

effect and force, especially where one section refers to another. He admits, therefore, that he has been guilty of legislating without authority—a serious offense—although doubtless without any intentional idea of committing a wrong.

The rule—in the absence of an express understanding to the contrary—is that the contracting publisher shall read the proof and correct all literal errors. The errata in the Compiled Laws appear to be largely of that character.

The charge of general incompetency laid against the committee by Mr. Pembroke is exceedingly sweeping, and for that reason serious, especially when it is directed at men of such known and acknowledged ability as S. R. Thurman, C. C. Richards, E. D. Hoge, L. R. Tuttle, J. E. Carlisle, W. C. Hall, J. G. Sutherland and J. T. Hammond.

The application of the chairman to the printer for information to enable him to make up his report does not by any means necessarily indicate incompetency. On the contrary, it may simply have been the result of care to ensure correctness, which is always commendable, especially when exhibited by a public officer.

#### THE RECENT MANDAMUS CASE.

THE St. Paul, Minn., *Globe* has this to say on the recent mandamus case connected with the city election:

"The Gentiles in Salt Lake City are out of humor with the federal judge, Zane, because he would not override the law in their interest, when only Mormons were to be put out. The judge is a republican, but he is an honest man, and always tries to do his duty. He was kept on the bench in Illinois many years by the votes of democrats because they had confidence in his official integrity and impartiality. At the late election the Gentiles voted for councilmen on a general ticket, disregarding the law adopted in 1888, providing for election by wards. The Mormons carried six of the fifteen wards, but their men were denied certificates of election by the canvassing officer. They applied to Judge Zane for a mandamus, and he granted it. This has excited the wrath of the managing politicians on the anti-Mormon side, who seem to have expected the judge to act the partisan and degrade himself as a jurist for their service. He deserves credit for administering the law, and not the behests of the lawless."

Perhaps the *Globe's* opinion of the opposition would not be elevated to any appreciable extent when it learned that, by a hocus-focus process, they, in the face of Judge Zane's decision, seated their candidates who were not elected and barred out those of the People who were declared by a competent court to have been elected, entitled to certificates and consequently the offices.

#### BILLS BEFORE THE LEGISLATURE.

As is usually and almost unavoidably the case, at this stage of the session of the Legislature, there is a large accumulation of bills, in various stages of maturity and of widely varying merit. We will name some that ought and others that we think ought not to pass.

The bill introduced by Councilor Booth, designed to cure the defects in the present estray law, including amendments that have been proposed, ought to pass. The subject of estrays and trespassing animals is one of much practical and immediate importance to the great majority of the inhabitants of most of the counties in the Territory, and the fact that judicial decisions have set aside as invalid the main provisions of the present law creates an unqualified necessity for legislation to take the place of it. Mr. Booth's bill provides for actions in justices' courts by which to determine and recover damages and have animals sold, etc. It is designed to fully meet the objections that have been made to the present law on constitutional grounds, and is framed with a view to affording justice to the owner of and sufferers from trespassing animals and estrays.

The last Legislature did itself discredit in passing, in the form in which it now appears, the general municipal law. It is a wretched piece of hodge-podge. In respect to some of its most vital features, and it has been thus far impossible to get lawyers, or even the courts, to harmonize in their surmises and conjectures as to what the Legislature meant. Attempts to construe the law are guess work, so ambiguous and uncertain are some of its provisions. On account of the careless manner in which the act was framed, Ogden has been put to expensive litigation, and this city has a similar suit on hand, involving not only dollars and cents, but the sacred rights of the people in respect to representative government. Councilor C. C. Richards introduced a bill designed to meet the defects of the present law in relation to the classification and government of cities, which has been passed by the Council and ought to become law. Let it be amended if needful, but it would be a calamity for the Assembly to adjourn without passing it in substance.

The inhabitants of the eastern part of Emery County have long

labored under great disadvantages on account of having to travel so far—nearly 200 miles—in order to reach the county seat, Castle Dale. It is, therefore, an act of justice to them to give them a county of their own, which the bill creating Grand County aims to do. It is true the population will be sparse, but it will increase rapidly, and there exists no sufficient objection to the creation of the new county.

Mr. Kimball has introduced in the House two lien bills, one for mechanics and the other for general purposes. The former is similar to but better than the present law, and in the main is a good measure. The latter ought to be rejected. It gives to any person who repairs any article of personal property a lien on the article so repaired for the cost of the labor, etc., upon it. Thus a blacksmith who repairs a plow or a wagon for a farmer has a lien on the implement until his bill is paid, and may have it sold at auction, by a rather summary process, in order to get his money. The costs of the proceedings attending the sale must come out of the price of the article sold, and in many instances the unlucky debtor would lose the total value of the thing repaired. Under the bill, a person who feeds an animal for another has a lien on the animal till the feed is paid for, and may have it sold at auction. The bill gives a malicious creditor having only a small claim power to do great harm to an unfortunate creditor, is calculated to encourage petty and vindictive litigation, and is unwise and unnecessary.

The general public of this Territory are not particularly wrought up over a necessity for additional legislation relative to the liquor traffic. The present law is a rather rigid one, and admits of a high license being charged. Complaints respecting its operations have not been either numerous or urgent during the last two years, and it is doubtful if the measure passed by the House and now pending in the Council would effect any extensive changes in the way of curtailing the traffic. If the present law requires amendment in order to perfect its operations, it ought to be amended; but the wisdom of making radical changes in it is open to question.

The mine easement bill passed by the House provides a method by