

than on roads with a large local traffic and light grades. That this defendant's road is only a part of one line between said Missouri River common points and Salt Lake City, and there are other competing lines from the same points, and all the business is done under competition and the rates are as low as they can be reasonably made and be compensatory.

That in the Utah valley, in a northerly and southerly direction, there are various towns and cities, each shipping directly from the east and west, and Ogden about thirty-seven miles north of Salt Lake City, and Provo, about forty-seven miles south of Salt Lake City are common and distributing points in said valley. That the country east and west from Salt Lake City is mountainous and has no shipping points except along the railroad of the Southern Pacific and where there is no railroad competition. That on traffic between Salt Lake City and San Francisco the line of this defendant only includes about thirty-seven miles of the distance, and is parallel to another and competing line with the westward connection, and this defendant further alleges that traffic from the Missouri river common points to San Francisco is conducted under the competition of several routes, some of which are not within the provisions of the said act to regulate commerce and the carriage is at unreasonably low rates, and not under similar circumstances and conditions with traffic to Salt Lake City.

That the city of Salt Lake, Utah, is an inland city which does not enjoy the natural advantages afforded by a sea-port town, or one situated upon an important or navigable river; that the said Salt Lake City, by reason of its natural location, does not enjoy any of the natural benefits accruing to cities situated upon the ocean, or upon important or navigable rivers within the boundaries of the United States. Defendant alleges that the said city of San Francisco, California, is situated practically upon the Pacific Ocean, and traffic destined to California can be shipped to that point from Missouri river points without passing over the line of this defendant, and can be delivered to the city of San Francisco, California, by through water connection, under circumstances and conditions entirely dissimilar from those under which rail lines are operated; that by reason of the natural location and advantages possessed by the city of San Francisco over interior points within the United States the rates on traffic from Missouri river and points thereupon to the said city of San Francisco are made by water competition and by the ability of San Francisco shippers to deal at points where there is water transportation, and said rates must be not by rail lines, otherwise the said railway lines must go out of the business and abandon participation in said Pacific coast traffic; whereas, the said city of Salt Lake is approached and reached from the Missouri river, and common points thereupon, solely by rail lines, and it therefore is not favored by nature or its natural situation by the benefits accruing to San Francisco.

And this defendant on information and belief alleges that the rates from

Missouri river common points to San Francisco in no wise affects Salt Lake City shippers, or merchants or any market for its merchants or shippers. That Salt Lake City merchants have no market between that city and San Francisco, which can be reached by San Francisco merchants, unless for a short distance on the Southern Pacific railroad westward from Ogden, and those points are thirty-seven miles nearer to Ogden than to Salt Lake City, and the merchants there also ship directly from the East to their towns, and any difference in rates from said common points to Salt Lake City and San Francisco would not equal the local rate back from San Francisco to any point at which Salt Lake City merchants have a market.

Wherefore the defendant prays that the complaint in this proceeding be dismissed.

ROBERT HARKNESS, Attorney,  
Salt Lake City, Utah.

Territory of Utah, } ss.  
Salt Lake County, }

William F. Colton being duly sworn says, that he is the cashier and assistant secretary of the Rio Grande Western Railway Company, one of the defendants in this proceeding, and that the foregoing answer is true as he verily believes. WILLIAM F. COLTON.

Subscribed and sworn to before me April 14th, 1892.

WILLIAM M. BRADLEY,  
Notary Public.

### THE WAYNE COUNTY BILL.

AN ACT creating the county of Wayne, prescribing its boundaries and appointing county officers.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Section 1. That all that portion of the Territory of Utah embraced within the following boundaries, to-wit: Commencing at a point on the summit of the range of mountains between Grass valley and Rabbit valley, where the summit of said range is crossed by the north boundary line of Piute county, and running thence in a southwesterly direction on said dividing summit to a point where the same is intersected by the line of the Salt Lake meridian; thence south on the line of said Salt Lake meridian to the south boundary line of Piute county; thence east, along said south boundary line, to the center of the main channel of the Colorado river; thence in a northerly direction, up the center of the main channel of the Colorado river and the Green river, to parallel 38 degrees 30 minutes north latitude; thence west, following said parallel, to the dividing line between ranges five (5) and six (6) east of Salt Lake meridian; thence north to the south line of Sevier county; thence due west to the point of beginning, is hereby made and named Wayne county, with the county seat at Loa, and said county is hereby attached to and made a part of the Second Judicial District of Utah Territory.

Sec. 2. Causes of action, criminal or civil, now pending in any court, which have arisen within the Territory described, shall be tried and determined regardless of the creation of Wayne county; and any cause of action now

accrued, or criminal offense committed, before the passage of this bill, within the territory forming Wayne county, where proceedings have not been commenced at the time of the passage of this act, shall be tried and determined in the Second Judicial district, except cases cognizable in justices' courts, which cases shall be tried in said Wayne county.

Sec. 3. For the purpose of organizing said county the following officers are hereby appointed: William Meeks, Hiett Maxfield and Henry Giles, selectmen; John T. Lazenby, county clerk; Matthew W. Mansfield, prosecuting attorney; John H. Curlew, assessor and collector; George Chappell, sheriff; Thomas A. Jeffrey, treasurer; Joseph J. Anderson, superintendent of district schools; Frederick F. Noyes, surveyor; John T. Lazenby, recorder; Charles Snow, coroner. Said officers shall take the oath of office prescribed by law and give bonds in such penal amounts as required by law. They shall hold said offices until the next general election in 1892, and until their successors are elected and qualified. They shall commence the duties of their offices immediately upon qualifying, and the selectmen shall, on or before the first Monday in May, 1892, meet and organize and appoint such officers as are necessary for the complete organization of said county, and the transaction of all business matters therein, who shall, before entering upon the duties of their office, qualify as the law directs. The county court of said county shall prescribe the boundaries of precincts and school district, and exercise all powers and perform all acts as by law provided.

Sec. 4. All taxable property within said Wayne county shall be assessed by the assessor thereof, and all property within said county that may have been assessed by the assessor of Piute county for the year 1892, shall, at the meeting of the board of equalization of said Piute county, be stricken from the assessment roll.

Sec. 5. Any indebtedness or liability of said Piute county or any surplus funds on hand belonging thereto shall be borne or divided between the counties of Wayne and Piute in proportion to the assessed value of the two counties; and the present county court of Piute county shall make such division and shall meet for that purpose not later than April 15th, 1892.

Approved March 10, 1892.

### ASSESSMENT AND COLLECTION OF TAXES.

AN Act providing for the assessment and collection of taxes in incorporated cities, towns and villages.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Section 1. In the year 1893 and thereafter the assessments for the taxes of each incorporated city, town and village in the Territory of Utah, shall be made by the county assessor of the county in which such incorporated city, town or village is situated, at the same time that assessments for Territorial and county taxes are made, and the list of the property in each incorporated city, town or village in his county, and the valuation thereof shall be so made by the county assessor that