

The announcements of the committee on appointments were completed at 11:45.

The delegates were promptly on hand after the noon session. Just before 3 o'clock a delegate climbed the steps of the platform and brought an umbrella handle down with a crash on the chairman's table.

"If this is the Populist convention," he shouted in a husky voice, "for God's sake don't get into the Democratic band wagon."

The crowd laughed and the "middle of the roader" disappeared in the direction of the Texas delegation.

ST. LOUIS, July 25.—There was great confusion on the floor of the auditorium before the Populist convention met today and the delegates in animated groups were discussing the situation. The Bryan feeling was strong, but the telegram from the Nebraska declaring he would not accept the nomination rendered the situation chaotic. Many moved to nominate Bryan in face of this telegram. Patterson of Colorado and ex-Governor Lewelling of Kansas counseled the endorsement of Bryan instead of nomination, pointing out that an endorsement did not require acceptance. "Cyclone" Davis and other radicals, however, insisted that Bryan could not refuse, and if he did, the responsibility for the disaster at the polls would rest on the Democracy not on the Populists.

Senator Allen called the convention to order at 9:30 a. m.

After the invocation a Connecticut delegate rose to protest against the further display of lung power that characterized the first three days' convention. He thought it was about time the convention exercised little "horse sense." His statement was given a round of applause.

Chairman Allen announced the first thing in order was the selection of members of the national committee, and committees to notify the candidates for President and Vice President.

Sergeant-at-arms McDowell in explanation of the absence of the band said the contract with the Business men's league expired last night and the musicians had been instructed by the league not to play today.

"Good, good," feebly shouted the weary delegates, "we are glad of it."

Ignatius Donnelly announced that his private land plank did not appear in the printed platform. He wanted the convention to understand that it had been adopted.

The chairman then called for nominations of President.

Judge Green of Nebraska took the stand to place Bryan in nomination. He said the convention was here to name the President of the Republic. The convention had already, he said, selected for Vice President that noble son of the south, Thomas E. Watson. (Cheers.)

Green had not named the candidate before a Texas delegate interrupted with the point of order that the states must be called in alphabetical order for the nominations.

On motion of an Arkansas delegate the rules were suspended and Judge Green recalled. He did not place Bryan in nomination, however.

Alabama was called. Gov. Kolb yielded to Gen. Weaver, Iowa, but

Col. Gaither of Alabama, got to the platform first and injected a speech about joining the cotton fields of the South with the wheat fields of the West. At the conclusion of his remarks Gen. Weaver formally placed Bryan in nomination.

ST. LOUIS, July 25.—Bryan was nominated on the first ballot.

REGARDING BAD BOYS.

Attorney General Bishop today promulgated the following opinion affecting liability for expenses in conveying persons to the State Industrial school, formerly the Reform school.

To the Honorable Board of Trustees of the State Industrial school, Ogden City, Weber County, Utah:

Gentlemen—I have before me your inquiries submitted by C. R. Hollingsworth, secretary of your board, under date of July 18th, in which you ask to be advised upon the following points: First: You submit the bill of a deputy sheriff of Box Elder county containing the following items: for arresting escaped inmate of the State Industrial school, \$1; dinner for the inmate \$0.35; two telegrams, 35 each, \$0.70; railroad ticket for inmate from Promontory to Ogden, \$2.70; fifty-five miles mileage at twenty cents per mile, one way, \$11, and ask if the said bill is a proper charge against the State Industrial school and payable out of the general appropriation for the maintenance of the said institution, or is it a direct charge against the State of Utah. In my opinion all proper and necessary bills of this character would be a proper charge against the State Industrial school and would be payable out of the general appropriation for the maintenance of such institution and not a charge against the State of Utah. Second: If it is a charge against the Industrial school, is the item of twenty cents per mile for bringing the inmate to the institution such as is prescribed by law? In section 145 of the county government bill, found on page 563 of the Laws of Utah of 1896, provision is made for mileage in certain cases, but in my opinion, these charges for mileage can only obtain in civil cases and that no mileage can be charged by a sheriff in criminal cases; see also section 152 of the same act; this is especially true of all criminal cases arising within the county.

Whether this case would come within the rule which requires the sheriff to make all legal arrests, within the county, (as is provided in subdivision 2 of section 76 of the county government bill, wherein it prescribes the duties of sheriff) is not quite clear, however section 145, supra is the only law, so far as I have been able to discover, authorizing such officer to charge mileage, and in my opinion there is nothing in that section that would authorize a charge of mileage in this case. Under the Constitution and the laws enacted in pursuance thereof the sheriff of the county is to be paid a fixed and definite salary, "which shall be full compensation for all services of every kind and description rendered by the officer named herein." See section 10, chapter 124 of the laws of Utah, 1896.

From the latter part of section 159

and section 161, I take it that the intention of the Legislature was, that all county officers should be required to render services to the State or county without fee and the salary which such officer receives is to be considered as covering all such services.

Taking into consideration all of the provisions of the law, I am of the opinion that the item of mileage contained in the said bill is not a proper charge, nor is the item of \$1 for making the arrest. I am inclined to think that the other items contained in the said bill, if they are reasonable charges, should be allowed, and any other actual and necessary expenses which may have been incurred in the apprehension and delivery of the said boy into the charge of the superintendent of the said institution, including any item for which money was actually and necessarily paid out by the said officer; that he is entitled to no compensation for his services, because that is covered by his salary; he is not entitled to mileage, because it is the intention of the law that such services shall be performed for the state without charge, and for the further reason that mileage in criminal cases is not authorized by law.

Your third question having been fully covered in my answers to your first and second, I do not deem it necessary to give it further consideration.

I have the honor to be,

Very respectfully yours,

A. C. BISHOP,
Attorney General.

CHARLES THIEDE'S FINANCES.

Being anxious about his financial affairs, Charles Thiede on Tuesday wrote the following letter to Governor Wells, who, in response thereto has granted an audience to the condemned man, and set the time at 4 o'clock on Monday afternoon next:

Salt Lake City, July 21, 1896.

To His Excellency, Heber M. Wells, Governor of Utah:—Dear Sir:—Believing that you would not knowingly or willfully consign an innocent man to an ignominious death, and as a last resort, I respectfully appeal to you to grant me an interview, and I am fully convinced that I can show you that I have been through perjury and false swearing consigned to the gallows.

I have many things in relation to my case about which I would acquaint your Excellency, and to show you that dishonesty and perjury were resorted to in my case in all its phases both in my conviction and as to the disposition of my property.

Clerk's office of the Third Judicial District court, in the case of M. Idleman et al. vs. Charles Thiede, being No. 13,258, where return of office shows manner and time of sale of property worth more than \$20,000 was sold for less than \$1200. * * *

In addition to my request to look up the files herein referred to, you can learn from deeds, etc., in my possession the value of same in the year 1894, being the year in which the property was sold by virtue of an execution issued out of the Third District court, as will appear more fully in the record of the case heretofore mentioned.

I would also respectfully request your Excellency to be so kind as to examine the duplicates of the certificates of sale of the real property owned by me at the time of my incarceration. The certificates you can have access to by application to the county records.