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Tough on the Sheriff

(Parowan Times)

The action of a recent jury in bringing in a verdict against Sheriff Leigh for $600 damage appeals to us as little less than an outrage against a public official. The affair rises out of a little mistake for which the Sheriff was in no way responsible except that legally he is responsible for the act of his deputies. In this particular case the deputy’s mistake wouldn’t seem to be so awfully serious, and yet, under the jury’s verdict the Sheriff must pay a half year’s salary as damages.

The essential facts of the case are briefly that while Edward Bentley was deputy sheriff he answered the telephone one day to hear someone say in substance, “This is J. B. Hayes with the Salt Lake police department. Arrest and hold W. A. Johnson for us; he’s wanted on several things.” Bentley went out onto the street and picked up Johnson, who, as we get it, was going no place in particular and had plenty of time to get there. He locked the latter up and then tried to locate Hayes to report that he had his man, but Hayes couldn’t be found. He held Johnson over night and tried the next morning to get in touch with Hayes or the police department and finally appealing by phone to Joseph E. Richards in an attempt to get some word. About the middle of the afternoon he received a wire to “Release Johnson, error in ordering him held” or words to that effect. Johnson was immediately released and then he filed suit for $3,000 damages. The case was tried by a local jury which found “no cause for action.” Johnson appealed to the Supreme Court, the case was argued there and the Court held with Johnson, sending it back for re-trial. The next jury said $600 damages.

The deputy probably erred in not confirming the telephone call, and no doubt Johnson was somewhat inconvenienced and probably embarrassed by a mistake which wasn’t an unnatural one. But by no stretch of imagination can we conceive of his being damaged to the extent of $3,000 or even $600. Yet the Supreme Court and the last jury have taken an attitude which is to say the least discouraging to an officer whose deputy was endeavoring to be conscientious in the discharge of his duty. Damage against the man who called Bentley would be far more logical, but if he couldn’t be located, then, since there was little if any actual damage, the matter might properly have been dismissed it seems to us.