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IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR UTAH COUNTY.

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PROVO RESERVOIR COMPANY,)

A CORPORATION,)

Plaintiff,)

vs.)

PROVO CITY, ET AL,)

Defendants.)

No. 2888

Civil.

B I L L O F

E X C E P T I O N S

---ooOoo---

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF UTAH, COUNTY OF UTAH

Provo Reservoir Company
a corporation,

:

Plaintiff.

:

-vs-

Civil Action No. 2888.

Provo City, Lincoln School
District, et al.,

:

Defendants

:

STIPULATION APPOINTING JUDGE PRO TEMPORE.

WHEREAS, the Honorable C. W. Morse, Judge of the Third Judicial District Court of the State of Utah, was appointed by the Governor of this State to hear, try and determine the issues of law and fact involved in the above entitled cause; and,

WHEREAS, the said C. W. Morse entered upon the performance of said duty and has been engaged at different periods of time aggregating several weeks in hearing the testimony and other matters presented by the parties to said cause and has not yet been able to hear all the testimony that must and will be submitted; and,

WHEREAS, the term of office of the said C. W. Morse as Judge of the said Third Judicial District Court will expire on the first Monday in January, 1917; and

WHEREAS, it is improbable that he can in justice to all parties and to himself reach a final determination in the said cause prior to the expiration of his said term of office, and ,

WHEREAS, it is desired by all of the parties hereto and their attorneys of record, that the said C. W. Morse shall continue as Judge of said cause and try the issues thereof, both law and fact to a final determination, and even after a final judgment in said cause in the event that a motion for a new trial is made or other proceedings desired by any of the parties hereto, it is desired that he shall con-

tinue as Judge of said cause for the purpose of determining such motion for new trial, or any question that may arise in the District Court concerning the same, including any bill of exceptions of other order that may be necessary for the purpose of appealing said cause to the Supreme Court of this State; and,

WHEREAS, the said C. W. Morse is a member of the bar of the State of Utah, and therefore is competent to act as Judge pro tempore,

NOW THEREFORE, it is hereby stipulated and agreed by and between the undersigned attorneys of record in said cause and the parties not represented by attorneys, that the said C. W. Morse be and is hereby appointed Judge pro tempore for the trial of said cause to a final determination and for the purpose and to the extent hereinbefore set forth.

It is further stipulated and agreed by and between the attorneys of record in said cause and the parties in said cause not represented by attorneys, that the compensation of said Judge pro tempore shall be Twenty Five Dollars per day for every day necessarily occupied by him in the trial of said cause and other proceedings necessary prior to appealing as above set forth and in addition thereto, his necessary traveling and hotel expenses, which compensation and expenses, together with reasonable compensation for court stenographer, shall be taxed as costs by the court against all of the parties herein and shall be paid by them according to the apportionment heretofore made for the payment of the water commissioner in this cause.

Dated this 8th day of December, 1916.

HENRY SHIELDS
Attorney for Julia M. Davis

and for John E. Berg,

her successor in interest.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
STATE OF UTAH, COUNTY OF UTAH.

Provo Reservoir Company,
a corporation,

Plaintiff

Vs

Civil Action No. 2888.

Provo City, Lincoln School
District, et al

Defendants.

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WHEREAS, the said C. W. Morse entered upon the performance of said duty and has been engaged at different periods of time aggregating several weeks in hearing the testimony and other matters presented by the parties to said cause and has not yet been able to hear all the testimony that must and will be submitted; and,

WHEREAS, the term of office of the said C. W. Morse as Judge of the said Third Judicial District Court will expire on the first Monday in January, 1917; and

WHEREAS, it is improbable that he can in justice to all parties and to himself reach a final determination in the said cause prior to the expiration of his said term of office; and

WHEREAS, it is desired by all of the parties hereto and their attorneys of record, that the said C. W. Morse shall continue as Judge of said cause and try the issues thereof, both law and fact to a final determination and even after a final judgment in said cause in the event that a motion for a new trial is made or other proceedings desired by any of the parties hereto, it is desired that he shall continue as Judge of said cause for the purpose of determining such motion for a new trial, or any question that may arise

in the District Court concerning the same, including any bill of exceptions or other order that may be necessary for the purpose of appealing said cause to the Supreme Court of this State; and,

WHEREAS, the said C. W. Morse is a member of the bar of the State of Utah and therefore is competent to act as Judge pro tempore,

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Dated the 16th day of November, 1916.

THURMAN WEDGWOOD & IRVINE

STEWART, STEWART & ALEXANDER

PIERCE, CRITCHLOW & BARRETTE

WILLIAM H. KING

THOMAS & SOULE

MATHONIAH THOMAS

KING & NIBLEY

J. E. BOOTH

RAWLINS, RAY & RAWLINS

A. C. HATCH

S. R. THURMAN

JACOB EVANS

A. J. EVANS

J. H. MCDONALD
ALFRED L. BOOTH
E. E. CORFMAN
HARVEY CLUFF
JACOB COLEMAN
RICHARD W. YOUNG (U.I.SUGAR CO.)
WM. S. WILLES
STORY & STEIGMEYER
MORGAN HUFFAKER & BRADFORD
WILLIAM W. RAY
PARKER & ROBINSON
O. P. SOULE
E. A. WEDGWOOD
CHASE HATCH
CHAS J. WAHLQUIST
COLEMAN & TUCKER
J. B. TUCKER

State of Utah :
 : SS
County of Utah :

I, C. W. Morse, being first duly sworn do say that I will faithfully try and determine the issues joined between the parties plaintiff and defendants appearing in the above entitled cause.

C. W. MORSE

Subscribed and sworn to before me this 27 day of December
A. D. 1916.

(seal)

E. T. Palfreyman, Clerk
By Elias A. Gee, Deputy