

most convenient form invariably commands a ready sale, while the contrary is frequently the case with that which has been manipulated without due care.

AN ACT

Amending Sections five hundred and five (505), five hundred and six (506), five hundred and seven (507), five hundred and eight (508), five hundred and thirteen (513), five hundred and twenty-two (522), and five hundred and twenty-six (526), of the Compiled Laws of Utah Territory relative to irrigation districts.

SECTION 1. Be it enacted by the Governor and the Legislative Assembly of the Territory of Utah, That section five hundred and five (505) of the Compiled Laws of Utah is hereby repealed, and the following substituted therefor: Upon the majority of the citizens of any county or a part thereof representing to the county court that more water is necessary, and that there are streams or parts of streams unclaimed or unused, which, if brought out of their natural channels and thrown upon tracts of land under cultivation, or to be put under cultivation, can be of value to the interests of agriculture, the county court having jurisdiction may proceed to organize the county, or part thereof into an irrigation district; and thereafter the landholders of such district shall be equally entitled to the use of the water in, or to be brought into, such district, according to their acknowledged rights; Provided, such landholders pay their proportion of the expenses incurred in the construction and keeping in repair of the necessary canals, flumes, dams or ditches.

Sec. 2. Section five hundred and six (506) is hereby repealed, and the following substituted therefor: The citizens of an irrigation district, when so organized for the purposes provided in the preceding section, may, in mass meeting, proceed to the formation of a company, by electing, *viva voce*, not less than three nor more than thirteen trustees, a secretary and a treasurer. Notice of the time, place and object of said mass meeting shall be given by the clerk of the county court, at least ten days previous, by advertising three times in some newspaper having general circulation in the county, and by posting up a notice in three public places in the district.

Sec. 3. Section five hundred and seven (507) is hereby amended by striking out all after the words "construct the same," in the seventh line of said section.

Sec. 4. Section five hundred and eight (508) is hereby repealed and the following substituted therefor: "It shall then be the duty of the Trustees to make a report to the county court, of the location and estimate provided for in section five hundred and seven (507); also to call a meeting of the holders of the lands to be benefitted by the proposed canal or ditch, at which a copy of said report shall be presented, and the said landholders shall vote yes or no upon the following questions: First—Do you mutually agree to pay—per acre land tax to construct the proposed canal or ditch? Second—Do you approve the action of the mass meeting in the election of officers? Notice shall be given by the trustees, at least ten days previous to the time appointed for such meeting, by advertising it at least three times in some newspaper having general circulation in the county, and by posting up notices in three public places in the district. Said advertisement and notice shall state distinctly the time and place and object of such meeting, and be signed by a majority of the trustees and the secretary. The voting at said meeting shall be by ballot, and the chairman and secretary of said meeting shall be the judge and clerk of the election. A ballot box shall be provided by the trustees, and each voter shall present his ballot to the judge of election, who shall deposit it in the box, and the clerk shall write the name of the voter in a poll list or book, which shall also be provided by the trustees. No person shall be entitled to vote at said election, unless he is a landholder in the district. Immediately after the close of the election, the ballots shall be openly counted by the judge and clerk assisted by two persons chosen by the voters present. A certificate of the results of the election, signed by the persons who counted the

votes, shall be forwarded at once to the clerk of the county court by the judge of said election.

Sec. 5. Section five hundred and thirteen (513) is hereby repealed, and the following substituted, therefor: All subsequent elections for company officers and for determining the rate of the annual tax shall be held annually on the second Monday in October, at such time and place as shall be designated by the trustees, at which the number of trustees may be changed by a two-thirds vote, to any number not less than three nor more than thirteen. Said election shall be conducted and notice thereof given, and certificate thereof returned as provided for in Section four (4) of this act, and the officers elected shall give bonds as is provided in section five hundred and eleven of said Compiled Laws. The rate of tax determined at said election by a two-thirds vote, shall be a law in said irrigation district; Provided, Any landholder in said district who neglects or refuses to pay his proportion of the tax so determined, or to satisfactorily settle with the trustees for the same, shall not be entitled to vote or to hold office in said irrigation company, nor to use any of the water from the canals or ditches of said district.

Sec. 6. Section five hundred and twenty-two (522) of said law is hereby repealed and the following substituted therefor: In every case where the owner of the land, so required, shall absent himself from the county, or shall not from any cause be capable in law so to agree, or shall refuse to agree, or ask an exorbitant price, the value of such land and the damage to the owner thereof shall be ascertained in the following manner: First, the owner or claimant to such land and the trustees may each elect a referee, and in case of disagreement they two may select a third, and these referees shall proceed to determine the value of the land under controversy, and assess the amount of damages, if any, which each owner of lands or improvements has sustained, or will sustain in consequence of the canal or ditch; Second, The appraisal, with a description of the land so appraised, shall be acknowledged by the referees signing it before the clerk of the county court of the county in which the lands are situated; and when so acknowledged it shall be filed in the said clerk's office within ten days after it shall have been made. In case the occupant or claimant shall neglect or refuse to select a referee as herein provided, the trustees may petition the district court of the district in which the land is situated for the appointment of three or more commissioners to condemn the land and fix and determine the damages; said commissioners to be appointed upon such notice to the claimant or occupant as said court shall direct. Said commissioners shall report to said court their award and determination, for approval or disapproval. The motion for approval of said award shall be heard on such notice as the court shall direct.

Sec. 7. Section five hundred and twenty-six (526) is hereby repealed and the following substituted therefor: All companies or districts organized under the provisions of sections five hundred and five (505) to five hundred and twenty-eight (528) inclusive, of the Compiled Laws of Utah, shall be liable to any damages which may occur by the breakage of any canal or ditch. When any land in an irrigation district is benefitted or damaged by the company's canals or ditches, from breakage or other incidental cause, and the owner of said land and the company cannot agree as to the amount of the benefit or damage, the matter in dispute, as well as the question of damage through breakage, may be referred and decided as provided in the preceding section of this act. No irrigation company organized under the laws of this Territory shall be entitled to divert the waters of any stream to the injury of any irrigation company or person holding a prior right to the use of said waters, and all cases of dispute arising from such unlawful diversion, may also be referred and decided as provided in the preceding section of this act.

Sec. 8. Nothing in this act shall be so construed as to prevent any association of persons incorporating themselves under an act providing for incorporating associations, for mining, manufacturing, commercial and other industrial pursuits,

approved Feb. 18, eighteen hundred and seventy (1870), and all amendments thereto, or to affect any of their rights in such corporations.

ORSON PRATT, SEN.,
Speaker of the House of Representatives.

LORENZO SNOW,
President of the Council.
Approved Feb. 22, 1878.

GEO. W. EMERY,
Governor of Utah.

BY TELEGRAPH.

CONGRESSIONAL.

SENATE.

WASHINGTON, 11.—Haman submitted a resolution appointing Gen. W. T. Sherman, a member of the board of regents of the Smithsonian Institute, in place of Geo. Bancroft, resigned; agreed to.

Matthews reported an amendment in the nature of a substitute to the bill recently introduced by Dorsey in relation to the establishment of a sinking fund for the liquidation of the indebtedness due the government by the Pacific Railroad Companies; placed on the calendar.

Windom, from the committee on appropriations, reported, with amendments, the West Point appropriation bill, and gave notice that he would call it up for consideration to-morrow. He also reported from the same committee, adversely, on the resolution recently introduced by Saunders, in regard to the appointment of additional commissioners to the Paris Exhibition, and it was indefinitely postponed.

Blaine called up the resolution submitted by him on the 25th of February requiring the President to furnish the Senate with copies of certain correspondence between the government of Great Britain and the United States relative to the appointment of a third commissioner under the 23d article of the treaty of Washington. The resolution was agreed to.

HOUSE.

WASHINGTON, 9.—Blackburn presided in the absence of Speaker Randall.

Foster, from the committee on appropriations, reported the bill providing for an appropriation of \$1,533,445, deficiencies for the service of Government for the fiscal year ending June 30th, 1878. Referred to the committee of the whole.

A night session for debate only was ordered for Monday night.

Kelley then replied to Garfield's speech of a few days ago.

WASHINGTON, 11.—A large number of petitions were presented, remonstrating against the transfer of the life-saving service to the Navy Department, and against the tax on incomes.

A VOICE FROM CALIFORNIA.

The Marked Ballot—New Party—Political Treachery, etc.

SACRAMENTO, Cal.,

March 6th, 1878.

Editors Deseret News:

I have read with a good deal of interest the new Utah election bill, and an account of the comments upon and objections thereto of the so-called "Liberal" party. And as a resident of Utah I have for many years heard the oft repeated objections to a marked ballot and the workings of the old law.

Since remaining in this State there has, as I suppose every body has read, arisen a new party called the Working Men's Party, which promises to carry future elections by considerable majorities over the old parties which have formerly ruled the country. Democrats and Republicans now find it necessary to cease opposing each other, and join hands against the new giant which comes forward to measure its strength. The old parties (Democrats and Republicans) represent the capital and rich men of the country, and the new party the laboring forces. The old parties have gobbled up in large tracts most of the valuable land, of which there remains untitled millions of acres of the very best, capable of producing crops without irrigation. They have hired and patronized thousands upon thousands of Chinamen, to the exclusion of their white countrymen, so that to-day

thousands of white men are begging their daily food at charitable institutions, and many wander off and commit suicide, for the want of remunerative employment, and some are glad to work for one dollar per day or what they can get. The Chinaman is fresh from a country where he has long learned to live upon the tailings of the proceeds of his labor, giving to his master the best and biggest share; and is therefore prepared to be content with a small share of what he produces, leaving his master the balance. Thus the free trade principle coupled with the monopoly of wealth and selfishness of its possessors has brought humiliation in great severity upon white laborers. The democrats have promised reforms, distribution of land and other remedial measures to the people, and thus secured the laboring men's vote and carried the last election; but when once in power, they have as it were, pocketed their constituents and proceeded in the usual way of legislating in the interests of capitalists, with small regard for the bulk of those whose votes had placed them in office, while when capital is managed so as to pay, the white laboring people have to foot the bill, making the rich richer and the poor poorer. Complaints and curses have rumbled through the land, until lately the discontent has crystallized into a political party, which exhibits at public meetings as the symbol of its platform, a rope with a noose at the end of it, with plain threats of its literal use in case of betrayals on the part of their appointees to office. The most forcible and coarse language is used to illustrate what terrible work they will do, if after winning their cause at the polls they should be defeated by bribery, treason or monopoly afterwards. An election is soon to be held for delegates to a convention for the formation of a new constitution for the State, which gives great expectation to this new party, and promises to invest it with remarkable interest. And the legislation which they require is plainly outlined and very sweeping in its nature.

Now it is very plain to me that they have got no better a class of men from which to select, than the old parties had. Their men will be as likely to be bribed as the present officers, and if poor men, their very election will place their self-interest at the feet of the capitalist party, and they must be more than usually patriotic if they do not yield to the common vice, looking to the law to protect them from the violence of their constituents. The senator already elected by them has voted in the present legislature in several instances positively contrary to their policy, and others will doubtless yet do so.

Now the point I wish to learn is this. The majority, or most numerous united party of voters in exercising their franchise, are exercising the powers and functions formerly possessed only by kings. To betray a king was called treason, to betray the people or party is a crime of the same nature; kings by process of law hanged their traitors; people are threatening without process of law to do the same. And a fundamental principle of free government is the right of every man to a trial before an impartial jury before hanging. Now I want to know how, with an unmarked ballot or one containing no evidence of the identity of betrayed constituents, or voters, any officer can be held to answer, except it be by mob law for the use of the power which they have placed in his hands?

If your discontents in Utah were here, many of them would realize, that they had elected their men, but that their electees had not served them, but had simply served the interest which paid the best, and they would have no legal remedy, for it would be beyond their power to prove that they were the persons who cast the votes which placed these traitors in power.

The future of this State looks dark with the shadow of mob law, which there is every prospect will be set up to divide the land and distribute the great wealth and patronage thereof; and to drive out the rich man's pet, who now serves him with such patient servility for such low wages. The name of God is profaned throughout this beautiful land, and corruption, idleness, drunkenness, gambling and debauchery openly practiced; and many, although they will not accept and obey the gospel, are look-

ing forward with fear that terrible times and wonderful changes will convulse society. I am respectfully yours,
JOB SMITH.

Law is like a sieve; you may see through it, but you must be considerably reduced before you can get through it.

GANG & SULKY PLOWS.

IMPROVEMENTS are constantly being made in all kinds of labor saving machines, and more especially in farm implements, and farmers are learning that the saving of time and labor can best be accomplished by using the best implements manufactured. In this connection we wish to speak more particularly of the

GANG & SULKY PLOW

made by Avery & Sons of Louisville, Ky., which we have recently examined at the sales-rooms of

J. W. LOWELL & CO.,

of this city. About 60 of these plows have been sold by them in the last few weeks, probably a larger number than has ever before been sold in this Territory since its first settlement. Farmers are getting tired of being jerked and twitched around all day by following the old style of plows, and find that by using the

AVERY GANG OR SULKY PLOW,

which is a beauty to look at, as neatly built as a carriage and about as comfortable to ride on, they can do their plowing with comfort, and even a child can handle it and do a man's work. We do not wonder that scarcely any other style of GANG OR SULKY PLOWS are sold in this market, for the Avery is unquestionably the BEST manufactured, as hundreds of the leading farmers of Utah will testify.

We give below a letter from Mr. John Rouse, of Goshen, known as one of the Oldest settlers and leading farmers of this Territory, who has tested the AVERY PLOW and knows its merits.

GOSHEN, Utah,
Feb. 19, 1878.

J. W. Lowell & Co.,

Gentlemen.—A twelve year old son of mine plowed 60 acres last fall with the Avery Gang and Sulky Plow, eight acres of which were plowed 12 inches deep and laid level and better than any other plowing I have seen since I left England; and I consider myself a judge of such work. My boy can handle the plow with ease. As for the draft, three horses can handle it readily in breaking with the sulky plow, and the same team is sufficient for the 12 inch gang plow in old land. I am well pleased with the plow, and do not know where it can be improved.

Yours respectfully,
JOHN ROUSE.