

reported to the court. But, while the county furnish him a detective, he, at various times paid money to others for detective work. Some of these so employed were policemen of Salt Lake city, who, presumably, received their regular salaries as such from the city besides a per diem and expenses from the county. Most of these detectives seemed to be employed on liquor cases. In April, May and June 1885, the sheriff paid detectives in liquor cases \$1,357.50.

We do not know to whom it was paid, excepting one item of \$320 to Carney & Wolcott.

Some items from report of December 7, 1886, are as follows:

Elliott at Bingham.....	\$50 00
Bechtol & Sands' case.....	38 00
Trying to catch Gordon.....	13 00
Trying to catch Hall at Bingham, two occasions.....	25 00
Catching Magee at Bingham.....	30 00

An illustration of the autocratic manner in which the county court disbursed police funds is found in the report of the sheriff filed with the court August 6, 1887. This report was duly approved by the court and contains the following items:

On August 3, 1887, A. M. Clayton, John Pickett and Hugh Watson each gave a receipt to Sheriff Burt for \$10, "for services at Bingham attending election in interest of the People's party." In the same report A. E. Hyde and J. M. Barlow receipt to Sheriff Burt for \$10 each, "for services at Bingham on election day."

Another voucher in the same report is as follows:

"Expenses incurred in sending five men to Bingham three days to attend election:

Board and lodging.....	\$35 00
Railroad fare.....	11 40
Incidental expenses.....	15 75
(O. K.) JOHN PICKETT.	

Sheriff Burt also paid \$500 attorneys' fees in May, 1885, in liquor cases, although the county was paying its own attorney \$2,000 per year.

January 4, 1886, the county court paid \$250 attorneys' fees in what was called the "Vandercook Habeas Corpus Case." They were not only paying their own attorney \$2,000 per year at that time, but the records nowhere show that the county was a party to the suit.

#### THE HYDRAULIC CANAL COMPANY.

The following petition was filed in the county court September 22, 1885.

SALT LAKE CITY, Aug. 31, 1885.

To the honorable, the county court of Salt Lake county.

Gentlemen: The undersigned, your petitioners, respectfully represent that a number of citizens, including the undersigned, are actively engaged in forming a corporation under the laws of the territory of Utah, to be known as the Hydraulic Canal company, for the purpose of taking out of its present channel a portion of the waters of the Jordan river at or near the dam in said river and near the southern boundaries for culinary and agricultural purposes. That the said company propose to raise the said waters to an elevation of one hundred and fifteen feet, more or less, above the surface of the water in the dam and convey the same by means of a canal in a northerly direction at or near the north line of the West Jordan precinct in Salt Lake county.

Your petitioners therefore pray in behalf of said company that the said hydraulic canal be granted by your honorable body the exclusive right and control of one-sixth interest in the said described dam and also in the waters of the Jordan river. The same to be used, operated and perpetually controlled for the purposes hereinbefore specified, and your petitioners in duty bound will ever pray. (Signed) A. Gardner, George Romney, Joshua Midgley, Orson F. Whitney, W. S. Burton, John Nicholson, Charles D. Haun, Jedediah Goff, Jesse W. Fox, Hyrum Goff, E. H. Richards.

We copy from the minutes of the county court, session of Sept. 22, 1885, the date of the filing of the foregoing petition.

"Petition of A. Gardner, George Romney and ten others filed and read asking the county to deed to the Hydraulic canal company, the right to use a one-sixth interest in the Jordan river flowing through Jordan dam, said waters to be used through a canal to be dug by the Hydraulic canal for culinary and irrigating purposes. It is ordered by the court that on the incorporation of the said company Salt Lake county deed said one-sixth interest in the waters of the Jordan river and in the dam as asked for to said Hydraulic canal company.

About August 2, 1888, the following petition was filed with the county court:

SALT LAKE CITY, Aug. 2, 1888.

To the Honorable, the County Court of Salt Lake County:

GENTLEMEN:—The undersigned, your petitioners respectfully represent that in the year 1885, we, in connection with others, started and put in operation the forming of a corporation under the laws of the territory of Utah, to be known as the Hydraulic canal, and petitioned your honorable body to deed to them the one-sixth interest owned by said Salt Lake county in the dam located in the narrows at the point of the mountain at or near the south boundary line of Salt Lake county, and also a one sixth interest in the waters of the Jordan river.

That on the 22d day of September, A. D. 1885, your honorable body made an order granting said petition, which will appear by reference to the records of the county court of said date. That your petitioners have failed to fully comply with the conditions of said order; that they have never fully organized or incorporated; your petitioners would further represent that they have in consultation with a committee of the city council of Salt Lake city, agreed to discontinue their project of organizing said Hydraulic Canal company.

Wherefore, your petitioners pray that your honorable body make a deed of the said one-sixth interest in said dam and said waters of said Jordan river to Salt Lake City corporation, and as in duty bound, your petitioners will ever pray. (Signed) George Romney, John R. Winder, Charles D. Haun, Jesse W. Fox, W. S. Burton, A. Gardner per Rueben Gardner, John Nicholson, Joshua Midgley, Orson F. Whitney.

We again quote from the records of the court:

"AUGUST 20, 1888.

"Petition of George Romney and eight others asking Salt Lake county to transfer the one-sixth interest of the waters of the Jordan river heretofore, to-wit, on September 22, 1885, granted to the Hydraulic Canal company, to Salt Lake City corporation, filed. It is hereby ordered that in consideration of said petitioners being the same persons who petitioned the county court for said one-sixth interest in the waters of the Jordan river to be deeded to the Hydraulic Canal company, who now petition for said one-sixth interest in the waters of Jordan river to be deeded to Salt Lake City corporation, it is hereby ordered that Salt Lake county deed said one-sixth interest in the waters of the Jordan river and in the dam, to said Salt Lake City corporation as asked for in said petition."

(Minutes signed) ELIAS A. SMITH,  
Probate Judge.  
FRANCIS ARMSTRONG,  
SAMUEL BENNION,  
E. M. WEILER,  
Selectmen.

In this connection the jury desire to state that after a very thorough investigation of this water question, and an examination of all the evidence before us concerning it, we do not believe that the county ever had the slightest shadow of a legal title to any of the waters of the Jordan river. The only legal appropriation or diversion of water from that stream was made by individuals for their sole use and benefit, and that was done to such an extent that the whole volume of the river was vested in such individual appropriators long prior to the building of the so-called county dam.

During many years past the county court has made the probate judge "Superintendent of County Affairs." This is an office unknown to the law, and one which we are advised the county court had no legal power to create. The statutes provide that the compensation of the probate judge shall be \$4 per day and mileage for his attendance at sessions of the county court, and in probate matters he shall receive a per diem of \$5 in each case previously set and the ordinary fees for papers issued. The record shows that the probate judge has not only received such per diem and fees as the law allows, but that he was voted additional money by the county court as follows:

March 9, 1870.....	\$1,000
March 11, 1871.....	1,500
March 9, 1872.....	2,000
March 19, 1873.....	2,500

Since the latter date until October 1, 1889, they have voted him annually \$2,500—amounting in all to \$46,000—every dollar of which was paid in violation of law and in addition to all compensation allowed him by the statute.

From August, 1884, to May, 1888, we find that the firm of Taylor, Romney & Armstrong furnished material to the county valued at \$14,600. During nearly all of this time Francis Armstrong, a member of the firm, was a selectman, and, therefore, prohibited by law from being a party to any business dealings with the county. About \$12,000 of the amount named was for material used in building the county infirmary, and during the whole of the time in which infirmary material was furnished Mr. Armstrong was a selectman. The records do not show that in building the county infirmary any bids were received either for material or labor.

Ordinary prisoners confined in the county jail are fed at an expense to the county of 45 cents per day each, but, in the case of convict B. Y. Hampton, who was convicted in the Third District court December 24, 1885, for the crime of conspiracy in setting up and maintaining houses of ill-fame in this city, to be resorted to for the purposes of prostitution and lewdness and to entrap therein the United States officers and other prominent Gentiles in this territory, the county court appropriated \$1 per day for his maintenance and support while in the county jail serving out a sentence of twelve months' imprisonment for the above named offense.

In the case of convict Frank J. Cannon, imprisoned for an assault and battery upon W. H. Dickson, United States attorney, the county also paid \$1 for his subsistence during the time of his imprisonment under sentence for that offense.

#### SOME SAMPLES OF APPROPRIATIONS

made by the county court are as follows:

December 1st, 1884, E. W. Tullidge, for History of Salt Lake county.....	\$1,000 00
September 7th, 1885, A. Burt, looking after licences in Salt Lake county.....	600 00
November 1st, 1886, painting portrait of the late Reuben Miller.....	100 00
August 2d, 1887, lunch, May 16th to date for county court.....	57 90
August 18th, 1887, for dinner to five polling places.....	35 00
March 3d, 1888, for lunch for county court to date.....	33 00

From 1874 to the close of 1888, the county was continuously in debt and paying interest on borrowed money, part of the time at the rate of 2 per cent. per month. The rate was gradually reduced until some later loans were obtained for 8 per cent. per annum. From 1874 to 1884 the average amount on which the county was paying interest was \$55,000. The indebtedness then decreased until December 28, 1888, when the county paid its last outstanding notes, amounting to \$33,000.

#### DURING THE FIFTEEN YEARS

ending with 1888, the county has paid in interest \$122,605.04, a sum more than twice as great as the original debt, and we have tried to ascertain why the county contracted this interest bearing debt, and what benefit it received for the money paid.