NOT IN CONTEMPT.

So Says Judge Bartch in Regard to Albert E. Colburn.

POWERS OF THE COUNTY COURT.

The Only Way Review the Acts of Its Predecessors and Correct Their Errors.

Judge Bartch held his meeting in Albert E. Colburn, the witness who refused to answer before the county court last Tuesday, during the inquiry into the alleged county frauds, and was found guilty of contempt, and he was formally exonerated.

The court, in giving its decision, remarked that in a certain pleading in the Territorial Supreme court on the 3d January last the question of the validity of certain county warrants issued by the county court of Salt Lake county during the years 1891 and 1892 was presented. The court, there, had said that those warrants, in a certain amount, were valid. It appeared from that opinion that about $6,000 worth of warrants were held not to be a proper charge against the county. After that decision was rendered the county court, it appeared, started itself into a commission of investigation for the purpose of ascertaining what portion of those warrants were invalid, and examining on the action of the lower court in several instances.

The facts in the case were not fully put on the pleadings, but it was proved that the expenditure of money on the presentation of the questions taken up, that the county court was attempting to investigate as to what was and what warrants were properly issued, and whether the claims of each they were issued were right or against the county.

Some one member of the Territory, recently court, in the course of its proceedings, subpoenaed the witnesses to appear before them and give testimony in regard to the alleged contract for the furnishing of material to ascertain the State court. The witness in question, Mr. Colburn, was called in relation to matters, claiming that the county court had no jurisdiction to compel him to come, sitting as a board or commission of investigation.

Judge Bartch said he was of opinion that the county court could not assume itself into such a commission and compel witnesses before it, claiming that the county court had no jurisdiction to compel witnesses to appear before it, claiming witnesses which was conferred by law upon the county court in a commission appointed by that court.

The duties under which the present proceeding was had were granted by the court, as follows: "Whenever the county court or any county court shall deem it necessary or important to examine any person as a witness upon any matter within its jurisdiction, such court, if the county in relation to the matter of the official duty, as to the conduct and management by him of any money or government the possession or disposition by him of any property belonging to the county, or to any aspect, of existing any books, papers, vouchers or documents in the possession of such officer or other person, or which the counsel or relative to the affairs of the county, if the county, or its officer judge shall issue a subpoena."

It was plain that, under the law, the county court had the power, whenever it deemed it necessary or important, to examine any person as a witness upon any matter within its jurisdiction, as to such matter. The statute seemed to be explicit as to this, but he had found no authority to say where that power permitted the Court to delegate the power of investigating and examining witnesses to any other body of persons. It would seem, therefore, that if the court had been in contemplation of the Grand Jury of the County, the county court itself was the proper body to make such examination, and that could not be done side of what the statute said. Under the circumstances, therefore, as mentioned in this case, he thought the witness could not be held in contempt if it could be claiming to answer.

The question now occurred as to whether the county court itself could make such examination and report upon the acts of the former county court. Counsel for the prosecution maintained that when the county court saw an error in the action of an account of the former court, or any matter improperly presented, power was in it, and it could correct it, and that it was clear the Legislature, and that it was beyond court could not inquire into it, even though it was erroneous and improperly issued. He could not agree with counsel on that point. He thought that in the case of fraud, collusion or error, when this was shown, especially before final payment of the warrant to issue, the succeeding county court had the right to correct their errors and to do all and similar to the action they had in conflict with any act of Congress or the Organic act. It was proper and standing upon all points, and when the county court, as a court, instituted proceedings of this kind, especially under the showing that was made in this instance, of a large amount of warrants having been issued of which without authority of law, he was of opinion that they had the right of examining into matters upon their requirements, and of making a full and thorough examination into the several questions. Indeed, he thought it was their duty so to do.

Judge Powers—Then the court is the Mr. Colburn in contempt?

Judge Bartch—Yes.

"The talk of Dwight's saleratus spoken of in Boston seems to have died."

Could well have been written of the Wonder Pail. There Dr. Price's Cream Baking Powder got the highest award.

Wonderland Theater.

Wonderland has enjoyed a very large attendance so far the opening week of the new management. Both films are now used, and the entertainment goes on from 1 to 10:30 p. m. each week day. The program includes vaudeville and farce-comedy, and judging by the demonstrations of its patrons, gives thorough satisfaction.

(Continued from Page Two.)

ABLY DISCUSSED.

now, I would like to ask the gentleman a question.

The Chairman—Does the gentleman yield?

Mr. Roberts—Very well, if it has not brought up a question that has come here as Democrats and Republicans, and not as Mormons and non-Mormons. That being true, why should there be a question?

Twenty Gentiles assisted that in framing up the amendment and promulgating it to the public. Twenty Gentiles, if they thought it was wrong, should be at the section, that had whatever bad spirit. That had been, he thought, to answer them. If there was anything owing to the fact that we do not want to vote it, and the committee of conference, composed of the gentlemen from Davis as being dangerous to statehood. While they had been opposed to it, he only and recently he learned from a friend that it was not the intention of the union women of Utah to be opposed to the Constitution in the event of the Convention not asking to have woman suffrage, he said that it was his duty to take it back for fear lest he would be in the position of opposing woman suffrage.

Mr. Evans, of Weber, then told the House of an address he had subscribed to, which said: "To the delegates of the Constitutional Convention, now in session, assembled: We, the undersigned, citizens of the Territory of Utah, do hereby request and petition you to insert in the Constitution of the State of Utah, when it shall be formed, the following: 'The right of suffrage shall be extended to the women of Utah.' Signed by Emma Smith, President, and Elizabeth Cannon, Secretary." Women were asked to consider themselves in the matter, and they had signed the petition. He believed it was the duty of every true friend of woman to support the proposition. He hoped it would be agreed to by the committee, and adopted.