

Exact figures are given when possible, in other cases natural objects, and not distances are given for bounds, but the aggregate is probably far greater than here stated. To show how complete the plan is, it may be mentioned that in going south the traveler enters the corporate limits of Lehi when he enters Utah county, and from that into American Fork, and so on into Pleasant Grove, Provo, Springville, Spanish Fork, Payson, etc., passing out of one into to enter another, so that through the length of the county he is within the corporate limits, though for much of the distance he is miles from any habitation, and for the greater distance of three or four hundred miles south to St. George, as a general rule, he is within the limits of a corporation when he is not in the desert.

The next step in this process was to cation out the legislative power to this system of municipalities, which was done in the various chapters and their contents are legislatures proceeded under them to establish and put in force an elaborate system of laws, which are still kept in operation. The reference to the crime of assault and battery, and many other subjects of general laws. Thus the legislative power which was by the organic act, section four, delegated exclusively to the Governor, and Legislative Assembly, with a provision for the submission of all laws to Congress, (section six) has been re-delegated to these irresponsible bodies without any check or participation by the Governor, or any means for their submission to Congress.

The next and final step in this process of independence was to provide judicial machinery for putting into operation this system of local bodies, without any check or control by appeal, or otherwise, by the courts of general jurisdiction provided by Congress and filled by Federal appointment. The entire judicial power of the Territory, except the organic act (section nine) vested in four grades of courts, namely a supreme court, district courts, probate courts, and justices of the peace. But by these charters many of the aldermen's courts are created, and the judicial power cantoned out to them, with justices of the peace to put in force their separate machinery, and appellate jurisdiction is only allowed to the probate courts, which, as has been seen, are invested for this and all other purposes with appellate jurisdiction as well as civil, jurisdiction, criminal as well as civil, in chancery as well as at law, to the exclusion of the district courts. By these means there have been established and vigorously maintained in Utah an independent system of laws and an independent judiciary, to which all the local authorities and local ministerial officers are wholly subservient, among whom are those invested with the power to select and summon all jurors, grand as well as petit, for the administration of territorial laws in the district courts. Hence, the administration of justice has fallen into utter disorder and confusion.

Persons accused of crimes and committed to custody by the district courts or judges are discharged on habeas corpus by the probate judges. The probate courts, assuming as law that all acts pertaining to jurisdiction upon them, not approved by Congress are approved by Congress, are exercising all over the Territory unlimited jurisdiction, original and appellate, criminal as well as civil, in chancery as well as at law, which these various acts assume to confer. In them equity is blended with general law, and in one and the same grand jury are impeached, indictments found and tried for every grade of crime. In some cases prisoners under accusation or trial upon such indictments, have been discharged or held to answer, as the showing required, before district courts by district judges on habeas corpus. And in all this confusion, though often decided, no question is determined, but everything is moving on in the full tide of disorder, toward a violent collision which may, or may not, Congress fails to interpose by appropriate legislation.

As regards the fifth proposition, the various acts granting by legislative favorites "exclusive control" of streams of water, upon which large settlements depend for irrigation and other uses, and of timber, and the canyons by which access to timber is had, are too numerous to be specified here; but in addition to all these special grants, there is a general provision for the exclusive control of all other timber, water, power, and streams in the Territory, provided in the seventh section of an act creating the office of selection and county courts and defining their powers and duties. This act, 200, sections seven, eight, and nine, which grants to the county courts the control of all timber, water, privileges, or any water course, or creek, log raft mill sites, and other such powers as in their judgment shall best preserve the timber, and subserve the interests of the settlements in the distribution of water for irrigation, of other purposes. Grants or rights held under legislative authority shall not be interfered with. Thus the special grants which include the most important streams and most accessible timber are made absolute and free from all interference, and all the rest is committed to the discretion of the county courts. If any one should be surprised at the extent of the usurpation, and doubt the power to enforce it, with all the machinery and best efforts of the territorial government as a unit, let him consult the actual events in Utah.

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