DESERET EVENING NEWS.

Thursday, July 30, 1896.

MILEAGE IS PAYABLE

Whether or Not the Appropriation Therefor is Exhausted.

IS CHARGEABLE TO DISTRICTS

And Not Against the Judges—The Commission May Draw Upon Its Fund—Attorney General's Opinion.

Attorney General Bishop yesterday gave an opinion on a mileage question which was submitted by State Auditor Benson. The opinion holds that warrants for mileage must be issued whether or not the appropriation therefor is exhausted. The opinion is as follows:

SALT LAKE CITY, UTAH, July 29, 1896.

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

DEAR SIR—I have before me your favor of recent date in which you ask to be advised on the following questions: First, "In view of the unconstitutional provision (An district judges shall be paid their mileage) as well as other claims questionable, am I restrained by any legal enactment on the question from audited and drawing warrants in payment of mileage in their cases when the aggregate sum thereof have been exhausted?" If your answer is in the affirmative, then I would submit the following query also: "Shall a district judge be deemed duly called to hold court in a district other than his own, and in doing so incur a mileage expense, should such mileage account be charged to the appropriation made for him or to that of the judge in whose district he has been temporarily acting?"

Answering your first inquiry, I am of opinion that constitutional provisions are paramount to any legislative enactment upon that subject. Section 26 of article 6 of the Constitution provides: "Until otherwise provided by law, the salaries of the supreme and district judges shall be three per annum and mileage, payable quarterly out of the State treasury." Section 1 of chapter 124, page 201, of the laws of Utah of 1896 provides that "the State auditor shall draw his warrant on the State treasurer at the end of each quarter, beginning with March 31, 1896, for the amount of the salary and mileage due from the State to each State officer and justice of the Supreme and judges of the district courts," etc. In view thus of the provisions and the Constitution there is no conflict, and it is clearly your duty to audit the sections for mileage for such officers as are entitled to charge mileage, and to draw warrants upon the State treasurer therefor, such warrants could be drawn upon the fund out of which it is payable. See subdivisions 17, section 1, page 101, of the laws of Utah, 1896.

It will be observed from the section that no warrants are to be drawn unless authorized by law. This brings us to the question of conflict between legislative enactment and constitutional provisions, and the question arises, if the appropriation for salaries of a district judge has been exhausted, can the auditor legally draw a warrant to cover the mileage of such judge in that district? I am of opinion that the constitutional provision above set out would have the force and effect of an appropriation sufficient to cover the mileage accounts of district judges necessary in carry on the business of the court in the district within which it is to be paid under written instructions to any legislative enactment. Suppose the Legislature had failed to make any appropriation for the salaries or mileage of district judges, such failure would not relieve the officers of their duty of serving as judges in the districts of their choice or mileage, and would in reality the auditor from drawing warrants upon the fund necessary to pay the salaries and mileage. Vermont cases have held that where the Constitution provides that certain salaries shall be paid, and no appropriation therefor exists, it is not essential to an appropriation to make it by law and no legislative action is necessary.

You are, therefore, advised that under the constitutional provision it will be your duty to draw warrants for the salaries and mileage of district judges generally, regardless of any legislative enactment to the contrary.

As to your second question, I am of opinion that the mileage account should be charged to the appropriation made for the district in which it was incurred, regardless of whether it was incurred by the judge of that district or the judge from some other district holding court therein. In other words, the appropriation for mileage expense should follow the judge and be charged to the district in which it was incurred, rather than to the district which might be performing the duties therein. I am therefore of opinion, and so advise you, that the statement of mileage expense should show the district in which the mileage was incurred, and that the same should be charged to the expense account of the district.

I have the honor to be, very respectfully yours,

A. C. BISHOP,
Attorney General.

SILK COMMISSION

Can Draw Upon the Fund Appropriated by the Legislature.

An opinion was also rendered to the silk commission in answer to a request for an opinion as to whether or not the commission may draw upon the fund set aside for it by legislative enactment. The law appropriates $2,000 to pay bounty on cocoons and $1,000 for the payment of expenses of the commission in prosecuting its duties, which sum, under the law, "is hereby called on land court in a district other than his own, and in doing so incur a mileage expense, should such mileage account be charged to the appropriation made for him or to that of the judge in whose district he has been temporarily acting?"

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Whisky and opium are destroying more of the health and happiness of our homes than any other influences. They are diseases and can be cured. Write to the strictest confidence to The Keeley Institute at Salt Lake, 160 west Second North, or 1-ph tax 495.

SALTAIR BEACH TIME TABLE.

In Effect May 31st, 1896, at 10:15 a. m.

Lv. Salt Lake.	Ar. Salt Lake.
10 15 a m	1 30 p m
2 15 p m	5 05 p m
4 15 p m	6 30 p m
5 45 p m	8 20 p m
7 15 p m	10 45 p m

Fare for round trip 50 cents.
Trains leave R. G. W. depot.
N. W. CLAYTON, Mgr.

Missionary Farewell.

A farewell reception will be tendered Elder Charles Gardner in the Seventh Ward assembly hall tomorrow evening, July 31. Elder Gardner has been called to fill a mission to Germany, upon which he will have to pay a few days. Arrangements have been made for the prosecution of an appropriate program, and it is hoped that the hall will be filled with his many friends who wish him God speed in the labor of love which he is about to commence. The program will begin at 8 o'clock.

Dr. Barnardo's Work.

It is idle to attempt to describe all that Dr. Barnardo has done and is attempting to do. He is a center of spiritual, social, intellectual activity, perpetually in motion. He began by caring only for the saving of the only and by a new Rock the whole social problem on his hands. He is facing the whole vast complicated congeries of difficulties which is the outcome and environments, and lives. Once also with marvelous success. It has for Homes have grown up a world of charity, schools, the great working enterprise of our time. Neither that is known is able to Dr. Barnardo. He begins by saying that there is no foreign or Norway, and yet there are twenty-two thousand children in the homes at Stepney. Dr. Barnardo, solid, practical, modest, fearless, indefatigable, is a great master in all. One day he brings 3,000 of his children from all his homes in the East to the West End. It is a small one as large army than that with which Britain has won many of her most brilliant victories. Under his able direction they concentrate at the Albert Hall to meet the Prince and Princess of Wales, bringing with them a vast paraphernalia illustrative of all their interests, their work, and their sports. With a skill for which Sir Augustus Harris could not have excelled, he puts the gigantic troupe through a program lasting nearly one hour, a program that goes without a hitch, and keeps every one from Prince to peasant entranced in wondering delight, and that because and delighted every one with one of the greatest spectacles ever seen in London. And the cost, that is 1? One and all they are children, some more latent, but all, whether old or young, partaking fragments of shipwrecked humanity, scattered one by one from the mighty ship of our cities. And for this one little ones would have been in the workhouse, in prison, in the grave, or, worse still, in the hands of the slum preyers, before they were well in their teens, to perpetuate their kind. And then, after having given the world this gigantic objection to organized philanthropy, the company disperses. The mammoth troupe of 3,000 silently and swiftly release their stage. As was the confusion, as in the distribution. In twelve hours all is over, the Homes are again full of teeming life, and not a child has been lost or has even asked its way. There was have attempts to copy a piece of a story here and give them the environments to the model of London in miniature, where one sees what was involved in the model of the 3,000 and from Albert Hall.—August Review of Reviews.

Horticultural Meeting.

The Salt Lake County Horticultural society will end their monthly meeting next Saturday, at 2 p. m., at the city and county building, 45th floor. Very important business will be brought up. All fruit growers are invited.

N. D. JENSEN,
Secretary.

Too Sudden at All.

A young gentleman of 16 had been been to school, but had not his lesson properly at home. On his very first day at school he came home and complained bitterly that the teacher promised scholars he nothing at all.

"Have you been punished?" he was asked.

"I was shut in a closet for half an hour."

"What for?"

"I did not know, only I wanted to know something of the matter. I got up my hand—I was very careful to put up my hand—and asked her for permission to ask a question."

"And what did she say?"

"She told me to come to her desk and ask it."

"Well?"

"And I went to the desk to ask it, but instead of answering it she put me right in the corner."

"Dreadful! But did you do anything wrong on the way to the desk?"

"Anything wrong on the way? Why, mamma, the only thing I did was to turn a couple of handsprings!"—Boston Transcript.

THE BRAND OF CLARK CUTTS AND GUARANTEED GOODS CLARK CUTTS 25 & 50c. CUTTS 25 & 50c. PURE & GOOD

Awarded Highest Honors—World's Fair.

DR. PRICE'S CREAM BAKING POWDER

MOST PERFECT MADE.

A pure Cream of Tartar Powder. Free from Ammonia, Lime or any other adulterant.

40 YEARS THE STANDARD.

FOUR THOUSAND BANKERS

Lost Week at Atlantic City. Fine!

And every one of them enthusiastic. The best ever can't be better.

When Nature sounds, responds Outside.
When your vitality, shows in the Outside.
When the bloom of Health, shows in the Outside,
When the full Children, the perfection Outside.

THE PEOPLE'S FAVORITE.

Garfield Beach.

Last Week it was Fine! Fine!

Keep your body and other valuables, including jewels, or any other articles you may wish to secure, safe and free from the care of the hotel clerk, in the safe deposit vaults in the office of the Deseret National Bank, which are fireproof and burglar proof.

Old Bennett

Furniture of Bennett Hotel, Mayer's store on the way from old middle, West Temple to 122 south, Main Street. Bring was wrecked in white paper. M. Bennett, 122 South Main.

YOUR LAST CHANCE

Miracle This Week only at Garfield.

Only 5 more days left to witness the miraculous cures.

THE NEW STAR.

Choice Cigars, Square Deals, Val Blatz, Milwaukee and Fisher's beers. 50 West, First South.

Take all your Prescriptions to the old reliable Godbe-Pitts Drug Co.

THE POPULAR PLEASURE GROUNDS

Garfield Beach.

Mirror every night this week. Fine!

Garfield Beach.

The finest sea water bathing in the world. Trains leave at 7:45 and 10:00 a. m., 1:15, 3:15, 5:00 and 6:30 p. m., effective June 28.

Tomorrow's weather report on page three, Walker Bros.'s ad.

E. L. Ottosen, stock broker, 41 west, Second South st. Tel. 37.

Utah Commercial and Savings Bank, 24 East, First South.

General banking business; pays 5 per cent on deposits. F. Armstrong, Pres.; F. W. Madsen, Vice-pres.; J. E. Jennings, cashier.

Odorless Sanitary Co., 27 Main Street.

All kinds of sewerage work, from 25c to $1.00 per month. Will clean your premises. Composts a specialty. Telephone 979.

Reliable Electric Work.

For new wiring and electrical fixtures, call on the Independent Electric Co., 43 East First South street.

Cleanse your blood with Godbe Pitts Compound Sarsaparilla. Has no equal.

Umbrellas, parasols repaired and repaired. McKenzie, 118 w. First So.

All kinds of Perfumery and Toilet articles at the old reliable Godbe-Pitts Drug Store.

Particular People

Patronize the particular baker, W. F. Fuller. His specialty is a guarantee of Pure Bread, Cakes and Pastry. 67 East First South street, west of Salt Lake Theatre.

Go to the old reliable Godbe-Pitts Co. for everything in the Drug line.

Godbe-Pitts Drug Co. are noted for the best Medicines and lowest prices.

Joe Schlitz Milwaukee Beer.

PRICE LIST.

Schlitz Main Extract, $2.00 doz.
Schlitz Extra Pale, quarts, $2.75 doz.
Schlitz Extra Pale, pints, $1.75 doz.
Schlitz Export, quarts, $2.25 doz.
Schlitz Export, pints, $1.50 doz.
Bottle allowed for when returned.
The Kentucky Liquor Co., agents, 13-15 East Second South St.

EXCURSION RATES EAST

Via the Union Pacific.

To Milwaukee and return, August 22 and 23, only $43.95.

To Omaha and return, August 13 17-18, only $30.

To St. Paul and return, August 19-20, only $37.

For particulars call at city ticket office, 201 Main street.

Think it over.

Have you ever heard of a medicine with such a record of cures as Hood's Sarsaparilla? Don't you know that Hood's Sarsaparilla, the One True Blood Purifier, has proved, over and over again, that it has power to cure, even after all other remedies fail? If you have bitter blood you may take Hood's Sarsaparilla with the utmost confidence that it will do you good.

HOOD'S PILLS sold druggists. 25 cents.

Have You Seen

the new Parlor Pure Beer? It is given free with each box of Powder. Ask for it.

Warm Weather Furniture!

Try Trading on Main Street.

Good and Honest furniture—nothing on the Co-op shelves but what is cheaper and more serviceable than is usually offered on the average term, a refreshing room there, and the business of the 1896 season can be made.

Men's Rattan Rockers, $2 and up.
Ladies' Rattan Rockers, $2.50.

Lots of different styles, as with a wholesale house.

Co-op Furniture Co.

13-15 South Main Street.

Matting Sections.
Matting Tables.
Ice Cooling Couches.

The Majestic Oil Cooking Stoves

ARE NOW WITHIN THE REACH OF ALL.

Take advantage of these prices:
One Burner Stove, $1.00
Two Burner Stove, $2.50
Three Burner Stove, $3.50

The only safe, reliable and odorless oil stove made. Others are experiments.

THE MAJESTIC OIL COOKING STOVE IS BETTER, CHEAPER AND SAFER THAN ANY GASOLINE STOVE

We have Reduced the Price of

The Planet Universal Steel Range.

When Buying, get the best and the Cheapest.

H. DINWOODEY FURNITURE CO.

LAWN GOODS

We have Absolutely Without Question or Doubt the Best

Rubber Hose

To be found in the market. Prices from 7 cents per foot up.

Sprinklers and Nozzles.

UTAH STOVE & HARDWARE CO.,

Corner Commercial and First South Streets.

Hurrah for Utah!

Success to her industries! Shoes for the Masses Manufactured by

SOLOMON BROS.,

Worn by the Wise Throughout the State, and being the best are Decidedly the Cheapest in the End. Wholesale and Retail.

70 S. MAIN ST. - - - SALT LAKE CITY

GOOD FOR THE CHILDREN.

Graefenberg Children's Panacea,

BEST WORM MEDICINE.
Excellent tonic for weak and ailing children
Gives strength and vigor.
Purely vegetable and perfectly harmless.
Cures all complaints to which children are subject
Makes weak children strong, sick children well.

Sold by all Druggists and Country Stores.

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BOOK .·. AND .·. JOB .·. PRINTING
- - - AND STEREOTYPING

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THE RISING SUN STOVE POLISH is the best in the world. Ask your grocer for it. Take no other. Sample by mail 10 cents. THE RISING SUN STOVE POLISH is the best in the world. Ask your grocer for it. Take no other. Sample by mail 10 cents. THE SUN DOTH PRESIDE is the best in the world. Ask your grocer for it. Take no other. Sample by mail 10 cents.

Mfgs. Sole, Prepd., Canton, Mass., U. S. A.

Wringers

And all kinds of TIN, IRON and COPPER

Repaired

AT

M. A. WALSH'S

5 and 7 Main Street.

We call for and deliver all repairs.

OUT OF TOWN ORDERS

For Wire Fencing, Cornices and Office Fixtures, Metal Shingles, Window Guards, etc., send for prices.

PROMPT ATTENTION.

Are selling in Fancy Wire at Iron Rock Prices to suit the times. Write us for

THE CRIGER WIRE & IRON WORKS

265-267 Market St., Salt Lake City.

EVERETT HOUSE,

UNION SQUARE, NEW YORK.

Favorite hotel for Utah people in New York. Rates are reasonable. Two elegant restaurants. Perfect ventilation and all modern improvements. In the very heart of the shopping district. Conveniences for ladies of the household and family accounts from all parts of the city. European plan.

WM. H. BATES.

Schilling's Best

(money-back tea) is the name of the finest tea in this part of the world.

You can pay less a pound for tea.

Good food, good life. Schilling's Best coffee, baking-powder, soda, spices, extracts, flavoring-extracts—pure and money-backed.

A Schilling & Company San Francisco

KINGSFORD'S

Oswego Corn Starch

The finest and best for Puddings, Custards, Blanc Mange, etc.

BARGAINS!

New furniture at cost! Anything sold by us is as good as new and cost only about half price. Yes, and some chairs, tables and bedsteads are almost as good as new at half price of original cost. Full and complete line of new and second hand furniture in stock. Inspection Free.

L. X. L. Second-Hand Store,

Tel. 1563. 48 E. Second South.

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Photographers.

Ten Private Dining Rooms. Open Day and Night.

European Restaurant,

No. 6 East, Second South Street, Salt Lake City, Utah.

The Only First-Class Restaurant in the City.

Private entrance to ladies' dining room.

LOUIS BERETA, Manager.

Lumber.

Are you going to build
A house,
A barn,
A fence,
A wagon,
A waste, of hard wood or soft wood?
Are you buying Sash, Doors, Wire Doors, or any kind of lumber? If so, get our prices.

SALT LAKE BUILDING & MANUFACTURING CO.,

Mill and Office No. 26 to 40 North Second West. Tel. 945.

NOTICE TO THE PUBLIC.

The People's Forwarding Company, 121 Main St., adjoining C. C. M. L. are the authorized agents for THATCHER'S celebrated Pride of Cache flour and cereals and will fill all orders.

THATCHER MILLING & ELEVATOR CO.

OATS.

Oats in large or small quantities at 87 per 100 pounds, for cash. No better oats in the market. At 470 West First South.

W. B. Chapman,

Patent Waterproof Harness Oil.

Unequaled by anything in the United States for dressing, blacking, softening, preserving, for man and beast, it is the best. Fine varnish and boot and shoe finish look. Its field is continent, harness stores, shoe stores, and at the manufacturer, 61 S. Third East.

SALT LAKE WIRE MATTRESS COM'Y,

Manufacturers of Woven Wire Mattresses, Spiral Springs, Iron Beds, Wire Cots. Old Wire Mattresses re-stitched.

F. BRE-HARDT, Proprietor.

169-171 South 3rd East, Salt Lake City

Bed Room Suits

In Oak, Mahogany, Birch and Maple.

Fancy Tables, Chairs and Rockers

In Oak, Mahogany, Cherry, Birch and Maple.

Wicker Chairs and Rockers.

Ge tour Estimates on Carpets.

Freed Furniture & Carpet Company,

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