

COUNTIES MUST PAY

Jurors Engaged in the Trial of Civil Cases in the District Courts.

JUROR STREET WISHER AN OPINION
 To That Effect—As to the Filled in House Cases—Setting of the Supreme Court at issue.

Juror Street has handed down his opinion upon the question of the liability of the state to the state of Utah for the services of jurors engaged in the trial of civil cases in the district courts. The defendant contended that the jurors' compensation, while engaged in civil cases, is a public debt, and that the state is liable for the same. The plaintiff contended that the jurors' compensation is a private debt, and that the state is not liable for the same.

In his opinion Judge Street says that the question of the liability of the state to the state of Utah for the services of jurors engaged in the trial of civil cases in the district courts is a question of public law, and that the state is liable for the same. The defendant contended that the jurors' compensation is a private debt, and that the state is not liable for the same.

Section 101 in connection with the jurisdiction of section 101, if it is considered alone and without limitation, would seem to require that the state should be liable for the services of jurors engaged in the trial of civil cases in the district courts. The plaintiff contended that the jurors' compensation is a private debt, and that the state is not liable for the same.

It is contended upon the part of the state that section 101 must be construed either as requiring the payment to the county by the state of the fees of jurors engaged in the trial of civil cases in the district courts, or that section 101 must prevail as constituting the least exception of the legislature will and intent.

It seems to me that the former construction leads to a result, and to a result which is not only unjust, but which is also contrary to the intent of the legislature. To make the mileage and attendance of jurors in civil cases (which are the same required by law to be paid to jurors in such cases) a county charge in one section and in the next section to make them a state charge in the next section is an absurdity which could not be so construed by a legislature, even one which was so ignorant as to make such a mistake.

The greatest weight in the argument on behalf of the plaintiff was given to the statement of section 101, that section 101 being wholly repugnant and irreconcilable with section 102, the latter must be disregarded. The inquiry must be as to whether or not such repugnancy exists, and if so, what section must prevail.

It is a principle of statutory construction, supported by reason and by authority, that if general and special provisions are in the same act, the presumption is that both are intended to operate. In the case of the present provisions, the general provisions to the effect that the state is liable for the services of jurors engaged in the trial of civil cases in the district courts, and the special provision to the effect that the state is not liable for the same, are in the same act.

It would therefore seem to have been the intention of the legislature to make "the same required by law to be paid to jurors in civil cases" a county charge, or shown in subdivision 1 of section 102, but it would seem to be a matter of common sense to limit section 102 so as to exclude these same fees from becoming ultimately a charge against the state.

The opposite construction would result in the collection by the county of the fees of jurors engaged in the trial of civil cases in the district courts, and then its appropriation for county purposes, while the state actually paid the expenses of the jurors.

ROLLER FLOUR MILLS

New Being Erected in Cedar City, Iron County, Utah.

GREAT GRAIN GROWING DISTRICT.

Henry D. Haines of Cedar City, the new flour mill, is being erected in Cedar City, Iron County, Utah. The mill is being erected in Cedar City, Iron County, Utah. The mill is being erected in Cedar City, Iron County, Utah.

A gentleman just from the northern part of the state informs me that the mill is being erected in Cedar City, Iron County, Utah. The mill is being erected in Cedar City, Iron County, Utah. The mill is being erected in Cedar City, Iron County, Utah.

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WOMEN AND WOMEN ONLY are invited to see the new and improved... (text continues)

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