## PROCEEDINGS EXTRAORDINARY.

There has been much said, first and last, about the powers and jurisdiction of courts in this Territory; and the fees allowed by the fill the vacancy." statutes now in force, have been considered by many, as being too low, and insufficient to remunerate the officers required by law to perform special duties for services thus rendered. The jurisdiction of the District, Probate and justices courts, were, according to the organic act, to be as limited by law, and the laws of the Territory also limit and define the powers and duties of County courts, so called, which are composed of the Probate Judges, of the respective counties in connection with the Select Men, acting as county commissioners, having no judicial powers. The duties required of County courts, or the members thereof, are very specifically pointed out and defined, and it has generally been supposed, that the statutes were so plain and unambiguous, as to the powers and duties of those courts, the greatest novice in legal and business matters, would not be liable to misunderstand them, and go beyond the limits of the jurisdiction thus defined, in matters presented for their consideration as members of said courts.

How far the County courts have kept within the limits of their jurisdiction in the discharge of their dities, we do not know, beyond what has come under our immediate notice. That there has been acts performed by some of these courts, which were unauthorized by law, we have never doubted; but never dreamed that any Probate Judge in this Territory, in connection with the Select Men of his county sitting, as a County court, would ever presume to exercise legislative or judicial powers, and in those assumed capacities, enact laws, establish fee-bills, issue executions for fees charged for favors extended, or grants made; recall such executions and re-tax the fees; create offices unknown to the laws, and prescribe their duties, as was done by the County court of Carson, at the late December session, 1860, as is made to appear from the published report of the proceedings of said court.

The liberty is taken of making a few extracts, from which, the members of the Legislative Assembly now in session in this city, may make some valuable deductions, although, if acts should be passed by the Legislatiure, of the nature of some of the orders made by the County court of Carson, they would not be very likely to receive the approval of the Chief Executive of the Territory.

"Ordered, that the former order of the court allowing the several officers to charge fees be and the same is hereby repealed. And the said county officials be and they are hereby authorized and empowered to charge in their several capacity, the same fees as are now allowed by the statutes of California to similar officers in El Dorado county in that State.

Ordered, that all executions ordered by the County Clerk of this county, against parties who are owing him for fees assessed for grants made, be hereby recalled, and that the fees charged be re-taxed at the rate now charged by the Clerk of El Dorado county, California."

"Ordered, that A. Klauber of Genoa, Parker H. Pierce of Carson city and John Gloyd of Galena city, be and are hereby appointed Road Commissioners, and that S. H. Marlette County Surveyor be ex-officio a member of the board. That the said Commissioners enter into a bond in the sum of \$500 for the faithful performance of their duties, to be approved by the County Clerk."

There were some twenty or thirty grants and charters made for water priviliges, timber, lands, toll roads and bridges, etc., principally the latter, of which, the following are samples:

"Petition of George W. Bowers and Francis P. Briggs for charter of toll road and bridge by Mr. McKean, Territorial Road Com- Kanyon road. across the slough immediately south of Carson city, granted."

"Petition of L. W. Taylor et al., for char-Ophir Road, granted,"

"Petition of Forman & McRea for charter of toll road from Carson to Virginia, through American Flat, granted."

"Petition of McCrea for wagon road from Carson city, by American Flat, to Virginia city, was taken up and after due consideration the court granted the prayer of the petitioners."

"Petition of John D. Sherwood et al., for eight quarter sections of tule land, on Washoe Lake, was granted."

Among the appropriations made were the following:

"Ordered, that the account of J. L. Blackborn, deputy U. S. Marshal, for fees (\$1,791) be and hereby is allowed, and that the clerk still in session and progressing slowly with the county be and he his hereby authorized the business before it. Such is the nature of changing the rate of Territorial tax which excellent, and good use has been made of it, and directed to issue the scrip of the county for the same."

"Account of G. McNeir, County Clerk, for expenses and services in ordering annual gen- to dispose of them in a hurried manner.

eral election and canvassing vote, for \$250, allowed."

"The resignation of Sam'l Magee as Justice of the Peace for 6th precinct was accepted." "Ordered, that W. Smith be appointed to

Ordered, that the following rates of toll be established as the charges on the following disposed of for the time being by referring it ation. road:

For Peter Rice's road at Gold Hill, shall be one half the charges allowed at the Devil's

"Ordered, that hereafter in all charters given by this court for toll roads, that, unless otherwise provided, the rates of tolls shall be as follows, to wit:

Wagon drawn by 6 or 8 animals. . . . \$2 00 Carriage or buggy, Horseman Pack Animals, each

If County courts can establish fee-bills and exercise such powers as are assumed in Carson county, there ought to be no further complaints about provisions for holding District courts in the Territory, as what the Legislature fails to do, can be done in a hurry by the County courts, if an emergency shall arise; but, it occurs to us, that if such extraordinary fees should be generally allowed, as were to Deputy Marshal Blackburn, and especially to the County Clerk, for services in holding one election, it would not be long before most of the counties in the Territory would become bankrupt.

In Great Salt Lake county—the most wealthy and populous in the Territory-the total expenses of holding a general or special election, including the fees of judges and clerks of election, the fees of the County clerk, the expenses of returning po'l books and ballot boxes, and the expenses of canvassing, amount to less than fifty dollars. The fees allowed by the California fee-bill, would probably increase the sum four fold. In this county, the clerk is not permitted to charge fees for any grants made by the County court, other than is allowed by law for making out a certified copy of the order, when required thereto, by the grantee; and if any County court, in this part of the Territory, should presume to exercise Legislative and Judicial powers like those assumed by Judge Childs and his associates, as appears from the foregoing extracts, the Probate Judge and Select Men, would soon have leave to retire from office.

The doings of the County court of Carson, according to the reports from which the foregoing extracts are made, were certainly very extraordinary, and most of them would be considered very illegal in Eastern Utah; but in the Western part of the Territory, where under the act of May 1st, 1857, of California, the laws of California have professedly been adopted by many, they may be all lawful and right, and in keeping with the spirit of the times; and we do not wish to be understood as objecting to them in the least. So long as the people there are satisfied with such proceedings, and pay the expense consequent thereon, they should be permitted to enjoy them to their heart's content, unless interference be made with the Constitution and legal rights of

The Legislative Assembly has acted liberally towards the people of Carson, thus far this winter, and it is hoped they will continue to do so till the end of the session; but we do not realy see the necessity for legislative action where such extensive facilities exist for making laws and carrying them into execution, as are to be found in the Western part of the Territory.

THE JORDAN BRIDGE. - Yesterday afternoon, in compliance with an invitation given court of Utah county, in relation to Provo missioner, Presidents Young and Kimball; the members and officers of the Legislative Aster of toll road, from Silver city to intersect sembly; the officers of the city and county, ing, and with amendments, passed. A bill with several other gentlemen, visited the new bridge erected across the Jordan at the foot of North Temple street, which, being so far completed as to be opened to the traveling public, jail of Carson a branch of the Penitentiary. an order from the proper authority, and then was crossed, for the first time, by the entire party in their carriages on that occasion.

> The bridge is a noble structure, built upon the lattice principle, and reflects much credit upon the architect and builder, Mr. Henry and bail; Council bill, providing for appeals baugh proclamations ever issued. Grow, as well as upon the Commissioner, and to the Supreme court. The bill authorizing upon the contractor, President Young. Its cost has been about \$10,000.

SUPREME COURT .- The Supreme Court is some, if not of all the cases on the docket, as was referred to the committee on revenue. we are informed, it is, and will be, impossible

## Legislative Doings.

On Wednesday the 9th, in the Council, the consideration of the bill in relation to the revision and compilation of the laws of the Territory, occupied most of the day and was to the Judiciary committee for further amendments. Mr. Carrington, from the committee, Reply of a Carsonian to General Stamreported adversely to the concurrence of the Council, with the House bill, in relation to forms of actions, and presented a bill for an act in relation to abatement in civil cases.

In the House, Mr. Smith reported a bill on forming the boundaries of Cache county; Mr. Bigler presented a bill for an act to amend the charter of Great salt Lake City; ere long, with a studied reply from the Gen-121 Mr. Benson presented a bill changing the time of holding elections in Spanish Fork City, and Mr. Wandell, a bill for an act making lead and copper a legal tender for taxes.

The bill, defining further, the duties of the officers of the Penitentiary, passed its third and meridian lines, and by order of the dereading, and some progress was made with other bills under consideration. Mr. Clawson chairman of the committee on claims, replication. Should he, however, deem the reported adversely to the petition of the citizens of Beaver county in relation to the payment of taxes in said county; and that that he has taken a nonsuit. legislation was unnecessary in relation to the in Salt Creek Kanyon.

There was an unusual amount of business transacted by both branches of the Legislative Assembly on Thursday last, the members interested in the possessory right to the lands evidently considering that the session would soon terminate, and that they would have to be more industrious as it was drawing to a close; otherwise many things necessary to be done for the good of their constituents would be left in an unfinished state at the end of the forty days. The following bills passed their third reading in the Council; for the compila- impression that we are all emigrants, and that tion and revison of the laws; in relation to the Supreme court; amending the charter of Great Salt Lake city; in relation to abatement in surveys made heretofore, are illegal, and that civil actions, and repealing the resolution offering a reward for the discovery of a coal bed. The bills to incorporate the Carson Quartz Mill Company; the bill authorizing the Secretary to collect fees in certain cases; the bill in relation to actions on official lands, will come to him and he will open the door of were each lost on their third reading. The salvation to them, through his surveys. Can committee on incorporations reported unfa- he, upon my application, survey the individual vorably to granting the petition of the citizens of Logan, for an act of incorporation, and lines, and if so where is his authority? Can several other bills, petitions and memorials, he individualize? He gives us to understand were under consideration.

In the House, the bill providing for the prevention of crime, passed its third reading, and progress was made with some dozen other bills, which were in the legislative mill. Mr. McGaw presented a bill to repeal certain ordinances therein named, and several petitions were presented and referred.

On Friday the 11tn, the Ogden city charter was under consideration in the Council.

In the House, Mr. James presented a bill Mr. West, a bill for an act in relation to attachments and garnishees; and Mr. James, a bill for an act providing for the times and places for holding District courts.

The bill concerning Notaries public in Carson, and the bill amending the charter of Parowan and Cedar cities, passed their third reading, and some dozen other bills were under consideration; and several reports were made, the most important of which was by Mr. Rockwood, from the select committee, ap- title to the country. If she has not, it appointed to inquire into the report of the County

On Saturday, the 12th, the Ogden city charter bill was under consideration on its third readpassed by the House, concerning Notaries is a robber, and has no more right to steal, Public in Carson, was passed with amend than we, as individuals have. ments; also the House bill, constituting the The following bills were also passed; House under the general law, and when land offices bill legalizing certain surveys in Carson; are established, we can enter our lands, sub-House bill, repealing certain ordinances therein named; House bill in relation to commitments our improved rights, in spite of all the Stamthe Secretary to receive fees in certain cases, was also recommended on report of committee of conference, and passed,

defining the boundaries of counties. The fol- amusement-sleigh-riding

lowing bills were passed, constituting the jail of Carson a branch of the penitentiary; incorporationg Virginia city; legalizing certain surveys in Carson; repealing certain ordinances, and the bill in relation to commitment Other bills were under considerand bail.

baugh's Proclamation, Concerning Surveys in this Territory.

The following, clipped from the Silver Age, published at Carson city, is somewhat severe on Surveyor General Stambaugh, and as the writer wishes to take issue with him on the points in question, the public may be favored eral; and if there is any law in existence, authorizing United States surveyors to survey any portion of the public domain, in any other way, shape or form, than in townships and sections, numbered from some designated base partment, after the Indian title has been extinguished, he will of course refer to it in his matter unworthy of any further consideration, his opponent will of course conclude

MR. EDITOR:-I perceive in your first numclaims of Z. Baxter and others, for work done ber, a proclamation issued by one S. C. Stambaugh, probably the U.S. Surveyor General, relative to the survey and settlement of public lands in this Territory, with which I, as an individual, wish to take issue, being somewhat claimed by said Stambaugh as government lands. That we have been egregeously humbugged by parties representing themselves as authorized to make surveys, there is no doubt, and that there is now an effort being made by Stambaugh to carry the joke still farther, by a system of systematic gouging, under color of government law, his proclamation fully shows. The gent eman certainly is under the we wil suffer every species of wrong, like a "sheep to the slaughter" without opening our mouths. Mr. Stambaugh informs us that all he is the only party authorized to make sur-

> In answer to this, we will ask the gentleman whether, after he has made a survey, he can give us a deed or more perfect possession than we now enjoy. Second, he says, all persons wishing to make settlement on public lands, right I claim, without making a general survey by means of a base town, and section that he can.

If he has been authorized by the general government, to make a survey of the lands in this Territory, why does he not get at it, and make such survey, under the principles of the general law? When he does so, we will pay the government \$1,25 per acre, which is her due, as has been her policy for the last thirty years. We also judge by his quotation of the obsolete law, of 1807, that for the sake of a few pennies, he is determined to forget his high dutles, and turn informer to the government, upon those who have made the "wilderness blossom as a rose," and forsooth have for an act changing the county seat of Carson; them fined one hundred dollars, and imprisoned six months. We understand it not to be so particularly the duty of the Surveyor General to make these petty complaints, of infringement of government rights, as that of some other officers, and we think his proclamation is based, not upon a sincere desire to protect the government, as to put a few dollars in his own pocket.

There is another point in the matter, where we think Mr. S. oversteps the bounds of his immense power, and that is, in claiming any of these lands as government property. Has the general government extinguished the Indian pears to us that the Indian agent, acting for the government, is the proper individual to interfere in this matter. If the government has no lands here, the Surveyor General is a humbug, and endeavoring to usurp power that he has not gotten. If government authorised Stambaugh to survey lands, the Indian title to which, she has never extinguished, then she

We reitterate that Stambaugh cannot survey one foot of land, except he does it under ject to the pre-emption laws of the general government, and until that time, we will hold

A. B. C. GALENA, Carson county, Nov. 28th, 1860.

SLEIGHING. - The warm weather during the fore part of last week nearly ruined the sleighing in and about the city, but since the Mr. Carrington presented a bill for an act snow storm on Sunday morning, it has been by those having snow vehicles, especially by those who have had time to spend in the in-In the House, Mr. Smith presented a bill dulgence of that very pleasant and agreeable