

DESERET EVENING NEWS.

TRUTH AND LIBERTY.

5

EDITION.

NO. 14.

SATURDAY, DECEMBER 7, 1895, SALT LAKE CITY, UTAH.

VOL. XXIX.

DOWN WITH FEES.

Excessive Mileage Charges Knocked Out.

UTO AS TO CLERK'S FEES.

AD MURK GIVES THE FAIR BUSINESS A BUCKET.

RELATING TO COUNTY OFFICERS.

ONE FAIR HAS BEEN TAKEN WITH CRIMINAL INVEST. THERE WILL BE NO PROSECUTIONS.

A matter of grave importance to county officers and to the public generally involves the attention of Chief Justice Merrill in the Third district attorney. While the case of that law county officer was specially over consideration, the subject relates with all the counties of the Territory. The particularly important feature of it is as to what fees the state judges, county selectmen and other officers are entitled to in certain cases, and the decision overturns a ruling that has been in vigor a long time in many counties.

Judge Merrill decides that practice fees and county selectmen are entitled to fees for regular sessions committee work or all time spent in county's service. He holds that no court charge for mileage can be set, but only one to each regular session of the courts required by law, or twice a year. The officials at county seat cannot charge mileage, because they are already there. This is a great change from the practice in most, if not all, of our states, where there was no question what the officials believed they had in view in following the law, but were miles away. Judge Merrill also holds that the county clerk can charge only \$1 for a service property sold for taxes, his compensation by original owner, but his interpretation of the law is different, and charges of \$200 are being demanded.

The proceedings in the Third district attorney will be seen that by the law county affairs have assumed considerable extent, so that not only county officers, but also the State, the State road business, and charging of fees by the county officers, are involved, and the mileage of the probate judge and attorney. On Tuesday the jury and other officers were questioned regarding their practices, but it was apparent there was a strong bias for making excessive charges. The documents submitted by the grand jury stated that in a certain case, in a certain number of instances, the payment to attorney for services in the amount of \$200 for drawing up a will, and the like, was not allowed by the law.

Judge Howell stated that one of the questions of the grand jury was whether mileage could be charged each day. To this Mr. Williams replied that he did not think it could be so charged. There were four sessions of the county court each year, and mileage could be claimed from the residence of the selectmen or probate judge to the county seat for each of these sessions, but he could not go beyond the right and charge mileage each day.

To this Mr. Williams replied that he did not think it could be so charged. There were four sessions of the county court each year, and mileage could be claimed from the residence of the selectmen or probate judge to the county seat for each of these sessions, but he could not go beyond the right and charge mileage each day.

As to the proposition that the probate judge and selectmen could claim per diem for committee work, Judge Howell stated that while the grand jury insisted on that point, he believed the per diem could be properly claimed.

Mr. Williams stated that in the matter of a doubtful statute, the issue should be determined by a circuit court, and not by a criminal intent. The court agreed to instruct the jury, suggested Mr. Williams. In this mileage business there was a claim of the Supreme Court of the Territory and an opinion of the county court that in a measure we were to charge mileage, though the law clearly against that opinion and opinion.

Judge Howell said one question was whether, when a selectman was unopposed out of the county, could be charged for services in the county seat, and changes therein. The only record of such a case in existence, Mr. Varian said, was by the recorder. The recorder was requested to make a record of the mileage, but he did not do so, and the recorder's bill was not sent to the county seat.

When the case came up today C. S. Williams, the first speaker, was asked, "Is the plaintiff against the claim of the recorder, and that he was requested to make a record of the mileage?" The recorder said he was to be on the recorder's bill, and not on the clerk's. The recorder, Mr. Chastain, would assure the Legislature required recording of the recorder's bill in the county seat, and an injunction was sought. The recorder requires that the clerk record the mileage in the recorder's office, and the recorder was to receive one dollar. That was to be done, and Mr. Varian, that recorder, was authorized to do so.

The view of the case, given by Mr. Williams, would give a negative reply to the first two questions, and

the third question, Mr.

IN THE LEGAL ARENA.

Members of the Coal Combine to Plead on Tuesday.

BRIBERY CASES AGAINST MORRIS.

Mrs. Howe Gets Her Divorce—Her Son to Reform School—Fined for Stealing Cigars—New Laws.

Outside of the proceedings relating to fees of county officers, noted in another part of this issue, Judge Morris' attention was taken up with considerable other business of more or less interest to the public.

In the case of the acknowledgment of Mr. Allen next took up the discussion on behalf of the county clerk concerning the testing the deed, for acknowledging it, and for recording it. As to the first, the recorder's bill, there was no objection. In regard to the acknowledgment, Mr. Allen said the county clerk had to get a notary to do that, and the law clearly did not contemplate that the sheriff should pay it out of his own pocket. The recorder's bill, however, did not affect the fee for acknowledgment as provided in the general law, but merely to limit the charge for testing to \$1, and the previous county clerk had charged as high as \$5. As to the recording of the deed, there was no objection.

In the case of Dwyer & Coogre vs. Salt Lake Copper Manufacturing company, a motion to confirm the report of Justice of the Peace was granted, the order of confirmation of November 20 being set aside, and the confirmation of April was affirmed. Captain Hall was immediately entitled to his position.

In the suit of Dwyer & Coogre vs. Salt Lake Copper Manufacturing company, a motion to confirm the report of Justice of the Peace was granted, the order of confirmation of November 20 being set aside, and the confirmation of April was affirmed. Captain Hall was immediately entitled to his position.

In the suit of W. W. Morrison et al vs. N. H. Kimball et al, reported recently by U. S. Commissioner Giovanni for the Reform school, says he does not want his boy to go to that institution. When the statement was made before the commissioner, it was given the boy to understand that he might not be admitted to the school if he did not reply that his answer was proper. As to the other three questions, Mr. Allen insisted that the law required an affirmative reply to each.

C. S. Williams, on behalf of Clark Carpenter, who was indicted for kidnapping and for robbing the First National Bank of \$1,000, was granted a new trial.

In the suit of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the suit of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case of the people vs. E. L. Carpenter et al, where the defendants were indicted for unlawful proceedings in connection with the coal combine, December 10 was set as the time for a new trial.

In the case of J. W. Whipple against Davis county officials, regarding a Kaysville road, a motion for new trial was overruled.

The sentencing of Frank McDonald, assault with intent to murder, was granted a new trial.

In the case