

be entitled to receive for his services. No provision whatever is made for expenses or traveling fees, while attending to the duties pertaining to the county court, except when the selectmen travel to attend a session of the court, and then he is entitled to recover 20 cents per mile, going only, to attend such sessions of the court, and no other compensation of fees are allowed by the statute.

The purpose of this statute was, not only to fix, but to limit the compensation of such officers to \$1 per day, or each day actually employed in attending to the business pertaining to the county court, together with mileage, at the rate of 20 cents per mile, going only, from the residence of the member to the county court, to attend each general or special session of the county court. It is made the duty of the member to attend to the business of the court at a fixed compensation per day. A public officer is bound to perform the duties of his office, for the compensation fixed by law, and he has no right to charge or receive any further compensation for his services as such officer. This rule should be rigidly enforced in all departments of the public service.

The statutes of the Legislatures and the ordinances of our municipal corporations seldom describe with much detail and particularly the duties annexed to public offices; and it requires but little ingenuity to run nice distinctions between what duties may and what may not be considered strictly official, and, if these distinctions are much favored by courts of justice it may lead to great abuse.

It is doubtless true that the business of the county is such as to require the attendance of the members of the court between the dates of its regular or special sessions, and committees may be appointed to attend to such business and report at its regular session, and such committee would be entitled to compensation for such services, at the rate of \$4 per day for the time actually and necessarily employed, but without mileage or expense.

It is true that the Territorial court in *Barth vs. Cutler*, 6 Utah, 413, held that "such committee could be allowed \$4 per day, together with mileage." But the question of mileage was not embraced in that case in any manner, and the expression "together with mileage," as used, was mere dictum, and should not have been employed.

If the county court has the power to increase such statutory compensation, by allowing travel fees or expenses, while attending to the ordinary duties pertaining to the county court, then it has the power to increase the per diem allowed by statute to any sum within its discretion.

Under the rule of construction of statutes, when the Legislature made provision for mileage when traveling to attend sessions of the court, it intended to exclude the allowance of mileage upon any other occasion when travel would be necessary in attending to business pertaining to the county court.

It is evident from the facts presented in this case, that the services charged for by the plaintiff were rendered in good faith, under an honest, though mistaken belief of his right to recover the same, and no criticism is intended to be passed upon his act in making the charge.

We are of the opinion that the plaintiff is entitled to have issued to him by the defendant his warrant upon the treasurer of Salt Lake county, for the sum of \$3.60, that being the sum plaintiff is legally entitled to for mileage in attending sessions of the county court, and that the defendant properly refused to issue his warrant for the balance of the plaintiff's claim for mileage at 20 cents per mile in traveling and looking after roads, bridges and public buildings, as a member of the committee of the court, in addition to the

sum of \$4 per day allowed and received by him for such services.

The application for a writ of mandate is allowed as to the claim of \$3.60, and denied as to the balance of plaintiff's claim.

HONORS TO COMPANY "L"

CANNONVILLE, Utah,

March 9, 1896.

At our last drill, on the 7th inst., Company "L," N. G. U., were the guests of the town of Henrieville, having been invited there on that occasion by its citizens. The boys had all arrived by 12 o'clock and immediately commenced their target practice, which is, to most of us, the most interesting feature of our exercises. The shooting was fair, the tally showing an average of about 65 per cent. The next in order was the bountiful repast served by the citizens, and so essential in cases of this nature, to which we did full justice. This over, the bugler's call was soon heard, and we assembled for our regular drill, which consisted of the manual of arms, some marching and winding up with the banquet exercise; in all of which the boys are becoming quite proficient. The company was then dismissed, and each of us sought the amusement that best suited us till "dancin'g time," which usually commences about 8 o'clock p. m.

This of course brought us all together again, and a more happy crowd is seldom seen in one little hall. The house was jammed to suffocation, and for a while it seemed that there would not be standing room, to say nothing about room for dancing. But we had assembled for a hall and a hall we had, crowded though it was. During the progress of the ball the soldiers, as we are termed, all took part in a grand march, led by Captain J. M. Dunning.

The ball over the program was ended. The next thing was for each of us to seek our several homes, fully satisfied with our day's amusement, and esteeming very highly the hospitality of the citizens of Henrieville, for which the "boys in blue" will ever be grateful.

MILITIA.

THE WEEK'S TRADE

Last week was a very quiet one in speculative circles. Dullness has been the rule for stocks and bonds, with slightly lower prices for both on an average at the close.

Speculation is gradually falling off in the railroad list, and going more into the industrial shares such as sugar, tobacco, lead and kindred industries and changes in these shares are frequent and at some times violent caused largely by manipulation of those in control, while productive railroad shares appear to have been largely absorbed on both sides of the Atlantic by a class of investors who hold them or individuals regardless of what Wall street may do, and this makes manipulation by those who profit only by causing sharp fluctuations more difficult and unsafe.

Northern Pacific has been pressed for sale on rumors that it will require large assessment upon its shares to put the road in a good financial and working condition, and many holders who are not in a position to furnish

money for this purpose are compelled to let go their holdings, which is done at a concession in prices. The favorable showing made a few weeks ago which created a demand for its bonds at higher figures evidently was not justified by the facts, and was put forth to enable some parties to unload.

The Granger stocks have been weakened by the poor carrying trade during March. The farmers refuse to sell their corn at the present low figures prevailing for this article which seriously affects railroad receipts in the corn belt. Wheat has suffered a still further decline and closes on a weak market. The receipts in the northwest are simply enormous, and upset all calculations for those who make a study of statistics.

The crop of 1895 must have been a very much larger one than the most extravagant estimates made soon after harvest, and so much in excess of the government figures that the latter's reputation for accuracy has sustained a severe shock, and the trade will look with more suspicion in future upon estimates put out by the department. The fact is that people who are interested largely in this question such as elevator men no longer rely upon the government report but make their own estimates, which for the past few years have been nearer correct than the figures made up at an enormous cost by the department. Unless reform in this line should come sooner Congress would be justified in withholding the appropriations for this purpose.

Exports of wheat have been light and do not warrant the prediction a few weeks ago of journals devoted to this line of business, that Europe would be short of breadstuffs and would have to draw heavily upon the exporting countries for supplies ere this. With prospects for the growing favorable it looks like lower prices would be made than those now current.

Wool has been dull for the grades Utah people are interested in, while a good demand is maintained for some other grades principally merinos and at a slight advance in prices, but the trade is not satisfactory to growers. Prices for new wools are a shade under the low prices of last year at the opening of the season, with only a moderate demand. The fact is that manufactured goods do no more as freely as was anticipated and the mills buy only in such quantities as are required of or actual needs, and there is no vim to the market for either the raw material or manufactured goods.

Cotton has improved some during the week but it has been more of a squeezing process for the "stocks" than any real commercial demand and cannot be looked upon as a genuine improvement. Some speculators sold something they did not own and were made to pay for their folly, this is about all there is to the suffering of prices for this article.

General trade does not improve and is disappointing. A few locations with an increased demand for merchandise mostly in the grain sections affected by favorable weather for the growing crops but this is more than offset by slack demand in other sections where these influences do not exert so much effect. Failures are in excess of those