

responsible for these funds, but the clerks and their bondsmen:

Hon. Morgan Richards Jr., State Auditor,
Salt Lake, Utah:

Dear Sir—I am in receipt of your favor of recent date, in which you say "that a number of the clerks of the district courts in the State have informed you that through a misconstruction of the late laws bearing on the question, they have paid into their respective county treasuries all moneys derived from fees collected in the said district courts and refer you to the boards of county commissioners for said fees." You ask to be advised as to whether it is your duty to make application to these various boards or to the said clerks for these fees.

I am of opinion that it is your duty under the law to look to the clerks for these fees instead of the boards of county commissioners. The language of the act seems certain and definite in specifying the duties of the clerks of the district courts and the disposition of the fees collected by them, and it would seem clear, that all fees of this kind collected by the said clerks between the 4th day of January and the 5th day of June of 1893 belong to the State and should have been covered into the State treasury. Under this law all of the said fees are now due and owing to the State. The duty imposed upon the respective clerks is purely ministerial in its nature, the performance of which involves no judgment or discretion, and being a duty of this nature, it is my opinion that mandamus would lie to compel the said clerks to pay these fees to the State.

I would therefore suggest and advise that you ascertain the exact amount of fees legally computed under the Territorial Fee Bill between the dates above mentioned; this you are authorized to do, under the law which proscribes your duties and it becomes necessary to know the exact amount so collected by the respective clerks. When you have so ascertained the exact amount, I would suggest that you make formal demand (although I do not regard it as necessary in this case under the law) for these sums of money, and in the event of a failure to comply, that you institute suit in the name of the State to recover the same.

I am of opinion that mandamus is the proper action and that a petition therefore should be filed in the Supreme court, leave having first been had therefor.

When you have obtained the facts above suggested, I would suggest that you confer with this office for further instructions in the matter.

I have the honor to be,

Your obedient servant,

A. C. BISHOP,
Attorney General.

Mrs. Joseph W. Peironnet, who resides with her husband in the rear of 444 east, Second South street, this city, was shot by the latter about 9 o'clock Wednesday and as a result she now carries wounds which are ugly and serious, though not necessarily fatal.

According to Mrs. Peironnet's version of the affair she was sitting writing a letter when her husband came into the house and said, "It's all up," pulled his gun and fired. As soon as he made the remark she reached under her pillow on the bed for her revolver, but before she could even get hold of it he had fired. She then ran out of the house, up the alley and around to the front door of James Wardrop's residence, which is directly in front of the Peironnet cottage, and rang for help. The blood was streaming down her body and ran on to the

porch. Miss Mary Wardrop opened the door and the wounded woman stepped inside and took refuge in a clothes closet. From there she went outside again and talked for some moments with a Mrs. Berlin, a neighbor. Afterwards she was conducted into the Wardrop house again and placed on a cot and medical aid summoned. Drs. Wright and Dart arrived shortly afterwards and attended to the wounds, two of which were found, one in the right hand and the other in the center and about two inches from the upper end of the collar bone.

The police were notified a few minutes after the shooting and Officers Raleigh and O. P. Pratt went out. Peironnet made no attempt to escape and was easily arrested. He spent a few moments in the same room where the doctors were probing for the bullet but seemed unconcerned. He told a story to the effect that the woman shot herself, another that some strange man whom he claimed to have met as he went into the house had done the firing. Upon being searched a revolver was found in his possession with one chamber empty and smelling strongly of fresh-fired powder. When his attention was directed to this he explained it by saying that he shot a dog during the evening, but just how and where he could not state.

Peironnet is one of the proprietors of the Palace saloon at 60 west Second South street, and his hours at the establishment are from 5 p. m. until 2 a. m., but last evening he deviated from his general rule and went home early.

Mrs. Osborne, a sister to Mrs. Peironnet who lives next door to the scene of the shooting, says that her sister has been continually abused by her husband and that quarrels between the couple were of quite frequent occurrence.

It took the attending physicians two hours to locate the bullet which they found deeply lodged in the collar bone. While the wound was a dangerous one, they expressed the opinion that Mrs. Peironnet would recover all right. The couple have been married four years and an 18-months' old babe is the issue of the marriage.

RETURNED ELDERS.

The NEWS received a call Saturday from Elder Lorenzo D. Young, of St. Charles, Bear Lake county, Idaho, who returned Friday, bringing with him Elder Joseph Anderson of this city, who is ill. Elder Anderson is much better than he was, though still quite ill and confined to his bed; his steady recovery is hoped for. Elder Young left on his mission March 28th last, and for a time labored in Long Island, where his health was not good. Then he was transferred to Rho e Island, to join Elder Anderson as missionary companion, and both labored diligently together. They found a few who listened, and some are expecting to join the Church shortly. Most of the people, however, are inclined to be inhospitable. The Catholic element is very strong, and missionary work requires great persistency and patience. For the present Elder Young will return to his home in St. Charles.

Monday evening the NEWS received a call from Elder James Duckworth, of the Nineteenth ward of this city, who returned on Sunday, in company with his wife, from a mission to Great Britain. Elder Duckworth left home April 19, 1894, and on arriving in Great Britain was assigned to labor as traveling Elder in the Liverpool conference. He continued in that calling till April, 1895, when he was appointed to preside over the conference, which he did till released to return home. Sister Duckworth went over to England five months ago. Brother Duckworth reports a much better feeling than formerly toward the Latter-day Saints, but says the people generally in the west of England, where he labored, display very little interest in religious matters.

Elder Orson H. Hewlett, of the Third ward of this city, also made a brief call on the NEWS last evening. He came home two weeks ago, as noted in the NEWS at the time, his return being made necessary by a severe attack of illness. Elder Hewlett was seized with malarial fever, and ever since his return home has been in a very low state of health. He is now a mere shadow of his former self, and looks hardly able to be out of bed. Still he felt a ride in the open air would do him good, so he ventured out, and anticipates a steady progress towards recovery. He spent nearly six months in the middle Tennessee conference, having left home Feb. 15, before being compelled to desert from his labors. He speaks highly of southern hospitality and of the increasing interest the people are manifesting in the Gospel of Christ which the Elders teach.

MORGAN STAKE CONFERENCE.

The Morgan Stake quarterly conference was held Sunday and Monday, August 18 and 17. President Richard Fry presided, assisted by his counselors. There was a good attendance at the four meetings, especially those held on Sunday.

The Bishops reported the wards in a fair condition. There were no visitors, but the speakers and hearers rejoiced in the good spirit of the conference.

C. R. CLARK,
Clerk of Conference.

Andreas Martinez, a Mexican aged 30 years, was instantly killed in a saloon at Firebaugh, Cal., Monday morning by Humberto Alano, another Mexican. Alano is about 28 years of age. A lynching party started after Alano, but he was secreted by a friendly bartender in a hotel. Alano lay in the cellar for several hours while the villagers were scouring every house in search of him. Shortly after noon Deputy Sheriff Timmins and Bedford arrived from Fresno and Alano was glad to put himself in their charge. The mob was in another part of the village at the time and the deputies made their stay in Firebaugh as brief as possible. While the lynchmen were yet hunting for Alano in Firebaugh the officers had arrived at Mendota, twelve miles away, and had him in jail. Alano claims the shooting was accidental.