SALE OF INTOXICATING LIQUOR

Law of 1896 Held to be Still in Force Relative to Licenses.

Rights of Impecunious Defendants in Civil and Criminal Cases.

Acting Attorney General Benner X. Smith submitted two opinions Saturday, one on the power of county commissioners in regulating and fixing the rate of license for the sale of intoxicating liquors, and the other the rights of impecunious defendants in civil and criminal cases.

The first opinion is addressed to County Attorney Joseph Chorsley of Lea, Wayne county, and is as follows:

"We have considered your favor of recent date asking for a construction of sub-division 23 of section 21 of the laws of 1896 which empowers the board of county commissioners to license for the purpose of regulating and revenue all and every kind of business, not prohibited by law and transacted, and carried on in their respective counties outside the limits of any incorporated city, and to fix the rates of license tax upon the same and provide for the collection thereof, provided that a person deemed worthy and who is able to obtain a license from the annual labor tax may be given the privilege to hawk, peddle and vend goods and merchandise, except intoxicating liquors, without the payment of any license for whatever. And whether, under the provisions of this section, the county commissioners of your county would be authorized to fix the rate of license tax for the sale of spirituous or intoxicating liquors at less than $500 as the same was provided for in section 2138, Vol. 1 of the Compiled Laws of 1888.

"Chapter 17, Title 1, of the Compiled Laws of 1888, of which is the section last above referred to, contains a legislative restriction upon the sale of intoxicating liquors, the imposition of the same and a definite manner of procuring a license license and regulating the traffic in intoxicating liquors. And under said law, the commissioners, after a proper petition, advertisement, and hand have been filed with them, are authorized to determine the amount of the license to be paid, provided that the rate shall not be less than $500 nor more than $1,000 for one year.

"Section 21, Page 321 of the laws of 1896 authorizes the board of county commissioners of the several counties to exercise jurisdiction and powers under such limitations and restrictions as are prescribed by law. Subdivision 23, first above referred to is a general grant of power to the commissioners to license business generally. The laws of 1896 do not expressly repeal, so far as I have been able to find, the law of 1888. The question arises, does the latter act, the law of 1896, being directed to the general subject, also or impliedly repeal the law of 1888 upon this subject, which was directed toward a special object. The general rule is, that unless there is something in the latter law, so far reasonable and irreconcilable as to indicate an intent to repeal the former they should be read together, and the general statute should be so construed as to exclude from its operation the cases which have been provided for by the special one. The legislature of the territory having already given its attention to and provided for the regulation and licensing of the liquor traffic, it is not unreasonable to presume that the legislature of 1896 did not intend to alter those special provisions by a subsequent general enactment, and a different construction should not be placed upon the acts of the legislature than those in question unless a contrary intention is manifested in explicit language, or unless there was something to indicate that the general act was intended to embrace the special cases within the previous one. There is no difficulty in giving both of these acts full force and effect, there being no real repugnancy.

"I would therefore advise you, that the law of 1888 referred to, is still in force, and that your county commissioners in fixing the rate of license for the sale of intoxicating liquors should be governed by the restrictions therein contained."

The other opinion is addressed to County Attorney H. L. Reed of Brigham City, Box Elder county, and runs as follows:

"We are in receipt of your inquiry of the 21st inst. in reference to the construction of chapter 31 of the Session Laws of 1895, entitled, An act to allow poor persons to begin, prosecute, etc., suits in law and equity, and in answer to your question as to whether the defendant in a criminal case who makes the affidavit provided in section 1 of said act is entitled to have the fees and mileage of his witnesses paid, we would advise you that the proviso just referred to seem to deal exclusively with the right of poor persons to prosecute and defend civil actions only. At page 57, chapter 18, section 4 of the Revision Laws of 1888 provision is made for the payment by the Supreme Territory of Utah of the defendant's witnesses in criminal cases, including mileage as per diem, which must be done upon an order of the court, upon affidavit being made by the defendant that he is impecunious and unable to pay the per diem and mileage of his witnesses and that the evidence of the witnesses sought to be subpoenaed is material to the defendant's defense. This section would seem to cover fully the case you request and it is our opinion that proceedings such as you suggest should be only under that statute. The law of 1895 refers to a different subject and is not in pari materia with or repugnant to the law above referred to. There is nothing in the law of 1895 which would indicate an intent to have that act take the place of or repeal the law of 1888. It would therefore appear that if the defendant in a criminal case should make the showing required in the law of 1895."

MEANDERINGS IN MEXICO.

Wild Pigeons, Great Forests, Sandy Deserts and the Apache Kid.

For a long time I have wondered what has become of the large number of wild pigeons which twenty or twenty-five years ago were so abundant that their proprietor just shoulders upon the earth, and seen over the country. I have inquired of the old men and women in some of my interviews and middle states. I am now in receipt of a newspaper clipping taken from the St. Louis Globe-Democrat which these birds have of late been found in great numbers in the northwestern part of Chihuahua, Mexico, and far from the haunts of the Big Grande Sierra Madre Mountains.

This is a surprising discovery to me for I had always thought that they had to go a much longer distance than this upon a journey, that would cost them much more than the price of a ticket. The clipping is dated at Chihuahua City, 17th, 1897. I will let Pigeo in company with a few others, all of us mounted on good horses, for an extensive journey through this region. We were well equipped with camping outfit and our companions sufficiently armed, with provisions to last at least two months. Besides these necessaries we were well armed with Winchesters, and for close work, our revolvers were of such a nature and size as to make us a pretty formidable party either for Apaches, Indians or mountain lions.

Our first day's experience and tedious traveling through a sandy desert, but as we worked our way towards the mountains, the country for two days so had entered into a new country, a new world, as it were, which seemed exceedingly attractive and interesting, while the further we continued our journey southward and westward the more it seemed to us, that we had indeed, unknowingly, stumbled upon a wonderland.

I shall hardly be able to describe at this time my experiences, and the various sojourns in the forest, the great tree growth of pine and oak with third for the children, and that wild wood bird, which report states has not been seen in such large numbers, I question whether there is a better hunting ground today in the world for certain kinds of game than can be found in the Dogoffido lands in western Chihuahua. It is through this country that General Crook pursued the inhospitable Apache Indian chief, Geronimo, and it has only been in the past week or two that reports of his exploits have made through the New York papers of finding the body of the Apache Kid, a son of Chief Geronimo, which was discovered in a lonely spot in the Sierra Madre mountains, quite near this locality, the bleaching bones of this Kid was a terror, and his death will virtually wipe out the last band of the Apaches as regards the desperate Apaches.

The land I have referred to was formerly upon the roaming ground for these Indians, and a place of such perfect beauty and fertility that years have people been found hold enough to fill the "soil that has received the impress of the rich and beautiful valleys will be adventured to the world. These things we usually see, the climate is equable, with all and their share in making this part of the country a new Eden and a land of great promise.

GEO. ROWLAND.

Dairy and Creamery.

When cream is allowed to get too sour before it is churned, the butter from it will contain white, chesy curd specks. When they are present after churning, draw off the buttermilk and pour into the churn enough weak brine to float the butter. This must be done while the butter is in the granular state. You will find the cheesy curd specks, being heavier than the butter, will sink, while the butter will float.

It will not be many years, perhaps not later than 1900, when all large dairies will use milking machines.

Use only fine dairy salt and sprinkle it in when the butter is the size of grains of wheat. As to quantity of salt, anywhere from half an ounce to an ounce to the pound, according to the taste you cater for. Most people prefer half an ounce than an ounce. Many again want three-quarters of an ounce of salt to the pound of butter. Consult your customers' tastes in the locality in which the butter is to be consumed.

The author of the United States bulletin on butter making and salting says he has found the salt to be more evenly salted if it is taken out of the churn, laid upon the worker and part of the water drained and pressed out. Then he spreads upon the level butter surface upon the worker an ounce of salt to the pound of butter, afterward working in the usual manner. He always weighs both butter and salt to get the quantity exact.

Butter in the granular state is salted in the churn after the milk has been drawn off and the butter washed. The writer in the United States bulletin prefers first to take the butter out of the churn, spread it upon the worker and then salt it. We give both these ways, so that each may adopt the plan that seems to him best adapted to salt evenly.

How to Clean Willow Furniture.

Take a good strong suspends of some white soap with plenty of borax in the water. Use a clean scrub brush and rinse in cold water, then place in the bright sun to dry.

Growing Children

SOME CHILDREN grow very slowly. Sleeplessness, loss of flesh, nervous fidgets, and other ailments are the result of their bones not being strong, or they retain pieces. A sufficient supply of lime and phosphorus will soon set them right.

Scott's Emulsion of Cod-liver Oil with Hypophosphites is not the remedy for growing children. It gives sound bones, makes strong bones, healthy nerves.

DELINQUENT NOTICE.

Davis and Weber Counties Canal Company, Ogden, Utah.

NOTICE—THERE ARE DELINQUENT upon the following described stock on account of assessment, made on the 3rd day of April, 1897, as well as previous assessments, as shown on the books of the company, and in accordance with the order of the directors, so much of the stock as may be necessary will be sold at the office of the company, in Ogden, Utah, on the 25th day of November, 1897, at 10 o'clock a. m., to pay the delinquent assessment thereon, with costs and expenses of sale.

Name	No. of Certif.	No. of Shares	Amt.
Hyde, Adam	72	500	$ 25
Hyde, Harriet	73	500	25
John T. Adams, by carr. sent	2	5,000	250
Jones, Jedediah M.	4	1,000	50
Jones, M. Brown	97	400	20
Jones, Thomas	98	400	20
Kerr, Mary Ann	99	400	20
Kerr, Mary Ann, guardian	100	400	20
Kerr, Mary Ann, guardian	101	400	20
Kerr, Mary Ann, guardian