DEFECTIVE COUNTY LAWS.

The Territorial Legislature Asked to Amend Them.

DELINQUENT TAXES AND COSTS.

Provision for the Payment of Costs and Expenses in Criminal Prosecutions Needed.—General Suggestions.

In answer to a letter from Governor Arthur L. Thomas, County Attorney Walter A. Murphy writes as follows regarding the laws regulating county affairs, points out defects and makes general suggestions:

To His Excellency, Hon. Arthur L. Thomas, Governor of Utah:—Dear Sir—In reply to your communication of recent date, requesting me to submit to you any suggestions which may have occurred to me during my term of service as County Attorney of Salt Lake County, respecting the laws of county administration, etc., I beg leave to say that I am glad of the opportunity thus presented of directing attention to a number of more or less serious defects in existing statutory provisions—some of them so serious that I had determined, before receiving your Excellency's communication, to bring them in some way of my own motion to the attention of the Legislature at the coming session.

First in importance in the needed legislation is the making of some provision for the payment of the costs and expenses of criminal prosecutions in which inferior magistrates have jurisdiction to render final judgment for offenses against the laws of the Territory, and the costs and expenses of preliminary examinations before committing magistrates under those laws. It is, indeed, provided by existing statutes that they shall be, in the case of preliminary examinations, "a charge against the county in which the examination is held." (Compiled Laws of 1888, section [illegible].) And other sections provide for their payment in the other class of cases out of the county treasuries. (Compiled Laws of 1888, sections [illegible], subdivision [illegible].) But it is provided in the "Poland bill," in the last clause of section 2, that "the costs and expenses of all prosecutions for offenses against any law of the Territorial legislature shall be paid out of the treasury of the Territory." The Third district court has decided, in a case brought to test the question, that this provision of the paramount Federal law in effect

PROHIBITS THE PAYMENT

of such costs and expenses by the counties. Not being county liabilities, their payment by the counties would be illegal. Since this decision Salt Lake County has very properly refused to make appropriations for such payments. The Legislature has provided for the payment of witnesses and jurors in the district courts, but has never, so far as I know, made any appropriation for payment of the costs and expenses under consideration. This gives rise to a state of affairs very embarrassing in the administration of the criminal law, which in Salt Lake County involves about four hundred prosecutions and examinations before magistrates annually, exclusive of violation of Federal laws. The greatest hardship falls upon witnesses, who are compelled to attend and serve, though daily wage-earners, and who must do so without fees. The taking of depositions is rendered in examinations as authorized by statute, and is often almost an absolute necessity, but there is no means of paying the stenographer. The sheriff is not a salaried officer, but is payable by fees. But under the existing law he must perform all his duties in criminal cases without pay, and pay his expenses in so doing. All of which has the natural tendency to make witnesses, jurors, sheriffs, constables and, I may add, magistrates reluctant to perform duty in this class of cases. The only case in which the fees may be recovered is where the payment of the costs is included in a sentence against a defendant who is able to pay, and who does not successfully appeal. This is grossly wrong and impolitic.

I cannot too strongly emphasize the necessity for some adequate provision—probably to be accomplished by making the county treasurers subtreasurers of the Territory for this purpose—for the payment of these costs and expenses. The question of detailed method would easily be solved by the Legislature.

The revenue laws of the Territory are, to my mind, greatly in need of revision. Among the existing defects I may mention briefly the following:

The statute provides that a party whose property has been sold for the non-payment of taxes may redeem it by paying to the county treasurer the amount of the

DELINQUENT TAXES AND COSTS

for which it was sold, with interest. But there is no provision in the statute by which the fact of redemption may be evidenced of record so as to appear in the chain of title. To accomplish this result the redemptioner must solicit a deed from the purchaser at the sale, and if for any reason it should be refused, he is driven to a law suit in order to obtain a cloudless record title. A law should authorize the County Treasurer to acknowledge his certificate of redemption and entitle it thereupon to be recorded, with the usual effect, as notice, accorded to other recordable and recorded instruments.

The subject of the partial redemption of real estate sold for non-payment of taxes is one upon which there is much conflict of authority. Our statute is silent upon the subject. Provision should be made enabling the owners of undivided interests, and persons becoming, subsequently to assessment and without notice, owners of specific lots or parcels out of a larger number assessed in a mass to make redemption in some manner to protect themselves, under such terms and conditions as the Legislature shall deem it just.

Again, the power of the county court, after its sittings as a board of equalization of taxes have ended, to make any changes or corrections in the assessment roll is limited to two cases—where the property has been assessed to the wrong person as owner, or has been assessed twice in the same year. Many very important cases where changes [illegible] should be made are not reached by this. It frequently happens that parties whose [illegible] of the sitting of the board of equalization have failed to reach them, and who have had no opportunity to appear before the board, have been assessed for property which is non-taxable. This they should be permitted to show and obtain an abatement, rather than to be driven (as under the existing law) to payment of collection in the courts, or to induce the collector to take their view of the non-taxable character of the property and to refrain from enforcing the tax and to report it as "uncollectable" at his own risk. On the other hand, after the roll has been delivered to the collector, it frequently happens that taxable property is discovered which has not been assessed. The present provision for adding it to the assessment roll is, in my opinion, unconstitutional, because it makes no provision by which the supposed owner may be heard, either upon the question of taxability or value. This should be remedied by a provision for notice by citation to such person to appear before the County Court to show cause why the proposed assessment should not be made.

The foregoing are but examples of the great imperfections in the present revenue act. It is characterized at many points by the worst faults possible in the machinery of a tax system, viz., incompleteness and looseness in details of the procedure, and a vagueness in general which sometimes amounts to incomprehensibility. Especially is this true of the act for the taxation of "transient stock" (laws of 1890, chapter 67). It will be found almost impossible to apply it satisfactorily and legally to any specific case, and when carefully examined it seems to me to give rise to so many absurdities and to admit of so many cases of double or even treble taxation that I am well-nigh persuaded the greater part of it is void. It should be replaced by a clearer and simpler law of more directness in its operation. The entire revenue system of the Territory, it seems to me, should be thoroughly revised and remodeled, and moreover made full, clear and exact.

Counties being quasi-municipal corporations and having governmental and administrative functions to perform which are to many respects similar to those performed by cities and towns, it seems to me that the same reasons which have so widely led to the classification of cities according to population and to their differentiation in powers, duties, liabilities and administrative framework, should lead logically to a similar classification and differentiation of the counties. Salt Lake County needs a different kind of county government in many particulars from San Juan County, just as Salt Lake City needs a different kind of government from Parowan. Such a classification of the counties of the Territory and the construction of a [illegible] graded system of county governments would be well worthy the attention of the Legislature. For instance, such a county as Salt Lake County needs, while many counties may not need, a single chief administrator or executive head, paid by salary, engaged solely and daily in executing the orders of the County court and in

ADMINISTERING THE AFFAIRS

of the county, and vested with a limited discretion in matters of detail during the intervals between the sessions of the County court. Such an officer, payable by annual salary, was attempted to be created some years ago, by the County court of Salt Lake county, with the title of "Superintendent of County Affairs." This action and the payment of such salary have been held by the Supreme court of the Territory to be illegal. But it would undoubtedly be competent for the Legislature to make a law establishing the office and defining its duties. The Probate judges of the more sparsely settled counties might well be vested, possibly, with this executive headship, though this is a union of the executive and judicial offices which is not calculated to increase the efficiency of either; but in the more populous counties the day will probably soon come, if it has not already arrived, when the volume of business in the Probate courts will not admit of additional burdens being laid upon the judges.

It would seem that more complete systematization and [illegible] greater economy and efficiency in the work of constructing and repairing highways would be secured by constituting such executive officer a general superintendent of all county roads, with a supervisory power over the whole subject, subject of course to the ultimate control and direction of the County court. It is not for me, however, to attempt to elaborate the details of a revised road system, although I am of opinion that in the more populous counties such a revision is needed.

In this connection I would suggest the passage of a law authorizing the counties, under proper restrictions, to lay out highways over or along the outside lines of the "School Sections" of the Territory.

My general criticism of the laws relating to counties is that the powers of the counties are

TOO STRICTLY LIMITED

and need a moderate enlargement. It should be recollected that counties have practically no inherent powers. They have such only as are expressly enumerated in the statutes and such are implied by necessity from those expressed. These, under our statutes, are exceedingly few.

As an instance. Several cases have occurred in which land sold for nonpayment of taxes and deeded to the Probate Judge for the benefit of the county in pursuance of the revenue law has been subsequently sold in the statutory manner, and a quit claim deed by the county passed to the purchaser, and there has subsequently appeared a defect in, or a total failure of title due to, the invalidity of the tax or of the tax proceedings. In such case it is, to say the least, extremely doubtful whether the county has power to refund to the purchaser the money paid. This should be remedied by a statute authorizing the County Court upon demand and proof made within a limited time to refund the amount paid, less the amount equally due the county for the original tax, with interest and expenses.

This instance serves to illustrate a class of powers which under the existing laws seem to me to be withheld, but which within proper limits should be conferred.

Another power now lacking which should be granted is the power to make appropriations in advance for contingent expenses, the money to be drawn out by warrant upon countersignature by the chairman of the County court, or some other officer. As the law at present stands it seems to contemplate that no appropriations shall be made except in payment of an existing "claim" for services already performed, materials already furnished or other value already received. I take it that in most of the counties a liberal construction of the powers of the County courts is indulged in and many

APPROPRIATIONS AND CONTRACTS

are made, and many other things done which are beyond the powers of the counties. This is of course a wrong principle and liable to lead to real abuses. Whatever powers the county should [illegible] in regard to a matter ought to be found upon the pages of the statute books.

The laws relating to county officers are also in many particulars scanty and difficult of construction. Without attempting to enter into details, I will merely suggest the advisability of a thorough re-examination of those laws with a view to the more thorough and specific definition of the powers, duties, liabilities and compensation of officers. The laws relating to coroners and inquests will be found especially slipshod. In this connection I would suggest the creation of the office of public administrator in each county, with the powers usually conferred on such officers. In some States this office is combined with that of coroner. And in this connection I am reminded also that the Territory is in need of a law for the escheat of property of persons dying intestate and without heirs. Such provision upon this head as was contained in former statutes of descents seems to be repealed by implication by the present probate code on that subject. And the present law upon the subject is in a most remarkable condition, as will be seen by the following sections of the Compiled Laws of 1888, Section 2741, subdivision 8, sections 2755, 2760 and section 2778 to 2780.

It will be seen that no final distribution for such property is provided. Cases are now pending in which the disposition of such property is involved, and any legislation on this subject should, of course, retroactively include them.

I remain, sir, yours very respectfully,

WALTER MURPHY,
County Attorney, Salt Lake County.

ELECTION JUDGES.

Appointed By the Utah Commission for Salt Lake and Provo.

The Utah Commission has prepared the list of Judges which will act at the coming municipal election in this city and Provo. This time the Democrats and Republicans will be represented by a judge at each polling place as well as the "Liberals."

SALT LAKE CITY JUDGES.

Following are the Judges who were appointed for Salt City:

First precinct: Poll 1—W. J. Lynch, E. B. Critchlow, J. R. Timmony. Poll 2—L. Kenyon, William Fuller, W. F. Shelton. Poll 3—O. H. Pettit, M. G. Taylor, C. O. Whittemore.

Second precinct: Poll 1—A. H. Kelly, John D. Lewis, L. S. Hills. Poll 2—John Morgan, J. M. Weddell, W. L. Dyke. Poll 3—W. S. Burton, L. E. Rogers, Barlow Ferguson.

Third precinct: Poll 1—R. S. Morris, E. M. Collins, Wm. Spry. Poll 2—R. L. Cundy, George Emery, J. L. Nebeker.

Fourth precinct: Poll 1—C. J. Higson, Hadley D. Johnson, H. T. Gall. Poll 2—Hamn S. Wells, Fred J. Kesler, John Bolton.

Fifth precinct: Poll 1—Frank B. Shelly, N. A. Empy, Thomas V. Williams. Poll 2—George Attegast, H. C. Bach, A. L. Simondi. Poll 3—John R. Winder, Jr., W. H. Christie, J. J. Bymon.

PROVO.

Following are the judges appointed to act at Provo:

First precinct—C. R. Redfield, E. H. Thomas, C. A. Glazier.

Second precinct—W. D. Alexander, W. O. Higley, W. R. H. Paxman.

Third precinct—James Hardy, M. Barratt, Walter Scott.

Fourth precinct—J. E. Hills, J. H. McEwan, J. D. Dixon.

Fifth precinct—Wm. Batlock, R. L. Kinnesson, J. J. Fuller.

Postal Business.

The following interesting statement shows the amount of money handled in the postoffice of this city from July 1st to December 31st, 1891:

Money orders issued	[illegible]
Money orders paid	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Grand total	[illegible]
To balance [illegible]	[illegible]
Total	[illegible]

MR. MITCHELL gave his Pictorial Show in the Fifth Ward Meeting House, Thursday evening, before a large audience, who were delighted therewith. It affords a very interesting evening's entertainment and is quite instructive withal. It will be repeated in the 11th Ward on Monday evening. Admission nominal—Adults 15cts., Children 10cts.

Women Who Die Early.

Many of our most beautiful and accomplished ladies die before they have reached the prime of life. Of those who live to middle age only one in two hundred are sound; the other one hundred and ninety-nine are sufferers. Why is it? Saibangaed. The shattered health can be restored; the home made happy, and your life lengthened if you commence at once.

"*Rose Buds*" have been used for 20 years in the private practice of one of the most eminent physicians of Paris, and the following diseases and their distressing symptoms yield to them like magic: Ulceration, Congestion and Falling of the Womb, Ovarian Tumors, Dropsy of the Womb, Bearing Down Pains, Rupture at Childbirth and Miscarriages. One package of "Rose Buds" will make a new woman of you.

(Leucorrhea or Whites are generally cured by one application.) Price per package (one month's treatment) $1.00 sent by mail post paid, securely packed. The LEVENETTE SPECIFIC Co., 159 Washington St., Boston, Mass. d w 2

Wanted, Salesmen everywhere for new social specialties for business men, also side line for drummers, big pay, send for samples at once.

WRIGHT MFG. CO.,
d&d 24 Park Row, N. Y.

"A God-send is Ely's Cream Balm. I had catarrh for three years. Two or three times a week my nose would bleed. I thought the sores would never heal. Your balm has cured me." Mrs. M. A. Jackson, Portsmouth, N. H.

I have had nasal catarrh for ten years so bad that there were great sores in my nose, and one place was eaten through. I got Ely's Cream Balm. Two bottles did the work. My nose and head are well. I feel like another man.—C. S. McMillen, Sibley, Jackson Co., Mo.

Pure Drugs—Johnson, Pratt & Co., 32 Main St.

WORST FORM ECZEMA.

[illegible] Medical Skill for Eight Months. Cured in Five Weeks by Cuticura Remedies.

[illegible]

[illegible] J. A. SHOMAS, [illegible]

[illegible]

Cuticura Resolvent,

[illegible]

BABY'S [illegible]

WEAK, PAINFUL BACKS.

[illegible] Cuticura Anti-Pain Plaster, [illegible]

Now Try This.

It will cost you nothing and will surely do you good, if you have a Cough, Cold, or any trouble with Throat, Chest or Lungs. Dr. King's New Discovery for Consumption, Coughs and Colds is guaranteed to give relief, or money will be paid back. Sufferers from La Grippe found it just the thing and under its use had a speedy and perfect recovery. Try a sample bottle at our expense and learn for yourself just how good a thing it is. Trial bottles free at A. C. Smith & Co's Drug Store. Large size 50c. and $1.00. 5*

La Grippe!

The tendency of this disease toward pneumonia is what makes it dangerous. La Grippe requires precisely the same treatment as a severe cold. Chamberlain's Cough Remedy is famous for its cures of severe colds. This Remedy effectually counteracts the tendency of the disease to result in pneumonia, provided that proper care be taken to avoid exposure when recovering from the attack. Careful inquiry among the many thousands who have used this remedy during the epidemics of the past two years has failed to discover a single case that has not recovered or that has resulted in pneumonia. 50 cent and $1 bottles for sale by Z. C. M. I. Drug Dept. ds

THE DRAWING ANNOUNCEMENT

Of the Western Shoe & Dry Goods Co., 31, 33 Main St.

Our big list of Prizes so largely advertised will be drawn for Thursday, January 28th at 2 p. m. In addition to this we offer a beautiful Silk Dress pattern to any purchaser guessing the nearest to the number drawing the first prize.

All purchasers are invited from now on to record their names, addresses and guessing number at our store.

WESTERN SHOE & DRY GOODS CO.,
d&e 31, 33 Main Street.

You've No Idea

How nicely Hood's Sarsaparilla hits the needs of the people who feel "all tired out" or "run down," from any cause. It seems to oil up the whole machinery of the body so that all moves smoothly and work becomes a positive delight. Be sure to get Hood's.

Hood's Pills act especially upon the liver, rousing it from torpidity to its natural duties, cure constipation and assists digestion. 1

Specimen Cases.

S. H. Clifford, New Cassel, Wis., was troubled with Neuralgia and Rheumatism, his Stomach was disordered, his Liver was affected to an alarming degree, appetite fell away, and he was terribly reduced in flesh and strength. Three bottles of Electric Bitters cured him.

Edward Shepherd, Harrisburg, Ill., had a running sore on his leg of eight years' standing. Used three bottles of Electric Bitters and seven boxes of Bucklen's Arnica Salve, and his leg is sound and well. John Speaker, Catawba, O., had five large Fever sores on his leg, doctors said he was incurable. One bottle Electric Bitters and one box Bucklen's Arnica Salve cured him entirely. Sold by A. C. Smith & Co's Drug Store. 5**

For the Children.

"In buying a cough medicine for children," says H. A. Walker, a prominent druggist of Ogden, Utah, "never be afraid to buy Chamberlain's Cough Remedy. There is no danger from it and relief is always sure to follow. I particularly recommend Chamberlain's because I have found it to be safe and reliable. 50 cent bottles for sale by Z. C. M. I. Drug Dept. ds

When Baby was sick, we gave her Castoria.
When she was a Child, she cried for Castoria.
When she became Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

Bucklen's Arnica Salve.

The Best Salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction or money refunded. Price 25 cents per box. For sale by A. C. Smith & Co.

Throat Diseases commence with a Cough, Cold, or Sore Throat. "*Brown's Bronchial Troches*" give immediate relief. Sold only in boxes. Price 25 cts.

A. C. Smith & Co., Druggists, agents of Roberts' Hesperian Tonic.

Pure Drugs—Johnson, Pratt & Co., 32 Main St.

Salt Lake Excelsior Cleaners

Will remove to their big new store, corner of Richards' Avenue and First South as soon as completed. They are [illegible] Clearance Sale now for [illegible] Ladies' Coats, Children's Coats, [illegible] and Boys' Clothing are being given away at less than [illegible] on the $1.00. You should not miss it.

Fast Time to Chicago and the East.

Passengers leaving Salt Lake City at 7:00 a. m. via the Union Pacific and Chicago & North Western Railways now reach Chicago at 11:30 a. m. the third day. Under this arrangement the Chicago & North Western Railway carries passengers from Council Bluffs to Chicago in two hours less time than heretofore, and reaches the latter point in time to make connection with early afternoon trains for the East, thus reducing the time to New York and other eastern cities several hours. d-end

As Staple as Coffee.

"Chamberlain's Cough Remedy is as staple as coffee in this vicinity. It has done an immense amount of good since its introduction here." A. M. Norris, Maple Ridge, Minn. For sale by Z. C. M. I. Drug Dept. ds

AMUSEMENTS.

SALT LAKE THEATRE.

CHAS. S. BURTON, MANAGER

Friday and Saturday, Jan. 15 & 16.

GRAND SATURDAY MATINEE.

[illegible]

THE GREAT LAUGHING FESTIVAL [illegible]

BOBBY GAYLOR

And his Grand Comedy Organization, in the Latest New York Success,

"SPORT McALLISTER,"

ONE OF THE 400.

[illegible]

THE GREATEST COMEDY SUCCESS KNOWN IN YEARS.

POPULAR PRICES—Sale of Seats begins Thursday, January 14.

[illegible]

WONDERLAND

Week of January 18th.

Our Popular Stock Company in

"GINGER " SNAPS!"

—THE PHENOMENAL—

BIG HEADED BOY.

[illegible]

10c.—ADMISSION—10c.

FORTY-FIRST DIVIDEND.

Z. C. M. I., SALT LAKE CITY, January [illegible], 1892.

A quarterly dividend of [illegible] per cent. has this day been declared upon the Capital Stock of this Institution, payable February [illegible], 1892, to stockholders personally, upon presentation of their stock certificates, or upon their written order.

T. G. WEBBER, Secretary.

NOTICE.

Z. C. M. I., SALT LAKE CITY, January [illegible], 1892.

The Stock Transfer Books of this Institution will be closed on January [illegible] and re-opened February [illegible], 1892.

T. G. WEBBER, Secretary.

NOTICE

Is hereby given, that the annual Meeting of the Stockholders of the Western Shoe and Dry Goods Company, will be held at their Office, No. 31 and 33 South Main street, Salt Lake City, on Tuesday, February [illegible], 1892, at [illegible] for the purpose of electing Directors and for the transaction of such other business as may come before the meeting.

[illegible] JOHN M. [illegible], Jr., Secretary.

EXPERT DENTAL CO.

[illegible]

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1892

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R. K. THOMAS