

to be much less protective to stock owners than the old law. Especially so is Sec. 2203. It not only allows any one so disposed to drive stock off of ranges, but to keep them 24 hours before returning them. In that time it would be hard to recover, for instance, a stolen horse, and if recovered the owner would have to prove that the act was wilful.

2d. The revenue law having been cut down also by the last Legislature, two mills on the dollar, but a much heavier tax than formerly imposed through the new school law, makes it very hard in small counties to meet required expenses and to run the district schools the length of time prescribed.

3d. It seems necessary that some law should be enacted for the support and protection of polygamous children; as, after the dissolution of polygamous marriages, many fathers refuse to provide for such children and their mothers. If such children and their mothers are to come as indigent persons upon the counties, it would be exceedingly burdensome.

Of the probate laws I have nothing to say, except that such legislation as recommended by you in your message to the last Legislature in regard to salaries of judges, ought to have been adopted. Many refrain from having their estates before the courts, fearing the expenses.

The code ought to prescribe some time when the judge is to be paid for probate work. The idea seems to prevail that he should not be paid till the case is ended which sometimes takes years.

Very respectfully,

L. T. EDHOLM.

PAROWAN, Utah, Dec. 15, 1891.

Hon. Arthur L. Thomas, Governor:

Dear Sir—Your favor in relation to county government and probate courts was duly received by mail.

I am not able to make any suggestions in relation to counties, not being well enough versed in law.

In probate practice the law should be amended so as to make the expenses of administration on all small estates as light as possible. As the law is now it works a hardship on all small estates, and, to some extent, robs the widow and the fatherless, many of whom are left almost destitute. Publication in any newspaper should not be required in any estate of decedents, the value of which does not exceed \$3000, except the one notice to creditors to present their claims, and three months time is ample, instead of four and ten months, as now. All other notices which are required should be by posting up in the county, which is not near so expensive as publication in a newspaper.

Please see Laws of Utah, approved March 13, 1890, page 109.

Section 1 should be amended to allow orders of sale without publication, only by posting up notices in the county, when the consent in writing cannot be obtained by all persons interested.

Section 4170, Laws of Utah, vol. 2, page 507. All estates which do not exceed \$3000 should be exempt from publication in a newspaper, instead of \$1000.

These suggestions and recommendations are respectfully submitted in the interest of the poor and needy, the

widow and the fatherless, of whom the probate courts should be the protectors.

With many thanks for past friendship and favors, I remain very respectfully yours,

DANIEL PAGE,

Probate Judge, Iron Co.

RICHFIELD, Utah, Dec. 18, 1891.

Hon. Arthur L. Thomas, Governor of Utah:

Dear Sir—In replying to yours of the 18th inst., I would say, or suggest, the propriety of fully compiling the probate laws of Utah, as they run through a long series, being scattered through both of the two volumes of the present compilation, and contain many errors, and are in a very imperfect condition. It seems to me that the Legislature of Utah would be willing, in view of the fact, take the matter into the present necessity of such a step.

I would also suggest the propriety of some change in the existing estray law. It is impossible for owners of stock to recover their own on account of the time specified by law for the sale and the manner of advertising is too short and altogether unsatisfactory.

There should be commissioners appointed to settle the boundary line between Sevier and Plute counties, as there are important mining interests at issue, and by so doing avoid trouble resulting from taxes, assignments, etc.

Yours truly,

L. B. KINNEY, Probate Judge.

CORRINNE, Utah, Dec. 21, 1891.

To His Excellency the Governor of Utah Territory:

Sir—Your esteemed favor of the 1st inst. has had attention to the extent of carefully reviewing the laws mentioned, from time to time as I found opportunity and but for several days sickness would have answered sooner.

I venture the suggestion that if the county government bill could be so amended that a salary could be paid selectmen, it would obviate the necessity of their auditing their own bills for services. It would be better and to the interest of all concerned.

I remember your recommendation to the last Legislative session 1890 regarding salary to probate judges. I believe the same reasons apply to selectmen.

2nd. I also suggest that in my opinion some legislation should be had looking to the payment of witnesses, jurors and justices of the peace in criminal cases. I find that some of the counties pay the costs of justices, commissioners when acting as justices in Territorial cases, witnesses, jurors and ministerial officers in full, some pay witnesses and officers only and if I am correct, Salt Lake county pays none of the criminal expenses and costs all upon the Territory and it is hard to see how such officers can receive their fees while in the district courts it is provided for by acts providing for the payment of jurors, etc. Chap. 68, laws 1890.

All which is respectfully submitted.

I am yours, etc.,

E. P. JOHNSON.

FILLMORE, Utah, December 24, 1891.

Sir—In Section 3 of the laws of 1870 in regard to estrays. It says in the fifth line, "That after deducting costs and expenses of keeping and sale, shall deposit the balance of the proceeds of

sale with the justice of the peace," etc. should be after the word deposit, "with full report of all expenses of said sale the balance with the justice of the peace," etc.

We have trouble with constables about it. If they hand over the money they give us report. Justices can not refund to owners if found unless they know the brand of the particular animal. What it sold for; what the expenses were, and how much of the funds in his hands are left from such particular sale. Besides we have no way of knowing if they keep correct account or not. The last part of the section refers to a certain disposition to be made of these funds, but they think that their duty is all defined in this section. The whole law is bad. It eats up everything before sale is made.

The County courts should also have jurisdiction over the water sheds bordering the streams to the extent of forbidding sheep, cattle and horses destroying the herbage of such water-course, causing the heavy rains to wash dirt and debris into the streams making those heavy floods that annually cause thousands of dollars of damage in the settlements, besides laying bare the mountain sides, which in the end will prevent the snows from staying long enough in the spring and early summer to be of any material use for the farmer in maturing his crops. If this goes on, it will, in the end, be more barren than it is now.

The debris washed down is also a fruitful cause of disease of various kinds. I also believe that probate judges should receive a salary proportionate to the duties of their office. So that being located at the county seat they could afford to look after the interests of their county. It is a well known fact that their salary was cut off in order to discourage them in giving their attention to the affairs of their county, so that things could be manipulated to suit the party who does not wish their presence.

In the probate business I am not so well posted as others and therefore have no suggestions to offer. There is but little to do in that line in our county. I can spend but little time reading it up. I must make a living for myself.

Your Excellency will doubtless have suggestions from those whose time and ability are equal to the occasion.

Respectfully,

GEORGE C. VIELE.

St. GEORGE, Utah, Dec. 24, 1891.

Governor A. L. Thomas, Salt Lake City.

Dear Sir—Yours duly received and contents noted with pleasure. In reply I will say that as to the probate laws I can suggest no changes, as I am of the opinion that the statutes concerning the distribution of estates as good perhaps as in other parts of the United States. The School Law does not, in smaller precincts, work as well as I could wish. In precincts where there are few children of school age, it works a hardship on the people, the public money drawn is so little that there is no chance for two terms of school as the law directs, unless the people put their hands into their pockets and donate to make up the deficiency.