

the capital city. Six judges with judicial capacity equal to those who are now ardently serving the Territory, or any six judges of average judicial ability, would be kept constantly at work to do the business of the district courts, making no allowance for the cases which have accumulated or the certain increase. The pressure of the district court work upon the judges has left them but meagre time for supreme court duty. They have performed their appellate functions as well as could be expected under the circumstances, but they have not had the requisite time to consider the cases in that court as the important interests involved have deserved. Two terms a year of the supreme court are held, and the business is so multiplying that it will compare well with that of many more populous States.

The unanimous conviction of the bar of this Territory, shared by all its thoughtful and well-informed business men, is that the wants of the Territory imperatively demand the organization of an independent supreme court, and a corps of six district judges. In short, the enactment of the accompanying bill:

THE BILL.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled:

That the Supreme Court of the Territory of Utah shall consist of a chief justice and three associate justices until a vacancy occurs and thereafter shall consist of three members, two of whom shall constitute a quorum, to be appointed by the President by and with the advice and consent of the Senate and whose term of office shall be four years, and to hold until their successors are appointed and qualified and to whom respectively shall be paid quarterly, out of the treasury of the United States, an annual salary of \$5000.

Sec. 2.—There shall be six district judges for said Territory, to be appointed by the President, by and with the consent of the Senate, whose term of office shall be four years and to hold until their successors are appointed and qualified and to whom respectively shall be paid quarterly, out of the treasury of the United States, an annual salary of \$5000, and who shall severally be assigned to judicial districts by the Supreme Court of the Territory. Two or more of them may be assigned to any one district until the Territorial Legislature shall provide for new districts or otherwise apportion the business or divide the jurisdiction of the district courts.

Colonel Kalghn stated that some of the members of the bar were of the opinion that the last clause of the bill took away some of the appellate duties of the present district court judges, and would thus interfere with their services on the bench of the supreme court. The committee did not intend this, but were opposed to it, as an expression from them would prove.

Judge Sutherland stated that the committee in drafting the bill had not the slightest intention of formulating the bill so as to militate against the present judges.

Ogden Hiles said that the last section of the bill would practically revoke the commissions of the present justices of the supreme court of the Territory. This being true, the Salt Lake bar should be very careful as to their action. Whatever might be said of the judges of the supreme court, they had been the hardest worked and most poorly paid body of men in America. He was opposed to anything which might look like slight to the present judges.

United States Attorney Varian said

he opposed the bill, as he favored the idea of having a district Supreme Court, and he thought that three judges would be sufficient at present. He did not think that the present judges could take affront at anything which the bar, in view of the changing conditions and increasing business, deemed necessary. There were now four judges of the Supreme Court. It was questionable whether they could be legislated into district judges, as that might be encroaching on the presidential prerogative. He did not favor the idea of all the judges being retired at once. They would retire one after another in the ordinary course of events.

Attorney Ferguson thought the bill should be amended so that the present members of the Supreme Court should constitute the appellate court. He made a motion to that effect. Carried.

Judge Judd created a ripple of merriment saying that as Congress had already burdened the Territory with a body of five men (the Utah Commission), which was drawing \$5000 a year for doing nothing, it would now be in order for Congress to resolve them into a Supreme Court.

Mr. Ferguson favored an amendment giving probate courts jurisdiction in civil matters where the amount involved did not exceed \$2000; also that the same courts should have jurisdiction over misdemeanors.

Judge McDowell opposed this.

Judge Loubourrow suggested that while the scheme might be a fairly good one, it would not bring the needed relief, because he did not think Congress could be induced to change so radically its long settled practice with reference to the judiciary of the Territory. If it was in order, he would offer as a substitute for the bill the following resolution:

"Resolved, That it is the sense of this convention that the congress of the United States be memorialized by the bar and citizens of this Territory to appoint two additional judges of the Supreme Court of this Territory."

Judge Henderson was of the opinion that the resolution was insufficient. Utah should have a Supreme Court entirely distinct from its district courts and a proper effort should be made. Relief could be obtained in ninety days.

The substitute was defeated and on motion of Colonel Kalghn, the committee heretofore appointed to prepare the memorial and bill and obtain other data was instructed and authorized to continue its work by obtaining endorsements and have the matter properly presented to Congress at the earliest possible time.

The convention then adjourned.

CITY COUNCIL.

The City Council met in regular session Tuesday, Nov. 10, with Mayor Scott in the chair. The following members responded to roll call: Pickard, Spafford, Heath, Folland, Hardy, Hyde, Tuddenham, Young, Lynn and Parsons. Absent—Smith, James, Karrick, Anderson and Pendleton.

After disposing of some preliminary business, the following

PETITIONS

were read and referred as specified:

W. H. Cormer and others asked that an electric light be established on Iowa avenue. Committee on improvements.

A. H. Raleigh asked that a gulley at the head of Caine street be filled. Committee on streets.

W. T. Miller asked for a remission of \$13.75 license. Committee on licenses. T. C. Waltenspiel asked that the name of Sutphen street be changed to St. Louis avenue. Committee on streets.

F. E. McGurrian and others asked for an extension of watermains on Chester street. Committee on waterworks.

P. Lyon asked to be allowed to flume a canal that crosses his property. Committee on irrigation.

Joe M. Stoutt and others asked that W. S. Sharp be appointed special policeman. Granted.

The Salt Lake Brewing company asked for a rebate on the G. H. Stewart liquor and merchant license. Committee on licenses.

John Davies asked that he be remunerated for damages done his lot in the city cemetery through the alleged negligence of the sexton. Committee on claims.

Wm. Cooper asked that certain of his taxes be cancelled, on the ground that the levy was illegal. Committee on claims.

Robert Cleghorn asked for a remission of certain taxes paid by him. Referred to the city attorney.

J. W. Miner asked for a position on the police force. Referred to the Mayor.

Lee C. Sneddaker asked that an electric light be established on Fourth South street, midway between Fourth and Fifth East streets. Committee on improvements.

N. H. Clayton asked to have assessment on certain personal property cancelled. Committee on claims.

W. A. Kinney and others asked to have watermains extended on all streets in the northeastern part of the city, from B to K streets. Filed.

TO AMEND THE CITY CHARTER.

The following communication was received and filed:

Gentlemen—A committee has been appointed by the Salt Lake City Chamber of Commerce to act jointly with a committee which, it is hoped, will be appointed by your honorable body, to consider needed changes in the charter of this city; and to recommend such changes, or, if need be, an entire revision of the charter, to the next Legislative Assembly of Utah Territory. The committee of the Chamber of Commerce consists of John M. Donnellan, H. M. Wells, E. B. Wicks, P. L. Williams and Louis Cohn.

Considering the importance of the work assigned to the joint committee it is suggested that if you deem it wise to appoint a committee of your members they should have power to employ clerical and legal help to assist the committee in its work. Respectfully,

JOHN M. DONNELLAN, Chairman.

The suggestion was adopted and the Mayor appointed Councilman Spafford, Anderson, Lynn, Folland and Young as the committee.

FROM THE CITY ENGINEER.

The city engineer reported that duplicate maps of Larsen addition had been filed in his office, and he asked for authority to approve the same. Granted.