

# **AN ACT** Amending the Charter of Incorporated Cities.

Sec. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* The city councils of the respective cities of this territory are hereby empowered, by ordinance and enforcement thereof, to compel persons to keep the sidewalks, in front of their respective places of business free from obstructions.

Sec. 2. To construct waterworks and reservoirs, lay water pipes, erect hydrants, and to keep the same in repair; to supply the said cities with water, and regulate, control and protect the same; and for such purposes, the City Council of any city shall have power to levy and collect a tax on real estate in any district or division of such city specially benefitted by any such improvement, sufficient to defray the expense thereof: *Provided*, that an amount equivalent to the money thus raised shall be expended for such purposes exclusively within the district where such taxes are assessed, and by such person or persons as said city council may appoint. The city council of the city where such tax may be levied, shall determine the amount to be assessed for any of the purposes above named; and the assessment shall be apportioned in the district to be benefitted by the improvement in which such assessment is made, either according to the extent of frontage of the property to be assessed, or upon real estate, including the improvements thereon; and in proportion to the benefits respectively resulting thereto by virtue of such improvement, as may be directed by such city council, but in no case shall such assessment exceed one half of one per cent. on the property as assessed. *Provided*, that if the apportionment is according to frontage, due allowance may be made in case of corner lots. Such city council shall appoint three commissioners, reputable citizens, who shall be sworn to faithfully and impartially execute their duties. Before entering upon their duties, the commissioners shall give at least six days' notice by publication in some newspaper of general circulation in such city, or otherwise, as may be directed by such city council to all persons interested. The commissioners shall assess the amount according to the apportionment previously directed by such city council, on the real estate benefitted by such improvement. When the commissioners shall have completed their assessment and made a correct copy thereof, they shall deliver the same to the city recorder of such city, within thirty days after their appointment, signed by all the commissioners. The city recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated therein when such city council shall hear appeals and objections and correct and affirm said assessment. When said assessment shall have been completed, such city recorder shall, within ten days thereafter, make a correct tax list which shall be delivered to the city collector of such city, or any other authorized agent appointed by such city council, who shall immediately proceed to collect such taxes, with the same authority, and in like manner, as other taxes are collected in such city. If the first assessment prove insufficient, another may be made in the same manner, or, if too large a sum shall at any time be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Sec. 3. Where improvements, of the kind mentioned in the preceding section, have been made in any city, and the expense thereof has been paid out of the general funds of such city, or the obligation therefor has been incurred by it, the city council thereof shall cause to be levied and collected a sufficient tax on the real estate especially benefitted by any such improvement, or improvements, for the purpose of reimbursing such city for the cost thereof; the levy and collection of such tax to be made in the manner provided in the preceding section.

Sec. 4. Every assessment made in accordance with the foregoing provisions from the date of the completion thereof shall be a lien upon the real estate upon which it is levied.

Sec. 5. That in convictions for misdemeanor, (as defined by the penal code of Utah, approved, Feb-

ruary 18, 1876) committed within the limits of any city, where the arrest is made by an officer of such city, the fines accruing therefrom shall be paid into the treasury of said city, and the imprisonment shall be in the city jail thereof, or in the county jail at the expense of such city.

Sec. 6. All city recorders, treasurers, marshals, and assessors and collectors, shall be elected by the people in the same manner and for the same term, as members of the city council are elected.

Sec. 7. No member of any city council shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected and for one year after the expiration of such term.

Approved Feb. 22, 1878.

GEORGE W. EMERY,  
Governor of the Territory of Utah.

## **Correspondence.**

CROYDEN, Morgan Co.  
Feb. 23d, 1878.

*Editors Deseret News:*

Isolated in a small valley near the Weber River is our thriving little town, of 173 inhabitants, where generally peace reigns.

Last summer we were organized in a ward capacity, with Brother John Hopkin bishop, who proves himself energetic in uniting the Saints.

We have one man working in the Church quarry for the Temple. Have a F. R. Society that holds semi-monthly meetings, and have on hand 24 bushels of wheat. We also have a Y. M. M. I. A., holding weekly meetings, who discourse upon biblical questions; and are cultivating a spirit of intelligence. A good Sunday School under Supt. Joseph Blackwell; teachers and pupils 73. Also a good District School of 60 pupils in session.

Of late, among old and young, there has been considerable sickness, catarrh, &c., caused by the changeableness of the atmosphere. Yesterday a gloom was cast over our town by the death of Rosalette, infant daughter of our much esteemed bishop, caused by inflammation of the lungs. Our sympathies are with him.

The winter has generally been mild, with but little snow in the valley. A good time for the cattle. Expect an early spring.

Yours respectfully,  
GEORGE K. BOWERING.

## **THE WATER QUESTION.**

Plain Talk From an Old Settler.

EPHRAIM, February 15th, 1878.

*Editors Deseret News:*

Under the head of "Irrigation" and signed "Settlers" a letter appeared in your issue of Feb. 8th, which contains a statement that would lead persons unacquainted with the facts to believe that the old settlers of this place are uncharitable and unkind.

The letter refers to the division of feeling that exists, and asks some questions about water rights, and makes the following statement, that "The old settlers want the water and will not allow the new settlers any, whether there is little or much, and the new settlers want the older to divide their rights with them."

If "Settlers" refer to the past history of Ephraim, as may be inferred from the letter, they are ignorant of its history or wilfully misrepresent the facts.

We came here over twenty years ago, and at that time there was but one field under cultivation, and not a large one at that, as the first settlers did not take more than twenty acres each as a general thing. In two or three years after another field was surveyed and the new settlers had land given them, and from that time to the present five or six large fields have been brought under cultivation, and the needs of the new settlers have all ways been considered.

We have proved as you say in your answer to the letter referred to, "That there are limits to all things and the streams are not inexhaustible." And we find that our "brotherly kindness and charity" have been exercised to such a degree that our supply of water is sufficient, but old and new settlers have fared alike, with but little

contention, up to present time. The trouble that now looms up is, that more new settlers have come in and they and a few of the older ones who are inclined to be a little greedy, want another division of water to apply on land outside the present fields, and as "settlers" assert "they are not likely to agree with us if we are not willing to divide water with them," when at the same time it is clear to all who have land and water privileges, that any further division of water will prove injurious to all interested.

"Settlers" say that "Some good irrigation law is of vital importance to the farming population," this we admit, but such law would be of no benefit to new settlers until they have acquired lawful claims. It cannot be that we need such a law to prevent new or old settlers from taking that which does not belong to them, and upon which they have no claim, if so the criminal code will furnish law sufficient.

The first question asked by "Settlers" all will concede; the second reads thus, "Is it, or not, right and fair if possible, to deprive the first settlers of their rights acquired by their first claim?" Now, to ask if it is right and fair, if it is possible, to deprive any person of any right lawfully and justly acquired, is a very singular question, and we must leave it for "Settlers" to answer, if "possible."

The third question asks if it is right to prevent new settlers from using water in spring time when it is plentiful? We say no, but can not see what good the use of it will do them for that length of time, except to raise lucerne, and we do not believe that any new settler will depend entirely upon raising that crop for a living. No one would depend upon the surplus water during the time of high water to raise a crop of grain; if they did they would be almost certain to lose it, as it would parch before and after any surplus could be obtained, and the result would be the crop would not be worth harvesting, and new settlers would reap disappointment.

Our water claims are just as valuable as our land claims, but we have freely divided the former with new settlers and others until our city lots and farms are not as profitable to us as they should be, or as they would be with more water; under these circumstances we are somewhat opposed to another forced division.

When we came to Utah over 25 years ago we found the best city lots and farming lands in and around Salt Lake City occupied. We did not remain there to dispute the rights of the first settlers, but we traveled south to where we found land and water we could get without interfering with the rights of first settlers, or any one having a lawful claim, and we suggest to new settlers and others who are inclined to disagree with us, that the road south is still open to where land and water can be obtained, and new settlers are needed to develop the country, and if any of them should seek homes there and spend the next 20 years, as the old settlers of Sanpete County have spent the last 20, they will then understand why the old settlers object to being crowded out or imposed upon by new settlers, or by older ones who are not easily satisfied.

OLD SETTLER.

## **Correspondence.**

**What a Manufacturing Member Thinks of the Business Outlook—No Postponement of the French Exposition, Russia Demanding More Room There—The work of Mr. Southard's Committee on the Revision of the Laws Relating to the Counting of the Electoral Votes for President and Vice-President.**

WASHINGTON, D. C.,

February 24, 1878.

*Editors Deseret News:*

In conversation with an eastern member, who has large manufacturing interests, he held a cheerful view of the business future. Admitting that the many hopeful auguries of a revival of trade had proved illusive, he said that he was still persuaded, both from his own observation, and from the corroborative belief of his large business acquaintance, that the outlook was now hopeful. He said that the passage of the silver bill would at

least end the suspense so hurtful to all industrial enterprises; that intelligence from the west and south showed a more cheerful feeling among business men; that the increased freights of some of the railroads was a proof that farmers are sending their produce to market freely, and, as a result prompter collections and settlements of indebtedness must follow. He thought that money was not really scarce, and that capitalists were ready to lend on low interest where they could find good security; and that in real estate, the low price of building material and the cheapness of labor, must give great impetus to the erection of houses in the spring. In regard to the prospect of peace or war in Europe, he took the happy view that either would result to the benefit of this country.

There have been reports to the effect that the new European complications, and the probability that other powers, and possibly France, would be involved in the war, would make a postponement of the Exposition necessary, but M. Outray, the French minister, says his advice from home are that nothing will prevent the opening of the Exposition on the first day of May. The preparations of the exhibits of European countries are so nearly completed that it is almost impossible for any troubles, at this late day, to interfere with the Exposition. Russia has taken more interest in the great show than any other country, and, far from withdrawing, she wants to secure more space. The United States vessels will sail promptly at the time appointed. Your correspondent expects to be at the Exposition early in May.

The committee on the revision of the laws regulating the counting of the electoral votes for President and Vice-President, of which Hon. M. I. Southard of Ohio is chairman, have under consideration an amendment to the Constitution, which will soon be reported to the House substantially as follows: In case of a contest as to who are the true electors in any State, or in case of any alleged ineligible elector, appointed by any State, the same may be passed upon by the highest judicial tribunal of said State, in accordance with the laws thereof and the decision thereof shall be duly certified by such tribunal. The President of the Senate, shall in the presence of both Houses of Congress open all the certificates. The votes shall then be counted by both Houses of Congress as certified by the electors, unless rejected by both Houses of Congress, except from those States in which there is a contest, as to who are the true electors, or in which there is an alleged ineligible elector; in any such case the decision of the highest judicial tribunal of that State, if made, shall be conclusive, and the votes counted in accordance therewith, unless reversed by the concurrent action of the two houses.

When no certificate of such decision is transmitted, as aforesaid, the contested votes from such States shall not be counted, unless both houses concur therein. The House committee has been divided into three sub-committees; the 1st on the mode of electing; the 2nd on the method of ascertaining and declaring the result; the 3d on the term of office, or the term of the President. These sub-committees will probably have so far matured a plan as to be able to report to the full committee by next Monday. The chairman, Mr. Southard, has great hopes that the House and Senate committees will be able to agree upon such an amendment of the Constitution and laws as will relieve the country of the present system. He thinks that electors, under our practices and customs, are no longer useful, but fail to subserve the purposes for which they were intended by the framers of the Constitution; that they were intended to act as a free and independent body in the choice of a President, on the idea that they were better capable of selecting that high official than the people at large, but, under the practice that has obtained, they no longer exercise any discretion, but follow the instructions of the people as given by their vote; and their choice is no better than that of the people, while the danger of corrupting them still exists. Mr. Southard thinks that the theory of the system may be kept up, so as to maintain the rights of the States, as in the present system, and yet have the people express their preference directly for their candidate; and that

a plan can be proposed which will rid the country from the dangers of the concentration of party machinery and corrupting influences.

C. A. S.

## **SANPETE STAKE CONFERENCE.**

The Quarterly Conference of the Sanpete Stake convened in the Ephraim meeting-house, Feb. 16, at 11 a. m.

Present: Of the Quorum of the Twelve, Orson Hyde; of the Presidency of the Stake, Counselors H. Beal and J. B. Maiben; and W. H. Folsom, architect and superintendent of the Temple.

Singing and prayer.

President Hyde stated that the morning would be devoted to hearing from the Bishops of the condition of their wards.

President Maiben and Bishops Madsen, Bartholomew, Olsen, Tucker and Irons represented their respective wards in good condition.

President Beal made a short address.

President Hyde spoke upon the rights of the early settlers to the water for irrigation, and showed the propriety of new comers to places where there was an insufficiency of water removing to places where there was an abundance.

Singing. Benediction.

2 p. m.

Singing and prayer.

Bishops Jensen, Reid, Olsen, Dorius, and Anderson and Elder James Wareham addressed the conference.

Pres. Hyde spoke against dancing to the exclusion of duty, and upon the necessity of preparing competent school teachers of our own faith.

Singing. Benediction.

6 30 p. m.

Singing and prayer.

Elder W. H. Folsom spoke on the restoration of the gospel, the power and faith of the Prophet Joseph, the building of the Temple and the necessity of honesty and integrity.

Pres. Hyde addressed the people on the blessings resulting from aiding in Temple building and all good works, the power and eternity of the priesthood, the necessity for charity even towards our worst enemies, etc.

Singing. Benediction.

Sunday, 10 a. m.

Singing and prayer.

Elders Carter, Parry, W. S. Snow, Bishop Seely and Elder F. W. Cox, each made a few remarks.

Pres. Hyde spoke on the subject of Relief Societies, sustaining and encouraging them; and upon the necessity of men laboring for the general good instead of individual aggrandizement.

Singing. Benediction.

2 p. m.

Singing and prayer.

The general authorities of the Church and of Sanpete Stake of Zion were presented and unanimously sustained.

President J. B. Maiben read the following report of the labor performed on the Manti Temple to January 31st, 1878:

Days' labor by men, 20 360; men with teams, 2,842, of which Sanpete Stake has performed, men, 9,299 days, men with teams, 1,817 days; amount of monthly donations, \$1,346.49, of which the Sanpete Stake has paid \$853.85.

President Hyde said, to carry on the Temple it will be necessary to get the piping for bringing the water on to the Temple ground. It will cost from \$2,500 to \$3,000. It will take an earnest effort to get this means, that the work shall not flag. Some of the Stakes are in arrears with the Temple. He wished Bro. Maiben to write to all Bishops who are behind and ask them to pay up immediately. He wished to have a constant stream of labor and means flowing towards the Temple.

The Conference was adjourned until the 17th and 18th of May, to meet at Mount Pleasant.

Singing by the choir.

Benediction by Elder James Wareham.

GEORGE TAYLOR,  
Clerk of Conference.

**\$55 to \$75** a week to Agents. \$10 Outfits Free. P. O. Vicks-  
yer, Augusta, Maine.