

1888, be and the same is hereby amended to read as follows:

Sec. 133. It shall be the duty of the county prosecuting attorney to commence and take charge of all prosecutions for all offenses arising under the laws of the State, in the county for which he is elected or appointed in all the courts having jurisdiction of the same. He shall attend the grand jury when in session, formulate all indictments and perform all the duties of a prosecuting attorney, pertaining to cases arising under the laws of this State. In all cases where a defendant has been committed or bound over by a committing magistrate for an indictable offense, unless the presiding judge has empaneled a grand jury to investigate said offense, it shall be his duty to at once file an information in the district court against said defendant, in lieu of an indictment, a copy of which he shall cause to be served on said defendant or his attorney at the time of his arraignment.

Sec. 2. This act shall take effect upon approval.

Approved March 2nd, 1896.

REMOVAL FROM OFFICE.

An act to carry into effect the provisions of section 21, article vi of the Constitution of Utah, providing for the removal of officers otherwise than by impeachment for high crimes, misdemeanors or malfeasance in office. Be it enacted by the Legislature of the State of Utah:

SECTION 1. All officers not liable to impeachment are subject to removal for high crimes, misdemeanors or malfeasance in office as hereinafter provided.

Sec. 2. An accusation in writing against any district, county, precinct, municipal or school district officer, or officer of any board of education, for any high crime, misdemeanor or malfeasance in office may be presented by the grand jury or by the county attorney of the county for which the officer accused is elected or appointed.

Sec. 3. The accusation must state the offense charged in ordinary and concise language, and without repetition.

Sec. 4. When signed by the grand jury, the accusation must be delivered by the foreman of the grand jury, to the county attorney of the county, except when he is the officer accused. The county attorney must cause a copy of the accusation to be served upon the defendant, and require, by notice in writing of not less than ten days, that he appear before the district court of the county, at a time mentioned in the notice, and answer to the accusation. The accusation must then be filed with the clerk of the court.

Sec. 5. The defendant must appear at the time appointed and answer the accusation, unless for some sufficient cause the court assign another day for that purpose. If he does not appear, the court may proceed to hear and determine the accusation in his absence.

Sec. 6. The defendant may answer the accusation either by objecting to the sufficiency thereof, or of any article therein, or by denying the truth of the same.

Sec. 7. If he object to the legal sufficiency of the accusation, the objection must be in writing, but need not be in any specific form, it being sufficient if

it presents intelligibly the grounds of the objection.

Sec. 8. If he deny the truth of the accusation, the denial may be oral and without oath, and must be entered upon the minutes.

Sec. 9. If an objection to the sufficiency of the accusation is not sustained, the defendant must answer thereto forthwith.

Sec. 10. If the defendant pleads guilty, the court must render judgment of conviction against him. If he denies the matters charged, or refuses to answer the accusation, the court must immediately, or at such time as it may appoint, proceed to try the accusation.

Sec. 11. The trial must be by jury and conducted in all respects in the same manner as a trial for a felony.

Sec. 12. The county attorney and the defendant are respectfully entitled to such process as may be necessary to enforce the attendance of witnesses as upon a trial for a felony.

Sec. 13. Upon a conviction, the court must, at such time as it may appoint, pronounce judgment that the defendant be removed from office, but, to warrant a removal, a judgment must be entered upon the minutes, and the causes of removal must be assigned therein.

Sec. 14. From a judgment of removal an appeal may be taken to the Supreme court, in the same manner as from a judgment in a civil action; but, until such judgment is reversed, the defendant is suspended from his office. Pending the appeal, the office must be filled as in case of a vacancy.

Sec. 15. The same proceedings may be had on like grounds for the removal of a county attorney, except that the accusation may be made by the grand jury or by the attorney general of the State, and must be delivered by the foreman of the grand jury or the attorney general to the clerk, and by him to the judge of the district court of the county, who must thereupon appoint some one to act as prosecuting officer in the matter, or place the accusation in the hands of the county attorney of an adjoining county, and require him to conduct the proceedings.

Sec. 16. When an accusation in writing, verified by the oath of any person, is presented to a district court, alleging that any officer within the jurisdiction of the court has been guilty of charging and collecting illegal fees for services rendered, or to be rendered, in his office, or has refused or neglected to perform the official duties pertaining to his office, the court must cite the party charged to appear before the court at a time not more than ten nor less than five days from the time the accusation was presented; and on that day, or some other subsequent day, not more than twenty days from that on which the accusation was presented, must proceed to impanel a jury and hear the accusation and evidence offered in support of the same, and the answer and evidence offered by the party accused; and if on such hearing, it appears by the verdict of the jury that the charge is sustained, the court must enter a judgment that the party accused be deprived of his office, and for such costs as are allowed in civil cases.

Approved March 2nd, 1896.

NEGLECTED WIVES.

An act to provide wives with property and maintenance from their husband's estate or earnings, when neglected or deserted by them.

Be it enacted by the Legislature of the State of Utah:

SECTION 1. Whenever a husband being a resident of this State, shall have deserted his wife without good and sufficient cause, or being of sufficient ability to support her, shall have neglected or refused to properly provide for and suitably maintain her, or having property within this State, and the wife being a resident of this State, shall have so deserted or neglected or refused to provide for her. The district court of the county in which the husband shall reside shall, on the application of the wife, by complaint, allot, assign, set apart and decree to her as alimony, the use of such part of her husband's real and personal estate or earnings as the court may determine in its discretion. And during the pendency of the proceedings, the court may require the husband to pay such sums for costs, expenses and attorney's fees, and for the support of the wife as it shall deem necessary and proper, in like manner as in actions for divorce.

Sec. 2. In all cases commenced pursuant to the preceding section, the proceedings and practice therein shall be the same as near as may be as is now or hereafter may be provided by law in actions for divorce.

Sec. 3. In all actions brought pursuant to this act, the court may order and decree concerning the care, custody and maintenance of the minor children of the parties, and may determine with which of the parties the children or any of them shall remain, and may assign and decree to the wife the possession of any of the real or personal estate of the husband, and may decree the payment of a fixed sum of money for the support of the wife and minor children, and provide that the payment of the same be secured upon real estate or otherwise, the payment to be made at such times and in such manner as may be proper, and may enforce the performance of such decree by the sale of the real estate of the husband, or by any proceedings in contempt or otherwise as may be necessary, and the court shall have the power to change the allowance from time to time, according to circumstances or may revoke such allowance altogether upon satisfactory proof of a voluntary and permanent reconciliation; provided, that such allowance shall be only during the joint lives of such husband and wife.

Sec. 4. That at the time of filing the complaint mentioned in section 1 of this act, or at any time subsequent thereto, the plaintiff may procure from the court and file with the county recorder of any county in the State in which the defendant may own real estate, an order enjoining and restraining the defendant from disposing or encumbering the same or any portion thereof, describing such real estate with reasonable certainty, and from the time of filing such order, the property described therein, shall be charged with a lien in favor of the plaintiff to the extent of any judgment which may be rendered in the action.

Approved March 3, 1896.