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THE CITY WARRANTS.

From several parties come inquiries as to the issue of Salt Lake City warrants, and whether or not they are valid. In a general way the reply is that these warrants issued in excess of the limit of indebtedness—such warrants being issued in general in Salt Lake City—are invalid.

There is also in the laws passed by the last Legislature a provision that certain officers shall endorse a certificate upon every bond, warrant, or other evidence of debt issued pursuant to law, that the same is within the lawful debt limit of the city or county, as the case may be. If there be no such endorsement on city warrants, then the fact that the law has not been complied with is a presumption against the legality of the warrant. There may be some question as to how far this State law is applicable to city warrants, since the statute is so loosely drawn as to render its terms in some respects ambiguous.

As a general proposition, however, it may be said that warrants not issued in conformity with the provisions of the statute cannot be legally enforced as contracts. If the city warrants issued by the auditor are not legal, by being outside of the debt limit, then the county collector who collects city taxes would be justified in refusing to take them for that purpose, as his acceptance of them would be at his peril. He might get hauled up with such warrants, then a taxpayer could come in and have their payment stopped because of their illegality, and the collector would be responsible on his bonds for the money. The same rule would apply to the city treasurer in accepting illegal warrants for licenses.

The situation of city warrants in excess of the indebtedness limit is of such a doubtful character that the individual who does not want to be a loser though receiving the same will be so chary of handling them as of touching the traditional "hot potato."

THE MILITIA CENSUS.

The Salt Lake county commissioners are in a pickle over the militia census, but their situation is as easy one to get out of compared to that of the officers who have caused the dilemma. At least one of the commissioners, Mr. Golden, declines to pay more for certain work than the commissioners specifically allow; and his position on that point seems to be impregnable. If an officer puts deputies to work at a salary in excess of what the commissioners are willing to pay, then the salary will have to come down, so far as the county is concerned, since it is the duty of the commissioners to "supervise the official conduct of all county officers," and the matter referred to comes within their jurisdiction. When the county commissioners agree upon the subject in dispute, the business will be fixed up as to them; but not so as to some others, in the public mind.

The law contemplates that the militia census shall be taken by the assessor at the time he makes the county assessment. This was done in some portions of Salt Lake, but in Salt Lake county the work was omitted, for the alleged reason that the county attorney advised the assessor not to perform it, as he thought the law on the subject would be invalid. The Legislature, however, did not repeal the law, but recommitted.

The county attorney is absent, and may have said he never gave such advice, as until he is home from it may be well to wait and let future readers judge the statement which came from the lips of Salt Lake's very capable attorney, to say the least. It is almost carrying the thing too far to say the people to whom that an attorney holding such a responsible position as Mr. Walker quite now would advise the disregard of a law on the best possibility of its repeal by the Legislature. In was the law, whether or not there was a prospect of repeal, and say now as to the step it was exceedingly improper in its effects.

Whether or not the county attorney consulted the legislators in the law in question, he assumed the responsibility of advising a public officer to violate a public law. On a former occasion the law was not obeyed because there was a misunderstanding, and it now looks as if it were intended to repeat (only get out of doing the work, or at least avoid paying for it) the same. Perhaps the law is not the best one that could be framed, but it is the law, and the duty of public officers is not to violate it because they think it is not the best one that could be framed. The Legislature, which is the proper tribunal to amend the law, is not in session, and it is not likely that it will be for some time to come. The law is not a dead letter, but the statutes are full of laws which are not enforced, and yet no one ever thinks of advising a public officer to violate them. If the law is not enforced, the responsibility is with the officers who have failed to do their duty, and not with those who have given the law a wide construction. The duty of the officers in question is not to violate the law, but to obey it, or else resign their offices. If they do neither, they will be liable to be removed by the proper authority, and the matter referred to them will be taken up by the county commissioners, who are charged with the duty of supervising the official conduct of all county officers, and who have the power to remove them for cause