAS A. SMITH,
Probate Judge.

TERRITORY OF UTAH,
County of Salt Lake.

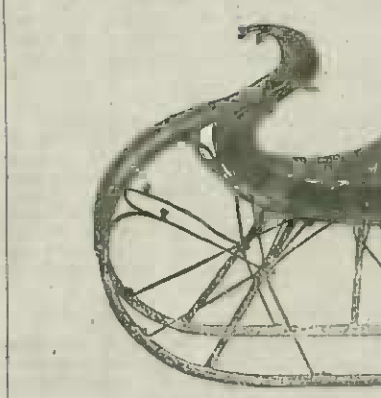
I, John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of Order to show cause in the matter of the Estate of Mary A. Hooper, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 25th day of November, A. D. 1887.

JOHN C. CUTLER,
Probate Clerk.

By J. M. ZANE,
Deputy Clerk.

Wm



SLEIGHS, CUTTERS

AND

PORTLANDERS.

A CAR LOAD CHEAP STEEL GEARED

SWELL-BODY CUTTERS.

ONE CAR LOAD OF CHEAP HICKORY GEARED, NORWAY IRON & STEEL SHO

SWELL-BODY CUTTERS.

WEITH'S BOBS

FOR USE ON BUGGIES AND LIGHT WAGONS.

ONE CAR BOB SLEDS.

The largest invoice ever brought to this city by one house and the LOWEST PRICES ever quoted for cash, or on approved security.

The above described sleighs are all handsomely trimmed, in sleigh plush, car plush, or silk plush and mohair.

Buggies and Spring Wagons, Farm, Freight, Ore and Traveling Wagons.

FINE HARNESS A SPECIALTY.

SOUTH BEND CHILLED PLOWS, WEIR STEEL PLOWS, SULKY PLOWS & HARROWS.

STUDEBAKER BRANCH HOUSE, Salt Lake City, Utah.

WRITE US FOR PRICES.

d