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5 April 2021

Client  
Address  
City, State, Zip  
[email](#)

Research on activities of ancestor

Dear Mr. X:

This is a research report on the life of your grandfather, John Smith, 1878/80–1953. I have arranged the report in chronological order.

#### Sources consulted:

*Ancestry.com; FamilySearch.com; Findmypast.com, Googleearth.com*

“Annie Louisa Jones Smith” as told to, and recorded by Mrs. Alan W. Smith, 1962.

Arrington, Leonard J. *The Mormon Settlement of Cassia County, Idaho, 1873–1921*. Typescript. FHL book #2451601, <https://www.familysearch.org/library/books/records/item/468522-redirect> .

Barton, Alice Williams (compiler). *Daughters of Utah Pioneers Sunflower Camp, Kaysville, Utah* (vol. 1). <http://www.familysearch.org/library/books/idurl/1/54412> (negative).

Boothe, Wayne R., "A History of the Latter-Day Saint Settlement of Oakley, Idaho" (1963). Theses and Dissertations. 4543. <https://scholarsarchive.byu.edu/etd/4543> .

Bureau of Land Management General Land Office Records: <https://gloreCORDS.blm.gov/default.aspx> .

Church History Library. Missionary registers and Davis stake and Kaysville ward correspondence. Negative result.

Collett, Carol Ivins. *Kaysville, Our Town: A History*. Salt Lake City: Moench Letter Service, 1976. FHL DGS: 007942452. <https://www.familysearch.org/ark:/61903/3:1:3Q9M-CSZX-Y3VX-K?mode=g&cat=223796> .

Duchesne County (Utah). County Clerk. Marriage license records, 1915–1933, FHL DGS 4540861. Negative result. (At the time of this writing, the following volume, FHL DGS 4540862 covering 1933–1966, was not available for viewing because of Covid shut-down).

Familysearch.org. “The Church of Jesus Christ of Latter-day Saints, Church Census Records (Worldwide), 1914-1960.”

\_\_\_\_\_. Utah, Davis County Records, 1869-1953>Probate records>Grantor index, vols. 2 and 3.

Hale, Kent. *A History of Oakley, Idaho*. 2003. Kindle Edition.

Idaho. County Court (Cassia County). Homestead records, 1893–1915; general index, 1893–1915. FHL DGS 8696867. Negative result.

\_\_\_\_\_. Deed record, vol. 22, 1916–17, 565f. FHL “Idaho, Cassia County Records, 1879-1989>Land and property records>Direct and indirect index to deeds, vol. 3, 1910–1921. No entries for John Smith as Grantor, seemingly confirming family tradition that the farm was abandoned.

Idaho digital newspapers, 1913–1918.

Idaho State Research Center, Boise, Idaho

- *Idaho Statesman* archives
- Cassia County civil and criminal cases, Mary Palmer Harper vs. John Smith et ux et al, book 6, case #2068 (attached)

Smith, Alan William. *Autobiography of Alan William Smith*. Privately printed, 1999.

Smith, Howard Jones. Personal History. Typescript, 1978 and 1979, available at [https://www.familysearch.org/photos/artifacts/21608712?cid=mem\\_copy](https://www.familysearch.org/photos/artifacts/21608712?cid=mem_copy) .

“Letters John to Annie.” Typescript of letters composed between 27 June 1922 and 20 March 1944. [https://www.familysearch.org/photos/artifacts/112571333?cid=mem\\_copy](https://www.familysearch.org/photos/artifacts/112571333?cid=mem_copy) .

Library of Congress. Sanborn Maps Collection. Oakley, Idaho.

<https://www.loc.gov/collections/sanborn-maps/?fa=location:idaho%7Clocation:oakley>

McKell, Charles R. [“The Utah State Hospital: A Study in the Care of the Mentally Ill.”](#) *Utah Historical Quarterly* vol 23, Nos. 1–4, 1955.

“Missionary Department missionary papers, 1888–1928,” CR 301 22, Church History Library (negative). Also searched missionary calls and missionary correspondence from Davis and North Davis Stake. (negative).

Myers, Minie. *History of Cassia County and Burley*. Burley, Idaho: Burley Chapter of Idaho Writers League, 1952:

<https://www.familysearch.org/library/books/records/item/460394-redirect>

National Register of Historic Places Nomination Form, Oakley, Idaho:

[https://history.idaho.gov/wp-content/uploads/2018/09/Oakley\\_80001299.pdf](https://history.idaho.gov/wp-content/uploads/2018/09/Oakley_80001299.pdf)

*Oakley Herald*, online search for “Smith” in all issues 1913–1921

Reiss, Stephen. “Communities on the Edge: Water in the Magic Valley,” Idaho Press Club 2015:

<http://www.idahopressclub.org/mid-career-scholarship-winner-communities-on-the-edge-water-in-the-magic-valley/>.

T. H. W. “Explosion in the Magic Valley,” *American Heritage* 32 (April/May 1981):

<https://www.americanheritage.com/explosion-magic-valley> .

*Utah Digital Newspapers* database, 1918–1945

- Searched for John Smith, Annie Smith, Elizabeth [Vollhard] Smith, Alan Smith.
- *The Salt Lake Telegram* and *The Davis County Clipper* offered the bulk of helpful articles, the former for vital and court records, while the latter was especially helpful re: life and social doings in Kaysville.

“Utah, Salt Lake City, The Church of Jesus Christ of Latter-day Saints, Missionary Department, Missionary Registers, 1860–1937” database and images, familysearch.org (negative)

Utah State Archives. Board of Pardons Prisoners’ pardon application case files, Series 328.

Utah State Archives. Davis County (Utah). County Recorder Deed records, 1869–, series 83188.

Utah State Archives. Department of Corrections. Inmate Services Prison commitment registers, Series 80388, reel 7.

Utah State Archives. District Court (Fourth District: Utah County). Examination record books state institutions, 1940–1980.

Utah State Archives. District Court (Fourth District: Utah County). Probate and insanity cases indexes, 1896–1977

Utah State Archives. District Court (Second District: Davis County). Civil and Criminal case indexes, series 26068, 1910–1940.

Utah State Archives. District Court (Second District: Davis County). Civil case files, 1896–, series 4651.

Utah State Archives. District Court (Second District: Davis County) Commitments to mental institutions, 1886–, series 4694.

Utah State Archives. District Court (Second District: Davis County). Criminal case files, 1896–, series 4650.

Utah State Archives. District Court (Second District: Davis County). Criminal Registers of actions, series 26067.

Utah State Archives. District Court (Second District: Davis County). Minute books, series 4681.

Utah State Archives. District Court (Second District: Davis County). Probate case files, series 4654, reel 12.

Utah State Archives. District Court (Second District: Weber County). Index to Civil Actions, series 26957, vol. 4–6.

Utah State Archives. District Court (Second District: Weber County). State mental hospital commitments, 1887–, series 2945.

Utah State Archives. District Court (Third District: Salt Lake County). Civil case files.

Utah State Archives. District Court (Third District: Salt Lake County). Mental health commitment case files, 1894–, Series 3574.

Utah State Archives. District Court (Third District: Salt Lake County). Mental health registers from the District Court. Series 3254.

Utah State Archives. "Utah State Archives Indexes," database and images, Utah State Archives (<https://archives.utah.gov/research/indexes>).

Utah State Hospital, Patient Records.

Wright, Samantha. "Watering Idaho: The Snake River Plain Aquifer." Boise State Public Radio, 19 Sep 2016: <https://www.boisestatepublicradio.org/post/watering-idaho-snake-river-plain-aquifer#stream/0>

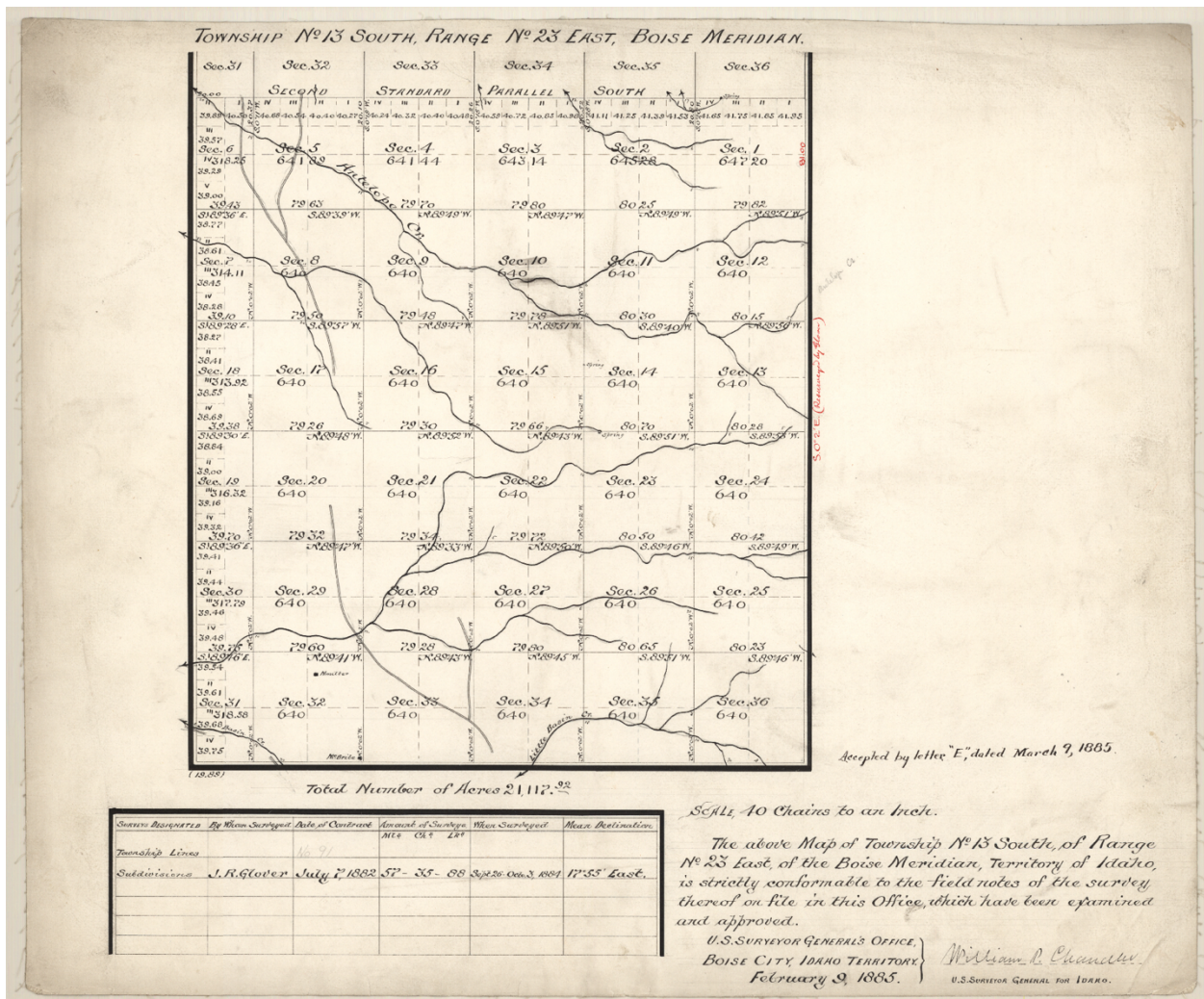
### Summary of Findings:

1. The best source for the family's history prior to the move is the Annie Louisa Jones Smith typescript, which appears to be the source for all later family histories.
  - a. I am happy to research this period if you like, but am unlikely to find any more specific information, besides to observe that

- b. The reservoir on the Jones farm that John was building when he met Annie was the one referenced in the Moroni Jones chapter that the Bamberger Railroad built in exchange for the Jones's giving them an easement across the farm.
    - c. Annie notes that she and John rented the frame home at 448 East 1<sup>st</sup> South to "X and Minnie" when they bought a fruit farm (NOT the orchard they planted adjoining their first frame house). "X and Minnie" were John's younger brother X and his wife, who would go with them to Burley.
    - d. They sold the fruit farm (but not the frame house and farm) to Annie's cousin Orson Soule in 1912, presumably to bankroll the new farm. [See WD # 21097 below]
  2. For an overview of Cassia County's history, see Boothe and Myers.
    - a. Initially settled by Mormons and workers on the transcontinental railroad who went north after it was completed in 1869 (Arrington and Myers, 4).
    - b. For the early history of Oakley's relationship to the California and Oregon trail, see Myers, 8–11, 76; for cattlemen, sheepmen, and the railroad that made them profitable, see Myers, 12, 13, 16; for more on City of Rocks (visible from Smith homestead), see Myers 78f.
    - c. For more on Snake River reclamation, see Arrington, 17 and Myers 58–63.
    - d. For early history of Burley up to 1919, see Myers, 64–67; for Burley's role in Oakley's diminution, see Boothe.
  3. John Smith's migration to Burley, Cassia County, Idaho was likely undertaken as part of a family network.
    - a. Both his brother X [FS ID KWCF-XSD] and his second cousin Y [FS ID KWCD-2C5] left Kaysville at about the same time as John to homestead in Burley
      - i. X received his own patent on 6/25/17, # 589223, but was in Roy by the 1920 census; according to the obituary of their sister "Patricia Stewart" [actually C, FS ID # KWCF-1T8], X was living in Smith by March 24, 1918.
      - ii. Y received his patent, #466822 two years earlier, in 1915 (since homesteading required three years of residency, that meant he must have gone to Burley soon after his marriage in February 1912; his first child was born there in December 1912.) He also kept up the property in Burley longer than John did; the 25 October 1918 issue of the *Davis Clipper* reports that Y "had gone to Burley" two days after John Smith had shipped a "car of apples to Evanston" after their return to Utah in August, 1918.
    - b. John, X, and Y were probably drawn to that particular area by John's half-uncle Z (FS ID KWZ6-VS5). Z had emigrated to Burley from Cardston, Canada at the turn of the century. By 1913, he was the owner of a prosperous farm and a leading citizen, hosting public events, contributing to charities, and acting as a frequent

witness for legal transactions (*Oakley Herald*). He would live there for the rest of his life.

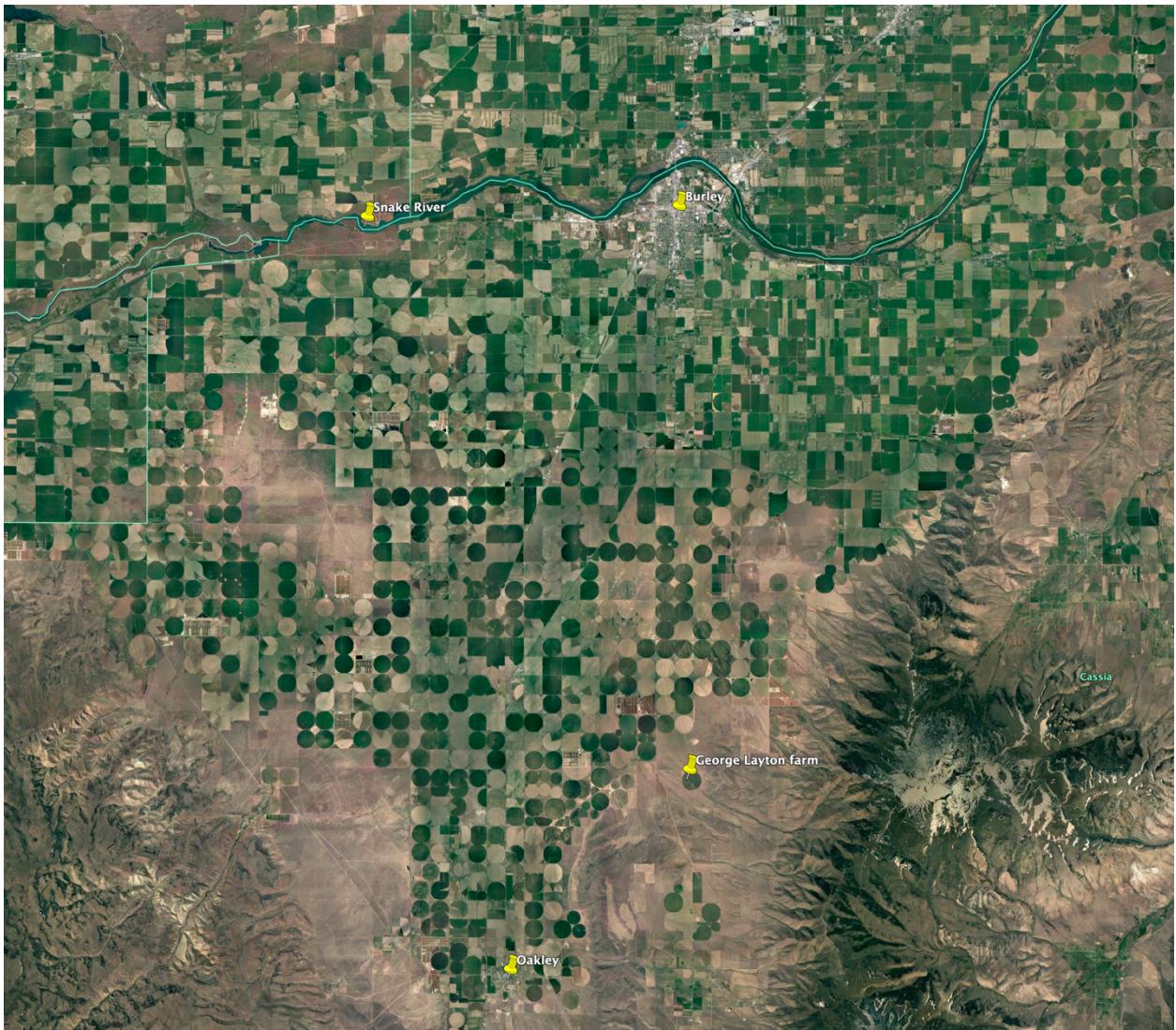
4. According to Annie, the family moved to a “whole section” of land in Burley in the late fall of 1913.
  - a. They shipped all their goods, including a piano and livestock.
  - b. John and Ralph went first, presumably to mind the livestock and build a shelter.
  - c. Annie (who was then about six months pregnant) followed with the children, arriving in deep snow.
  - d. They spent the winter in a two-room “shack” they rented two miles from the train station. No electricity, kerosene lamps, etc. Ruth delivered there on January 27 by a Dr. Minter.



Original plat survey for Township No. 13. Smith's homestead was in section 5. Courtesy BLM.

5. They moved to the homestead that March, about 15 miles due south from Burley.
  - a. Near foothills and no surface water. (See “farm” images from Google Earth.)

- b. Dug a well 15 or 20 feet deep for water and installed a pump.
  - c. Prior to that had to haul water from the big spring near the Goat Ranch. See Howard's history for details.
  - d. Lived in lean-to and pitched tents for boys. Added another room and dug a cellar which was never boarded up, with steps cut in sod.
6. John had good reasons for believing that the family would prosper on a dry farm south of Burley. (all from Hale)
- a. "Gold Coin" wheat—dry farm wheat introduced in 1906. 30 bushels an acre. But some land unsuitable.
  - b. Discovery of oil, coal, gold, silver, marble, etc. (All would later prove to be too low-grade to be worth mining). See also Myers 81–84.
  - c. Expansion of transportation and processing plants; Arrington



7. Difficulties of farming

- a. Vera talks about the loss of crops to jackrabbits. When William Oakley first established his "station" to serve pioneers along California and Oregon trails, he had to hire a man full-time to shoot them. Hale, "Stage Coach Days."
- b. I have attached his land patent, #604644, awarded 23 October 1917, as well as a clipping from the Oakley Herald on 3/16/1917, announcing he had submitted final papers, and the Deed, from Cassia County Deeds vol 22. The patent is actually for 321 and 89/100s acres. Not sure how to explain double size. Dry farm? Annie, too?

Hailey 013991

4-1003-11.

**The United States of America,**

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **George C. Layton** has been established and duly consummated, in conformity to law, for the **Lots one, two, three and four, the south half of the northeast quarter, and the south half of the northwest quarter of Section five in Township thirteen south of Range twenty-three east of the Boise Meridian, Idaho, containing three hundred twenty-one and eighty-nine-hundredths acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-THIRD**

(SEAL)

day of **OCTOBER** in the year of our Lord one thousand nine hundred and **SEVENTEEN** and of the Independence of the United States the one hundred and **FOURTY-SECOND.**

By the President: *Woodrow Wilson*

By *M. P. L. Roy*, Secretary.

*S. P. Glavin*,  
Recorder of the General Land Office.

**604644**

RECORD OF PATENTS: Patent Number

4-1011



✓ #28949. *B*

DEPARTMENT OF THE INTERIOR  
UNITED STATES LAND OFFICE HAILEY, IDAHO.

Serial No. 014112  
Receipt No. 1146071-§22  
1146253-1.09  
1997588-15.12

## FINAL CERTIFICATE.

Homestead.

Act of June 17, 1910.

March 7, 1917.

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291, Revised Statutes of the United States, James S. Steel, Oakley, Idaho, has made payment in full for

Lot 1 Sec. 3, T. 14 S. R. 23 E. E $\frac{1}{2}$  SE $\frac{1}{2}$ , E $\frac{1}{2}$  NE $\frac{1}{2}$ , Sec. 34, NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and  $\frac{1}{2}$  NW $\frac{1}{4}$  Section 35, Township 13 South, Range 23 East Boise Meridian, containing 320.87 acres.

NOW, THEREFORE, BE IT KNOWN that, on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said James S. Steel shall be entitled to receive a Patent for the land above described if all then be found regular.

Ben R. Gray, Register.

Filed for record at the request of Burley R. &amp; A. Co. at 8:12 A.M. Apr. 25, 1917.

Ray Gudmundsen, County Recorder.

✓ #28950. *B*

DEPARTMENT OF THE INTERIOR UNITED STATES LAND OFFICE,  
HAILEY, IDAHO.

Serial No. 013991  
Receipt No. 1145689-§24.36  
1997971-13.16

## FINAL CERTIFICATE.

Homestead.

Act of June 17, 1910.

April 4, 1917.

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291, Revised Statutes of the United States, George C. Layton, Oakley, Idaho, has made payment in full for

Lots 1, 2, 3, 4, S $\frac{1}{2}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 5, Township 13 South, Range 23 East Boise Meridian, containing 321.89 acres.

NOW THEREFORE, BE IT KNOWN that, on presentation of this certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said George C. Layton shall be entitled to

receive a Patent for the land above described if all then be found regular.

Ben R. Gray, Register.

Filed for record at the request of Burley R. &amp; A. at 8:13 A.M. Apr. 25, 1917.

Ray Gudmundsen, County Recorder.

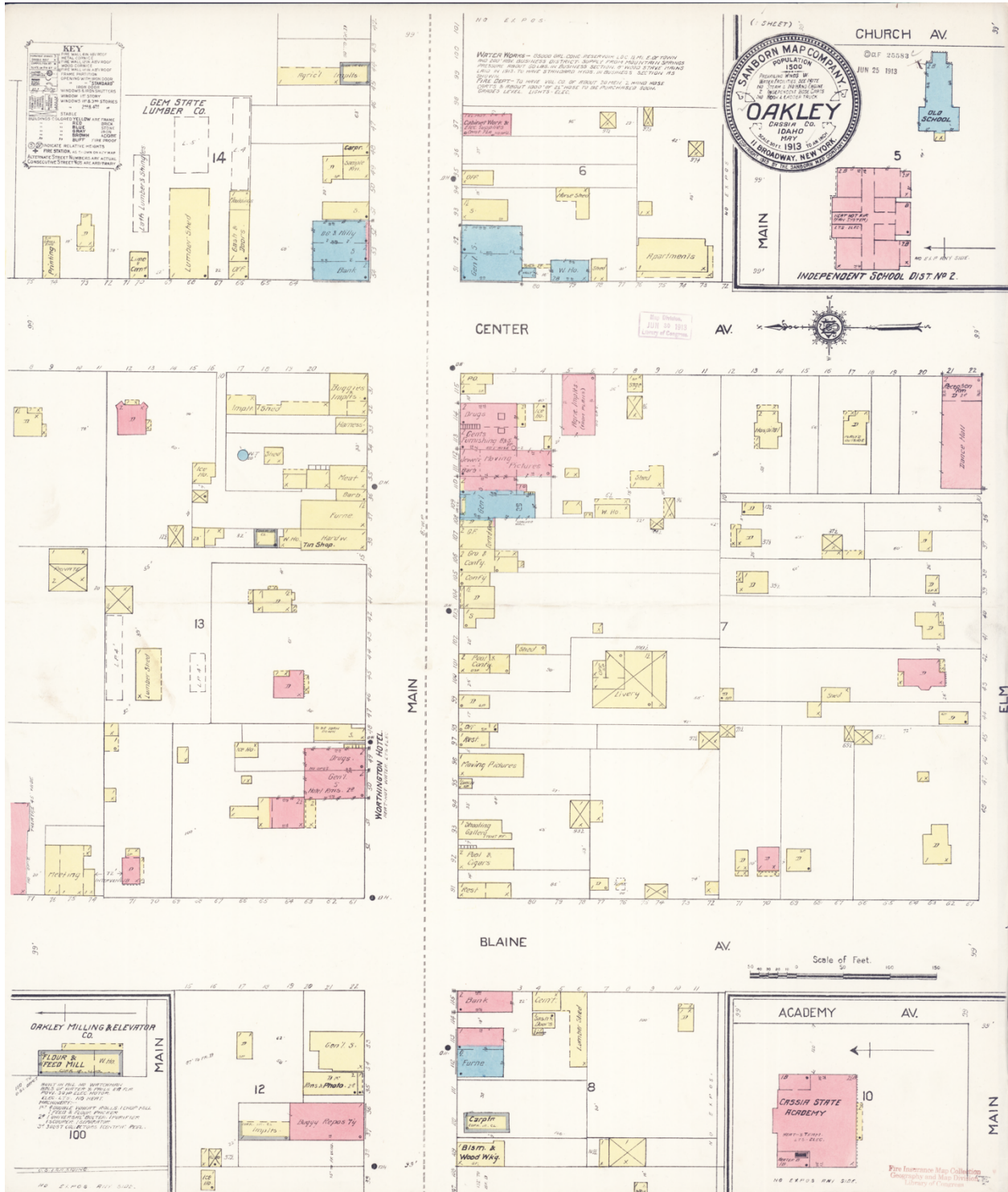
8. There's evidence to support the family tradition that the family chose to settle in Burley in part because it was a "dry" town. Up until about 1910, Cassia County had been so dominated by Mormon settlers that the newspaper's Mormon editors had refused to print stories that referenced sins like drunkenness. New stake president from Salt Lake (William Jack) wrote about his new home in *Burley Bulletin* in 1906:

*In area Oakley contains 7,000 acres of patented land which forms the home of peace and prosperity. If there is a distinguishing characteristic about the people forming this community, it is their unselfish industry, sobriety, chastity, and devotion to duty and country. In a word, it would be difficult to find citizens more loyal to home or nation, more patriotic and reliable anywhere than the people of Oakley." (Hale)*

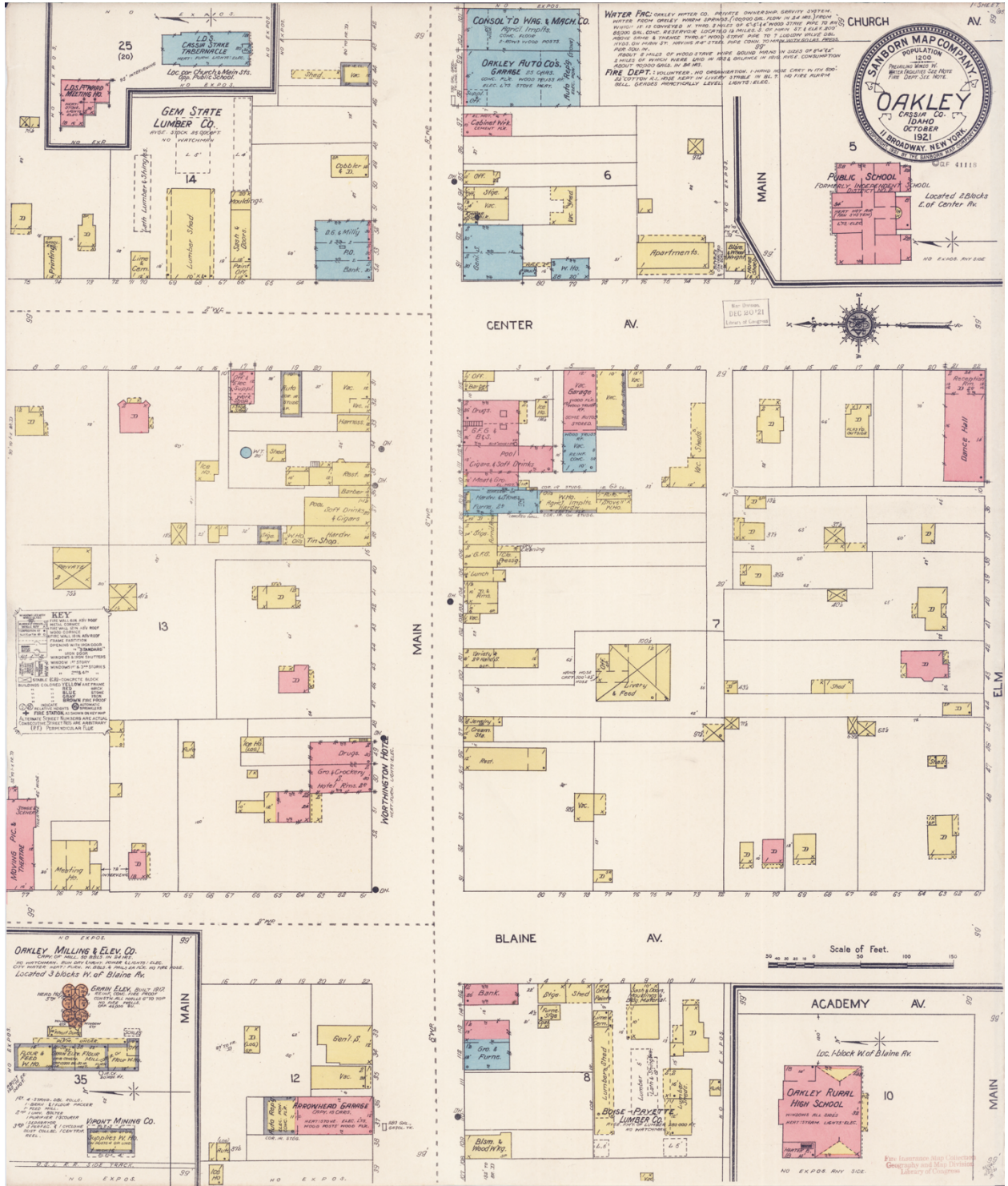
9. Unfortunately for the Smiths, however, times were changing, as Jack's article acknowledged:

*While the population is largely LDS it can hardly be called a Mormon settlement from the fact that among the business houses are three well-fed saloons.*

- a. When eastern bankers funded the construction of a huge new dam in 1909, they tried to recoup their costs by advertising for new residents in eastern and midwestern papers. These new settlers changed the local culture between 1910–20 from conservative, farming-class Mormon to something approaching most frontier towns. (Arrington; Hale, "A New Influx of Settlers" and "Change of Lifestyle.")
  - b. In 1910, the town passed an ordinance outlawing houses of ill repute, suggesting that prostitution was becoming a problem.
  - c. The 1913 Sanford map shows a saloon and a pool hall on either side of the Smiths.
10. Vera boarded with a family in Burley, helping with the work, for a year so she could go to high school (Cassia Stake Academy). Presumably her 9<sup>th</sup> grade year. Lucille born on the dry farm, June 2, 1916, attended by a midwife Mrs. McBride. (Lucile's birth certificate actually says she was born in Oakley).
11. When Ralph was ready for high school, the family rented a place in Oakley, 7 or 8 miles west from the dry farm.
- a. According to your dad's autobiography, their house was "next door east of the hotel on the northeast corner of Oakley Main St." "The Hotel" was the Worthington Hotel. The house east of it was the brick house, as confirmed by Howard's history.
  - b. Although Annie calls it Oakley High School, the only local high school was the Cassia Stake Academy.



1913 Sanborn map. Smith house is pink square immediately to the left of the "MAIN" legend.



1921 Sanborn map. Smith house is pink square immediately to the left of the "MAIN" legend.

- c. That must have been in the summer or fall of 1916, since according to the *Oakley Herald*, John was in town to visit his family on 12/15/1916. Vera and Ralph could go to the Academy (at the time, the only high school). According to Howard, John spent the following winter in town with his family working as a butcher.
- d. (Vera elected junior class vice president at Cassia Stake Academy in November 1917, according to *Oakley Herald*).
- e. For images of significant landmarks, consult [https://history.idaho.gov/wp-content/uploads/2018/09/Oakley\\_80001299.pdf](https://history.idaho.gov/wp-content/uploads/2018/09/Oakley_80001299.pdf) (selections appended)

## 12. Reasons for moving to Oakley

- a. Arrington, 10: "Oakley quickly came to be the "headquarters" for the Mormon community of southern Idaho. For one thing, Oakley became the trading center for people from a wide region of Idaho and northwestern Utah. Oakley was also a center for processing agricultural and forest projects."
- b. For more on the history of Oakley, including damming Goose Creek, the water source for Oakley, see Myers 30–31; for info on Oakley's early beginnings as a stagecoach station and the Pony Express, see Myers 54–57.
- c. Cassia Stake Academy was one of the best schools in the state. Run by LDS Church with teachers trained at Albion's excellent Normal School. (see Myers 23).
  - i. "students came from as far away as Carey to acquire what was considered to be an advanced education. Quite a few homes took in boarders during the school year... students from nearby communities...would often board or "batch" in Oakley during the school year." (Hale, "Early Day Schools")
  - ii. (Wonder if Annie paid for housing by taking in scholars).
- d. Oregon Shortline built a branch line between Burley and Oakley in 1911.
- e. Howell Opera House, 1908
- f. Recreation complex called "Light Air Park" opened 1901. Regional baseball diamond with bleachers, enclosed swimming pool called the "Bath House" using 114 degree water piped in from Warm Springs, 5 miles south of town; (unfortunately, the water cooled to canal temperature on the journey), a roller-skating rink (struck by lightning and burned to the ground in 1912), and a horse racetrack.
- g. Concrete sidewalks 1911
- h. Electricity since spring of 1912
- i. Culinary water piped to houses (repurposed after Bath House scheme failed)
- j. (Not sure if any of the Smith children had "mottled teeth," but the water from the hot springs was so high in fluoride most schoolchildren there between 1910–1920 developed brown spots on their teeth, but also had no cavities.)
- k. For background material on the lives and contributions of Mormon women like Annie, see Arrington, 17–18 and Myers 70

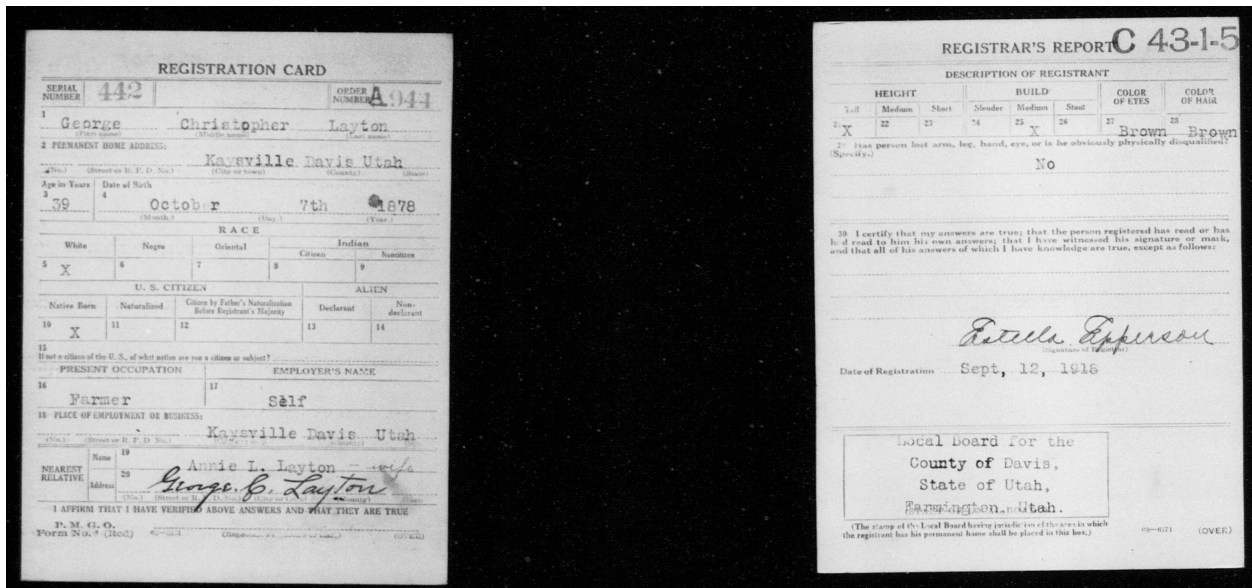
- 13.** The last few years on the farm were marked by a severe drought and the family was forced to take out two mortgages on the farm. (see # 22 below)
- 14.** Alan born on Dec 29, 1917 in Oakley, attended by a doctor. According to his autobiography, Annie's memoir, and his older brother Howard's history, the family was renting a brick house in Oakley at the time so the kids could go to school, on Center Street, immediately to the side of the Oakley Hotel. Comparisons with the Sanborn maps of 1913 and 1921 establish that this is the house. See also the National Register of Historic Places application for many other landmarks, including the ice house Howard mentions in his history.



- 15.** Myron and Howard were both baptized in Goose Creek, Idaho (water supply for Oakley) by their bishop (probably David R. Langlois; see Myers 72) and confirmed by their stake president, who by that time was Brother Koch. For more on this see Howard's history.
- 16.** According to Annie, the family left in August 1918 because of the drought. I could find no record of their departure in the *Oakley Herald*, but that may be because the issue of August 16, 1918 is missing.
- a. Probably influenced by collapse of booster economy with failure of Oakley Dam, America's entry into World War I, announced closure of Stake Academy (though parents were so upset it ended up continuing for one more year). Leo appears to have left sometime prior to March 24, 1918, when his sister's obit says he lives in Smith. John came down for the funeral; that may have been when they started

laying groundwork for the move. Lawrence stayed on for another year. (see Davis Clipper,

- b. The fact that Annie drove the wagon, furniture, and kids down while John and the livestock took the train is not as one-sided as it may seem. According to Hale, “When lambs and ship were shipped to Omaha [and, presumably, Utah],. they were accompanied by the owner, a hired hand or the owner's son. The sheep had to be let off the train each evening for food and water. They were also fed and watered the next morning and loaded into cars in time to catch the early train.... The caretaker of the sheep usually rode on the outside of the cattle car. He had a long pole which was used to poke the sheep which, when they lay down, were in danger of being suffocated. (Hale, “Kuhn Brothers’ Railroad.”)
- c. According to the early settler Mr. Snodgrass, it took 6–8 days to travel to Oakley from Utah in a covered wagon with livestock (Myers, 51).
- d. Date confirmed by the fact that John registered for the draft in Kaysville on September 12, 1918. (His younger brother X had registered in Burley in the First Registration on 5 June 1917, but John had been too old at the time. He was, however, eligible for the Third Registration on September 12, which included men born between 1872 and 1900).



- e. Also article in Davis County Clipper 10/25/18 announcing that John had shipped a car of apples to Evanston, presumably from the apple trees Annie and John had planted when they first built their house.

**KAYSVILLE KINKS.**

Lawrence Layton went to Burley Monday.

George C. Layton shipped a car of apples to Evanston Saturday.

**17. Howard\_Smith\_History** (appended) is a fabulous source that provides all kinds of detail about

- a. The two original farms in Kaysville (1).
- b. Lots about the years in Burley and Oakley (2–7; 11).
- c. Details about family life in Kaysville, including relationships with his father’s brothers X and V (7, 8, 18).
- d. The new house on first North and 5<sup>th</sup> East, “One of the nicest houses in Kaysville,” built by their bishop, Frank Hyde (8, 9.)
- e. Details about the grocery store and meat market John bought from Nick Bonnemort, where Howard learned to butcher meat (9, 12).
- f. Some information about John and the Battle of the Bulge (27).
- g. Son’s activities after returning from war (27–28).
- h. Son’s early career (31).

**18. F B. Muir vs. John Smith, 2<sup>nd</sup> Judicial district, Civil case 922 in Utah Archives series 1622 (appended)**

In the spring of 1918, when John and his family were still living in Idaho, they leased their fruit farm in Kaysville to Frank B. Muir. When they returned to Utah at the end of the summer, they agreed to pay Mr. Muir \$700 to end the lease early and for his unharvested crops. They paid him \$250 in cash and promised to pay \$100 a month later and make a final payment of \$350 when the crops came in, with an interest rate of 8%. They further promised to pay 10% interest on any outstanding debt to be used as attorney fees.

- a. Muir filed a complaint in 2<sup>nd</sup> Judicial Court on 3 December 1918, claiming that though the family had repaid the \$100, they had not paid the fees and interest that had accrued. No payment at all had been made on the \$350 debt.
  - i. The Smiths furnished him with a “chattel mortgage” of 17 shoats and an upcoming apple crop estimated to yield 1000 bushels.
- b. On 5 February 1919, John made a counterargument to the court.
  - i. He presented the lease agreement that he had made with Muir on 2 April 1918 which said that Muir would pay a total of \$230; agreed to maintain the orchard, fences, outbuildings, etc; and would be responsible for interest and attorney’s fees.
  - ii. He claimed that Muir still owed him \$95 of the lease, plus interest payments, plus \$75 attorney’s fees, plus \$350 damages for failing to properly irrigate the orchard and destroying and/or removing fencing and outbuildings.
- c. A week later, on 12 February 1919, Muir claimed that



- i. The farm had been in terrible condition when he leased it.
  - ii. That he had paid rent through August 1, but on August 24, the day the promissory notes had been issued, he and John had inspected the farm, agreed it was in good condition, and decided to retire the lease effective immediately.
  - iii. John had also agreed to pay \$700 for the unharvested crops and early return of the farm, \$250 of which he had paid in cash. (The \$450 was apparently the remainder of the note; not sure where the additional \$100 came from).
- d. On 24 June 1919, the court ruled that the Smiths owed Muir a total of \$373.73 including court costs which would now begin accruing interest at 8% a year.
- i. The money was to be raised by a public auction of the shoats and apples of the "chattel mortgage," and was due 15 October 1919.
  - ii. On July 14, 1919, John explained that he had sold the pigs and apples and spent the money.
  - iii. 18 October 1919, court said John was responsible for the cash, since no portion of the mortgage "could be found."
- e. On 24 May 1921, the Davis county sheriff served John with a final demand for the money, with the right to sell any property owned by John to make up the difference.
- i. The sheriff could not discover any property owned by John, except for a debt of \$28 owed to him, which was promptly garnished, as was a second later discovered for \$15.
  - ii. The trial ended when George filed for bankruptcy, which was awarded on 7 September 1921 (Bankruptcy No. 6452, adjudicated by S. T. Corn in Ogden)
  - iii. Muir was awarded a deficiency judgment later that fall

**DISTRICT COURT NOTES.**

Judge A. W. Agee held sessions of the district court in Farmington as follows:

October 1st, the case of the State of Utah vs. Edward D. Kirby was tried by a jury who found him guilty of an assault. He was sentenced to serve three months in the county jail.

**DISTRICT COURT NOTES.**

The following cases were set for trial, Tuesday, June 24, 1919, at 10 o'clock, a. m. in Farmington.

Utah Credit Adjustment Association, a corporation, Plaintiff vs. V. C. Willey and Mrs. V. C. Willey, Defendants.

F. B. Muir, Plaintiff vs. George C. Layton, Defendant.

Ernest Burnham, Plaintiff vs. Margaret Palmer, Defendant.

State of Utah, Plaintiff, vs. Dan Kirby, Defendant.

*Davis County Clipper,*  
 "District Court Notes" of  
 27 June 1919 (F. B. Muir  
 vs. George C. Layton,  
 case set for trial [left]  
 and 31 December 1920  
 (deficiency judgment  
 [right; second to last  
 paragraph])

F. B. Muir vs. Geo. C. Layton;  
 plaintiff granted deficiency judgment.

J. A. Hatch vs. Ernest R. Woolley;  
 no one appearing for defendant,  
 the case was taken under advisement.