

WESTERN NOTES.

The water in the Yamhill river, Oregon, according to the statement of a musical editor, who lives on its classic banks, is "up to concert pitch."

Amatilla county, Oregon, boasts that she has no rascal in her county jail. A greater reason to boast would be that she has none out of it.

The *Sentinel* says the times are rather dull at Union, Oregon, and money tight. The citizens amuse themselves by sitting around the stove of evenings and talking of the money they used to make.

Over in Oakland, Cal., some youngsters, having probably read of the days of '49," organized themselves into a Vigilance Committee and hung a cat. The *Oakland Herald* calls upon the S. P. C. A. to look into it.

The receipts of the California Theatre during the Boucicault engagement exceeded by one dollar those of the Sothern engagement, which were considered as high as ever could be reached with the present sitting and standing capacity of the theatre.—*S. F. Chronicle*.

A remarkable rose bush adorns the cottage of S. A. Rendall, the photographer of Santa Rosa, California. It was planted in 1858, and is one of the Lamarque variety, the most beautiful of the white roses. Imagine an immense bouquet of white roses, twenty-five feet high, twenty-two feet across, beautifully rounded, with a blossoming surface of four hundred square feet, with four thousand full-blown roses and twenty thousand buds.

During the progress of a trial in Judge May's court, Jan. 31, in San Jose, one of the female witnesses was asked this question by one of the attorneys, "Did the defendant call his wife 'my dear' when he met her?" This took the witness by surprise, but she answered him in a manner that showed she was honest and sincere in her belief. "Did he call her 'my dear'?" Of course not. How could he when she is his wife?" The lawyer was compelled to give it up.

Almost daily we hear of destitute people applying for relief to the San Francisco Benevolent Society, and receiving the uniform reply that "the Society can do nothing for them; that 'the Society has this year had more cases of destitution to relieve than in any previous year,' etc. The sad monotony of such answers as this to appeals for bread has grown wearisome. Cannot somebody give us just one or two well-authenticated instances in which this Benevolent Society has actually relieved sufferers.—*S. F. Chronicle*.

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MINUTES OF THE LEGISLATIVE ASSEMBLY

OF THE
TERRITORY OF UTAH.
TWENTY-FIRST SESSION, 1874.

COUNCIL. TWENTY-NINTH DAY.

COUNCIL CHAMBER,
SALT LAKE CITY,
Feb. 9, 1874.

(C. F. No. 26), "An Act to attach the County of Piute to the Second Judicial District for Judicial Purposes," with House amendment "So far as" in the 2d line of 4th Section was accepted.

The House (C. F. No. 17) with title amended to read as follows: "An Act further defining the duties of Sheriffs and amending an Act in relation to Marshals and Attorneys," approved March 3, 1852, was laid on the table.

Councilor Young presented petition of W. A. Segmiller and 105 others, praying for a city charter for Richfield, Sevier County and was referred to the Committee on Municipal Incorporations and Town sites.

Councilor Gates presented petition of E. Gordon Woolley, praying for an appropriation of seven twenty-five one hundredth dollars, deficiency in his collections as ex-Assessor and Collector of Washington County. Referred to the Committee on Claims and Appropriations.

Councilor Callister presented a petition of Daniel Thompson and

155 others, praying for the Incorporation of the City of Scipio, in Millard County. Read referred to the Committee on Municipal Corporations and Townsites.

The Council adjourned.

HOUSE.

REPRESENTATIVES' HALL,
February 9th, 1874.

House met pursuant to adjournment.

Mr. Partridge presented a bill for "An Act, Amending of, and Supplementary to, the Charter of Fillmore City," which was referred to the Committee on Municipal Corporations.

Mr. Thurber presented a bill for "An Act amending An Act Regulating Elections," which was read and referred to the Committee on Elections, with instructions to report at the beginning of to-morrow's session.

Mr. Taylor, Chairman of Committee on Education, to whom was referred the petition of B. J. Raybould, and 252 others, for the passage of a School Law, a copy of such law being presented for action thereon, reported having examined said bill, and find it impracticable for the present position of this Territory, and further reported unfavorable to its passage, and asked to be discharged from any further duties thereon. Report adopted.

Mr. W. R. Smith presented a petition of John Stoker, and 149 others, for protection against fire from the smoke stacks of locomotives, which was read and referred to the Committee on Railroads.

Mr. Hatch, Chairman of Committee on Irrigation and Canals, to whom was referred the reports of the Wilson and West Weber Irrigation companies, moved that the same be printed and distributed with other reports from counties and societies. Seconded and carried.

(H. F. 28.) A bill for "An act amending 'An act to provide for a mechanics' and laborers' lien,'" approved Feb. 18th, 1869, and the enacting clause was stricken out.

The motion of Mr. W. R. Smith, asking that the boundary line between Weber and Morgan counties be more clearly established, and that the expenses thereof be paid by the counties asking the more defined location of county boundary lines, was read and the subject matter thereof was referred to the Committee on Counties.

House adjourned till 2 p.m. to-morrow.

COUNCIL.

THIRTIETH DAY.

COUNCIL CHAMBER,
SALT LAKE CITY,
Feb. 10th, 1874.

Council met pursuant to adjournment.

Councilor Smoot, Chairman of the Committee on Municipal Corporations, presented the following report:

Hon. Lorenzo Snow, President, and Members of the Legislative Council:

Gentlemen—Your Committee, to whom was referred H. F. No. 20, "An Act amendatory of and supplementary to the charter of Beaver City," with instructions, have considered the same and report the bill back with amendments, in accordance with the instructions and recommend the passage of said bill as amended.

A. O. SMOOT,

Chairman of the Committee on Municipal Corporations and Townsites.

Council Chamber, Feb. 9, 1874.

The report was accepted and the bill amended and passed.

Joint resolution in relation to bridges across Bear River and Malad referred to the Committee on Roads, Bridges, Ferries and Kanyons.

The following communications from his Excellency the Governor were received and read:

UTAH TERRITORY,
EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
February 9th, 1874.

Gentlemen of the Legislative Council:

I herewith return a bill entitled "An act defining the qualifications of, and the mode of electing and summoning grand and petit jurors for district courts," without my approval.

There are several objections to

the bill, any one of which would be fatal.

It is substantially the same as the jury law now in force, the only material difference being in substituting the sheriffs for the territorial marshal as the summoning officers for the courts.

Section 6 provides, "That when a court is to be held for a district, the judge thereof may, at his discretion, apportion the jurors, both grand and petit, to two or more of the counties of his district."

Section 9 provides that when the drawing of the panel is so perfected, and the Clerk of the District Court has issued his venires it shall be the duty of the sheriff of the county where the District Court is to be held, to summon the persons named; thus extending the jurisdiction of a sheriff of a county throughout an entire judicial district, making such officer, to all intents and purposes, a district officer.

If sittings of the District Courts could be holden in each of the counties of their several districts, the attempted change abolishing the office of Territorial Marshal and imposing the duties of that officer upon the sheriffs of the counties would not be objectionable, providing the Organic Act did not intervene to prevent it. But if a sheriff of a county is to do district duty, of what advantage is it over the system now in force? None whatever.

The only difference is that it takes the appointing power away from the Governor, and gives it to the people. Under the law of Congress regulating the District Courts, no officer can serve process, unless a District or a Territorial officer, and such offices can only be filled by the nomination of the Governor and confirmation by the Legislative Council, as provided in the 7th section of the Organic Act.

Again:—The 13th section of the bill in question provides "That a District Court is hereby empowered to sit at the county seat of any county within its district, to try cases arising in such county, whenever the County Court of said County shall make provision to defray the expenses of said court."

Has the Legislature the right to confer that power upon the County Courts? Let us examine.

Congress, by an act, approved July 21, 1868, conferred the right upon the Governor to fix the times and places, of holding the District Courts in this Territory, and expressly prohibited the holding of more than two terms in any one District in any one year.

That the 13th Section of the bill in question comes directly in conflict with this law of Congress is too plain to require argument. Congress gave to the Governor the power to fix the times and places of holding the District Courts; the 13th Section of the Bill gives it to the County Courts; Congress provides that there shall not be more than two terms in any one District in any one year; the 13th Section of this Bill provides for as many terms as there are counties in the District.

Again:—This bill contemplates that the Jurors, Grand and Petit, drawn by the County Courts, shall be the Jurors for all purposes, as well in matters arising under the laws of the United States, as in matters arising under the laws of the Territory. I do not hesitate to say that, in my judgment the Legislature has no right to provide for Jurors for the trial of causes arising under the laws of the United States. The United States Marshal alone can summon Jurors for that purpose. There are other objections to the bill, but the ones referred to are deemed sufficient.

GEO. L. WOODS,
Governor of Utah.

UTAH TERRITORY,
EXECUTIVE DEPARTMENT,
SALT LAKE CITY,
February 10, 1874.
Gentlemen of the Legislative Council.

A bill in relation to District Attorneys is herewith returned without my approval.

The Organic Act is the immediate source of all legislative authority, and as the object sought by this bill does not come within the purview of that act of Congress, I cannot consent that it shall become a law.

The seventh section of the Organic Act provides:

"That all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as may be provided by the Governor and Legisla-

tive Assembly of the Territory of Utah."

"The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for."

There are three classes of officers, and three methods of filling the same referred to in the Organic Act—

1. "Those to be appointed by the President of the United States—the Governor, Secretary, Judges of the Supreme Court, Marshal, Attorney, and the like.

2. "Those to be elected in such manner as may be provided by the Governor and Legislative Assembly of the Territory of Utah"—that is to say, Township officers, such as justices of the peace and constables; district officers, such as school directors and road supervisors; and county officers, such as selectmen, sheriffs, assessors, and the like.

3. "Those to be nominated by the Governor and confirmed by the Legislative Council"—including all officers above the grade of county officers, such as Attorney General, Territorial Marshal, Treasurer, Auditor of Public Accounts, Librarian, and the like. District attorneys belong to the latter class.

No district Attorney can be legally elected or appointed except by the nomination of the Governor and confirmation of the Legislative Council. Inasmuch as this bill provides for the election of such officers, first by the joint vote of the two Houses of the Legislative Assembly, and afterwards by the people, methods not contemplated by the Organic Act, I am compelled to withhold my approval.

GEO. L. WOODS,
Governor of Utah.

Councilor Hooper presented C. F. No. 29, "An Act to amend an act entitled 'An act providing for the incorporation of railroad companies, and the management of the affairs thereof,' approved February 19th, 1869," which was referred to the Committee on Railroads.

Councilor Hooper presented C. F. 30, "An Act to provide for a General Lien for Common Carriers, and for the sale of property not delivered." Referred to the Committee on Railroads.

On motion of Councilor Smith the Council adjourned.

HOUSE.

REPRESENTATIVES' HALL,
February 10, 1874.

House met pursuant to adjournment.

Mr. Thurber presented a petition from the Committee of Utah County Branch of the Deseret Agricultural and Manufacturing Society, which was read and referred to the Committee on Agriculture, Trade and Manufacture.

Mr. Mann, Chairman of Committee on Elections, to whom was referred "A Bill for an Act Regulating Elections," respectfully reported that they had examined the same, and would recommend its passage.

Mr. Rowberry, Chairman of Committee on Roads, &c., to whom was referred the motion of Mr. Wright, respecting the Bridges across Bear River and Malad, had examined the matter and find that the term of charter has expired, and reported the accompanying resolution and recommend its passage.

Said Joint Resolution in relation to the Bridge over Bear River and Malad was read and adopted.

Mr. Rockwood presented a bill of Z. Snow, Attorney General, for services rendered, which was referred to the Committee on Claims.

Mr. Murdock presented a bill for "An Act to Regulate the Manufacture, Sale, or other disposal of Intoxicating Liquors," which was read and referred to the Committee on Agriculture, Trade and Manufacture, and sixty copies ordered printed.

Mr. Cluff presented a bill for "An Act to encourage the construction of railways," which was read and referred to the Committee on Revenue.

Mr. Hatch presented a bill for "An Act appropriating money for school purposes," which was read, and referred to the Committee on Education, and sixty copies ordered printed.

Mr. Thurber moved that the bill for "An Act providing for registration of voters and to regulate the manner of conducting elections in this Territory," which was made the special order of to-day, lie on

the table till called for; seconded and carried.

Mr. Mann, Chairman of the committee to whom was referred the bill for "An Act amending 'An Act regulating elections,'" reported the same back and the bill was laid on the table till it was printed.

A communication was received from Attorney General Z. Snow, in response to a vote of the House on the 4th inst., giving his opinion on the jurisdiction of the Probate Courts and other matters pertaining to legal jurisdiction and alleged malfeasance of certain officers charged by His Excellency the Governor in his message on the 4th inst., which was read and 500 copies of the same were ordered printed in pamphlet form.

A message was received and read from the Governor, announcing the approval of "An Act appropriating certain moneys to B. A. M. Froiseth to aid in publishing a new and revised map of Utah Territory," and placed the same on file in the office of the Secretary of the Territory.

Mr. Wright, Chairman of Committee on Private Incorporations, to whom was referred (H. F. 22) "An Act to incorporate Wasatch College," reported the same back without amendments, and recommended its passage.

Said bill (H. F. 22), "An Act to incorporate Wasatch College," was taken up on its second reading, and ordered to lie on the table indefinitely.

House adjourned till 2 p.m. to-morrow.

THIRTY-FIRST DAY.

COUNCIL CHAMBER,
SALT LAKE CITY,
February 11th, 1874.

Council met pursuant to adjournment.

Councilor Woodruff, Chairman of Committee on Claims and Appropriations, presented the following report:

Hon. Lorenzo Snow, and the Members of the Legislative Council.

GENTLEMEN:—Your Committee, to whom were referred the petition of Joseph F. Nounnan, Clerk of the District Court for the Third Judicial District, asking for an appropriation to provide a safe place in which to keep the Records of said Court, and accompanying said petition the resolution of your Honorable Body that the sum of \$2,500 be incorporated in the General Appropriation Bill for the purpose as set forth in said petition; and the petition of E. Gordon Woolley, Assessor and Collector of Washington County, for the year 1871, asking for the appropriation of the sum of \$7.25; and the Resolution of your Honorable Body, that your Committee should consider the propriety of appropriating the sum of \$2,500 for the purpose of improving the road from Utah County to Sanpete County, via Spanish Fork Canyon and Thistle Valley, have considered them and report as follows:

On the petition of J. F. Nounnan, we recommend that the sum of \$3,000 be appropriated, or so much thereof as may be necessary, and expended by the Auditor of Public Accounts, in the purchase of Four Safes, one each for the First and Second Judicial Districts, and Two for the Third.

On the petition of E. Gordon Woolley, that the sum of \$7.25 be appropriated.

In the matter of the road from Utah County to Sanpete County, via Spanish Fork Canyon, and Thistle Valley, we report adversely.

We recommend that the sums above mentioned \$3,000 and \$7.25, be incorporated in the Territorial Appropriation Bill.

W. WOODRUFF,
Chairman of Committee on Claims and Appropriations.
Feb. 10th, 1874.

On motion of Councilor Stayner, the report was accepted, and the Committee on Claims and Appropriations instructed accordingly.

Councilor Smoot, Chairman of the Committee on Municipal Corporations and Town sites, to whom was referred (C. F. 28), "A bill for an act amendatory of and supplementary to the charter of Parowan city," reported the same back amended, and recommended its passage as amended. Accepted and the bill laid on the table.

Councilor Woodruff, Chairman of the Committee on Claims and Appropriations, presented the following report, which was read: