COUNTY WARRANTS.

An Examination of How Holders Are Situated.

RECEIVED THEM IN GOOD FAITH.

For Services and Supplies, and Repudiation Would be a Disgrace to the State.

SALT LAKE CITY,
February 15, 1896.

To the Editor:

I was surprised to learn from the discussion of House bill 83, validating certain county warrants, that there was any real opposition to a bill so obviously just and honorable.

From the remarks of the opponents of the bill it is apparent that this opposition exists not because any member wants repudiation of just and honorable obligations, but because they had not either a clear understanding of the purport of the bill or of the circumstances leading to this indebtedness or issue of the debt limit.

Into the decision of the Supreme Court, rendered February 25, 1895, in a suit specially instituted for the sole purpose of determining what was the debt limit, lawyers honestly differed in their interpretation of the law.

The Supreme court fixed the limit at $197,000, and declared that "when it shall be the duty of the county court to consider this question, the power to contract indebtedness ceases."

If this indebtedness or obligation was not created until the warrants were actually issued, it would be a comparatively easy matter to determine when the limit was reached, as the outstanding warrants did not exceed the amount until the middle of December, 1894, and within this view all warrants issued prior to December 15th, 1894, are legal.

This was the generally accepted opinion at the time and also the opinion of the Supreme court since the question of priority of contract was not then raised; but on January 4th, 1896, in a mandamus proceeding were brought before W. F. Lynn, county treasurer, compelling him from paying any warrants issued after May 15th, 1894, upon the ground that contracts were made and indebtedness created prior to May 15th, 1894, but for the payment of which warrants were drawn until after Dec. 15th, 1894, and holding that these warrants, although issued after the debt limit was reached, were issued in payment of contracts entered into before the limit was reached, hence should take precedence.

Twenty-five thousand dollars is now in the hands of the treasurer, on which the county is paying 8 per cent interest, putting a premium on this issue.

The general opinion among attorneys is that priority of contracts takes precedence, and if this point prevails, there is not a member of the Legislature who, without several days' investigation, can separate the legal from the illegal warrants.

It is also apparent if priority of contract takes precedence, that all indebtedness incurred during the last six months of 1894, and possibly that incurred during the last seven months, are absolutely illegal and void. This includes all salaries of county officials from the sheriffs down to the janitor; all expenses incurred for the maintenance of roads, for care of prisoners, support of the poor farm; day work done upon the city and county buildings; supplies furnished all departments and every expense and indebtedness whatever incurred after after amounting to $77,382 has been incurred.

Prior to the decision of the Supreme court, Salt Lake county warrants were accepted at par by all our merchants and in a dozen different windows hung a placard "We uphold the credit of Salt Lake county and take county warrants at par."

It cannot be claimed that the officers and employes working for the county and the merchants furnishing supplies knew or had reason to know, prior to the decision of the Supreme court, that the county had no authority to issue warrants or to pay for the supplies furnished during the last few months of 1894.

Much less can it be claimed that those cashing warrants and paying taxes with them knew or had reason to know that they were fair value for the amount expressed by the warrants, and if in fact it is probable there are not in the county did not receive full value for the amounts expressed by the warrants, the bill now before the House does not prevent, but directly encourages the county to refuse payment of such warrants.

For years, we as Utah citizens have been misjudged by a large portion of the American East, our sincerity and integrity questioned, and our morals misconstrued. Only during the last few years have they come to a clear understanding of our people, and that we are imperfect judgment.

Shall we now, then, just after entering the sisterhood of states, at the first session of Utah's Legislature, even before Old Glory ornaments the blue of our Western sky—shall we by our act, by acknowledging full compliance and refusing to pay for it, justify misjudgment of our just and equitable relations, bring down upon us the ridicule and censure of every honest man, and compel every citizen of Utah, and every friend who has supported her cause, to hang his head in shame, as Utah's financial honor is dishonored?

E. L. TRACY.

SOUTHERN UTAH VETERANS.

Editor Gives a List of Honor—St. George Has a Team That Crossed the Plains Forty Years Ago.

Responding to a suggestion of the Deseret made on the subject of veterans a few weeks ago, the St. George Union gives the following list of Dixie's representatives:

Lewis Bryner, 91 years old in March, came to Utah in 1852. Her husband died in 1862. Her two sons were killed in the Civil war. She has one daughter living in St. George. Her maiden name was Lucinda Rogers.

Mary Ann Lee Young, widow of James Young, joined the Church in 1846. Her husband was a member of the Mormon Battalion, and founder of Pagosa City, Utah county.

Andrew Roger Rose, 83 years of age, joined the Church in 1841. She is believed to be the only person living in Utah who saw General Lafayette, the friend of Washington; it was on his visit to this country in 1824.

George Woodward, born in 1817, joined the Church in 1840, went to Nauvoo in 1841; is one of the Utah Pioneers. In 1850 was counselor to E. F. Sheets, Bishop of the Eighth ward, Salt Lake City.

Tuscombe Downing Woodward, wife of George Woodward, born in 1814, joined the Church Christmas day 1839; has been a Temple worker since 1877.

William Carter, joined the Church in 1840, and came to Utah in 1847; is one of the Utah Pioneers.

William Fawcett, 81 years old; was the first man baptized into the Church in York England, the event occurring January 1, 1840; came to Nauvoo in 1843, and to Salt Lake City in 1850; was counselor to Wm. Hickenlooper, Bishop of the Fifth ward, this city, in 1853; was among the first to arrive in St. George in 1861; was appointed to preside over the High Priests at the first organization in St. George in 1862, and still presiding; has been a temple worker since 1877.

Easton Kelsey, born 1813, joined the Church 1836.

Samuel K. Gifford, born 1821, joined the Church in 1835; is a son of Alpheus Gifford, who baptized Heber C. Kimball.

Lorenzo Clark, aged 83; member of the Mormon Battalion.

David Moss, 77; member of the Mormon Battalion.

Augustus Dodge; member of the Mormon Battalion.

Samuel Miles, 70; member of the Mormon Battalion.

Erward Bunker sen; member of the Mormon Battalion.

Levi Savage, 70; member of the Mormon Battalion.

John Steel, 79; member of the Mormon Battalion.

Zenick Judd; member of the Mormon Battalion.

Robert Covington, 81; member of the Mormon Battalion.

Burke C. Allen, born in 1827, joined the Church in 1837; member of the Mormon Battalion; accompanied Elder Parley P. Pratt on the Valparaiso, Chili, mission in 1851; the law forbade their preaching in Chili.

H. W. Biggs; member of the Mormon Battalion.

John Pymm, born 1818; joined the Church in 1850; has been postmaster at St. George 22 years.

Sumner Everett, born 1843; drove pony express across the plains when a boy.

Israel Irvin, 80; surveyed the plot for the city of St. George.

Charles Smith, 77; pioneer watchmaker of Salt Lake City.

Richard Bently, formerly in Historian office, Salt Lake City.

Aaron Nelson, born 1823.

Thomas Cottam, born 1820, joined the Church in 1841.

George W. G. Averett, born 1824, been with the Church since 1835.

John R. Smith, brother of the late President George A. Smith; came into the Church when a boy; was among the early missionaries to Germany; a temple worker.

James B. Bracken, 80, joined the Church in 1843; was one of the guard between the Saints and the mob at Independence in 1833, when the first fight took place.

Daniel D. McArthur, 78, joined the Church in 1839; president of St. George Stake.

Charles L. Walker, the "Dixie poet," and watchman at the Temple.

A. P. Wixom, born, 1818, joined the Church in 1845.

Charles A. Terry, born 1821, joined the Church in 1843.

Joseph H. Randall, born March 17, 1822, joined the Church in early days, and one of Salt Lake City's sweet singers in "the olden time."

Robert Gardner, one of the owners of the old grist and carding mills, on Mill Creek, south of Salt Lake City.

Others are named as arriving at where St. George now is before any settlement was made, when it was necessary to "subdue Indians, kill snakes, and build bridges" to make it possible for white men to live there. A. P. Harry, Samuel Knight, James D. L. Pearce; also John S. Woodbury, one of the early missionaries to the Sandwich Islands. Says the Union: "We have one big gun commonly called David H. Cannon, president of the St. George temple, he has a host of little guns and some full grown Cannons, and one of them has some little guns too. Although we live in the beautiful sunny south, we have snows every day in the year, while this winter we had but six inches thick, some of which we have since seen away for the hot summer days. * * * To wind up with we have one brother who came to Utah in 1850, and another that came in 1850, who still have the teams that pulled their effects across the plains in those years, and they are in fair condition yet. Now, Mr. News editor, these are a few of our old sandbagers, and if you desire a right good time, hearing the good things of the kingdom spoken of, just come down here. When we have from five to twenty of these veterans together and hear them tell of the goodness of God to them and the many good times they have had with the Prophet and with the Saints, hear their testimonies and it will make your heart leap for joy."

Probate Orders.

The following probate orders were made by Judge Young yesterday afternoon:

February 19 was appointed for the time to receive letters of administration from M. J. O'Meara for the estate of James Ferrell.

S. R. Wasserfield, administrator for the estate of Stephen A. Estes, deceased, filed his petition praying for an order to sell uncertain of seven mining claims, and the judge ordered that all persons interested must appear in the district court on March 25, at 10 a. m., to show cause why order of sale of said real estate should not be made.

James Shaw filed a petition praying for the issuance of letters of administration in the estate of James Whitworth, deceased; Friday, Feb. 28, was set for the hearing of said petition.

Estate of John H. Romel, deceased, order made confirming sale of real estate.

Estate of Sivert M. Lorendahl, deceased; Feb. 24 is set for hearing petition for leave to sell personal property.

Anna Lorendahl, administratrix of the estate of S. M. Lorendahl, deceased, filed a petition praying for an order to sell the personal property of the deceased. The judge ordered that all persons interested appear at the probate court room on February 24, to show cause why such order should not be made.

A WORD IN YOUR EAR

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Ernest Gray Not Guilty.

Ernest Gray, the young Scotchman residing in Brighton precinct, was acquitted of the charge of robbery by Judge Hiles yesterday afternoon. Margaret Ware, the complaining witness in the case, who resides at Pleasant Green, alleged that Gray came to her house on the night of Nov. 30, 1895, and forcibly robbed the family of $20.

Gray's defense was an alibi, he and his wife and several other witnesses testified that he was at home the night of the robbery. At the conclusion of the testimony the case was submitted to the jury and a few minutes later they returned with a verdict of not guilty.

Murray Adultery Case.

The Marchetti-Rose alleged adultery case was tried yesterday afternoon at Murray before Justice Sanders, with Assistant County Attorney Harrington in the role of prosecutor. The evidence adduced showed the affair to be a farce, the charge having been preferred against the woman by her husband in a fit of jealousy. The testimony showed that Mrs. Marchetti, who is an Italian, had simply gone to keep house for two of her fellow-countrymen, while her husband was working in Ogden. The husband hearing of this, came home and swore to a complaint charging his wife with adultery, without having any evidence whatever to prove that she was guilty of the offense. When Mr. Harrington became conversant with the facts in the case, he moved for a dismissal and it was so ordered.

Verdict in the Husbands Case.

The case of Charles T. Husbands vs Salt Lake Equitable Coop came up before Judge Street again today. The jury returned a verdict for plaintiff for $138.85. A thirty days' stay was granted.

Husbands sued for $25,000, alleging that the defendants allowed certain bales of hay to remain on the sidewalk in front of their place of business longer than allowed by the city ordinance and that he fell over one and was injured to his damage in the sum named.

Powers, Stoup & Lippman represented the plaintiff and Richards & Richards and Anderson & Anderson the defendants.

Says It is Her Fault.

Samuel J. Rance has filed an answer to the complaint of his wife who sues for a divorce in which he denies neglecting to provide for her. He also denies the allegations that he kicked, beat or ever treated her in any cruel manner whatever, and alleges the plaintiff is possessed of a most violent temper which she does not attempt to control, and without cause assaulted him. He sets forth that at times he was compelled to offer resistance in order to restrain her violent attacks.

The defendant therefore demands that plaintiff secure nothing by her action, and that he be dismissed.

Clays vs Tavey.

The suit of Peter Clays et al vs Peter Tavey was tried before Judge Young yesterday afternoon. Attorney Fence for plaintiff and Booth, Lee & Gray for defendant.

The plaintiff alleges that the defendant sold his homestead in Bingham canyon under judgment; and that the value of the homestead was not to exceed $1,000 and was exempt from execution. The plaintiff tried to gain possession of it and $450 damages.

The defendant denied that at the time of levy the plaintiff was in possession with his family. After five or six witnesses were examined his honor took the case under advisement.

Writ Denied.

The application of George H. Strohmaier, for writ of habeas corpus, was denied by Judge Miles late yesterday afternoon and the petitioner was replaced in custody.

Fanny Will Stay at Home.

Late yesterday afternoon Judge Hiles dismissed the motion to commit Fannie P. Perkins to the reform school. The judge held that mere disobedience was not sufficient to justify commitment to the reform school, and stated that there must be shown incorrigible viciousness amounting to criminal conduct before the case is within the statute.

Judge Young's Court.

Judge Young disposed of the following cases today:

Nellie Ripley vs S. B. Ripley for divorce on the grounds of desertion; decree for plaintiff.

Frank Hoffman vs South Galena Mining company; hearing on motion for new trial continued till end of the week.

Court Notes.

Rachel Crozier has begun suit in the Third district court against Oscar Grisbell et al, to recover $2,500 on a promissory note secured by a mortgage.

The Provident Life and Trust company of Philadelphia has begun suit against Charles E. Ellis et al to recover $2,500.

George Q. Cannon & Sons company have entered suit against E. A. Box, to recover $294.80 with interest, alleged to be due them on a promissory note.

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PROVO.

PROVO, UTAH, FEB. 18, 1896.

In the Courts.

Phillip Spockard, of this city, has commenced suit for divorce against Antonia Spockard in the Fourth district court. The parties intermarried in Salt Lake City, June 5th, 1893.

Sheriff Brown and Deputy Sheriff Wilkins have appealed to the Fourth district court from a decision in Justice De Money's court, to the case of Hattie Freeman vs Sheriff Brown et al, in which plaintiff was awarded $170 and costs. Defendants sold some personal property under an execution against J. J. Freeman; Mrs. Freeman claimed the property and brought suit against the officers, winning the case in the lower court.

S. A. King has returned from Price, where he defended S. H. Brownlee, editor of the Eastern Utah Advocate, who was tried before Judge Johnson on a charge of libel. Brownlee was convicted and sentenced to six months in the Carbon county jail. The indictment under which Brownlee was tried grew out of certain items published in the Advocate last summer, reflecting upon the character of Mr. Bullinger, a prominent citizen of Price. An appeal has been taken and Mr. Brownlee is out on bail pending the appeal.

E. C. Evans, who was arrested on a complaint of P. Madsen, charging him with obtaining board under false pretenses, had a hearing yesterday morning. The case was not concluded for want of some important evidence, but Justice De Mooy permitted the defendant to go on his own recognizance pending further investigation. Sheriff, the other man against whom a complaint was made for the same offense, has not been found yet.

New Onyx Discovery.

Deputy Sheriff Alex. Wilkins has received a letter from his son, Burton Wilkins, of Coalville, which tells of the discovery of a valuable deposit of onyx in Weber canyon, near Coalville, made by Mr. Burton Wilkins. He has one piece dug out at the mine which measures 14x8½ feet and will weigh about twenty tons, and is of a very superior quality. A sample has been dressed and polished and is now on exhibition at Watson Bros., Salt Lake City. This specimen is 4 feet 6 inches long, 2 feet wide and 22 inches thick, and is a very beautiful piece of stone.

"Coal That Suits."

A three hundred pound lump of anthracite coal from the Kellogg & Barton mine in Rock canyon is on exhibition in front of Hintze's drug store; the quality of the coal in this mine, as well as in others in the canyon, is improving, and next winter it is expected the output will at least be sufficient to supply the State. People who have used it this winter are highly pleased with it.

Beecham's pills are for biliousness, bilious headache, dyspepsia, heartburn, torpid liver, dizziness, sick headache, bad taste in the mouth, coated tongue, loss of appetite, sallow skin, etc., when caused by constipation; and constipation is the most frequent cause of all of them.

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