dence concerning the glorious character of her future.

President Joseph F. Smith spoke words of consolation, comfort and instruction to the bereaved husband and family.

At this point, by special request of the family, Sister Lena Savage sang with exquisite taste and pathos, "Come to Me." It had been the delight of Sister Clark, during her long illness, to listen to the sweet singing of this young lady, who had paid her numerous visits to give her that gratification.

President George Q. Cannon spoke of the comforting assurances and knowledge of the future life derived from revealed religion, and of the perpetuation there of the endearing associations formed here under the authority and law of God and applied his remarks to conditions associated with the departure of Sister Clark.

President Woodruff's remarks related chiefly to the felicitous and active condition of the spirits of the righteous dead during the interim between death and the resurrection and their glorious reward when their redemption should be made complete. He also related some views of the future world which he had personally experienced.

Bishop Romney made some appropriate concluding remarks in reference to the faithfulness of the deceased.

The closing prayer was offered by Elder Angus M. Cannon.

The gathering of sympathizing relatives and friends was very large, a number being unable to gain admission to the spacious building

At the cemetery the quartet sang, "Rest," and the dedicatory prayer was offered by Elder Robert Patrick.

FROM FRIDAY'S DAILY, NOVEMBER 5.

Judge Hiles gave his decision today on a motion for a new trial in the case of S Hays vs G. Lavagnine et al, overruling the motion. This case involved the title to the area surrounding the Gladstone and Montreal No. 1 mining claims, situated in the West Mountain mining district, Salt Lake county. The decree of Judge Hiles, rendered last September, was in favor of the defendants when the attorneys for Hays made a motion for a new trial, citing as error that it wasn't shown that the locators of the Gladstone mine discovered a metaliferous vein or lode of rock before making the location.

Refering to this the court says: "If one attempts to locate a mining claim on the public domain before he has discovered a vein or lode or rock in place bearing mineral, and another subsequently discover a lode or vein, and then locates under the laws of the United States and of the State and Mining District where the claim is situated, the latter will get a superior right to the possession as against the former locator." The plaintiffs, in support of their motion, relied upon the case of Erhart vs Beare, 113 U. S., 527, in which case the court held that there must be something beyond a mere guess on the part of the miner to authorize him to make a location which will exclude others from the ground such as the discovery of the presence of precious metals in it, or in such proximity to it as to justify a reasonable belief in their existence. Judge Hiles says that there was subsequent explorations made by the Gladstone locators, by which they discovered a vein. Concluding, the court says: "The location appears from the evidence to be what the Supreme Court of the United States in the case cited called a speculation proceeding which initiates no right.

The Supreme court handed down an opinion today in the case of James H. Bacon, as administrator of the estate of William F. Aulls, deceased, et al, appellants, vs Joseph Thornton, et al, respondents, reversing that portion of the decree and judgment appealed from, and remanding the cause with directions to the court below to grant a new trial.

Justice Bartch delivered the opinion which was concurred in by Chief Justice Zane and District Judge Henry H. Rolapp.

Action in this case was brought by Mr. Bacon and the heirs of William F. Aulls to quiet title in and to an undivided two-thirds interest in the I. X. L. lode and mine located in the West Mountain Mining district, Bingham, Salt Lake County. An accounting from Thornton was also asked for, it being alleged that he took from the mine a large quantity of mineral ores, converting the money derived from the sale thereof, to his own private use.

Thornton made answer denying the allegations set forth in plaintiff's complaint, and by way of cross complaint, made claim for a number of improvements he had made on the property.

The case was tried before Judge Norrell on the 3rd of last June, the court among other things, deciding that the plaintiffs were the owners of the undivided two-thirds interest in the mine, but rendering judgement in favor of Thornton, for the improvements he claimed to have made, in the sum of $1,620, with interest.

The plaintiffs then moved for a new trial which the court overruled and from that order an appeal was taken.

The plaintiffs contended that there was no evidence to support the judgment rendered, a point, the court holds, well taken. The court holds that the evidence did not show whether the work done by Thornton improved or enhanced the value of the mine and further says that it is quite probable that the work might be performed in a mine which damaged rather than benefits it.

Concluding, the court says: "The decree of the trial court, under the evidence appearing in the record, in so far as it awards the defendant Thornton compensation for improvements, and makes the sum awarded a lien on the mine, is erroneous and without effect. The position of counsel, for the respondent, that the appeal was not taken within sixty days from the time of judgment, and that, therefore, this court cannot go behind the findings and judgment and consider the evidence, is without foundation in fact. The record shows that the decree was filed June 29th, 1897, and that the appeal was taken July 28th, following.

"It is also insisted, for the appellants, that the court erred in rendering a personal judgment against the plaintiffs, and we are of the opinion that this point is well taken.

"That the administrator is not personally liable, under any circumstances indicated by the record, is too clear for argument: and there is no evidence to show that the heirs of the deceased received any assets from the estate, except the interest of the mine in question. The heirs are not bound to pay the debts or discharge the obligations of the ancestor, unless they have received property from his estate. If they have received assets from the estate then they are responsible to the extent of their inheritance, but beyond that they are liable neither in law nor in equity. If then a party seeks satisfaction for debts or obligations of the ancestor, from the heirs, the burden is upon him to show that they inherit assets from the ancestor's estate."

"The sufficiency of some of the allegations in the cross-complaint has also been drawn in question, but as the case must be reversed, and as leave may be given to amend, a discussion of this point is not deemed necessary. Nor is it important to discuss any other question raised in the record.

"The portion of the decree and judgment appealed from is reversed, and the cause is remanded, with directions to the court below to grant a new trial, respecting the improvements, and permit the parties to amend their pleadings if they desire to do so."

FROM SATURDAY'S DAILY, NOVEMBER 6.

Mt. Pleasant Pyramid: What came very nearly causing very serious damage occurred a few days ago at the rock school house. It seems that the janitors came about 8 o'clock in the morning to start a fire, and when started left the building. About half-past eight smoke was seen issuing from the roof; shortly flames broke through. A bucket brigade was soon formed and the fire was soon under control, having done but little damage. The fire was caused by the stovepipe being to near the shingles, which caused them to ignite.

Mt. Pleasant Pyramid: By the caving in of a gravel bank one day last week Chris Ericksen, a resident of Chester, was badly bruised, had several bones broken, and was otherwise seriously injured. He was hauling from the bank, which was quite high, and when the cave occurred, was caught under a weight of many tons of the rocks and dirt. When rescued he was found to have had one leg broken in several places, and the leg and shoulder crushed and mangled in an awful manner, besides sustaining other serious injuries. Dr. Morrey was called and dressed the wounds, and reports that his patient will probably get along all right.

State Treasurer Chipman has completed his report for the month of October as follows:

Receipts ..	$18,450 10
Balance on hand Sept 1	23,295 12
Total ..	$41,745 22
Expenditures—	
State warrants redeemed—	
General fund account	$10,594 80
University land account	100 00
State district school fund account ..	878 48
Balance on hand Oct. 31, 1897	30,171 94
Total ..	$41,745 22
Balance in fund Oct. 31—	
State district school fund account ..	$ 6,176 92
General fund account	12,467 23
State school fund account	2 167 26
University land fund accounts	9,360 46
Total	$30,171 24

Deputy Attorney General Benner X. Smith submitted an opinion today to L. H. Eddy, county attorney for Grand county, on the question of the power of county commissioners to lower an assessment made by the assessor after the time for hearing protests had expired. Mr. Smith holds that in view of this fact the conumissioners have no authority to modify or reduce the assessment. The question was whether any relief could be given on account of an assessment of fifty thousand dollars for improvements and machinery upon a certain mining property which was assessed to an unknown owner. Notice of valuation had been served upon an authorized agent for the unknown owner, and no application for a reduction of the assessment was made to the board of equalization, although the property is not worth more than $1,500.

Attorney Smith says the property owner should have made a statement of the kind and valuation of his property. In the absence of such statement.