

and palaces, masonic structures built to endure through the earth's temporal existence. Jared had perhaps not only seen, but had actually assisted in building the great historical tower, but it is not likely that he had ever seen a battle-mented tower, a defensive fort, or field earth-work! What is the result of division and rival interests and purposes? The characteristic of Jared's contemporaries were re-union and centralization of purpose and effort.

After the settlement of the country by the Jaredites the people lived in peace and their leaders were righteous men for many generations; but in the following generations they divided into two rival nations, and then commenced the calamities which worked their ultimate destruction.

The character of their warfare was rather of the guerrilla order than that of fixed battle-grounds and permanent defenses. We read of the armies moving rapidly from place to place, and pitching their tents in various places on their marches. But it does not appear from the brief record we have of those sanguinary struggles that either side was opposed by high walls and permanent strongholds. If such places had existed to any considerable extent the historian would have mentioned them in describing the final battles.

The following extracts from the short annals will give a general idea of the character of the mode of warfare of the Jaredites:

"Now there began to be war upon all the face of the land—every man with his band. And it came to pass that Coriantumr was exceeding angry with Shered, and he went against him with his armies to battle; and they did meet in great anger, and they did meet him in the valley of Gilgal; and the battle became exceeding sore. And it came to pass that Shered fought against him for the space of three days. And it came to pass that Coriantumr beat him and did pursue him till he came to the plains of Hishlon. And it came to pass that Shered gave him battle again upon the plains; and behold he did beat Coriantumr, and drove him back again to the valley of Gilgal.

"And Coriantumr gave Shered battle again in the valley of Gilgal, in which he beat Shered and slew him. And Shered wounded Coriantumr in his thigh, that he did not go to battle again for the space of two years, in which time all the people upon all the face of the land were shedding blood, and there was none to restrain them." (Ether xiii: 25-31.)

"Every man kept the hilt of his sword thereof in his right hand in the defense of his property, and of his wives and children. The army of Coriantumr did press forward upon Lib, that he fled to the bor-

ders upon the sea shore. And it came to pass that Coriantumr pursued him; and Lib gave battle unto him upon the sea shore. And it came to pass that he did smite the army of Coriantumr, that they fled again to the wilderness of Akish. And it came to pass that Lib did pursue him until he came to the plains of Agash. And Coriantumr had taken all the people with him, as he fled before Lib in that quarter of the land whither he fled. Now the name of the brother of Lib was called Shiz. And it came to pass that Shiz pursued after Coriantumr, and he did overthrow many cities, and he did slay both women and children, and he did burn the cities thereof. And there went a fear of Shiz throughout all the land; yea, a cry went forth throughout the land, Who can stand before the army of Shiz? Behold, he sweepeth the earth before him. And it came to pass that the people began to flock together in armies throughout all the face of the land. And they were divided, and a part of them fled to the army of Shiz and a part of them fled to the army of Coriantumr. And so great and lasting had been the war, and so long had been the bloodshed and carnage, that the whole face of the land was covered with the bodies of the dead; and so swift and speedy was the war, that there was none left to bury the dead, but they did march forth from the shedding of blood to the shedding of blood, leaving the bodies of both men, women and children strewed upon the face of the land, to become a prey to the worms of the flesh." (Ether xiv: 2-22.)

JOHN H. KELSON.

(To be continued.)

#### DECISION IN THE COUNTY COLLECTORSHIP DISPUTE.

In the Third District court Wednesday, Sept. 23, Judge Zane rendered the following decision in the case of the People of the Territory of Utah ex rel., and Walter Murphy, county attorney of Salt Lake county, plaintiff, vs. Leonard G. Hardy, defendant.

His honor said: This is an action to determine the claims of A. L. Williams and Leonard G. Hardy to the office of county collector of Salt Lake county. The relator asks that Hardy may be adjudged to be unlawfully holding the office and that he be removed, and that A. L. Williams be adjudged to be entitled to it and inducted into it, etc.

It appears from the facts agreed upon so far as I deem it necessary to refer to them, that one Nathaniel Jones was elected to the office of county clerk of Salt Lake county at the general election held on the first Monday of August, 1884, and that he duly qualified and held it; that on the first Monday of August, 1886, he was re-elected, as his own successor; that in October of the same year he resigned, and the respondent, Hardy, was appointed by the County court to fill the vacancy. That on the first Monday of August, 1887, Hardy was elected to the office as his own successor, and qualified and entered its duties, and at the general election in August, 1889, he was again

elected and qualified, and in 1891, at the general election in August, Mr. Williams was elected and that he has executed a bond which has been approved by the county authorities. Under this state of facts the question arises, was the election of Williams in August, 1891, and the election of Hardy in August, 1889, authorized by law? And a further question arises, was the election of Hardy at the general election in August, 1887, valid?

The counsel rely upon sections 2018 and 2020 of volume 1, Compilation of 1888. The first section is: "At the general election in 1878, and biennially thereafter, there shall be elected by the qualified voters of the several counties of this Territory an assessor and collector for each county, whose term of office shall be for two years, and until their successors are duly elected or appointed and qualify." \* \* \* "Each collector elected under the provisions of this act shall enter upon the duties of his office on the first day of June next following his election, having first qualified." It will be seen that this section provides that the election shall be held at the general election in 1878, and biennially thereafter. The term is two years. The election is August of the years indicated by even numbers and the qualification in the June following. The qualification is in the year indicated by odd numbers, and at that time the term commences and is for two years. The term of office is for two years, and until their successors are duly elected and qualified. The time for the election occurs at the expiration of two years from the preceding election, but if there is no election at that time the term is, according to the provisions of this statute, extended till the successor is duly elected and qualified; so that the length of the term depends upon the election of the successor. There can be no actual vacancy as long as the rightful occupant continues to hold the office, that is, until death, resignation, removal or some legal disability. The statute is evidently like the statute of most of the States, in respect to similar offices. It is so provided that in order that vacancies in the office may not occur, from a failure to elect. Section 2020 is relied upon as authorizing by implication the right to election in August, 1887, and also in August, 1889, and in 1891. The language that it is insisted raises the implication is this:

"In case of the office of the assessor or collector becoming vacant, the County court of the county where such vacancy occurs shall have power to fill such vacancy by appointment until the next general election." The term vacancy is here used. If there is a vacancy the County court has the power to fill it by appointment, but if there is none, the County court has no power to fill it. Did the failure to elect at the time fixed by law create a vacancy, or did the law itself fill the vacancy, by saying that the term of the incumbent of the office shall be until the successor shall be elected and qualified?

The authorities are decided as to the construction of similar language. The authorizing to appoint does not arise merely from a failure to elect; it arises only when the death of the incumbent occurs or he has resigned, been re-