THE COURTS AT WORK

An Alleged Breach of Contract Before Judge Merrill.

THE COUNTY COURT IN SESSION.

A County School Tax of Two Mills Recommended—Warrants for Claims, Etc.

Chief Justice Merrill devoted the forenoon portion of an hour of his time this morning to the Third district court, in the setting of civil jury cases, the trials of which date from March 11th to April 8th, inclusive. This he did up by hearing the following motion:

ALLEGED BREACH OF CONTRACT.

Angus Hangan vs George Morrow. This case was tried before a jury, Attorney Dey appearing for the plaintiff, and R. H. Lawrence for the defendant. It came now on appeal from the judgment of the late Justice of the Peace Clarence W. Hall, which was in favor of the plaintiff for $200, with $7.50 costs.

The amount claimed was $300, the plaintiff alleging that on October 1890, he entered into a contract with the defendant under the terms of which he (the latter) agreed to furnish all labor and appliances necessary for the joint completion of the carpenter work, etc., on the Jackson school building, in strict accordance with plans and specifications furnished. It appeared, however, that on Saturday, April 5th, at the following year he (defendant), without any cause or justifiable right, discharged all the employes employed on the job and refused to finish what he had undertaken. Mr. Hangan originally secured his damages, in consequence of this, at $300, but demanded a set for $200 and, and to resist the remainder.

The contract yet to be completed was of minor due, claiming that plaintiff had been damaged in any sum by any act of his in the premises.

The case was in progress at 3:30 this afternoon.

CONTINUED.

Estate A. O. Ware vs D. J. Hamilton et al. Continued for the term by consent.

AT WON'T INVESTIGATE.

Hiram Allsopp (with leave) to be discharged from the jurisdiction of the Third district court upon his petition and he applied to Chief Justice Merrill this morning. Mr. Hoge appeared to take that matter out of the hands of Judge Zane, who was sitting upon the bench, but, as the setting term stood over, he was the setting term stood over.

The County Court.

There was one business to today's week's work of the county court in the person of Probate Judge McNally. As the citizens were in their places, on the setting session was a very one and comparatively little business done.

WARRANTS FOR CLAIMS.

The following resolution was adopted: "Ordered by the county court that the county clerk, until further order from said court, draw all warrants claims allowed by the court in the form heretofore adopted by the county court of Salt Lake county, on the third day of July, 1892, and known as the 'new series,' and which provide for the payment of no more than four several amounts, at the rate of 8 per cent per annum, the first series to draw and issued by numbers 1 to No. 19,037 of said new series."

THE COUNTY INFIRMARY.

Dr. Joe C. Allen, superintendent of the County Infirmary, presented his report of that institution for the month of February. During that period five inmates had been discharged, two had died and three births by the month were registered, and the present number is 55.

A SCHOOL CLOSED UP.

Jesse Whitney and Spencer write saying that on account of "unfavorable circumstances" they had been compelled to close their school at Mill City, and asking, in view of the fact, that the amount of their unexpired income be transferred to the Salt Lake City Bowling Co.

TAX SALE PETITION.

The petition of Jesse Saville for relief from an alleged erroneous tax was referred to the county attorney and Solomon Rubin.

A LOT OF THEM IN IT.

Messrs. Joseph M. Sharp, M. L. Perry, H. B. Horton, Walker, W. N. Cox, T. R. Harris, I. A. Cobb sent in applications for the 12th or 13th deputy tax collectorship, and the same were noted in the minutes.

FOR ROAD SUPERVISOR.

J. J. Dwyer petitioned to be appointed road supervisor of district 12. Also noted in the minutes.

TAX FOR SCHOOL PURPOSES.

County Superintendent of Schools E. G. Asay sent in an estimate of the amount of school funds that will be required for the current year. "For the ensuing year," he says, "we have to levy a county tax of two mills for school purposes, and I hoped that a tax of a mill would supply the needs of the county for the ensuing year, but consultation with many of the school officers of the county convinces me that two mills tax will be necessary to supply the needs of the schools. While several of the larger districts are prosperity so with the assistance from the county fund, yet many of the smaller and poorer districts, which are now compelled to pay each year a heavy district tax for school purposes, be relieved by their schools running the requisite length of time, certainly not the very assistance from the county fund. Legislatures in other states have resorted to the plan of a county tax for school purposes which is now best easily borne. I therefore recommend the levying of two mills to be used upon the taxable property in Salt Lake county for school purposes for the ensuing year."

The matter was referred to the county attorney.

A fence was taken 10:15 p.m.

For Prohibition.

HENEFER, SUMMIT CO., UTAH, Feb. 28, 1895.

Editor Deseret News:

I have read the expressions of the Prohibition meeting in the News of Feb. 14th. One of the speakers on that occasion said: "Utah would never have its sovereignty to express her will as at this time."

It appears that sentiment of the kind held in Provo would be to some and that the Provo resolution be accepted and also be submitted by the people to the Convention. The most distinct and the greatest number of the inhabitants of the cities, I have no doubt, can be relied upon to confirm the measure. I believe the subject will be largely considered by the members. Your Salt Lake correspondent of the 25th says: "There has been but little popular agitation upon the subject." The average Utah, it is not too late.

JAMES LEITHEAD.

DROWNED IN THE GRAND.

John Schramm of Payson, Sweet Drowns to Death.

Left Home Only a Few Days Ago to Herd Cattle Near Grand River—Other Payson Items.

PAYSON, March 3, 1895.—A telegram received by C. C. Schramm this morning, from Moab, Utah, forwarded by his Pace, announces the sad intelligence that Mr. Schramm's son John was drowned in the Grand river yesterday morning, and that at the time the message was sent the body had not been found. Particulars are scarce, but as near as can be learned, John Schramm, who is about eighteen years of age, left Payson only a few days ago for the Grand river country, to herd cattle for Mr. Pace. While engaged in this pursuit he attempted to ford the river, with a bunch of cattle and all were swept down by the strong current. It is now reported that another message has been received by Mr. Schramm, stating that the body has been found and will arrive on this evening's train.

OTHER NEWS.

The concert given by the First ward choir last Monday evening was well attended and the numbers exceedingly interesting. A similar entertainment was given for the benefit of the choir at the First ward meeting house on Thursday evening. In addition to the musical numbers, Professor Pettingill's "Moses of Goshen" was presented with a musical sketch by Mr. Sam Bennett. This entertainment was also well attended and the numbers heartily appreciated.

An "exciting cowboy contest" or a purse of one hundred dollars, attracted an immense throng of boys and men from this and neighboring settlements, yesterday afternoon. The contest consisted in the boys lassoing and tying down three steers, and for trimmings to amuse the spectators, they were also to ride a restless steer. A large audience of 175 cents each, witnessed the fun. The cowboys claim to be J. P. Holladay and E. Drew, champion roper of Wyoming and Arizona, respectively.

Something in popular request, the Queen City minstrels repeated their entertainment last evening at the Opera house. Standing room only was available as the curtain rose, and plainly showed how the amusement-loving people of Payson appreciate the efforts of a local company which tries to provide them with a first class entertainment at a reasonable price. Every inside was applauded and nearly every member received. The Payson band of the company is to be followed J. Frank Pettingill, James W. Sharp, Sam Barrett, Karl Hunter Russell, George Hatch, Wm. Green, John Redman, Henry Smith and Frank Dancey.

A light shower has been falling at intervals since yesterday evening.

John Powell, Payson's former commercial artist and painter, now located at Bradford, is here on a short visit among relatives and friends.

Quorum Notice.

The Eleventh quorum of Elders will hold their monthly meeting tonight, Monday, in the Twenty-first ward meeting house, as usual. Special business. Full attendance desired.

Assistant County Attorney.

County Attorney Williamson had a conference with the members of the county court this morning in regard to the appointment of his assistant. The selectmen expressed their willingness to include in the compensation to be made to the county attorney such a reasonable amount as might be deemed absolutely necessary for the services required. They preferred, however, to leave the selection solely with Mr. Williamson himself, thinking him better capable of judging as to the qualifications, etc., of a deputy. It is probable that the name of the appointee will be given out tomorrow.

Seafield and Winter Quarters.

SEAFIELD, Feb. 28, 1895.—The coal trade continues fair and the general prospects in our camp are good. The P. V. Coal company has given notice to their employes at Winter Quarters that there will be very little work for some time, and advises those who were going to leave in the spring to do so now.

There are several cases of scarlet fever at this place. Mr. Lee Gardner lost a son last Sunday from it, aged 3 years and three months.

Superintendent Gourley, of the U. P. mines, was in town on inspection.

Superintendent D. A. Nelson, of the Wasatch Store company, came up from Castle Gate today.

The sale of valuable Joe Winter Quarters property is set to the 25th instant. There has been no action taken in the case since. Will the News please inform us what should be done and who should do it.

A MINERS BOY.

UTAH JOURNALISTS

In the Capital Championing the Liberty of the Press.

MEETING AT THE KNUTSFORD.

Proposed Articles for the State Constitution Submitted and Discussed.

The Utah Press association held a well attended session at the Knutsford hotel today, beginning at 10:00. Among those present were the following:

E. A. Littlefield, O. A. Barker, the Evening Press; Orlando John Stone, Blindfold; Johnson, J. of Stonecutter, Manti Messenger; D. C. Higgins, Marion Herald; Fred Nelson, Tintic News; E. S. Boyton, Payson Globe; D. J. Stewart, H. G. Parsons, Fred H. Sonne, Spanish Fork Herald; M. L. Scott, American Fork Sun; A. N. Hansmann, Logan Nation; L. M. Johnson, Springville Independent; A. E. Cannon, Box Elder County; J. V. Long, Tooele Transcript; L. E. Smith, Payson Globe; J. N. Wade, Herald Advocate and a number of others who subsequently signed the membership roll and were taken into the association. Among those were Richard W. Young, member of the Salt Lake Herald staff; H. H. Lemon, manager of the Tribune.

President Rogers compiled the chair and after the usual preliminary business had been disposed of, several committee reports were received and filed.

Mr. Paulsen offered a resolution to the effect that the assembly endorse and ask for the appointment of Mr. Rosenbaum as assistant secretary of the Constitutional Convention. Adopted.

Then came the most important matter for the members of the assembly to consider. It was in the shape of a report from the committee on legislation proposing the following articles for incorporation in the State Constitution:

"Section 1. The people shall forever remain free, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

"2. No law shall ever be made to abridge the liberty of the press or speech.

"3. No sale of real property by virtue of any execution shall be valid unless a copy of said execution shall be published in a newspaper of general circulation published nearest the property to be sold, at least ten days before said sale.

"This resolution may be published in all newspapers published, and having greater circulation, in Utah, once a week for a period of 10 days previous to June 1st, 1895, and they pay themselves as a compensation for said publication the sum of $——, to be paid out of the fund for the expenses of Utah Constitutional Convention.

"In all actions for libel the proof of the truthfulness of the action complained of as being libelous, shall be a good defense and the jury shall be the sole judge of both the law and the facts in the case.

"Before any civil suit shall be brought for the publication of a libel in any newspaper in the State the aggrieved party, at least seven days before filing his complaint in such suit, shall serve a written notice on the publisher, or publishers, of said newspaper, specifying the statements in the said article which he or they allege to be false and calumnious. If it shall appear on the trial of said action that the said article was published in good faith, that its falsity was due to mistake and misapprehension of the facts, and that if libelous was published within seven days thereafter in a regular edition of said newspaper in a conspicuous place and type as was the article complained of, then the plaintiff shall recover only actual damages."

The report, not unexpectedly, was the cause of a good deal of discussion. Those who antagonized it did so mainly on the grounds that the distinctions between constitutional and legislative work did not seem to be clearly understood.

Shortly before noon the meeting was adjourned to allow the members to attend the opening of the Constitutional Convention. The proposed articles which had been under discussion during the session were referred back to the committee with the apparently expressed or having all recommendations to the Convention after the first paragraph thereof.

At half the resolution was again called to order and the further consideration of business proceeded with.

OGDEN.

OGDEN, UTAH, March 3, 1895.

Suicide in Ogden.

About 12 o'clock Saturday night Harry Palmer, a young man living in Ogden, yesterday committed suicide. He went into Cain's drug store on the corner of Grant avenue and Twenty-fifth street and called for some carbolic acid, immediately upon its being handed to him he drank about half of the contents of the bottle. He died in about five minutes. His inability to obtain employment is supposed to have been the cause.

A Burglar Shot.

Detective Pender, who resides on Tennessee street, shot a burglar through the arm about 4:00 Sunday morning. He awoke by a noise of someone going through his house, and he got up to see what was going about. Pender fired, the shot taking effect in the burglar's arm. The burglar was taken to the hospital, he gave no name.

Mrs. Unsworth's Will.

The will of the late Mrs. Helen C. Unsworth was filed Saturday with the county clerk. Mrs. Samuel Unsworth and Albert R. Heywood are named as executors. To the Clerk D. Hill is bequeathed $2,000, to Hannah Unsworth $2,000. The executors are empowered to give to some Epworth church by them selected the sum of $1,000. Samuel Unsworth is to receive one-third of the property remaining, the balance of the estate to be divided equally between Joseph W. Cook of Cowdon Agency, John C. Hall of Ogden and John H. Cook, of Casey, Iowa.

Broke the Leg Again.

Frank Walton has met with another unfortunate accident. The boy last November got his leg crushed by the cars and had only left the hospital on Wednesday last for his home in Uintah when in the evening he set out on a ride, with his broken leg was he fell in such a way as to cause the bone just above the knee. Dr. Bull attended the little sufferer.

Notes.

A carload of sugar was yesterday shipped to Chicago.

A marriage license was granted Friday to Lewis C. Cunningham of Salt Lake City and Miss Florence Wilson of Ogden.

A small house in Washington avenue, owned by Dan Mason, was totally destroyed by fire the night of the 1st, partially insured.

Joseph Slater, who has held the position of general manager of the Southern Pacific shops in Ogden, has resigned. He will be succeeded by Mr. A. E. Gilbert, formerly of the car department of Horkersen.

At the Tabernacle Sunday afternoon Elder Charles Welch completed the fifth series of sermons upon the subject of prophecy and commenced a new series of discourses which he intends to deliver through the providence of God.

On Sunday, Perley Wright, Willard Richards, Moroni Thomas and Nathan Tanner left on the Southern Pacific for California. They are all young men who have been employed in mercantile business, which they leave to take up schoolcraft in California.

LOGAN.

LOGAN, UTAH, March 4, 1895.

Feeding Cattle.

The farmers of Cache county have had an object lesson during the present winter that should be productive of good results. Several eastern firms purchased large numbers of cattle in Cache valley and have bought stocks lots at $2.50 per ton and wished at the per bushel to feed them, have paid their expenses and still made money. On Friday last Mr. Dandy, of Omaha, shipped four carloads of cattle he had been feeding, and Mr. Gaddi, another eastern man who has been feeding cattle here, bought six hundred head of steers from Jacob West, of Logan, paying thirteen cents than $12,000. Mr. Raymond, of Butte City, Montana, was here during the latter part of last week, buying cows for his market. This all goes to show that the stock raising interest of Cache county has a future before it, provided anything can be learned by experience.

Notes.

The Fellowship meeting last Saturday was a large attendance and many matters of common interest were considered.

A two-year-old child of Mr. and Mrs. Chas. Johnson, of the seventh ward, fell from a chair and broke an arm last Friday.

The Rev. F. L. Hayden, of the Presbyterian church, has resigned his position in Logan to accept a call from Kearney, Nebraska.

The Cache county delegation to the Constitutional Convention left home on Sunday morning for the scene of their new labors.

Jens Sorenson, of Hyrum, aged 68, and Anna Kelly Jensen, of Logan, aged 53, were married in a marriage license by Clerk Sullivan on Friday.

The entertainment given by the Germans last with beauty appreciation and the house was crowded to its utmost capacity. The program was varied, and the language about evenly distributed between the German and English.

A Gurney schoolder and Deputy U. S. marshal have attached the absent house of Mr. Zeph Thomas on an earlier judgment of a debt incurred while Mr. Thomas was engaged in the mercantile business in this place.

The members of the Logan Volunteer Fire department are expecting to entertain their as well as guests. Twice each month, alternating with regular meetings, a literary meeting is held at which subjects of interest are discussed.

Prof. Robinson, of the Agricultural College, and Prof. B. M. Todd, of the B. Y. College, lectured at the meeting of the member of commerce Thursday evening. Prof. Robinson spoke on horticulture and Prof. Todd on the benefits of union among farmers.

An entertainment of a musical and elocutionary nature was given in the Fourth ward meeting hall on Saturday evening under the auspices of the

CASTORIA

for Infants and Children.

"Castoria has so far superseded the prescription of any physician that I know of that it is the only medicine we shall use and recommend to our patrons." Dr. A. Jenkins, Brooklyn, N. Y.

"Castoria is so good a medicine that it is a wonder that it is not a family medicine." Dr. G. Dyer, Boston, Mass.

"Castoria is a most excellent medicine for children, and I shall use it in my practice." Dr. Alex. Robertson, Brooklyn, N. Y.

"Castoria is a medicine which I can confidently recommend to my patrons, as I know from its composition that it is free from all injurious drugs." Dr. Wm. Wood, Brooklyn, N. Y.

"Castoria is a most valuable medicine for children, and I shall use it in my practice." Dr. Chas. Rexford