

## LONG DEFENDS NAVY DEPARTMENT

## Declares That Criticism That There Has Been Discrimination in Favor of Samp- son and Against Schley is Not Just.

son for bounty at Santiago, the secretary says that the distribution was made under a decree of the court of claims, which he cites, and from which no appeal was taken. He further points out that, under the prize laws, the commander-in-chief of the fleet is entitled to his "one-twentieth" of bounty by virtue of his position as commander-in-chief, whether he is personally present during the engagement or not. Says the secretary:

"As commander-in-chief, Admiral Sampson would, therefore, under the law have been entitled to his share of the bounty for the destruction of the Spanish ships at Santiago if he had been on the north shore of Cuba at the time. This was the law, for which the navy department is in nowise responsible."

On this point the secretary says that the department itself was the first to realize the inequalities of the law.

realize the inequalities of this law and to make the recommendation which led to its repeal, so that "a rather amusing

nature of the attacks made upon the navy department is that the administration is blamed more than two years after it had cured the evil." The secretary concludes his letter with an extract from the report of the auditor of the treasury for the navy department showing the status of the prize money and bounty cases yet unsettled, owing to delays in the courts, and predicting a settlement within the year.

## OGDEN'S CITY FATHERS STEP DOWN

## OTHERS STEP DOWN

— Ex-Mayor Browning Says He  
Glasman's Job for the Po-  
\$5,000 to Boot.

best presented and urged the adoption of this particular quality. Many members

it was adopted.

After allowing a number of small bills the council adjourned, sine die.

Immediately after the adjournment, Ex-Mayor Browning was overheard to make the following statement to Mr. Hendershott, one of the new councilmen: "Do you know, Mr. Hendershott, that I would not exchange my position today with Mr. Glasemann for his."

After some preliminaries J. C. Nye was elected temporary chairman, and then, upon the motion of Councilman Chambers, the rules and regulations used by the old council were temporarily adopted.

by adopted:

Sections 44 and 45 provide that "Until otherwise provided by law" the officers therein mentioned shall perform the duties therein prescribed.

By secs. 16, 17, 18 and 19, the secretary of state, attorney general, state auditor and superintendent of public instruction are required to perform such duties as are therein expressly im-

The terms until otherwise provided by law, "as may be provided by law" and "as may be fixed by law," are frequently used both in the sections preceding and following sec. 20, and in all such instances it is plain that the

In the case of *Merrill vs Spencer*, 14 Utah 277, this court held that "A word used in a statute will be presumed to bear the same meaning throughout unless there is something to show that there is another meaning intended."

The rule thus announced is also applicable in construing a constitution.

We therefore must hold that the

term law was used in section 20 in the same sense as in the other sections of the constitution, unless there is some thing which clearly shows that it was used in a different sense in said section.

There is nothing in the constitution which shows such different use.

It follows that the provision of section 26 which prohibits the salary of any officer from being increased or di-

It is evident that a change of those provisions, to which the terms "until

otherwise provided by law" is applied, was left to the discretion of the legislature, and that they may be changed whenever the legislature chooses to exercise that discretion, except that after the salary of any officer fixed by the Constitution is changed by the legislature, it cannot thereafter again be changed so as to affect the salary of any officer during the term for which he was elected.

as prayed for by the relator, be issued,  
and that respondent pay the costs.  
We concur,  
BARTCH, J.,  
C. W. MORSE, Dist. Judge.

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**FOREST DALE INCORPORATED**

Joseph W. Summerhays is President  
of the New Township.

Forest Dale was incorporated today, with Joseph W. Summerhays as president, and Royal B. Young, Pat Ryan, John M. Cannon and B. W. Ashton trustees. These officials will hold office until November, 1903. They furnished a \$500 bond each as follows: Ryan's bond by Young and Summerhays, Summerhays' by Ryan and Ashton, Young's by Ashton and Summerhays, Cannon's

by Ryan and Barlow, Carlson, and Ashton's by Summerhays and Young.

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