THE COUNTY COURT.

Justices of the Peace and Their Proposed Removal.

OPINION BY THE COUNTY ATTORNEY.

An Addition to the Previous List of Applicants for Positions Placed on File.

Probate Judge Blair presided over the usual weekly meeting of the county court today, and Selectmen Geddes, Christophersen and Roberts were also in their places.

JUSTICES AND CONSTABLES.

The most important matter presented to the court during the forenoon, and which occupied most of the time up to the noon adjournment, was a report from County Attorney Waldmann in regard to the proposed removal of certain justices of the peace and constables, mentioned in the NEWS a few days ago. The opinion of the county attorney ran as follows:

"In reference to the petition of W. J. Harvey et al for the removal of certain justices of the peace and constables heretofore appointed by this court, and in accordance with your request for an opinion as to the validity of such appointments, and the power of this court over the officers so appointed, to remove them if deemed advisable, I beg leave to report as follows:

"In examining the laws of Congress applicable to this Territory upon the subject of justices of the peace I find the following provisions: Section 1851 of the revised statutes of the United States provides 'Justices of the peace and all general officers in the militia in the several territories shall be elected by the people in such manner as the respective legislatures may provide by law.' Comp. Laws of Utah, 1888, vol. 1, page 59.

"Section 1, of an act of Congress approved April 16, 1886, provides: 'That when from any cause there shall be a vacancy in the office of justice of the peace in any of the territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such territory.

"'Provided, that such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.' Compiled Laws of Utah 1888, vol. 1, p. 32.

"By the above provisions it is clearly shown that justices of the peace are elective except in case where a vacancy occurs, when such vacancy may be filled by appointment until a justice of the peace can be regularly elected as provided by law.

"In examining the Territorial laws upon this subject I find that section 161, Compiled Laws of Utah, 1888, p. 236, provides as follows: 'Each precinct in this Territory shall elect one justice of the peace and one constable, and the same may be increased in any precinct by the county court, whenever they shall deem that the public good requires it.'

"Section 164, following provides that 'Whenever from any cause there shall be a vacancy in the office of justice of the peace in any precinct in this Territory, the county court of the county wherein such precinct is situated is hereby authorized and empowered to fill such vacancy by appointment until the next general election.'

"I am unable to find any law either Congressional or Territorial which empowers a county court to appoint justices of the peace except to fill vacancies until the next general election. While section 161 above cited empowers the county court to increase the number of the justices of the peace in any of the precincts of the county; it also, by implication, authorizes the court to fill by appointment the offices so created, but in the light of the congressional statutes above referred to, which provide that all justices of the peace shall be elected by the people, it is implied that the county court may create the office of an additional justice of the peace in any precinct where they shall deem that the public good requires it, and that the court may fill the vacancy in the office so created by appointment to the office so created shall be filled by election in the same manner as the offices already created by law.

"Any other construction placed upon this statute would bring it in conflict with the laws of Congress and make it inoperative and void upon the well-settled principle that the Territorial Legislature has no power to enact laws in conflict with the laws of Congress.

"A careful consideration of these various statutes leads me to take the position that all of the appointments of justices of the peace, mentioned in said petition, are valid, and the persons therein named, who are acting as additional justices of the peace, have an authority which never to act until their successors shall be elected and qualified as provided by law.

"As to constables who have been appointed, I am of the opinion that section 1852 of the Revised Statutes of the United States, Compiled Laws of Utah, 1888, Vol. 1, page 59, gives the Territorial Legislature authority to provide for the appointment of constables, and that section 161, above cited, can be reasonably construed to authorize the county court to make such appointments, and no term of office being fixed the appointees would hold office during the pleasure of the court."

When the county attorney had finished the reading of his opinion and offered a few complementary explanations, Justices of the Peace Smith, Cole and Harvey, (who with other petitions had attended in response to an invitation from the county court) briefly addressed the board.

Attorneys D. N. Straup and J. H. Hoyt were present to represent the parties directly interested, but the board deferred hearing them and also a discussion of the matter until the afternoon's session.

Attorney Harris presented a petition, numerously and influentially signed by members of the Salt Lake bar asking that he be not removed.

The board is discussing the matter as the NEWS goes to press.

ALL THESE WANT PLACES.

A communication from Road Supervisor McClanahan of district 5, calling attention to repairs urgently needed on a washed out road between East Mill Creek and Holladay's, was referred to the selectmen.

Applications for appointment to the office of superintendent of the county infirmary (with endorsements) were received from Hyrum Cannon, E. H. Bitner, H. N. Dow, and John Muller and ordered filed.

For the post of fish and game commissioner applications were received and filed, from H. A. Heath, Wm. Hughes, Geo. H. Nickerson and A. L. Lewis.

Jos. Dunley and L. Lewis sent in applications for the position of jailer for the joint city and county institution. These were also filed with others that have come in before.

NEW TOWN DEPUTIES.

Fred W. Pope was this afternoon appointed fruit tree inspector for Salt Lake county.

A DOZEN DESERT ENTRIES.

Nearly 1,000 Acres in Township 10 South Filed on by Salt Lake Parties.

The following filings were made in the local land office under date of Jan. 14, 1895:

Charles W. Jackson, of Payson, Utah, desert entry of the southeast quarter of section 32, township 10 south, lots 1 and 2, and the southwest quarter of the northeast quarter and the southeast quarter of the northwest quarter of section 5, township 11 south, range 1 west, containing 320 acres.

Melissa C. Wagoner, of Salt Lake City, desert entry of the east half of the northwest quarter of section 8, the east half of the northwest quarter and the northeast quarter of section 17, township 10 south, range 1 west, containing 320 acres.

Kate Paul, of Salt Lake City, desert entry of the southeast quarter, and the power of this court over the officers so appointed, to remove them if deemed advisable, I beg leave to report as follows:

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Melissa C. Wagoner, of Salt Lake City, desert entry of the east half of the northwest quarter of section 8, the east half of the northwest quarter and the northeast quarter of section 17, township 10 south, range 1 west, containing 320 acres.

Kate Paul, of Salt Lake City, desert entry of the southeast quarter, and the southwest quarter and the southeast quarter of section 17, township 10 south, range 1 west, containing 320 acres.

Wm. J. Smith, of Salt Lake City, desert entry of the southeast quarter of section 31, township 10 south, lots 3 and 4, and southwest quarter of the northwest quarter of section 5, lot 1, section 6, township 11 south, range 1 west, containing 320 acres.

Lewis Wood, of Salt Lake City, desert entry of the south half of the northwest quarter of section 29, the northwest quarter of section 32, and the east half of the northeast quarter of section 31, township 10 south, range 1 west, containing 320 acres.

Warren Paul, of Salt Lake City, desert entry of the southeast half of the southeast quarter of section 23, the southwest quarter and the west half of the northwest quarter of section 24, the northwest quarter of the northwest quarter of section 26, township 10 south, range 1 west, containing 320 acres.

Edgar E. Wood, of Salt Lake City, desert entry of the west half of the southwest quarter of section 19, township 10 south, lots 3 and 4, the northwest quarter of the northeast quarter, the south half of the northeast quarter, the south half of the northwest quarter and the south half of the southeast quarter of section 24, township 10 south, range 1 west, containing 320 acres.

John F. Rice of Salt Lake City, desert entry of the southwest quarter and the west half of the southeast quarter of section 29, township 10 south, range 1 west, containing 240 acres.

Charles M. Wood, of Salt Lake City, desert entry of the northeast quarter of the northeast quarter, the south half of the northeast quarter, the south half of the northwest quarter and the south half of the southeast quarter of section 29, township 10 south, range 1 west, containing 320 acres.

Hiden A. Webber of Salt Lake City, desert entry of west half of the northeast quarter, the southeast quarter of the northwest quarter of section 26, the

THE SUPREME COURT.

Proceedings at the Opening of the January Term this Afternoon.

SEVERAL ADMISSIONS TO THE BAR.

Tribute to the Memory of the Late Capt. Relnstein Smith—A Church Matter, Etc.

The January term of the Territorial Supreme court opened this afternoon at 1:15, all the judges being present, viz.: Chief Justice Merritt, and Associate Justices Bartch, Smith and King. The bar was, as usual, well represented. Clerk Bacon began by reading the minutes of the former session, which were approved and signed.

MOTIONS AND ADMISSIONS.

The following were admitted to practice at the bar of this court: Samuel A. King, of Provo, on motion of James Henderson; Jos. W. Burton, of Illinois, on motion of Attorney P. L. Williams; James F. Conklin, late of the state of New Jersey; and Wm. H. Hall, of Colorado, on motion of Attorney Putnam.

COMMITTEE TO EXAMINE.

Judge Bartch and Attorneys Ogden Hiles and E. B. Critchlow were appointed a committee to examine applicants for admission to the bar.

The application of Robert T. Brisben, of Pennsylvania, (made through Attorney F. J. Dey) was referred to such committee.

IN MEMORIAM.

Attorney David Evans, of Ogden, representing the bar of the Fourth district court, called attention to the recent death of Captain Reinstein Smith, submitted a copy of resolutions expressive of the high esteem in which the deceased was held in his district, and which he asked might be placed upon the minutes of this court. The resolutions also expressed sympathy with the widow and family of the deceased captain, and it was suggested that a copy of the same be engrossed and forwarded to them.

Chief Justice Merritt remarked that this court recognized in the late Captain Smith an able lawyer and an honest man, one who served and deserved the esteem of all his brethren at the bar as well as everybody else who knew him. While his court regretted his death, it heartily endorsed this tribute to his memory.

Judge Smith likewise bore his testimony to the deceased's worth, remarking that he believed every member of the bar who was acquainted with him in his active years knew that the late Captain Smith understood better the proprieties of the legal profession than any prominent lawyer in the Territory, in saying which his honor said he meant no disrespect to any one, the man was a thoroughly able attorney and a most perfect gentleman.

The clerk was directed to spread the resolutions upon the minutes of the court and forward an engrossed copy thereof to the family of the deceased.

EXCEEDING THE ALLOWANCE.

As the last session of the Supreme Court authority was given the new receiver of the late corporation of the Church of Jesus Christ of Latter-day Saints (Colo. Winder) to expend the sum of $1,000 in repairs to the Gardo House. It was stated, however, that the work, which was considerably more than had been anticipated, had cost $3,000.50 in excess of that amount, and this was so stated in a report from the receiver now submitted, with vouchers, by Hon. F. S. Richards, who asked the Court to approve the expenditure.

District Attorney Judd, while not assenting, inasmuch as the Court had previously fixed the sum to be expended, did not oppose the motion. He remarked, however, that the responsibility rested with the Court.

The matter was referred to Clerk Bacon to examine the vouchers, etc., and report to the court.

BROWN'S CONTEMNER.

The hearing of the petition of Attorney Arthur Brown (on the request of Roberts Hache, first being), asking for $1,000 compensation for services rendered the late receiver of the Church of Jesus Christ of Latter-day Saints, was set for the 19th inst.

MOVES TO DISMISS.

Motion to dismiss the case of the United States, appellant, vs. L. A. Scott Elliott, respondent, was filed by Attorney John M. Zane, on behalf of the respondent.

THE MARTHA TURNER CASES.

In the matter of cases of Martha Turner vs. Wells Fargo & Co. and three other local banks, the appellant requested the court to make and file findings.

CASES SET FOR ARGUMENT.

The court then proceeded with the setting of cases from the calendar, published in these columns last Saturday, and this having been accomplished their honors adjourned till Wednesday morning.

From Fifth to Fourth Ward.

The meeting of the Twenty-third quorum of Elders, which was to have been held in the Fifth ward meeting house this (Monday) evening, at 7:30 o'clock, will be held at the Fourth ward meeting house at the hour named. The change was made because of the Fifth ward house being engaged for another meeting.

Home From Tennessee.

Elders Thomas W. Sloan and George S. McAllister returned home yesterday (Monday) afternoon, from Tennessee, where they have been laboring as missionaries for the past twenty-five months. Elder Sloan's field was in East Tennessee, having been appointed to preside over that conference. Elder McAllister traveled in Middle Tennessee. They each enjoyed good health during their absence from home, and express themselves as much pleased with, and grateful for their experiences among the righteous people of the state. They made numerous friends among all classes, were successful in convincing many of the truth of the gospel, as proclaimed by the Latter-day Saints, and are thankful to be able to report that some of the converts had gone to Zion to become members of the Church.

Needless to say, the young men rejoice in being honorably released, and resuming the housing of their Priesthood for their faithful services, and that they can now renew the pleasures of association with family and friends. The NEWS welcomes them home.

CASTORIA

for Infants and Children.

"Castoria has well stood the test of many years, and the mothers of America are its best advocates, rejoicing in its ability to bless their little ones. DR. A. MORSE, N. Y.

"The use of 'Castoria' is so universal and its merits so well known that it seems a work of supererogation to attempt to call attention to its virtues. Yet we do so in the interest of those who do not know how much comfort it can give."

CHARLES SCRIBNER'S SONS, 154 Fifth Ave., New York City.

"Castoria cures Colic, Constipation, Sour Stomach, Diarrhœa, Eructation, Kills Worms, gives sleep, and promotes digestion, without injurious medication."

EDWIN F. PARDEE, M. D., 125th Street and 2nd Ave., New York City.

OGDEN.

OGDEN, UTAH, JAN. 14, 1895.

Weber Stake Conference.

The quarterly conference of the Weber Stake commenced on Sunday in the Ogden tabernacle. Elder Brigham Young, of the Council of Apostles, presided in the morning. His subject was the restoration of Israel and the prophecies concerning the Lamanites.

At the afternoon session, Elder John W. Taylor, of the Twelve, preached a sermon from the 24th chapter and a part of the 25th chapter of Matthew.

The tabernacle was too small to accommodate the congregations. It is possible that in the near future an effort will be made to build a house more suitable to the needs of Weber Stake for worship.

Notes.

Thomas Ballantyne was notified on Saturday of his appointment to the office of deputy U. S. Marshal in service of the Fourth judicial district, vice Mr. Eldon Billing.

John Henry Gwynn fled a complaint in the district court against his wife Ella. He charges her treatment and desertion and asks that the bonds of matrimony be dissolved. They were married at Logan in August, 1891.

LOGAN.

LOGAN, UTAH, JAN. 14, 1895.

A Betrayer of Virtue.

Ole Hansen, of Mendon, was arrested at his home by a deputy U. S. marshal, charged with fornication, and on pleading guilty before Commissioner Fielding, was held in $500 bonds to await the action of the grand jury. Under promise of marriage Hansen betrayed a girl named Lemmon, and afterward, in November last, married another girl.

Notes.

The new county officers have decided to tender a banquet to their predecessors in officers, Tuesday evening to the time, and the Bluebird hotel the place.

A varied and interesting program was rendered at the semi-annual session of the Y. M. and Y. L. M. I. Aa. held in the tabernacle last evening. Among the numbers specially worthy of notice was a lecture on the Holy Land, by Dr. C. W. Musser. The gentleman exhibited an extensive knowledge of the history, both sacred and profane, of the people spoken of, and was a close observer of their manners and customs, during his sojourn among them. A vocal quartette by Messrs. Sexton, Wilson, Lewis and Farrell was another feature of the program, as were also the instructive "Mormon" and "Church History" lectures.

John A. McArthur, of Paris, lost two yearling pigs recently weighing and marked for three years. The pigs have been found at the bottom of a very well, still alive, but of course very weak.

The outgoing selectmen have presented an exhaustive report of their labors during their laindmbency, and have made many recommendations, suggested by their experience, for the benefit of the new incumbents. They retire after the performance of a good work, with the respect of the people.

John Mommoty, better known as "Indian John," died recently at his home in Wellsville ward, commonly called the Indian farm. John was living in Cache valley when it was first settled, and was frequently employed to herd the settlers' cattle and horses. He was always friendly to the whites, and died, as he had lived for many years, a faithful Latter-day Saint.

Committees on agriculture, manufacturing, mining, radio, advertising and finance have been named by the president of the Logan chamber of commerce, and arrangements made for a series of lectures on subjects calculated to further the aims of and strengthen this useful organization.

A little girl stole a pair of shoes from the front of a store the other day, but when it was ascertained that it was not done with the connivance of her parents, and she seemed truly penitent, she was dismissed with a caution.

Thirty-six jurors have been drawn from Bich and Cache counties to serve during the February term.

COMMERCIAL.

SALT LAKE CHAMBER OF COMMERCE.

Today's clearing house exchanges amounted to $552,[illegible], same day last year, $[illegible].

TODAY'S QUOTATIONS.

New York.—Silver, [illegible] bid, $[illegible]. London.—Silver, [illegible].

CITY BANK BULLION.

Wells, Fargo & Co. received today: Bullion, $[illegible].

McCornick & Co. received today: Bullion, $[illegible] silver and [illegible] ores, $2,[illegible]. Total, $[illegible].

C. E. Jones & Co. received today: Ores, $4,[illegible]; bullion, $[illegible]. Total, $[illegible].

REAL ESTATE.

[illegible]

STOCKS AND BONDS.

New York, Jan. 14.—The stock market [illegible]

BENCHES AND BAGNETS.

New York, Jan. 14.—Bar silver, [illegible]

CHICAGO MARKET.

Chicago, Jan. 14. [illegible]

DRAWER.

DEER LODGE, Mont., Jan. 14.—[illegible]

WANTED.

TO PURCHASE A DOUBLE BARREL [illegible]

Dr. Price's Cream Baking Powder
World's Fair Highest Honors and Diploma.

What is More Attractive
Than a pretty face with a form bright complexion and an honest conscience?

LEWIS' 98 PER CENT LYE
STRONGEST AND PURESTEVER MADE.
Will make the best soap by boiling with grease cold water lye and grease. Lewis' Lye is strongest and purest. Clean, sweet, and ready for use in 20 minutes. Will make 4 gallons of the best soap for 10 cents. Sold everywhere. Ask your grocer for it. Take no other. Lewis' Lye is the only lye in the world that can be used in the manufacture of a high grade of soap. Lewis' Lye is the only lye that will not harden soap. Lewis' Lye is the only lye that will not injure the most delicate fabric. Lewis' Lye is the only lye that will not injure the most tender skin