

EVENING NEWS.

PUBLISHED DAILY, SUNDAY EXCEPTED, AT FOUR O'CLOCK.

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CHARLES W. PENROSE, EDITOR.

Friday, Feb. 17, 1882.

THE REDEMPTION OF TOOLE.

The Bird trial, which terminated on Wednesday in the Third District Court, revived the interest which was once very lively in the affairs of Toole County. As there were some mis-statements made during the progress of the case, we will give the true particulars of the recovery of Toole, to the control of the People's Party, leading to the indictment and trial of Edward Bird, for embezzlement.

It will be remembered that the so-called "Liberals," by liberal ballot-stuffing in the mining camps, obtained possession of the County offices, and for some time "ran" the County in their own fashion, which included running it considerably into debt, and depreciating its credit until it became well nigh worthless. It was only by wise management, close union and unflinching determination that it was overturned and justice re-established in the so-called Republic of Toole. Under the leadership of F. M. Lyman, who had taken up his residence at the County seat, the election was closely watched and contested, and evidence obtained of the most complete kind that the People's Party had a clear and indisputable majority of three hundred legal votes.

The "Liberals" County Court, however, refused to canvass the returns, intending to freeze out the People's officers elect and freeze on to the positions on which they had been fattening. But Mr. Lyman, who had been elected Representative to the Legislative Assembly and County Recorder, was not to be intimidated or defrauded in this manner, so applied to the District Court for a writ of mandamus to compel the "Liberals" officers to do their duty. He succeeded after some difficulty, but the defeated party took an appeal to the Supreme Court, which confirmed the action of the lower courts, and on the peremptory mandate of the higher tribunal, the canvass was at last made, about eight months after the election.

The result showed that all the People's candidates were elected by the majority we have named, and the Probate Judge, Mr. Schuyler, so announced, when the law was read to him by Mr. Lyman, who then called on Martin, the County Clerk, to issue certificates to the officers, so declared elected. This he refused to do until the law was read to him and Mr. Lyman told him that if he did not comply with it he would be taken before a Justice of the Peace at short notice. He then made out the certificates, when the new Treasurer presented his bond, which Judge Schuyler pronounced a good one and ordered the Clerk to receive, who filed it, and with the default Judge and other ex-officials left the Court House, giving the key to Corner Gillespie and intimating that he would return after supper. The new Probate Judge filed his bond with the Treasurer, the other officers with the Judge, and the new County Court was organized.

The ex-Clerk not returning, Mr. Lyman in company with Mr. Ramsey, went to Mr. Martin and Bird and tried to induce them to come back and make a proper transfer of the books, accounts, etc., which they refused to do. The new officers then went ahead with their duties and remained in unmolested possession.

Thus there was no force, or violence, or turbulence, and no threats as depicted by Martin at the Bird trial. Some twenty-five or at the outside thirty of the People's Party were present, respectable citizens, not given to tumult or boisterous conduct. Martin testified that he did not voluntarily sign the certificates of election. That was quite true. But it was not true that he was compelled to do so in any other than a legal manner. It was only by pushing these "Liberals" office-seekers inch by inch to the last extremity that they yielded and vacated. They were forced to give up, compelled to relinquish their hold, but it was legal force and legal intimidation that were brought to bear and not physical. There was no mob, no weapons, no shaking of fists, no threats of striking, or other such demonstrations, but the change was effected peacefully and without any thing approaching to forcible ejectment. It was the mandate of the superior court which forced the Liberals out, and the determination evinced to use the law further if necessary which completed the victory.

The possession of the books by the People's officers exposed the nefarious doings of the party of fraud, and it was fear of this which induced the latter to cede as long as possible to their positions. Among other things disclosed was the fact that taxes had been collected by Edward Bird, deputy Assessor and Collector, from transient sheep herders to the amount of \$1,100, not a cent of which had been paid into the treasury or even accounted for. D. W. Mitchell had been the Assessor, Bird was his deputy. It was learned that the latter had received the money, and the former expressing great surprise declared his ignorance of the collection. Proceedings were thereupon instituted against Bird. Mr. Lyman appeared before the Grand Jury and the proofs were so clear that Bird was indicted. He managed to sliver off the trial time and time and time again, the witnesses for the prosecution coming to the city on several occasions only to see the case postponed. At last the trial came on, and Mitchell, now safe from indictment, as the time had elapsed under the statute of limitations, took the burden on himself, his attorney pre-

sented stating that Bird had settled with him in full for all his accounts as deputy. Thus a verdict of acquittal was properly rendered and the Bird was set free.

The next step will be to sue Mitchell on his bonds, criminal prosecution being barred, when the bondsmen, unless properly secured will probably have to suffer from this "Liberal" style of handling the public funds. Under the restored regime, Toole has rapidly recovered from its "Liberal" experiences and depletions, of which the Bird episode is but one of the kind it has had to endure, and with its paper up to par and close economy in the management of its affairs, it is on the highway to prosperity and progress. It is to be hoped it will never again become the roosting place of "Liberal" Birds of prey.

THE LIQUOR BILL.

This liquor bill, as it passed the House on Thursday, amends the section requiring one-fourth of the revenue derived from the licensing of liquor-dealing to be devoted to general school purposes in the county wherein the revenue is obtained. This is much better than the provision as it came from the Council, but it is not in our view exactly right yet. We do not dispute the right of the Legislature to regulate the disposition of a part of the revenue thus derived, so long as it is expended in the city or county to which it properly belongs. But we do dispute the right of that body after giving legislative and executive powers to a municipal corporation to divert the revenues of that corporation to uses outside of its limits. The bill is in a better shape than it was, but yet contains to some extent the principle which we regard as incorrect. However the expenditure of part of the means raised in the city for educational purposes within the county is better than to divert the funds to such uses throughout the Territory.

AMENDMENTS TO THE EDWARDS BILL.

This Edwards bill which passed the Senate was substantially the same as that published in the News of the 15th inst. The only material change being the introduction of the following section:

"Sec. 2. That the foregoing provisions shall not affect the prosecution, or punishment, of any offense already committed against the section amended by the first section of this act."

And the following interpolation in what was Sec. 9, now Sec. 8, after "assembly":

"Providing said board of five persons shall not exclude any persons otherwise eligible to vote from the polls, on account of any opinion such person may entertain on the subject of bigamy or polygamy; nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy."

It then continues, "but each house of such Assembly," etc.

DEBT, VERSUS CREDIT.

There is an age of traffic and trade, interchange of commodities is an essential of our times, and distribution to the masses is as natural and inevitable as the distribution of water from a well appointed reservoir.

In connection with this exchange and distribution there has arisen a vast network of credit, with all its collateral of notes, endorsements, securities, mortgages, debt, bankruptcy and ruin.

Growing out of the anxiety to sell, facilities for getting into debt have been freely multiplied and are now too numerous for the good of mankind; if all were so organized that they could resist temptation, if those were less largely developed, things in this respect would be different; but men of no speculative disposition as well as those disposed that way, are alike caught in the meshes of opportunity, and society protects by law the pushing, crowding traders, but allows the simple as well as the designing to risk their life, and jeopardize their family interests and claims, with the limited drawback of exemption which varies in every State of the Union.

It is a question whether legislation should not further curtail this tendency toward debt and slavery, and it is also a question whether instead of increasing the facilities for self destruction and debt collection, it would not be better to abrogate all legal process for the collection of debt.

This would give a premium to honor, to honesty, and to reputation as acquired by long years of well doing in society; this would involve on the part of sellers more inquiry as to the certainty of payment, and so cut off many who now intend only fraud and it would be an everlasting blessing to those who are defective in moral force, who often get into debt because of the pressure and persuasion of the one who sells.

Besides, when a man is called upon to give security, whether by endorsement or mortgage, (chattel or otherwise) it is an implied query as to the reliability of the applicant, and really an admission that the security is worth more than the man; whereas if the debt were simply a debt of honor, the same feeling would be evoked that is evoked among sports in a less reputable direction, yet one where debts are uncollectable by law, are almost invaluable.

Nor would this lessen in any appreciable degree the total of trade transactions, it would rather seem to induce more genuine integrity, and smile with destruction only the dishonest and the fraud. Litigation, bankruptcy, with all the machinery consequent thereon of law and courts, would be shorn of a large proportion of their labor, and real moral and financial health would be increased in the ever widening circle of commerce and trade. This may appear to be revolutionary, and very unlikely of adoption, but that it is a great public good, and that it will be likely to displace Trade would be done

with much less risk, prices now made to correspond to that risk and always paid by the honest, would be proportionately reduced; men would be credited on their personal reputation and responsibility; character, honor, would be the criterion; real estate, tricks and mortar, chattels and goods, would be comparatively as nothing, a "man's word" would be his bond; there would be no pestering of another for endorsements, no obligation to secure, tries sometimes a man in the tenderest part of his nature, because of implication; and no home, or family would be jeopardized by the weakness or folly of even a good but financially unreliable head.

This might seem to open the door of success to the more city and plausible of men, but the ever present realization of non-recourse would reconstruct credit by caution, and so leave less to chance; while provision of note testimony, would be increased so as to meet the emergencies of life or death, at the same time a note should exist as acceptable as an account kept only on a book.

Whether there should be an exemption in favor of the debts of society, such as taxes, etc., without which public good might be reduced to a minimum would have to be considered. No debt under this conclusion would ever be outlawed, but at any time the one who had given credit would feel justified in suggesting that payment would be agreeable, and an appeal to honor and the sense of right would often be successful, even with men who now shield themselves behind the assumptions or presumptions (for they are such) of the law.

Debt is an incubus upon the energies of most, it is an evil almost universal, and is temptation to indulge in it should not be increased, but rather be withheld or restrained as we now restrain the sale of deadly elements, or the facilities for individual demoralization in many other directions.

BY TELEGRAPH.

AMERICAN.

LATEST DISPATCHES.

URGENT DISPATCHES.

NORFOLK, Va., 16.—The governor and some State troops have gone to the mouth of the Rappahannock River where the civil power is in operation owing to the oyster war.

Presidential Banquet.

WASHINGTON, 16.—President Arthur gave his first state dinner to-night at the Executive Mansion to 37 guests. The head and acting heads of the various foreign legations at Washington. It was the first White House dinner given by the administration and the first dinner given to a diplomatic body in four years. The Executive Mansion was thrown open and lighted through the east room where the President received his guests, and the remaining lower rooms of the Mansion were beautifully adorned with wreaths and flowers. The formal supper was from Boston to President Garfield for his inauguration feast freshly rigged and loaded with flowers, had a place of honor among the decorations of the dining table.

Mrs. Garfield Deceases.

NEW YORK, 17.—A Cleveland reporter who called upon Mrs. Garfield to-day, was informed that no letter from Mrs. Garfield had been received. Mrs. Garfield had a great aversion to referring to the subject in any manner, and it is believed that she would give no attention to such a subject from Mrs. Sewell or any other person.

A Military Academy Burned.

CHESTER, Penn., 16.—The military academy was burned this morning, there were 140 cadets attending the academy. The young men succeeded in saving most of their personal effects. Much of the furniture, library, and other things were stolen. The building was four stories high, overlooking the city and was built at an outlay of \$15,000 by a stock company in 1875. Loss, \$300,000, insurance \$75,000. All the state and government property was saved. Soon after the fire broke out a heavy rain began falling which damaged much of the rescued property. The origin of the fire cannot be definitely ascertained as the laboratory in which it was discovered contained nothing that would explode or ignite.

CONGRESS MEMORIALIZED.

The following memorial was introduced in the Council yesterday by Senator M. Thatch, and unanimously adopted by that body and subsequently by the House. Last night it was telegraphed to Washington: Memorial of the Legislative Assembly of the Territory of Utah.

To the Honorable the Senate and House of Representatives in Congress assembled.

Whereas, There are now pending in the Senate and House of Representatives bills having in view the disfranchisement of citizens of Utah and the appointment of commissioners wholly irresponsible to the people, but empowered to legislate for and generally to control the affairs of the Territory; and

Whereas, We have deeply at heart the interests of peace and general prosperity now prevailing throughout the Territory, the interests of freedom and loyalty, justice and humanity, the interest of an industrious, happy people, whose quiet homes are gladdened with the voice of daily praise, and who, having earnestly towards none, feel good-will to all in the interest of charity, love and religion, and by the cherished memories of Washington, Adams and Jefferson, in the name of the declaration of rights, which cost so much precious blood, the broad provisions of our Constitution, and the glorious Stars and Stripes, often baptized in fire, we desire to implore the Congress of our great nation to pause, reflect, and investigate before responding to the unreasonable pressure of public opinion, wrought up by misinformed and misguided religious influences, the promoters of which wish to rivet upon the Territory of Utah the chains of slavery.

Now, therefore, be it resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of Utah, that we do hereby petition the Congress of the United States, to appoint a commission of honorable gentlemen to come to Utah, empowered to send for persons and papers, and otherwise investigate and report to the Congress, and every matter bearing upon the question at issue, and as

in duty bound; your memorialists will ever pray.

Adopted February 16th, 1882.
FRANCIS M. LYMAN,
Speaker of the House.
JOSEPH F. SMITH,
President of the Council.

Legislature.—In the Council this afternoon, a report was received from Emanuel Bagley, Territorial commissioner, appointed to expend one-half of \$2,000 appropriated for the Salina Canyon road, stating that the amount had been expended and that it had been of great benefit to the travelers in that region.

The House bill to protect stock-drovers and ranchmen, and providing for the branding of live stock, and recording marks and brands, was passed.

WHOLESALE PRODUCE LIST.

List of Buying Prices of Produce in the Salt Lake Market, corrected Weekly for the Deseret Evening News, by Z. C. M. I. and others:

Wheat	90 @ 95c	5 bushels
Barley	1.40 @ 1.50	" "
Shelled Corn	1.40 @ 1.50	" "
Flour, XXX	2.75 @ 2.85	" "
XXX	2.50 @ 2.60	" "
Grass	1.20 @ 1.30	" "
Shorts	1.10 @ 1.20	" "
Butter	25 @ 26	" pound
Eggs	25 @ 26	" dozen
Beef on foot	8 @ 9	" pound
Mutton, dressed	8 1/2 @ 9	" "
Pork	9 @ 10	" "
Wool	15 @ 16	" "
Hides, Dry Flank	10 @ 12	" "
Salted	8 @ 10	" "
Green	4 @ 5	" "

HARROWS.

The Patent Steel Tooth, Iron Frame Harrows, in three or four sections, full stock on hand at Mitchell Wagon Yard.

L. B. MATTISON.

RECEIPTS.

When a board of eminent physicians and chemists announced the discovery that by combining some well known valuable remedies, the most wonderful medicine was produced, which would cure such a wide range of diseases that most all other remedies could be dispensed with, many were sceptical; but proof of its merits by actual trial has dispelled all doubt, and to-day the discoverers of "that great medicine," Hop Bitters, are honored and blessed by all as benefactors.

THEATRE.

At Heber City, Feb. 24 1882, of disease of the brain, MRS. SARAH MONTGOMERY. She was the daughter of Jonathan and Sarah Young, born in Salt Lake City, January 4th A. D. 1858.

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Veil De Meyer's CATARRH CURE.

ABSOLUTELY CERTAIN.

MARCH 15th, 1882!

SPRING TIME IN CALIFORNIA.

A FIRST-CLASS EXCURSION WILL leave Ogden on the above date for San Francisco, San Jose, Fresno, Santa Cruz and Los Angeles, returning any time within sixty days with stop-over privileges.

\$62.50 for the round trip.

Tickets can be had of B. H. Schettler, Ogden, or Geo. H. Tice, merchants Ogden.

RIGGS & SNELL, MANAGERS.

NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

IN THE MATTER OF THE ESTATE OF CATHERINE PETERSON, DECEASED.

UPON READING AND FILING OF THE petition of Sidney W. Dack, administrator of the estate of Catherine Peterson, deceased, praying for an order to sell real estate to pay the debts outstanding against the deceased, and the debts, expenses and charges of administration.

It is the order of the Court that all persons interested in the said estate appear before the said Probate Court, on Monday, the 27th day of February, 1882, at 10 a.m., at the County Court House in Salt Lake City, to show cause, if any, why an order should not be granted to the said administrator to sell the real estate of the said deceased.

And it is further ordered that a copy of this order be published at least ten days prior to the time of hearing of said petition, in the DESERET EVENING NEWS, a newspaper published in and having general circulation in Salt Lake County.

Done in open Court this 15th day