CONTROVERSY.

THE STATE SALARY

Attorney-General Breeden Compiles What

He Thinks Was the Intention of the

Framers of the Constitution.

PERRY HEATH'S BANK SUSPENDS.

Seventh National of New York Closes -Mr. Heath, Now in Salt Lake, Talks to the Deseret News.

New York, June 27 .- The Seventh | National bank was closed at 10:45 today, when the following notice was posted on its doors;

"This bank is in the hands of the comptroller of the currency. "FOREST RAYNOR, "National Bank Examiner."

At the same time William Nelson Cromwell, the bank's attorney, gave out the following statement:

"In justice to the depositors and stockholders of the Seventh National bank, William Nelson Cromwell, the bank's attorney, has advised the bank to suspend payment.

This action was taken after a protracted conference in the directors' room of the bank which was participated in by the new president, Edward R. Thomas, ex-President William H. Kimball, Edwin Gould, Lorenzo Semple, who is one of the directors, and several other members of the board.

The statement of the Seventh National bank for the week ending June 22, 1901, to the clearing house was as follows: Capital, \$376,600; net profits, \$234,400; loans, \$4,407,100; specie, \$557,-700; legal tender, \$777,700; deposits, \$5,-712,400; per centage of reserve 23 4-10, After the suspension of the bank the

following statement was made at the clearing house;

DEBTOR FOR \$644,108.95.

At the clearing house this morning the Seventh National bank came in debtor 3644,108.95. The clearing house committee has been in session since 9:50 awaiting the results of the clear-ing. When it was found the debit balance was so heavy the committee communicated with the officers of the bank and was informed that the board of directors was in session, and that a decision would be arrived at within fifteen or twenty minutes as to the action of the bank. In consequence this statement, the clearings were held back thirty minutes. At 10:45 a. m. Mr. Nelson Cromwell, Mr. Edwin Gould and Mr. Thomas, president of the bank, came into the clearing house and informed the committee that in view of their heavy debit balance and for other reasons it was considered wise that the bank should temporarily The clearing house commit tee thereupon directed the manager of that institution to eliminate from the clearings all operations of the Seventh

National bank. A member of the clearing house committee says that at this morning's meeting the name of no institution oththe Seventh National bank was

The Seventh National bank was the custodian of the funds of the New York postoffice. Assistant Postmaster Morgan said:

"The post office is amply protected. When the account was opened the bank put up \$250,000 in government bonds as office's account with the bank I do not know, but I am investigating it.' At 11:20 o'clock the officials of the embarrassed bank posted the following

Checks drawn by the Manhattan state hospital will be paid at the Chase National bank. Drafts drawn by the St. Lawrence County bank, Canton, N. will be paid at the Chase National

Among the institutions having close ousiness relations with the Seventh National was the stock brokerage firm of Marquand & Co. Frank B. Poor, of the firm, made the following statement ifter the bank's suspension.

From the outlook just now I think we are going on. At the same time we Just now everything is uncertain in the business world, but I be-lieve we will get through."

The Seventh National bank was orignally the old Seventh Ward bank and was established in 1833. For a long time control of the institution was held y John A. McInerny, a southerner, who was president of the bank. In May, 1898, First Assistant Postmaster Perry S. Heath practically acquired a control-ing interest in the stock of the Seventh and on July 4 Wm. H. Kimball resigned us national bank examiner to become president of the Seventh, several changes in the directorate being made the same time. Josiah Quincy, of eston, was one of the directors elected

On August 2, 1899, Mr. McAnerny, reskned the presidency and Vice President Kimball was chosen in his stead. Fletcher S. Heath was elected vice

The officers and directors are as fol-E. R. Thomas, president; Fletch er S. Heath, vice president; George W. Adams, cashier. Directors-George W. Adams, Eugene Bissell, Thomas M. Boyd, Fletcher S. Heath, Perry S. Heath, Erskine Hewitt, Wm. H. Kim-ball, Alexander McDonald, Guy G, Major, Wm. P. Orr, Josiah Quincy, Frank H. Raney, John A. Sullivan, W. \$7,668,265.

ONLY A RIPPLE ON WALLSTREET. Later it was learned from an authoritative source that the bank has on deposit \$207,000 of postal funds, all of which is amply secured by bonds.

The adnouncement of the suspension caused only a ripple in the stock mar-ket. The first selling of stocks which followed the announcement of the sus-pension interrupted a recovery in prices and caused a re-action of 1 to 2½ points in some of the principal stocks. The offering of large sums of money on the exchange at 6 per cent and large buying orders placed in the market rallied prices and left the stock market dull but somewhat feverish un-

In banking circles it was said that the Seventh National's heavy debit balance today was the result of the news of the bank's embarrassment on Tuesday being telegraphed through-out the country. Interior institutions having money deposited with the Seventh drew on the bank and these drafts, all coming in at the same time, were too much for the Institution.

The suspended institution is in the hands of the comptroller of the currency, who has appointed Forest Raynor as temporary receiver. Mr. Ray-nor's examination of the loans of the bank is understood to have proved that the collateral back of them was

weak in some instances.

The objection of the bank examiner to these collateral securities is said to have decided Mr. Cromwell to advise the suspension.

President Oakley Thorn, of the North American Trust company, which had some business relations with the Seventh National, said his corporation was not in any way affected by the suspen-sion of the Seventh National. When asked as to the effect of the failure, he

"I don't know anything about any concern except our own and that, I can assure you, is all right. If any one asks reference on the subject I can recommend him to the state bank examiner. His statement will, I wn sure, be taken. I know there are rumors connecting me with the trouble of the Seventh National, but they are merely rumors. I am happy to say we are all

TO REOPEN IN EIGHT DAYS. Another director said that the bank would be reopened in eight days. Advertisements were printed in the afternoon papers offering to buy Seventh National bank stock. The offer was made by a broker who said he was act-

ing for Gen. Thomas. State Superintendent of Banks Kil burn this afternoon had a consultation with Bank Examiner Raynor at the Seventh National. He said he had consulted with Mr. Raynor for the purpose of ascertaining whether any other bank was involved and also that he was

satisfied this was not the case. COMPTROLLER DAWES TALKS.

Washington, June 27.-Comptroller Dawes today ordered the closing of the Seventh National bank of New York and appointed Forest Raynor bank examiner, temporary receiver. Later the comptroller made the following state-

Comptroller Dawes stated that on Tuesday he received word from the na-tional bank examiner that Henry Marquand & Company had recently become indebted in a sum approximating \$1, 600,000 to the Seventh National bank of New York which was secured by colateral of a doubtful nature. ccipts on Wednesday of further infornation regarding the nature of the collaterals securing this loan he sent a telegram to Mr. E. R T.homas, presi dent of the Seventh National bank as

"'I have just received information from the national bank examiner that Marquand & Company loans of large amount in your bank approximating \$1,600,000. Unless promp y and satisfactorily assured that this loan will be taken up and cash there fore put into the bank by Saturday night, June 29. I will appoint a receiver the bank. Please confer with your board of directors and announce this to

"In explanation of the conditions imposed, the comptroller stated that while advances had been made by the direct ors to the bank, they had been made upon the credit of good securities owned by the bank, but that no such advances affected the bank's solvency while the Henry Marquand paper remained. It was necessary therefore for him in the perfermance of his duty to promptly impose these conditions, before further withdrawals of deposits were made The comptroller stated that the quand loan is partially secured, and it is hoped that the loss to the depositors will not be large.

The following is the statement of the resources and liabilities of the Seventh National of New York, as shown by report of its condition at the close of business April 24, 1991;

LIABILITIES. Capital stock, \$200,000; surplus and undivided profits, \$2334,406; circulation outstanding, \$298,500; due to trust com to national banks and bankers, \$974,210: individual deposits, \$5,238,038; United States deposits, \$210,383. Total liabilities,

RESOURCES.

Loans and discounts, \$2,767,179; stocks securities, claims, etc., \$133,332; States bonds and premiums, \$571,474; banking house, \$5,000; cash on hand and with other banks, \$4,191,279. Total resources, \$7,668,265 .

PERRY S. HEATH IS SURPRISED.

Tells the Deseret News That Conditions Were All Right When He Left New York Four Weeks Ago.

the substance of the above report by a enth National bank. At that meeting News" man smiled and said, "I don't know what it is all about. I positively the capital stock was augmented from can't understand the origin of these \$200,000 to \$500,000. We also took a fifty sensational reports respecting our bank. | year lease on a new skyscraper that | ed since 1867, the year Emperor Max-Why, it hasn't been over four weeks is going up on the next square from | imillion was shot, are thus formally re-

Hon. Perry S. Heath on being shown | a meeting of the directors of the Sevthe surplus of the bank was increased from \$100,000 to \$300,000 and \$500,000, and since I was in New York and attended | where the bank now stands. This last | established.

move was made imperative because we haven't room enough to carry on the business of the bank. I certainly do

not regard those as symptoms of an im-

pending failure. "This morning I received a telegram from my brother, Fletcher Heath, who is a director of the bank, assuring me that there was nothing in the reports reflecting on the credit of the bank; that it was as strong as it ever was A little later an associated press man came in and thrust one of the above dispatches in my face and asked me how about it; bu, I could only tell him what I have told you—that I do not un-derstand what it is. While my faith in the bank is unshaken it is possible tha unforseen complications might have arisen and I have telegraphed my broth er for full particulars, but have received no word yet. The bank is on of the oldest in New York city, having been founded in 1823, and is backed by several millionaires, including Edwin Gould. There may be conditions that I do not understand, but so far as I can see I know of no reason why the bank should suspend payment."

WOMEN AT PRESTON.

Members of the Relief Society of Oneida Stake, Idaho, held a conference n the Stake academy building at Preston on Monday, at which Presiden; Parkinson and counselors of the Stake and many of the Bishops were present. Mesdames Emeline B. Wells, Sarah J. Cannon and Lydia D. Alder of Salt Lake were in attendance, the latter having recently returned from England. There was splendid singing and a enjoyable time was had by the ladles Mrs. Parkinson, wife of the presiden of the Stake, was elected second counselor of the Stake society.

THE STORY OF A TELEGRAM. Was Not Delivered as Directed and \$29,750 Damages Wanted.

The case of Mosby, Kimball and Germaine against the Western Union Telegraph company was tried this morning before Judge Marshall and Jury in the Federal court. The case is a suit to recover \$29,750 damages alleged by the plaintiffs to have been sustained by themselves as a result of carelessness on the part of the defendant company in the delivery of a telegram. The telegram, it is alleged, contained matter of great importance. This telegram was taken to the clerk of the Cullen hotel instead of to the bar keeper, who was to deliver it to either one of the plain-It was kept there for 17 days, causing much loss, it is alleged to the plaintiffs. This morning was spent in the impaneling of a jury and the examination of witnesses for the plain-tiffs, L. H. Goulet, bar-keeper at the Cullen, and Messrs. Mosby, Kimball and Germaine were called to the witness stand and testified as to the im-portance of the telegram and the sending and receipt of it.

VERDICT FOR EIGHTY CENTS.

The further hearing of the testimony and arguments in the case was contin-ued this afternoon before Judge Marshall. The court found for the plaintiff sum of eigh the telegram. Judge Marshall in structed the jury to render such a de-Court then adjourned until 10 o'clock

J. P. HAYS ARRAIGNED. Young Man Charged With Forgery

Waives Examination.

(Special to the "News.") Ogden, June 27 .- J. P. Hays, the young man who was arrested in Salt Lake Tuesday night on the charge of having forged the name of the presi-dent of the Southern Pacific railroad ticket over that road, was brough to Ogden last night. This morning ne was arraigned before Justice Parke J. Hall on the charge named, but waved examination. He was held in a bend of \$1,000, in default of which he was recommitted to the county jail.

John McCoygiven was arraigned beore Justice Thomas Champneys today charged with as sult on the person of John Keysor. He was fined \$20 and

The young man claims to be a nephew of President Hays of the Southern Pa-

McCoygiven, it is said, knocked Key-sor down and trampled upon him, inflicting severe injuries about his ribs.

PENSIONS FOR UTAH PEOPLE.

(Special to the "News.") Washington, D. C., June 27 .- Utah pensions granted, original, William H. Brown, Ogden, \$6. Increase, Henry Jor-

ian, Salt Lake City, \$12. Postmasters appointed: Utah, Lake Point, Tooele county, William S. Moss, vice Emil E. Feller, resigned; Clinton, Utah county, Emma A. Sargent, vice Annie E. Welson, resigned,

Idaho, Three Creek, Owyhee county, Miss Lizzie E. Buncan, vice Miss M. E. Farady, resigned.

HOUSEBREAKER ESCAPES. Taken Out With the Chain Gang Before Arraignment.

In Judge Timmony's court this afternoon the names of Norman Weston and Joseph T. Edwards were called out but Weston failed to respond. The men were arrested yesterday afternoon by Detectives Sheets and Janney on the charge of housebreaking. It was alleged that they broke into Sam Apple man's place on east Second South and stole two pairs of trousers. When Weston failed to answer to his namae it de veloped that this morning he was taken out to work on the chain gang, and when passing Seventh East he became tired of riding and jumping from the wagon made his escape. Guard Busch fired three shots at him, puncturing the atmosphere in three different places. Just why a prisoner who has not been arraigned on any charge should made to go out with the chain gang has not yet been explained by the offi-cers around police headquarters. It is thought that the mistake was made on account of so many prisoners being in jail at the same time.

Edwards, Weston's partner, declined to enter a plea and his case was cou tinued until tomorrow. In default of \$300 he was remanded to the county

DIPLOMATIC RELATIONS RESUMED.

Vienna, June 27 .- Count Gilbert Hohenwart von Gerlachstein has been appointed Austro-Hungarian minister to Mexico. Diplomatic relations between Austro-Hungary and Mexico, interrupt-

MURDERED BY BLACKMAILERS.

Burned a Womnn to Death to Extort Money.

THEY DEMANDED \$5,000.

Husband Paid No Attention to Threats to turn His House-Second Letter Ignored, Then House Fired.

Topeka, Kansas, June 27.-Horribly | penitentiary. burned and dying in intense agony was the fate of Mrs. W. C. Carson, wife of a Cowley county farmer, because her husband refused to deposit \$5,000 in a place named by unknown blackmailers. Three weeks ago Carlson, who is wealthy, received an anonymous note requesting him to bury \$500 at the foot of a certain telephone pole under penalty of having his house burned. The suggestion was ignored. One week later another anonymous note was received stating that if \$0,000 was not de-posited within a week his house would be burned and he would be killed. No attention was paid to the second com-munication and on Saturday night while Mr. Carlson was en route to Med-ford for mail the home was area. Mrs. Carison was found about ten feet from the ruins by Mr. Dunn, a neighbor, horribly burned and insensible. She was taken home by Mr. Dunn, where she rallied enough before dying Sunday to relate her knowledge of the transaction. She rushed outside when she discovered the fire, but remembered some vanuable papers and a treasured old violin and tried to save them. From that moment her mind was a blank until she awoke in the home of Mr. Dunn,

LEIPSIGER BANK FAILURE. The Stock and All the Reserve Un-

doubtedly Lost. Berlin, June 27.—It turns out that the report of the Letysig bank, published yesterday, was misseading. Relable information shows that the sum or

111,000,000,000 marks, which forms the bulk of assets, includes \$1,000,000 marks loaned to the Cassell Trebor-Trocknung company, or which only a small part can be realized upon.

The Tageblatt today says the Leip-

ziger bank quite recently advanced another 15,000,000 marks to the Cassell Trebor-Trocknung company, after it was known that the latter was in-

tepresentatives of the leading banks stock of the Leipziger bank and its reserve, amounting to 63,000,000 marks. are lost. The Dresden and Leipzig bourse refuses to handle the helpziger bank stock. The policy of the Leip ziger hank's board of directors has to years been such as to lead to the belef that other arrests on the charge culpable negligence will follow the tak-ing into custody of Herr Exner. The members of the board of directors in- | ments.

returned from Seattle a couple of weeks

ago, were familiar with the facts which

led up to the terrible tragedy there

last Tuesday afternoon in which ex-

Chief of Police W. L. Meredith was

shot and killed by John W. Considine.

a notorious gambler and grafter. The

facts as related by the Salt Lake offi-

cers throw an entirely new light on the-

affair and shows that a somewhat dif-

ferent state of affairs existed there

than given in the Associated Press dis-

When Sheets and Janney were there,

the situation was, to say the least, ex-

ceedingly tropical and serious trouble

was threatened every hour. The inves-

tigation into the police affairs by the

Law and Order league, which was

started by charges made against Mere-

dith by Considine, was in progress at

that time. It was fully expected and

talked about then that one of the two

men would be killed, and according to

the statements of Sheets and Janney

the sentiment of the business men and

in favor of Meredith. Detective Sheets

clude some of Leipzig's wealthiest citi-

This long

The Berlin, Leipzig and Dresden morning papers express the highest indignation at the conduct of the Leipziger bank directors and demand a searching investigation. The Vossischer Zeitung editorially says:

"In view of the whole series of recent failures, it is evident that the present German system of board of directors or trustees urgently requires reforming or abolishing, the latter preferred." LEIPZIGER BANK DIRECTOR AR RESTED.

Leipzig, June 27,—Herr Exner, director of the Leipziger bank which suspended payment Tuesday, June 25, has been arrested. The public prosecuto is investigating the affairs of the bank

BARKER GETS FIVE YEARS. Was Convicted of a Felonious As-

sault on Rev. John Keller. New York, June 27.—Thomas G. Barker, convicted in the Hudson county court at Jersey City last week of felon-ious assault upon the Rev. John Keller, of Arlington, was today sentenced to five years' imprisonment in the state

A Dead Man's Body Found.

Ponca, Neb., June 27.-The body of a man, supposed to be a cattle buyer named Martin Ayres, was found last evening by farmers under a bridge, 16 miles west of here. No money was found on the body, and it is thought the man was held up and murdered.

Considines Charged With Murder.

Scattle, Wash., June 27,-The coroner's jury today rendered a verdict that William L. Meredith was murdered by dine. Detective A. G. Lane has sworn out warrants charging both the Considines with murder,

LIEUT, ED. DOWNES KILLED. Was Slain in Southern Part of Island of Samar.

Manila, June 27.—Lieut. Edward Downes, of the First infantry, and one private of that regiment have been killed in the southern part of the isiand of Samar. Capt. Woodburn, (?), of the Nine teenth infantry, has captured Samson's company in the Island of Bohol. Private Kraus, of that regiment, was killed and four men were wounded.

Lieut, Mina McNair has captured 54 insurgents in the northwestern part of the program of Tavalage (clarify and for the program of Tavalage).

the province of Tayabas, island of Lu-

The Army Register gives the name of Maj. Thomas C. Woodbury, of the Tenth infantry, but does not mention a Capt. Woodburn.

Heavy Storms in Prussia.

Berlin, June 27 .- News received here today from Rominten, Prussia, shows that the whole of the Rominten district has been devestated since June 24 by hail storms and cloudbursts. Emperor William's estate at Rominten has been greatly camaged. His majesty today, upon receipt of the news, ordered that speedy relief be sent, and himself fordistributed among the sufferers.

Boers Attack Richmond. Richmond, Cape Colony, June 27 .- A large force of Boers, commanded by Malan and Smith, attacked Richmond at daybreak June 25. The fighting last-ed until dusk, when the Boers retired on the approach of British reinforce

"Considine is a gambler of the worst

type," said Mr. Sheets, "and had a bad

reputation in that town and all through

that country. He was a grafter and ran a 'deadfall' variety dive.

jobbing him because he would not al-

ow him to work his netarious business

Meredith had the police raid one of

whole furniture van full of gambling

chief and finally the pressure became

'Meredith was one of the finest men

I ever met," continued Mr. Sheets, "and

everybody we talked to about the case sale that he was not crooked, but was

According to statements made by citi-

zens of Seattle, Meredith had enemies

n the council and on the police force

he apparently stood in with Considing

Meredich told Detective Sheets that the time would come when there would be

blood shed as a man could not always

stand to be hounded and lied about.

Some time ago Considine had a brother and sister residing in this city,

a gambler and grafter. The officers think

that, judging from the sentiment

against Considine in Scattle, he stands

an exceedingly good chance for convic-

such that Meredith resigned his posi-

devices. Considine began to 'Job' the

Considine's gives and

the victim of jobbery.'

'Meredith told me that Considine was

SALTLAKERS ON SEATTLE TRAGEDY

Gambler Considine, Who Shot and Killed Meredith, Had a Brother

and Sister in This City-A Notorious Character.

Detectives Sheets and Janney, who , dith told him what the trouble was and

how it started.

"Mr. Chairman: I want to call the attention of the convention and espec-ially Mr. Hart to the fact that the com-

remarks:

the request that it be published:

"There is a misapprehension, and

consequently many misstatements, as

to the intention of the framers of our

constitution, respecting the sainries of

state officers, and the power of the

legislature to raise or lower them, dur-

ing the terms for which they were

elected. The people ought to know the

facts. Conclusions hastily formed are

often erroneous. Therefore without

discussing, or giving my opinion of the

legal effect of the constitutional pro-

vision affecting state officers' ralaries,

which has furnished such abundant

ists of the city,
"I will present the views which

seemed to prevail, concerning this sub-tect, among the members of the con-

vention. Its whole tenor was in favor of adjusting small salaries to begin

with for fear that large or even rea-sonable salaries would scare the people

and possibly result in the defeat of the constitution. In order to correctly ar-

rive at the intention of the members of

the constitutional convention, resort must be had to the proceedings of the

convention. When the question of the salary of the governor was being dis-

cussed, Mr. Squires made the following

IN THE CONVENTION.

pensation now provided will only be during the pleasure of the legislature. The first legislature may change it. These figures are put in here for the first term. It might not last more than first term. It might not has have one term at the figures named."

No one will question the ability and democracy of Jurge Thurman. In discussing the salary of the attorney genus has said among other things: "This eral, he said among other things: "This article (VII) also provides that the saiaries fixed here shall continue such un-til otherwise provided by law. If the legislature imposes other duties upon him, the same legislature, if they find in their judgment that fifteen hundred dollars is not enough, in consideration extra dutter upon him, it will be their duty to raise salary in accordance with the duties that are imposed on the officer by law."-Page 1028, Proc. Con. Conv. In the further discussion of the salary of the attorney general, Mr. Varian said, Inter alia, in speaking of one who might be elected outside of Salt Lake City, "he would certainly have to depend alone on his salary for his first term. Now if the legislature should impose additional duties upon him, still that legislature cannot increase his compensation during the term for which he shall be elected, because you prohibit that in this Constitution, that the intention, as I understand it, to prohibit the increasing or diminishing of his salary during the term of the incumbent; all of those things ought to be considered of course." Page 1029

Proc. Con. Conv. Mr. Thurman said: "In view of the suggestion made by the gentlemen, which had not occurred to me before, that a salary could not be changed, would it not be better in this convention to provide an exception in the case of the first officers, and permit the Legislature to fix it in accordance with the increased duties that they may im-

Mr. Varian: "Well, I do not know, Mr. Chairman, it occurs to me-The Chair: "That is not before the committee any way." Id.

Mr. Maloney, another sound lawyer, deep-dyed Democrat, said: "I say the whole matter ought to be fixed as low as possible, then let the Legislature fix the salaries." Page 1031, Proc. Con.

In discussing the salary for superintendent of public instruction, Mr. Farr said, among other things: "I think one

Attorney-General Breeden sent the blowing to the "News" today with Legislature meets. If they want to the request that it be rublished: following to the "News" today with

Julge Goodwin said, among other things, "We are told today that the legislature can fix it. So far, we have been fixing the constitution so the legislature will have no say, and if this is a superior body to what the ordinary legislature of this State is going to be, in God's name, let us fix it so they cannot rob the man entirely and make him pay his own expenses." Page 1156, id. Abel John Evans, here is another able vyer, clear headed legislator, and an and the Democrat. He said, among other things! (Spenking on this same subject)) "We provide here, that when the legislature shall meet, they may provide some other salaries for these various officers, but now, in starting out in the beginning or this new State, going before the provide state, the provide with these food for the newspaper writers and artgoing before the people with those arge salaries, I say that it will be a mistake it we do that." Page 1155, id. Mr. Farr, another wheel horse in the

emperatic chariot, chail Fix there salaries at a reasonably low figure. This salary can be raised by the next legislature, if they want, that is what it provides for, but if you put it too large to begin with, then it is going to frighten the people. No, gentlemen, we must pause and con-sider and start in as we can hold out, and let the legislature fix those matters as it is reasonable." Page 1157, id, Mr. Abel John Evans speaks again:

"It seems as though we lose sight of the fact that this paragraph as report-ed by the committee provides that the legislature may make such changes as they may deem proper. It is not being fixed, it is not as the laws of the Medes and Pernians, but we are fixing it now upon trial, which at most, if the legis-lature shall deem advisable to make a change, it will only be for two years. Is it four years? I understand it is not to take effect during their term. I would ask whether that is a fact; whether the treasurer is elected for four years?" Page 1160 ld.

CONCLUDING COMMENT.

I submit the foregoing extracts, taken from the proceedings of the Constitutional convention, simply for the purpose of advising the people of the sentiment and apparent design of the members of the Constitutional conention, concerning the power con ferred upon the legislature, respecting Judge Varian appears to be the only member of the convention who gave positive expression to any doubts relative to the power of the legislature to fix the salaries of state officers, in cordance with whatever additional duties that the legislature might see fit

to impose upon them. The last legislature passed an act increasing the salaries of the state officers. The authority of the legislature to do so, for the present incumbents, has been questioned. Lawyers differ upon this question, as they do upon most questions; some holding to the opinion that the legislature is prohibited from increasing the salaries of the present incumbents, while others hold to the contrary, and rely upon the lat-ter clause of section 20 of article VII of the Constitution, as expressive of the intention of the convention and granting this power to the legislature. The

clause referred to reads as follows: The compensation of the officers provided for by this article until other-wise provided by law, is fixed as fol-

The last legislature attempted to "otherwise provide by law" and in-creased the state officers' salaries and appropriated funds therefor. These are about the facts as I understand them. and not wishing nor intending to give of the act of the legislature, I present the foregoing to the readers of your paper that they may have before them the whole case. I will state, however, in closing, that there is not a state officer in Utah, who has any intention to "grab salary" unlawfully. Truly
M. A. BREEDEN.

E. H. REID GETS A HABEAS CORPUS.

Judge Hallet Grants It-Made Returnable Saturday-Case May be Carried to the United States Supreme Court.

of the United States district court, today granted a writ of habeas corpus in the case of Edward H. Reid, a cattle shipper of Omaha, who was convicted in the district court of Arapahoe county yesterday of having violated the Colorado state from Texas without having a signed bill of health from a cattle injail. Reld refused to pay a state inspection fee after having received a clean bill of health from the federal inspector, in order to enable the National Live Stock association to test the validity of the Colorado law requiring the inspection of cattle shipped through the Messrs. Talbot and Denis behalf of the association, made the ap. plication to the United States district court today for a writ of habeas corpus for Reid. Attorney General Post ap-peared on behalf of the state. The writ was made returnable on Saturday next at 16 o'clock. Should the United States district court sustain the decision of the state court, the National Live Stock association will appeal the case to the United States Supreme Court.

MAY TEST COLORADO LAW.

Chicago, June 27.—In an interview today John W. Springer of Denver, colon president of the National Live Stock association, declared it was the Intention of his organization to test the constitutionality of the Colorado state law which requires state inspection of live stock notwithstanding a clean bill of health had been granted the federal authorities. He made

Denver, Colo., June 27. Judge Hallett, | of the National Live Stock association in Denver, charged with illegally bringng twenty-seven cars of cattle into the state of Colorado without paying the inspection fee demanded by state, or two cents per head. The live stock men of the United States have determined to test the constitutionality of this Colorado law, insisting where statutes by shipping cattle into this they have a clean bill of health granted their cattle by the federal authorities this should entitle their cattle to go into any state of the Union, the state spector and was sentenced to six statutes on the contrary notwithstand-months' imprisonment in the county ing. The stock men have been held up by these state boards of inspection, called, for years and hun-dreds of thousands of dol-lars annually have been taken from the stock raisers and we now propose to have it stopped. An appli-cation will be made today to Judge Hallett, of the United States district court, for Mr. Reid's release on a writ of habeas corpus. Should the court leny this writ, an appeal will at once taken to the Supreme Court of the United States, and we expect a deci-sion in a very short time. This case will be watched with intense interest by every live stock man in the United states; and the officers of the National live Stock association have been assured from all quarters of the country of the unanimous support of the live stock interests in settling, once for all, the question as to whether federal nspection does not supersede state in-

"We raised a great question," said President Springer, "and of much more far reaching importance than appears. The Live Stock association in this case has the support of all the great live stock organizations of the country." Hon. Ralph Talbot, of Denver, is the Colorado counsel of the National Live Stock association, and he will be as-

the following statement:

"Mr. Ed. H. Reid, of the Platte Commission company of Omaha, was arrested on the 26th of June, in the office

sisted in the Supreme Court of the United States by Judge Wm. N. Springer, the local counsel of the association in Washington.

M'CUNE MAKES ANOTHER BIG BUY.

says that he met Meredith the day an exceedingly good chance fo they arrived in Seattle, and that Mere-

Purchases the Interest of the Armstrong Estate in City Railroad -West Temple Extension-McCune Leaves for Perc.

president and director of the Salt Lake City Railroad company in the place of Hon. A. W. McCune, as stated in last night's "News," was one of the principal topics in business circles today. In addition to the particulars given of the meeting it transpires that prior to his resignation Mr. McCune bought the intorist of the Francis Armstrong estate, amounting to 2,354 shares of the street car company's stock. Just what figure was paid for them Mr. McCune does not care to make public, but it is said that they changed hands at a consideration in the neighborhood of \$45 per share, or a total of close upon \$196,000. This sale is said to have been consum-mated in a very few minutes on Thuraday night while Mr. McCune and W. F. Armstrong were talking on the street about things in general. Mr. Armstrong is said to have stated that he did not care to part with the shares below a certain figure which he named, when much to his surprise Mr. McCune can now be said to practically own the when much to his surprise Mr. McCune | consolidated lines.

The election of Charles L. Rood as | exclaimed in his characteristic manner of prompt action: "Sold;" and the transaction was closed on the spot. Work upon the extension of the West Temple street line to the Highland Boy smelter will be commenced at once, when asked this morning why the Salt Lake road proposed building to the smelter, when under the consolidation they would have the Rapid Transit line to Murray, Secretary Wells said that the company had expectations of get ting enough revenue out of the line along intermediate points to justify the

building of the stretch of track, Hon. A. W. McCune left for New York this morning, from where he will pro-ceed to Peru via Colon, on the Isthmus of Panama. He expects to remain in the South American republic for the next four or five months, looking into the mining propositions in that country, Prior to his departure it is said that he succeeded in securing 96 per cent of