

**DAMAGE BY STREET GRADING.**

An Act to provide for recovery of damages for injuries to real estate caused by grading streets, alleys and public grounds in cities.

Be it enacted by the Legislature of the State of Utah:

**SECTION 1.** Whenever by the grading of any street, alley or other public ground in a city, pursuant to the action of the city authorities in changing the established grade of such street, alley or public ground, after valuable improvements have been made upon real property abutting thereon, such real property is injured or diminished in value, the owner of such real property or improvements may recover from such city the amount of such damages or diminution in value in a civil action brought for that purpose.

**Sec. 2.** This act shall be held to cover and apply to all cases wherein a change of established grades of streets, alleys or public grounds may have been heretofore determined upon, but has not been carried into actual effect.

**Sec. 3.** This act shall take effect upon its approval.

Approved March 7th, 1896.

**CLAIMS AGAINST THE STATE, STATE SUPPLIES, ETC. AND STATE EXAMINERS.**

An act to carry into effect section 13 of article 7 of the Constitution, and providing for the organization of the State board of examiners, and prescribing its duties and powers.

Be it enacted by the Legislature of the State of Utah:

**SECTION 1.** The Governor, the secretary of State and the attorney general, constitute a board of examiners, with power to examine all claims against the State, except salaries or compensation of officers, fixed by law, and they shall perform such other duties as may be prescribed by law. No claim against the State, except salaries and compensation of officers fixed by law, shall be passed upon by the Legislature without having been considered and acted upon by said board of examiners.

**Sec. 2.** The meetings of said board shall be held at the seat of government, or at such other place in the State as the said board may determine, on the third Monday in each month, and at such other times as the president may call it together; and the Governor is the president, and the secretary of state is the secretary of said board, and in the absence of either, an officer pro tempore may be elected from their number.

**Sec. 3.** The board must keep a record of all its proceedings, and any member may cause his dissent to the action of a majority, upon any matter to be entered upon such record. And an abstract of all claims must be entered upon the minutes of the board before the same are acted upon.

**Sec. 4.** The board may, in writing, establish rules and regulations not inconsistent with law, for its government.

**Sec. 5.** The president may issue subpoenas and compel the attendance of witnesses before the board, or any member thereof, in the same manner that any court may; and whenever the testimony of any witness against a demand pending before it, is material, the president must cause the attendance of the witness before the board,

or a member thereof, to testify concerning the demand, and the board may make a reasonable allowance therefor, not exceeding the fees of witnesses in civil cases, which must be paid out of the appropriation for the contingent expenses of the board, but in no instance can an allowance be made in favor of a witness who appeared in behalf of the claimant.

**Sec. 6.** Each member of the board may take depositions to be used before it.

**Sec. 7.** Any person having a claim against the State for which an appropriation has been made, may present the same to the board, in the form of an account or petition, and the secretary of the board must date, number and file such claim, and the board must allow or reject the same in the order of its presentation. The board may, for cause, postpone action upon a claim, for not exceeding one month.

**Sec. 8.** If the board approve such claim, they must endorse thereon over their signatures, "Approved for the sum of \_\_\_\_\_ dollars," and transmit the same to the office of the State auditor; and the auditor must draw his warrant for the amount so approved in favor of the claimant, or his assigns, in the order in which the same was approved.

**Sec. 9.** If the board disapprove such claim, it must cause the same to be filed with the records of the board, with a statement showing such disapproval and the reasons therefor.

**Sec. 10.** If no appropriation has been made for the payment of any claim presented to the board, the settlement of which is provided for by law, or if an appropriation made has been exhausted, the board must audit the same, and if they approve it, must transmit it to the Legislature with a statement of their approval.

**Sec. 11.** Any person having a claim against the State, the settlement of which is not otherwise provided for by law, must present the same to the board of examiners, accompanied by a statement showing the facts constituting the claim, verified in the same manner as complaints in civil actions.

**Sec. 12.** On the first Monday in November preceding the meeting of each Legislature, the board must hold a session for the purpose of examining the class of claims referred to in the preceding section and may adjourn from time to time until their work is completed. They must cause a list and brief abstract of all claims filed with them up to date, to be made and published in some newspaper at the seat of government, for such time as they may prescribe. The list must be accompanied by a general notice of the order in which and of the time when the board will proceed to examine the claims.

**Sec. 13.** The board must, at the time designated, proceed to examine and adjust all such claims. They may hear evidence in support of or against them, and report to the Legislature such facts and recommendations concerning them as they may think proper. In making their recommendations, they may state and use any official or personal knowledge which any member of the board may have touching such claims.

**Sec. 14.** The board must make up

their report and recommendations at least thirty days before the meeting of the Legislature. A brief abstract of their report, showing the claims rejected, and those, and the amounts thereof, allowed, must be published in a newspaper published at the seat of government, for such time as the board may prescribe, before the meeting of the Legislature.

**Sec. 15.** No member of the board shall act upon any claim in which he is interested, or for expenditures incurred in his office, nor shall he be present when the decision thereon is made.

**Sec. 16.** The board shall not entertain for a third time, a demand against the State once rejected by it, or the Legislature, unless such facts or reasons are presented to the board as in suits, between individuals, would furnish sufficient grounds for granting a new trial.

**Sec. 17.** Any person interested, who is aggrieved by the disapproval of a claim by the board, may appeal from the decision to the Legislature, by filing with the board a notice thereof, and upon the receipt of such notice, the board must transmit the demand and all the papers accompanying the same, with a statement of the evidence taken before it, to the Legislature.

**Sec. 18.** The state auditor shall not draw his warrant for any claim, unless it has been approved by the board, except for salaries or compensation of officers fixed by law, or for moneys expressly appropriated by statute.

**Sec. 19.** Whenever the board has reason to believe that the state auditor has drawn or is about to draw, his warrants without authority of law, or for a larger amount than the State owes, the board must notify the state treasurer not to pay the warrants so drawn or to be drawn; and thereupon the treasurer is prohibited from paying the warrant, whether actually drawn or not, until he is otherwise directed by the Legislature or the board.

**Sec. 20.** As often as it may deem proper, the board must examine the books of the State auditor and State treasurer, the accounts and vouchers in their office, and count the money in the treasury, and for that purpose they may demand, and the State auditor and State treasurer must furnish without delay, all information touching the books, papers, vouchers, or matters pertaining to their offices.

**Sec. 21.** The board must, at least twice in one year, make and file in the office of the secretary of State, and publish in some newspaper at the seat of government, a statement, showing the amount of money in the treasury.

**Sec. 22.** The State auditor and State treasurer, must permit the board of examiners to examine the books and papers in their respective offices, and the treasurer must permit the money in the treasury, without delay on any pretense whatever, to be counted, whenever the board wishes to make an examination or count.

**Sec. 23.** The board of examiners is also a board of supplies and furnishing board.

**Sec. 24.** It is the duty of such board:

1. To contract for the furnishing of all stationery, printing, binding, paper, fuel, lights, and other necessary supplies to be used by the Legislature and all other departments of the govern-