

Hatch and Hoge were in favor of striking out.

Allen asked what the money was intended for.

Thurman said he could not give a detailed answer, but the money was expended connected with the Executive office, for a messenger and other contingencies, for which an appropriation ought to be made. He opposed striking out item 8.

Moyle favored striking it out, as he understood it was intended to cover a debt owed by the Territory, of which he had no information.

Allen opposed striking out, as it was apparent that former Assemblies had made an appropriation for the expenses of the Executive office, and he claimed such action was proper.

King said there was no law requiring the Territory to pay the expenses of the Executive mansion. The Governor had presented no bill, and it was the duty of the power appointing the Executive to pay his expenses.

A sharp passage took place between McLaughlin and King as to the latter's action on this item last session. King said he opposed it in committee then.

Richards thought that, while no obligation rested on the Assembly to make his appropriation, it was proper and just that it should do so, as the Governor's salary was not expected to cover all of the expenses of his office.

The motion to strike out was lost.

### Conference at Nephi.

The Juab Stake conference convened at the Nephi Tabernacle at 10 a.m. on Saturday, Jan. 21, Counselor Charles Sperry presiding. He made the opening remarks, congratulating the Saints in the favorable prospects surrounding them. Elders John D. Chace, Jas. Walker and David Catzler, members of the High Council, occupied the remainder of Saturday forenoon.

In the afternoon the Bishops of the several wards of the Stake reported to him. It appeared from these reports that many of the Saints are not living the religion they profess, and are very lax in the payment of tithing.

Counselors James Paxman and Chas. Sperry spoke very plainly upon the law of tithing. The latter read from the Book of Doctrine and Covenants, order that the Saints might possess proper understanding of the law and the obligations resting upon them to pay their tithing and be blessed.

Our Sabbath school stake conference convened on Sunday morning. Our tabernacle was tolerably well filled with the little folks, teachers and parents. The reports were very favorable, although there had not been as many children as usual in attendance at the schools during the last quarter on account of sickness and the very cold weather.

In the afternoon our Stake conference was continued, and after the general and local authorities of the Church were presented and sustained, Elder Buchanan, of your city, addressed the Saints in a very spirited manner. Counselor Charles Sperry made a few closing remarks. Although the time of conference was mostly occupied by our local Elders, yet it is the general verdict that we had a very enjoyable one.

Yours truly,  
THOMAS CRAWLEY, Stake Clerk.

### The Mail Carrier's Side.

The following letter is from Garden City, Utah, under date of Jan. 20:

"I find in your paper of the 13th a correspondence from Joseph Irwin, of Lake Town, on mail troubles. Please allow me to give the other side of the question.

He says, 'Lake Town is thirty years old.' No; Joseph is thirty years in advance of the people. The Evanston mail has not missed coming in once in the days appointed—Tuesdays, Thursdays and Saturdays. The Montpelier mail has missed but once—when it was impossible for a team to get rough.

'A barbarous schedule is in vogue,' is also claimed. The schedule time to leave Garden City for Lake Town, 8 a.m., tri-weekly; if this is followed it will leave the mail in Garden City forty-eight hours. I was requested by the contractors, Hoge & Co., to see the leading men of Lake Town, the postmaster included, and as would best suit the people. I did so and it was decided that instead of leaving here at 8 a.m., I should leave at 2 p.m., after the mail arrives from Montpelier, making the through trip in one day to Randolph from Montpelier.

'There is no connection whatever,' is not correct. It is true that during the heavy storms it was thought that the south mail should not go to the Montpelier mail, as it could endanger life and property to cross the mountain. When the roads are good connections are made all right; even when they do not connect, Lake Town gets both mails regularly.

For nearly one week there has been no Salt Lake mail, and when it did come there were five sacks. The blockade on the railroad was the cause.

I would advise Joseph that the mail is regular here (except in times of blockade) as in any other place.

Respectfully,  
BYRON H. ALLRED, Carrier.

### The Whisky Men.

Today Charles Thiede and Charles Olsen, the two saloon keepers who were convicted in Justice Pyper's court

of selling liquor on Sunday, were called for sentence. Thiede was fined \$200 and costs, the latter amounting to \$28.45. Nielson was also fined \$200 and costs—\$11.55. Both were ordered imprisoned till the fine and costs were paid. Later an appeal was taken, and the liquor sellers were released on bail.

### The Coldest Yet.

The vicinity of Randolph, Rich County, has always carried off the honors of being the coldest place in Utah in the winter time, the frigidty of the atmosphere entitling the region to a place in the arctic zone. This winter the remainder of the Territory will readily yield the palm to Randolph when it becomes known that on the night of Saturday, January 14th the spirit thermometers registered a temperature of 65 degrees below zero at that place.

### Voice of Warning.

A new edition of this excellent publication has just been issued from the press of this office. It is a standard publication of the Church, and has accomplished a great missionary work of itself, numbers of people having been, through perusing it, convinced of the divinity of the Gospel as revealed through Joseph Smith before they heard it preached by an Elder. It is one of the best sources of information regarding the doctrines in which the Latter-day Saints believe, and is an appropriate book for members of the Church to send to their friends and relatives abroad.

### Probate Court.

Proceedings in the Salt Lake County Court yesterday:

In the matter of the estate of W. H. Hickenlooper, deceased; bond of administratrix filed and approved.

Estate of Amelia S. Woodmansee, deceased; order made appointing Joseph Woodmansee administrator of said estate upon filing a bond in the sum of \$12,000, and taking the oath prescribed by law.

Estate of John Hayhoe, deceased; order made of publication of notice to creditors.

The marriage certificate of Barney Riley and Francis V. Wright has been filed with the clerk of the court.

### Election Judges.

The following have been appointed to act as judges of election at the times and places named:

Kaysville, municipal election, first Monday in February—John B. Meredith, Joseph A. Barton, Samuel L. Jones.

Provo, second Monday in February—A. A. Noon, W. H. Brown, George W. Jacques.

St. George, first Monday in March—F. L. Daggett, A. P. Hardy, Richard Bentley.

Wellsville, first Monday in March—James Williamson, Wm. Haslem, Geo. Goodwin.

Logan, first Monday in March—Wm. Goodwin, Aaron DeWitt, W. W. Maughan.

### Narrow Escape.

A very narrow escape from drowning happened on Saturday at the Utah Central Railway bridge over Provo River. Mr. P. Brown, section foreman, was engaged in opening the channel under the iron bridge, at which place the water is fifteen feet deep. The ice is at least two feet thick, and huge blocks were being broken and then sent floating down the river. Mr. Brown was on one of these blocks engaged in breaking it, but the ice gave way rather suddenly under his feet and let him down. The gentleman would have gone under the ice had it not been for the timely assistance of one of the section men standing near, who caught him and placed him on firm footing. The work of keeping the channel open will now cease until the thaw is over.—*Utah Enquirer.*

### A Pleasant Affair.

Last evening a very pleasant affair came off at the new residence of Brother John Gallagher, 601 East Fifth Street, in the Second Ward. The occasion was the dedication of the building. The proprietor had invited the widows and aged people of the ward, and the bishopric, to attend, and they had responded, comprising a large company. President Angus M. Cannon was also present in the early part of the evening. A feast was provided, of which the company partook, and a programme, embracing recitations, songs, addresses, etc., was gone through with. President Cannon was one of the speakers and he gave an account of his recent trip east, and his interview with David Whitmer.

Dancing was indulged in for a while, and the affair is spoken of as having been "a good, old-fashioned time," very much enjoyed by those present.

### From Wisconsin.

Elder L. C. Jorgensen of Mayfield, who reached this city last evening on his return from a mission to the northwestern States, called at this office today. He left Utah in April, 1886, and proceeded to Dakota where he labored for about four months. He next went to Minnesota where he labored for one year, when he proceeded to Wisconsin where he spent the remainder of the time of his mission.

He labored most of the time among

Scandinavian people, but met with only moderate success, on account of the general indifference of the populace among whom he labored in regard to the principles of the Gospel.

Brother Robinson Hostetter, of Millstone, Jackson County, Wisconsin, accompanied Elder Jorgensen to Utah, and called upon us in company with him. Brother Hostetter was baptized September 20, 1886, by Elder Jacobson. His family were baptized at the same time, and intend to follow him in the spring.

FROM FRIDAY'S DAILY, JAN. 27.

### THE LEGISLATURE.

HOUSE.

Jan. 26, 1888.

Following is the business transacted in the House after we went to press yesterday afternoon:

After the motion to strike out item 8, appropriating \$2,200 to the Governor, was put and lost, Allen moved to amend so as to make it cover 1888 and 1887.

Moyle insisted that until the House had further information as to what the money was designed for, it could not take intelligent action on this subject, and moved to amend by making the item cover 1883 and 1889. No second.

Hoge claimed that under the language of the item, no money at all could be drawn until shown to be necessary.

Allen's amendment was put and carried.

Jones was excused.

Hatch moved to strike out item 17, appropriating \$118.25 to John W. Turner for services in the prosecution of Fred Hopt. No second.

Hatch moved to amend item 24, appropriating \$300 to Daniel Harrington for services as minute clerk at the last session, by providing that the money should be drawn on the order of the speaker of this house, and in support of his motion he said he understood that Mr. Harrington had been paid for that service, wholly or in part, by contributions from members of the last house, and the money should, of right, go to reimburse them. Carried.

Allen asked whether item 30, appropriating \$6,000 to educate deaf mutes, was to cover existing arrears due from the Territory. He was informed by members that the education of deaf mutes had been borne by private enterprise or appropriations by county courts.

Thurman moved to amend item 32 appropriating \$708 for contingent expenses of the last House by making the amount \$1,078.50, so as to cover attorneys' fees incurred in obtaining from the government the pay of members, such fees having been paid by them.

Hoge opposed the increase on the ground that members taking legal proceedings to get their pay should bear their own costs.

Thurman's motion was put and carried.

Hoge moved to strike out item 33 appropriating \$300 to purchase, for the Territorial library, the statutes of neighboring states and territories, as the books could be obtained by exchange, he said.

Moyle said that only such books as could not be obtained by exchange would be purchased, and opposed striking out.

Allen favored striking out, and Hoge's motion to do so was put and carried.

King moved to make the appropriation for contingent expenses of the Council last session \$816.50, instead of \$590.00, for the same reasons that the House appropriation was increased. Carried.

Hatch moved to strike out item 46, appropriating \$421.72 to Wm. Reeves, ex-assessor and collector of Davis County, provided he pay into the treasury \$517.20 by June 1, 1888, the evident object being to square accounts with him.

Roseche stated that Mr. Reeves intended to pay the \$517.20, and presumed he had done so.

Thurman favored striking out, as did Clark.

The item was stricken out. Item 48, appropriating \$349.45 to A. C. Emerson, former clerk of the first district court, gave rise to some discussion as to the period covered by it, but passed after amending it so as to make it cover 1884 and 1885.

A question arose relative to the period intended to be covered by items 49 and 50, appropriating to John D. Braisher and John D. Kilpack, ex-assessors and collectors of Emery County, \$70.21 and \$44.93, respectively.

An amendment to make them cover all time up to January 1st, 1886 was lost.

King asked if \$40,000 was enough to pay the expenses of the district courts for 1886 and 1887. Clark answered in the negative, stating that the amount was designed to cover present needs.

Hatch wanted to know what the appropriation provided for in item 64, to N. W. Clayton, of \$3,000, was designed to cover.

McLaughlin moved to strike it out, and was seconded by Roseche.

Richards opposed striking out, showing that the responsibilities and expenses of the auditor's office made the appropriation necessary and just.

Hoge favored striking out and cited a number of other items, aggregating nearly \$10,000, he said, which in one way or other, would be appropriated to the auditor, and for the expenses of his office.

McLaughlin showed that the item covered clerk hire for two years prior to the last session, but said that the auditor did not, at that session, ask any appropriation for that expense.

Allen favored striking out, mainly for the reason that the item provided for expenses incurred prior to last session.

Thurman said that the auditor in 1882, and in 1884, asked the Assembly to increase his salary, but the Assembly both times failed to do so; and that in 1886 the auditor asked to be reimbursed for amounts he had expended during the previous four years for clerk hire. The Governor last session thought the amount should be allowed. The auditor had, at each session, asked for this relief, and each time had urged the justice and necessity of it, and Thurman favored allowing the item.

Hatch argued in favor of striking it out, remarking that the auditor ought to pay his own help out of the remuneration allowed him by law. He raised a laugh at some of his comments.

Hoge suggested that the auditor had held on to his position with a pertinacity which suggested that its salary was quite an object, or used words to that effect.

Richards analyzed the different items appropriated to the auditor's office, showing that each had a distinct object, and that the actual compensation of the auditor for the duties and responsibilities of his office as such, was only \$1,500 per annum, which he held to be inadequate.

Allen thought that if the work in the auditor's office required two men, the appropriation should be made; but he didn't think the work was sufficient to keep two men busy, and he favored the striking out.

Howell moved the previous question. The motion to strike out was lost.

The report of the committee on appropriations favoring an item of \$1,000 for attorneys' fees was read, and a motion to add it to the appropriation bill was carried.

Moyle moved the suspension of the rules and the putting of the bill on its third reading. Lost, and the bill failed for its third reading.

A communication from the Governor announced his approval of the bill raising the age of consent with reference to rape.

The Council concurred in the action of the House regarding the compilation of the laws, in respect to employing attorneys.

At 4:45 the House adjourned.

### COMMISSIONERS' POWERS

Limited to Precincts in Territorial and Civil Cases.

Shortly before adjournment yesterday afternoon the Territorial Supreme Court rendered the following decision in the application of Wm. Holt, of Spanish Fork, for a writ of prohibition to restrain Commissioner Mills, of Provo, from exercising jurisdiction in a civil case outside of the precinct in which his office was held:

In both these causes a writ of prohibition is petitioned for to prohibit the defendant from further proceeding in civil causes now pending before him. The defendant is a commissioner of this court, and is proceeding against the objection of the relators to exercise jurisdiction over them in civil cases now pending against them, respectively, before the said defendant at the city of Provo, in Utah County. The residence of the parties in both of said actions, is such that a Justice of the Peace acting as such in said Provo City and precinct, would have no jurisdiction over the relators under the statutes of this Territory. These facts and conditions are conceded. On presentation of the petitions, this court was inclined to leave the relators to their remedy in the cases by appeal or certiorari, but we are urged by counsel for all parties to hear arguments and determine the Territorial limits of a Commissioner's jurisdiction when acting as a Justice of the Peace.

The defendant claims jurisdiction over the relators and the right to proceed in the cases under section 7 of the act of Congress of March 4th, 1887, known as the Edmunds-Tucker act, which is as follows: "That commissioners appointed by the Supreme Court and District Courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States."

It is argued by counsel for defendant that the limitation in the section quoted to "powers and jurisdiction" refers only to subject matter, and only limits the jurisdiction of commissioners to the subjects or causes of action over which justices have jurisdiction, but that as the officers whom Congress has made justices are officers of territorial jurisdiction, that, therefore, they may exercise and perform the duties of justices of the peace in any part of the Territory, and acting as such in any part or precinct of the Territory, they may issue their process to and it may be served anywhere in the Territory, and that they thereby acquire jurisdiction over the parties, notwithstanding the statutes of the Territory providing territorial limits beyond which parties shall not be summoned before a Justice of the peace. This

argument in one sense and to a limited extent, is no doubt correct. The commissioners appointed by this court are not appointed to exercise their duties in and that official character is not confined to any peculiar part of the Territory, but they are commissioners over the whole Territory, and there is probably no limit as to the place where they may act as such; but when a Commissioner at any place or precinct in the Territory assumes the duties of a Justice of the peace under the act in question, was it the intention of Congress to do more than to duplicate in him the office of Justice of the Peace at that place? We think not. If this defendant can issue his summons from and returnable at Provo Precinct, directed to a resident of Juab County, and upon its service in that county ask a jurisdiction over him, then it is plain that he exercises a power and jurisdiction that no Justice of the Peace can exercise. We are of the opinion that when a Commissioner proceeds to exercise the powers and jurisdiction of a Justice of the Peace under the statute in question, at any particular place or precinct, he has the same powers and jurisdiction over subjects and persons that he would have if he were a legally constituted Justice of the Peace, authorized and empowered by the laws of the Territory to act and exercise the duties of his office at that place or precinct, and no other or greater. The construction contended for by counsel for defendant would lead to results unjust, burdensome, and utterly at variance with the policy which, under all systems of jurisprudence in this country, provides inferior courts for the determination of local controversies of limited importance. Under it a citizen might be summoned to remote parts of the Territory hundreds of miles from his residence, to answer the most trivial causes, and be there compelled to select juries, and in case he saw fit, or sufficient cause existed, to remove the case under the statute from the Commissioner who is using the process, to have the cause against him transferred to a Justice who would have no original jurisdiction, and in case of appeal the cause go into a District Court other than the one in which he resides or was served. Indeed, it would at once nullify or set aside all the laws of the Territory respecting the place where causes cognizable by the Justice of the Peace should be tried. This was not the intention of Congress. It was only intended to duplicate Justices of the Peace in other persons, and thereby give another class of citizens, than one from which it was supposed Justices were usually chosen, representation in these offices upon equal terms, and not with such additional powers and privileges as are claimed by the defendant and not for the purpose of annulling the laws of the Territory, but only to provide further means for their execution. We are, therefore, of the opinion that the defendant is proceeding erroneously, without jurisdiction over the relators, and thereby give another class of citizens, than one from which it was supposed Justices were usually chosen, representation in these offices upon equal terms, and not with such additional powers and privileges as are claimed by the defendant and not for the purpose of annulling the laws of the Territory, but only to provide further means for their execution.

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