AUDITOR SWAN FILES ANSWER.

Latest Move in the Policemen's Salary Movement.

ARE ENTITLED TO NO PAY.

Occupation of the Deposed New White Of the City Hall Set out — Other Court Matters.

The answer of City Auditor George Swan to the action of Thomas J. Farrell and seven other Salt Lake City policemen, for a writ of mandate was filed with the clerk of the Third district court today.

Farrell and the seven policemen demanded at the action that it been a writ issued in their favor for the sum of $[illegible] alleged to be due them for the months of August, September and October, and the first twenty-five days of November, 1898. Compliance with the demand was delivered. It was contended that the Supreme court decision re-instating them in their positions entitled them to their salaries for the whole of the time they were off the force. The City Council appropriated an amount sufficient to pay the men their salaries from the 25th of May to the 25th of November, but Mayor Clark vetoed the amounts for the months of August, September, October and twenty-five days of November, taking the position that the money received by the men from the time they left the force and during those months was appropriate in satisfaction of their claims. He and then the men petitioned Judge Cherry for a writ of mandate.

MAYOR REMOVED THE MEN.

The answer admits the appointment of the men to the police force on various dates, but denies that they were removed in May, 1897, by Chief of Police Pratt. Mayor Clark, it is alleged, for the purpose of reorganizing the police, made the removals and appointed their successors, which was consented to and concurred in by a majority of the members of the City Council.

CHIEF SUBMITTED NAMES.

It is then set out that Chief Pratt, acting under the order of the Mayor and Council, named Joseph R. Barber, F. M. Tullidge, Roman Carroll, C. P. Pratt, Richard Eddington, William Thorne, Adam Paul and James Williams as the men whom he wished to take the place of those removed. Those men, it is set out, entered upon their duties in good faith, believing they were entitled to do so and performed all that was required of them by law.

It is also alleged that the said salary appointees were paid for the months of August, September, October and twenty-five days of November out of the city funds.

The answer then goes on to allege that the deposed men acquiesced in their removal from the fact that they afterwards engaged in other labor and earned and received compensation therefor.

NIGHTWATCHMAN BRODEUR.

Matt Brodeur, it is alleged, immediately upon his appointment, went to Pratt and demanded a position as watchman, for which it is alleged on information and belief, he was paid the sum of $75 per month. It is also set out that Matt only came back to the city temporarily and will return to Pocatello as soon as his case is disposed of.

WIRE A BOOK AGENT.

F. C. Wire is alleged to have engaged in the business of book agent during his "vacation," for which he received sums of money amounting in the aggregate each month to a sum not less than $50 per month.

RALEIGH A PRISON GUARD.

G. R. Raleigh, immediately upon his removal, it is alleged, procured employment as guard at the Sugar House, for which he got $65 per month. During a portion of the time, the answer alleges, Raleigh was out in Nevada on private business.

BUSBY A MINER.

Joseph A. Busby, it is alleged, went to Park City and procured employment in one of the mines and received a salary of $60 per month.

SWANSON A GRAIN MERCHANT.

"Dick" Swanson, the answer alleges, engaged himself in the grain business and the profits accruing therefrom, it is alleged, could not have been less than $65 per month.

CAREY A FARMER.

William E. Carey, it is alleged, went into the farming business in the village of Union, Salt Lake County, with the intention of becoming an up-to-date farmer, though how much he made during the five months is not stated.

What Policemen Farrell and Busby did in the interim the answer does not set out.

DEMANDS A DISMISSAL.

The answer then alleges that the men, particularly as to those named, did not at any time signify their readiness or willingness to perform the duties of policemen for the city.

The answer then gives a reminder of the situation, which is the answer to the men who took the places of those removed, which figures up to $1,835.

Defendant demurs and pleads against Farrell and the seven others by a dilatorial of the action.

Before Judge Hiles.

Judge Hiles made the following orders today:

A. Miller Mooney vs A. H. E. Wolcott et al, judgment from the criminal.

John Hall vs Thomas Hall, et al, F. P. Lewis, sheriff, motion to be remembered contested argued and taken under advisement.

John Bogel vs Union Sugar Mining company, et al, John Williams vs same party defendant and answer ordered to be filed.

Rule M. Rolfing vs D. C. Tripp; demurrer for plaintiff to substitute.

John E. White vs the Public Building and Loan association, demurrer to answer and cross petition argued and taken under advisement.

Jesse H. Miller vs Minnie F. Gillie; petition for a receiver for one continued one week.

In the matter of the Scott estate, set for hearing January 21, was set down as the date of hearing.

Gross Cruelty Alleged.

In a suit for divorce filed in the third district court today by Ellen Walker against Joseph Walker on the part of the plaintiff, Fred Warren, Associate Justice, has complained the action of his husband in Sunday's issue of the Herald, in which he charges that the defendant is addicted to the use of whisky and other strong drinks, and that on the occasion of his visit to the city of Ogden, he, the plaintiff, was the victim of a drunken assault by the defendant, who, she alleges, was then and there under the influence of whisky. She also alleges that the defendant has been guilty of cruelty, and recommended for such treatment as she deems fit.

Suit to Set Aside a Deed.

Julius Hilpe sues on a certain order to set aside certain deeds, filed in the district court today, in which it is alleged that the defendant, Mary Hilpe, made a conveyance of her property, for the purpose of defrauding her creditors, and also sues for an injunction restraining the defendant from disposing of the property, for which he asks that the Colorado Mining property be surrendered for such time as the court may deem proper.

Suit to Foreclose.

Amelia Dunyee filed a suit against John N. Cushing and others in the district court today, in which it is alleged that the defendant, Cushing, made a conveyance of his property, for the purpose of fraud. The plaintiff asks that the court set aside the conveyance of the property, for the benefit of the creditors, for which she claims Cushing owes her the sum of $[illegible] and also sues for an injunction restraining the defendant from disposing of the property, for which she asks that the court set aside the conveyance.

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