

IRON COUNTY RECORD.

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SUPREME COURT DECISION.

Kills all Old City and Town Liquor Ordinances.

All city and town ordinances in Utah prohibiting the sale of intoxicating liquors passed prior to May 9, 1911, are null and void, and no prosecutions can be maintained under them. Such is the holding of the Supreme Court of the State in an opinion handed down by that court on Thursday of last week. May 9, 1911, is the date on which the last state liquor law, the one under which we had the "wet" and "dry" elections all over the state last June, went into effect. That law, Chapter 106, Laws of Utah, 1911, as it is called, repealing all such old ordinances.

The opinion thus announcing the general law of Utah on this subject was written in a case appealed from Pleasant Grove, a dry city of Utah county. One John Lindsay, after conviction in the justice court at Pleasant Grove of having there unlawfully sold beer carried his case to the district court at Provo and was there on August 16, 1911, again convicted and sentenced. The ordinance under which he was convicted was passed October 4, 1909. The district court at Provo instructed the jury that that ordinance was subsisting and in full force and effect. Lindsay's counsel contended that the ordinance had been repealed by Chapter 106, and appealed to the Supreme Court to have that question determined. The last named court sustains this contention and orders the prosecution against Lindsay dismissed.

While the opinion, as stated above, holds that all old ordinances are repealed by Chapter 106, it states that the validity of Chapter 106 is not assailed or questioned. The opinion therefore proceeds on the theory that it itself is a valid law. From a reading of the opinion it may be inferred that sellers of intoxicating liquors in dry communities can be prosecuted under the legislative act. In other words, that county attorneys can prosecute in the name of the state where city or town attorneys cannot because of now being

without legally existing ordinances. It may be inferred further from the opinion that wet cities and towns may pass new ordinances on the subject in harmony with the state law and thus enforce their own "regulation" of the traffic; but nothing can be inferred from the opinion that dry communities may do so and thus enforce their prohibition. The opinion says: "The question of the power of the cities and towns of this state to prosecute offenders under the act, or to what extent, if at all, such cities and towns may pass ordinances prohibiting or regulating the traffic in intoxicating liquors and prosecute violators thereof is not now before us and we express no opinion with regard thereto."

Some lawyers contend that Chapter 106 precludes dry towns from passing ordinances on this subject. In any event new ordinances must be in harmony with Chapter 106, and the penalties and consequences prescribed by Chapter 106. In that chapter there are penalties specified, especially for second convictions, which are beyond the power of any justice court to inflict, which suggests another legal snag to be encountered. Besides, whether the search and seizure and other provisions of the new law are not wholly beyond the jurisdiction of justice and city courts is another seriously debated question yet to be passed on by the court of last resort. All of which shows that the status of our liquor legislation is not yet as satisfactory as we would like to have it and leads the Record to suggest that a state convention of dry town officers charged with enacting ordinances, to be advised by the best legal ability obtainable, and to get the ordinances on this vexed question uniform throughout the state, and to secure a hearty co-operation on some feasible plan to properly enforce them would seem to be desirable and might redound in very much good right now.

Did you ever stop to think what a great labor saver the home paper is as a means of communication with absent friends? "Write to me often," is the last command the one breaking away from home ties so often gives to those left behind. In the rush and hurry of every day very few people nowadays have time to devote to correspondence of the leisurely kind the people of other days kept up with such unvarying punctuality. And here is where the home paper saves a world of trouble. It is better than a letter, too, for it contains much that a letter would not.

Items of interest are in it that the writer of a letter might not know or overlook. It is wonderful how eagerly one devours a home paper when a stranger in a strange land. Even the people you do not know intimately while at home, become of absorbing interest to you when you read that they have died or married or figured otherwise prominently in the home affairs. If there is some one in your family away from home, try sending them this paper regularly and a letter occasionally and see if they do not appreciate the favor of the paper.

"The Mascot"

On April 26th the "Mascot" will be presented in the Normal Auditorium. This delightful comic opera, though very different from the oratorios, "Saul" and "Esther," which were so greatly appreciated, is just as artistic and charming. It has taken an enormous amount of time, energy, and patience on the part of everyone connected with it; but we are expecting a performance that will well repay all efforts. To say the least, it will be a delightful evening's entertainment. The orchestra and chorus work is well under way; and the main characters are showing their talent. Miss Elora Urie makes a perfect Mascot; Miss Pearl Urie, as Fiametta, is an ideal princess; Mr. Dalley, as the unlucky Prince Lorenzo, and Mr. Gardner, as the unfortunate farmer Rocco, cause a great deal of merriment. Mr. E. M. Corry could not be equalled as Prince Frederic; and Gordon Matheson makes an excellent young Pippo, the shepherd.

The scene of the opera is laid in Piombino, Italy, and Pisa. The stage represents a farm, when the peasants are celebrating the vintage festival. Rocco (Robert Gardner) the farmer, instead of joining the pleasures of his ill-luck. Pippo, his shepherd, (Gordon Matheson) whom he had sent to his brother for aid, returns bringing only a basket of eggs, and a letter, to the disgust of Rocco, with the information that his brother has sent also his turkey-keeper, Bettina (Elora Urie) who will bring good fortune because she is a Mascot or hearth-angel, whose presence makes a home happy and prosperous. Pippo gives a glowing account of Bettina's charms; but when she arrives, Rocco greets her coldly. The scene is interrupted by the arrival of a hunting party consisting of Prince Lorenzo (Parley Dalley), his daughter Fiametta (Pearl Urie), Prince Frederic (E. M. Corry), and members of the court, who stop at the farm for refreshment after the chase. The Prince, who is unlucky like Rocco, learns by accident that Bettina is the possessor of peculiar virtues, and determines to take her to his court and make use of her gifts for his own advantage. Rocco is alarmed but Prince Lorenzo pacifies him with the promise to make him his Court Chamberlain. He then makes Bettina Countess of Panada, and with these added to his party, turns gaily homeward, leaving Pippo behind.

The Second Act changes to the palace at Piombino where a grand reception is to be given in honor of the marriage of Fiametta to Frederic, the crown-prince of Pisa. Bettina is thought to be the king's favorite, while she pines for her free peasant life and her lover, Pippo. Among the wedding entertainments, there is to be a display by some actors and dancers, the principle one of which turns out to be Pippo. The lovers meet and plan an escape which fails. Meanwhile Fiametta has taken a fancy to Pippo, acknowledges her passion, and tells Pippo that Bettina

is about to marry her father, Prince Lorenzo. At the last moment, Pippo and Bettina come together, explain matters, and escape by jumping through the window into the river below.

In the Third Act, the scene lies in the large hall of an Italian inn, at Pisa. The soldiers are carousing in honor of their victories, gained under the lead of Frederic, over the armies of Lorenzo. Pippo appears as a captain and friend of Frederic, and Bettina as a young trooper. They reveal their real names to Frederic, and ask to be allowed to marry at once. During the preparations, Lorenzo, Fiametta and Rocco disguised as strolling minstrels come to the inn. After making themselves known and explaining matters, Fiametta goes back to her old lover, Frederic, and the wedding of Bettina and Pippo is celebrated with general rejoicing.

Letter From

Carnegie Commission.

The city received a letter from the Carnegie Library Commission relative to the erection of a library for Cedar.

The commission is entirely willing to concede to the council's request and have written a long letter offering some very valuable suggestions which if followed will give Cedar the very latest in library buildings.

It was pointed out that too often city officials get out plans for libraries that are far from what they should be, the available space not being arranged for the best benefits to the conducting of a modern library.

The commission stated in the letter that as soon as the plans were secured for the library building they should be forwarded to them for inspection so that further suggestions may be offered or changes made, in order that the greatest good might be had for the least money.

It was also stated that as soon as the plans were accepted the money would be forthcoming to the extent of \$10,000, which will enable the city to erect a beautiful and convenient building which will be a credit to the city.

The city council and library board are to be congratulated on their efforts in securing this necessary adjunct to the city, and should receive every encouragement from the citizens.

Citizens Meeting.

The citizens' meeting which was held in the tabernacle Sunday night was well attended and as of interest to all who were there.

Dr. A. N. Leonard told of his visit to the meeting of the Medical Association of the State which was held in Salt Lake City two weeks ago, stating that many questions concerning the health of the people were discussed and many points brought out which, if lived up to would result in great good to every community.

After the report given by the doctor a discussion was had upon the best method of making Cedar more sanitary and inviting. Everyone present realized that although Cedar is as cleanly as the average town it can be made more so, and a statement was

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asked for by the chairman, Mayor D. C. Urie, as to what the people wanted in the way of an ordinance bearing upon this subject. A motion was made that "it be the sense of the meeting that the council be requested to have drafted and passed an ordinance compelling all who own corrals to clean them at least every two weeks." A vote was called on the motion and it was carried.

The question was also raised the common privy vault and what to do to make it as sanitary as possible. The people present were told that a model and sanitary privy vault could be made and that plans had been offered by the medical association which if followed would do away with this nuisance to a great extent.

A motion was also made that it "be the sense of the meeting that the council proceed to draft and pass an ordinance to compel all needing a vault to build to conform to a set plan and that a scavenger be employed to see that they were kept in a perfectly sanitary condition constantly."

There were many points brought out relative to the fight on flies, and Dr. Leonard gave a few receipts that if used will go a long way toward ridding the town of this pest.

Primary Convention Successful.

The Primary convention which was held last Sunday was successful in every respect. The people were out in large numbers and seemed to enjoy the afternoon session. The numbers given by the little folks were all pleasing and showed conclusively that the officers and teachers have been working energetically with them. There was not one hitch and the little folks enjoyed the services fully as well as did the older people.

The visiting members of the general board were well pleased with the showing made and congratulated the officers and teachers upon their work. They also encouraged all to work zealously for the advancing of the Primary organization.

FOR SALE—Baled Hay; mixture of "Red Top" and "Timothy." \$15 per ton. Enquire of David Gibson, Enoch, or Samuel Bell, Cedar City, Utah. Ap 26.