

L A W S  
OF THE  
TERRITORY OF UTAH,

PASSED AT THE  
TWENTY-SEVENTH SESSION OF THE LEGISLATIVE ASSEMBLY,

HELD AT

The City of Salt Lake, the Capital of said Territory,  
Commencing January 11, A. D. 1886, and  
Ending March 11, A. D., 1886.

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PUBLISHED BY AUTHORITY.

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1886.



## CERTIFICATE OF AUTHENTICATION.

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TERRITORY OF UTAH, )  
SECRETARY'S OFFICE. ) ss.

I, ARTHUR L. THOMAS, Secretary of the Territory of Utah, do hereby certify that the printed laws, and joint resolution and memorial, contained in this volume, are true, correct, and full copies of all the enrolled laws, and of the joint resolution and memorial passed at the Twenty-seventh regular session of the Legislative Assembly of said Territory, begun and held at the City of Salt Lake, the capital of said Territory, on the 11th day of January, A. D., 1886, and ending on the 11th day of March, A. D., 1886, with the exceptions of corrections in orthography and punctuation.

*In testimony whereof*, I have hereunto set my hand and affixed the great seal of said Territory.  
[L. S.] Done at the City of Salt Lake, the capital of said Territory of Utah, this 2nd day of April, A. D., 1886.

ARTHUR L. THOMAS,  
*Secretary of Utah Territory.*

**FEDERAL OFFICERS OF UTAH TERRITORY.**

---

**GOVERNOR:  
ELI H. MURRAY.**

**SECRETARY:  
ARTHUR L. THOMAS.**

**JUDGES OF THE SUPREME COURT:**

*Chief Justice:*

**CHARLES S. ZANE, - - - Third District**

*Associate Justices:*

**JACOB S. BOREMAN, - - - Second District**

**ORLANDO W. POWERS, - - - First District**

**UNITED STATES MARSHAL:**

**E. A. IRELAND.**

**UNITED STATES ATTORNEY:**

**W. H. DICKSON.**

**SURVEYOR GENERAL:**

**R. H. DEMENT.**

**RECEIVER OF PUBLIC MONEYS:**

**H. C. WALLACE.**

**REGISTER OF THE LAND OFFICE:**

**DAVID WEBB.**

**UNITED STATES DEPUTY REVENUE COLLECTOR:**

**O. J. HOLLISTER.**

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L A W S  
OF THE  
TERRITORY OF UTAH

PASSED AT THE

Twenty-seventh Session of the Legislative Assembly.

CHAPTER I.

GROWTH OF TIMBER.

AN ACT to Encourage the Growth of Timber.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That there shall be exempt from Territorial, County and Territorial School taxation of the property of each taxpayer, who shall within the Territory of Utah, plant for permanent growth and suitably cultivate one or more acres of forest trees for timber, the sum of five hundred dollars annually, for five years, for each acre so planted and cultivated: *Provided*, That the trees so planted on said land shall not be to exceed ten (10) feet apart and shall be kept in a healthy and growing condition. When property exempt from taxation.

SEC. 2. That a like exemption to the amount of fifty dollars, is hereby granted to each taxpayer for each one hundred forest trees he may plant, protect, cultivate and keep in a good, growing condition upon any highway, street or irrigating stream in this Territory; *Provided*, The County Court of each county in which such exemption is claimed are hereby empowered to Proviso.

establish rules and regulations with reference to the planting, protection and cultivation of said trees, which shall be complied with by persons claiming such exemption. *Provided, further,* That nothing in this section shall be so construed as to empower County Courts to interfere with any regulations regarding the planting of trees that may be established by any incorporated city.

Proviso.

Assessor must deduct exemption from valuation of property.

Sec. 3. Any person claiming the benefit of such exemption, at the time the annual assessment is made, upon showing to the satisfaction of the Assessor of the county in which he resides that he has complied with the provisions of Sections 1 or 2 of this Act, shall be entitled to have deducted from the valuation of his property by the said Assessor, the amount as hereinbefore provided; and it is hereby made the duty of said Assessor to report to the County Court of his county the name of each person claiming exemption, the quantity of land planted to timber, the number of trees planted upon highways, streets and irrigating streams, and the amount deducted from the valuation of his property.

Persons may appeal from decision of Assessor, when.

Sec. 4. Any person claiming exemption under this Act, who shall feel himself aggrieved by the decision of the Assessor in the rejection of his claim, may apply to the County Court of his county, when it meets as a Board of Equalization, to have the same corrected, in the same manner as other erroneous assessments.

Sec. 5. This Act shall be in force on and after its passage.

Approved March 10, 1886.

## CHAPTER II.

### OF BULLS RUNNING AT LARGE IN RICH COUNTY.

AN ACT to Prevent Bulls from Running at Large in Rich County during certain Seasons of the Year.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That*

the running at large of any bull within the limits of Rich County, Utah, between the 1st day of January and the 1st day of July in each year is hereby prohibited. When prohibited from running at large.

Sec. 2. For each and every bull found running at large in violation of Section 1 of this Act, a penalty of five dollars is hereby fixed; and for such penalty and the costs incurred in carrying out the provisions of Section 3 of this Act, there shall be a lien upon such animal. Penalty.

Sec. 3. Any bull found running at large contrary to the provisions of this Act may be taken by any person to the nearest precinct pound and delivered to the poundkeeper thereof, and said animal shall be held and disposed of by said poundkeeper, in the manner provided by law for the holding and disposing of animals found trespassing and doing damage. The proceeds from such disposal shall be applied in the manner provided by law for the disposal of the proceeds derived from sales of estrays. May be impounded, etc. Proceeds, how applied.

Approved March 10, 1886.

## CHAPTER III.

### FISH AND GAME.

AN ACT Supplemental to Chapter VI., Session Laws of 8814, entitled, "An Act for the Protection of Fish and Game."

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That any person who wilfully kills or destroys any trout less than six inches long, is guilty of a misdemeanor. Trout.

SEC. 2. Any person who has in his possession any trout taken unlawfully is guilty of a misdemeanor. Same.

SEC. 3. Any person who wilfully takes, kills or destroys any elk, mountain sheep or antelope, during the four years next ensuing, is guilty of a misdemeanor. Elk, Sheep, etc.

Sec. 4. That Section 10 of Chapter VI. of Session Laws of 1884. is hereby repealed.  
Approved March 10, 1886.

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CHAPTER IV.

AN ACT amending Section 18 of Chapter XLV., Session Laws of 1884.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 18 of Chapter XLV., Session Laws of 1884, be and the same is hereby amended so as to read as follows:

Sec. 18. Non-use for two years of the franchise herein given, shall be a forfeiture of the privileges herein granted.  
Approved March 10, 1886.

When corporations forfeit, &c.

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CHAPTER V.

OF FIRE INSURANCE COMPANIES.

AN ACT Amending an Act relating to Fire Insurance Companies. Approved March 13, 1884.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1 of Chapter XLVI., Laws of Utah, 1884, be amended by striking out the word "one" in the ninth line of said Section, and inserting the word "two" in lieu thereof, and adding at the end of said Section, "except as hereinafter provided."

Amount of paid up capital increased.

That Section 3 of said Act be amended to read as follows:

Section 3. The statement referred to in Section 2 shall be renewed annually, in the month of April of each year, and a copy thereof certified

Annual statement, when to be made.

by the Secretary of the Territory shall be published by each company, on, or before the 30th day of April, of each year, at least four times, in some newspaper published in this Territory, and having general circulation therein; *Provided*, That in case of companies organized in foreign lands, the filing and publishing of the Annual Statement may be done on or before July 30th, of each year.

Exception as to foreign companies.

That Section 4 be amended by striking out the word "one" in the fifth line of said Section and substituting the word "two" in lieu thereof.

SEC. 2. That Section 6 of said Chapter is hereby repealed, and the following substituted, to read as follows :

Section 6. It shall be lawful for any number of persons to associate themselves together for the establishment of a Fire Insurance Company in this Territory, and they shall be deemed a body corporate, authorized under the laws of the Territory to transact fire insurance business, on complying with the provisions of Chapter I, of Chapter XLV., Laws of Utah, 1884, relating to corporations for general purposes; *Provided*, That it shall not be lawful for any such company to transact Fire Insurance Business in this Territory, unless it shall have a subscribed capital of not less than two hundred thousand dollars, fifty per cent. of which shall have been paid up, and shall have complied with the provisions of this Act.

When persons may incorporate.

Approved March 10, 1886.

## CHAPTER VI.

### OF SENTENCE OF CONVICTS.

AN ACT to Lessen the Terms of Sentence of Convicts for Good Conduct.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That*

Warden to keep  
record of con-  
duct of.

it shall be the duty of the Warden of the Utah Penitentiary to keep a record in which he shall enter a statement of every infraction of the prison rules committed by any of the convicts. At the end of each month, he shall certify upon said record to the good conduct of each convict who has not been guilty of an infringement of any of the rules.

When entitled  
to a reduction  
from period of  
sentence.

SEC. 2. Each convict sentenced for any period less than life, who has not been guilty of a breach of the rules of discipline of the prison, shall be entitled to a reduction of the period of sentence, as hereinafter provided; and when the full term of imprisonment for which any convict has been sentenced by the Court shall be diminished by his good conduct under the provisions of this Act, so that the term of imprisonment has thereby expired, the Warden of the penitentiary shall immediately furnish the Secretary of the Territory a certificate stating the length of time his term of imprisonment has been so diminished, and no objections appearing to the Governor, the convict shall be released.

Amount of  
deduction.

SEC. 3. The following deductions shall be allowed to convicts for good conduct: From the term of sentence of three months, fifteen days; from a term of six months, thirty days; from a term of one year, two calendar months; thus a one year convict shall be entitled to a discharge at the expiration of ten months. If the term be for any time greater than one year, the service for the second year, or portion thereof, shall begin at the expiration of ten months, which shall stand for a service of one year. On a second year the convict shall be entitled to a reduction of three calendar months; thus a service of one year and seven months shall be sufficient for a term of two years. The service of a third year, or fraction thereof, shall begin at the expiration of one year and seven months; four calendar months shall be allowed on said third year; thus a service of two years and three months shall be sufficient for a term of three years. For a term

of four years, the service of the fourth, or portion thereof, shall begin at the expiration of two years and three months, and on the fourth year five months shall be allowed, thus a service of two years and ten months shall be sufficient for a term of four years. In a term of five years the service of the fifth year, or portion thereof, shall begin at the expiration of two years and ten months, and from the fifth year there shall be a deduction of six calendar months; thus a service of three years and four months shall be sufficient for a term of five years. For all time in excess of five years there shall be a deduction of one-half for such time.

SEC. 4. In all terms of sentence terminating intermediately between those terms hereinbefore specified, the deduction shall be proportionate to those named in the foregoing section. Same.

SEC. 5. For a violation of the rules, the convict shall be liable to forfeit all of his reduction time for the month in which the infraction occurs. If the offense or offenses be aggravated or frequent, the Warden or other officer in charge shall have power to punish the offender by depriving him of all or any portion of his reduction time earned previous to the commission of said offense or offenses. *Provided*, That any convict who may feel himself aggrieved by the action of the Warden or other officer in charge in such cases, shall have the right to appeal, in writing, to the Governor of the Territory, which writing shall include a statement of facts, and the evidence and reasons of the appellant for considering himself unjustly dealt with. Should the Governor, upon investigation, deem the complaint of the convict well grounded, he shall have power to credit back to said convict the earned reduction time of which he has been deprived. When earned time is forfeited

SEC. 6. This act shall take effect forthwith after its passage and approval, and all unexpired terms of sentence then pending shall be treated in accordance with the foregoing provision. Appeal to the Governor, when

SEC. 7. That Chapter XI. of the Laws of Utah, Governor may restore earned time.

When act takes effect.

1880, entitled "An Act allowing reward to convicts and commuting their term of sentence for Meritorious Conduct," be and the same is hereby repealed.

Approved March 11, 1886.

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## CHAPTER VII.

### OF TERRITORIAL PRISONERS.

AN ACT for the Benefit of Territorial Prisoners Released from the Penitentiary.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That each person convicted under the Territorial statutes and sentenced to imprisonment in the Utah Penitentiary for a term of one year or longer shall, upon his or her release therefrom be entitled to receive from the Territorial Treasury the sum of fifteen dollars.

Appropriation for persons discharged from penitentiary.

How drawn, etc.

**SEC. 2.** The said money shall be drawn from the Treasury by the Warden of the penitentiary for said prisoner; *Provided*, that of said money the Warden shall expend at least ten dollars in the purchase of clothing for said prisoner.

Approved March 11, 1886.

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## CHAPTER VIII.

### OF ESTRAYS.

AN ACT Providing for Impounding Animals and Prescribing the Regulations of Pounds, and for Disposing of Estrays.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That



each County Court shall, where not already done, appoint a poundkeeper for each precinct in the county, whose term of office shall be for a term of two years and until his successor is duly appointed and qualified; said poundkeeper shall qualify by filing bonds and taking and subscribing an oath of office; the amount of bonds shall be determined by the County Court, approved by the Probate Judge and filed with the County Clerk.

Appointment of Poundkeepers.

Qualification.

Sec. 2. Each poundkeeper shall receive and take good care of all animals properly committed to his charge, and use due diligence to find the owner, or owners thereof, by record of marks and brands, and otherwise, and shall receive and file all bills of damages duly presented, and enter the amount in a proper book provided for the purpose by the County Court.

Duties of.

Sec. 3. If any neat cattle, horses, mules, sheep, goats, or hogs, shall, First—break through a lawful fence, or do damage within the enclosure or premises of any person in any county or portion thereof, where the inhabitants have declared, or may hereafter declare, in favor of fencing their farms; Second—break through a lawful fence within an incorporated city or town, or any lawful fence enclosing any city lot, orchard, or stack-yard and do damage therein; Third—do damage upon the premises of any person, whether said premises are protected by a fence or not, the person aggrieved thereby may recover damages either by an action against the owner of the trespassing animals, or by impounding them in the precinct pound.

Damages caused by trespassing animals may be recovered, when.

Sec. 4. Any county, or precinct thereof, may at a general or special election, called for that purpose by the County Court, by a vote of a two-thirds' majority of its legal voters, voting at such election, declare in favor of fencing their farms, and allowing their animals to run at large. In such cases subdivision 3 of Section 3 of this Act shall be inoperative during such period decided upon by such vote, and damages may be recovered whether said farms be protected by fence or not;

County or precinct may by election declare in favor of fencing farms.

*Provided*, The owners of the aforesaid animals shall be liable for all damages said animals may do to any crops growing in an adjoining county or precinct that may have declared by vote its exemption from the provisions of Section 3 of this Act.

Appraisal of damages.

Sec. 5. The party aggrieved by animals trespassing, in order to be entitled to recover damages by impounding, shall, within twenty-four hours after it is known to him that the trespass is committed, get some disinterested male citizen, over 21 years of age, to appraise the damages and give a statement thereof in writing, setting forth the amount, time and place of the damage, the name of the person damaged, and, if known, the name of the owner of the animals, with a description of said animals, which statement must forthwith be sent to the said owner, or if he cannot be found, or, if found, shall refuse to pay all costs and damages, then said statement, together with the animals, at the expiration of forty-eight hours, shall be placed in the charge of the poundkeeper of the precinct in which the trespass was committed; *Provided*, That if the owner of said animals deems the appraisal too high, he may choose another appraiser, who, with the first, shall make a new appraisal; or when they cannot agree they two may choose a third, and they proceed and make another appraisal, which shall be final. Said appraisers shall be allowed a reasonable compensation for their services, to be paid by the owner of the trespassing animals.

New appraisal.

Notice to owner, when cattle are impounded.

Sec. 6. Whenever animals are impounded the poundkeeper shall, within twenty-four hours thereafter, give due notice in writing to the owner, if he be known, containing a description of the animals and a statement of the time and cause of impounding, together with the amount of the damages and costs, and in case the owner shall not be known, he shall forthwith advertise for sale by posting up notices in three conspicuous places within his precinct, and by advertising in some newspaper having general circulation in the county. Said

The quality of this microfiche is equivalent to the condition of the original work.

notices shall give a description of the animals, including all marks and brands, and shall state the time and place of sale, and that if not claimed and taken away within ten days from the date thereof, he will sell the same to the highest cash bidder. If the owner of said animals within two days from the date of said notice sent him, fails to pay the damages and costs, the poundkeepers shall immediately advertise such animals as hereinbefore provided in this Section. If the owner of such animals impounded as aforesaid, shall not, within said days after advertising, pay the damage as appraised, and all costs accruing on said animals, the poundkeeper shall sell the same as provided in this Section.

Notice of sale.

How sold.

Sec. 7. All horses, mules and neat cattle, regardless of age, except sucking calves, found running at large, and upon which there is no brand, shall be deemed estrays, and all horses, mules, and neat cattle, branded, the owner of which, after reasonable search, cannot be found, and which have been running at large on any range within this Territory for two years or more, or any hogs found running at large, upon the premises of another person not the owner, are hereby declared to be estrays.

Estrays defined.

Sec. 8. The poundkeeper of each precinct within this Territory shall use due diligence to obtain and take into his possession all estrays running within his precinct and at the end of ten days thereafter, he shall, after having given due notice of the time and place of sale and the number and kind of animals to be sold, sell the same to the highest cash bidder, singly or in lots, at his discretion. Whenever any estrays are received by him, except as heretofore provided in this Section, if they are unbranded he shall immediately give ten days notice of the time and place of sale of said estrays, together with a full description of the same, by advertising in some newspaper published within the county, if there be one, and by posting up notices in three conspicuous places within his precinct, but if the estrays received as

Duties of poundkeeper.

Estrays, how sold.

aforesaid are branded he shall proceed as provided in Section 6 of this Act, when animals of which the owners are unknown are impounded for trespass.

Poundkeeper must keep accurate record.

SEC. 9. He shall keep an accurate record of all animals received by him, their age, color, sex, marks, and brands, whether estrays or impounded, for trespass, when and to whom sold, the amount received therefor, and the costs thereupon, which record shall be open to the inspection of the public at all reasonable hours, and quarterly he shall make returns to the County Court of his county, showing the number of animals sold, the amounts received therefor, and the costs thereupon, which report must be duly verified before some officer authorized to administer oaths.

Must execute bill of sale.

SEC. 10. Upon the sale of any animals as hereinbefore provided, the poundkeeper shall execute a bill of sale transferring said animals to the purchaser or purchasers thereof, which shall be substantially in the following form, filling in the spaces as may be necessary :

Form of.

*Know all men by these Presents :* That in pursuance of an Act entitled "An Act providing for impounding animals and prescribing the regulations of pounds and for the disposal of estrays," I have this day sold to ..... for the sum of..... dollars, he being the highest bidder, ..... head of..... described as follows, to wit:.....

.....  
Witness my hand this... day of..... 188..  
.....  
Poundkeeper of.....precinct.....County,  
Utah Territory.

Title transferred by bill of sale.

Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus transferred. If any animals thus sold, shall, within the period of six months, immediately ensuing after the day of the execution of the bill of sale, be claimed, identified and proven as the property of any person, it shall be the duty of the County Court to forthwith pay the money received for

such animals to their owner, less the amount of costs and damages assessed against the same; but in the event said animals shall not be claimed, identified, and proven within said time, then said money shall become the property of the county, and shall be used by it for the purposes herein-after provided.

Proceeds of sale, how applied.

SEC. 11. The proceeds arising from the sales of said animals shall be paid into the treasury of the county in which said sales are made, to be used by it in the payment of persons employed in detecting violations of the laws of the Territory of Utah. It shall be the duty of the Treasurer of each county to keep in a separate fund, to be known as the "Live Stock Fund," all moneys paid to him under the provisions of this Act, and to pay the amount only upon orders from the County Court, duly attested by the County Clerk.

Proceeds of sale, how applied.

Live stock fund created.

SEC. 12. The fees of the poundkeepers shall be as follows: For registering horses, mules, cattle and hogs, fifty cents per head, and ten cents per head for sheep and goats; for executing a bill of sale, twenty-five cents; for selling animals at round-ups and drives, ten per centum of the amounts received therefore. Fees for feeding animals shall be governed by the market price of forage and pasturage at the time and place of feeding the same.

Fees of pound-keeper.

SEC. 13. Any person other than a poundkeeper taking up animals under the provisions of this Act and retaining them more than forty-eight hours shall be deemed guilty of a misdemeanor and shall be liable to a fine not exceeding one hundred dollars for each animal so retained and all damages that may accrue thereon.

Penalty for not delivering animals to pound-keeper.

SEC. 14. Any person taking his own animals or that of any other person out of the custody of the person holding them for damage done by them, or out of any pound by stealth or by force, or shall intercept or hinder anyone, while in discharge of his duty, under this Act, may be fined in any sum not exceeding one hundred dollars.

Interference or rescue.

SEC. 15. Any person whose animals are im-

When action  
may be main-  
tained against  
poundkeeper.

pounded may maintain an action against the poundkeeper for claim and delivery of personal property. If upon trial it shall appear that the animals were lawfully impounded, the defendant shall have judgment for such sum as shall be found due from the plaintiff, for the damages for which the animals were impounded, together with all the legal fees, costs, charges and expenses, and the costs of the action, or instead of such judgment the Court may enter judgment for a return of the animals to the defendant, and he shall hold, and dispose of them in like manner as if no action had been brought.

When judg-  
ment for de-  
fendant.

When judg-  
ment for plain-  
tiff.

Sec. 16. If it shall appear on the default of the defendant, or otherwise, that the animals were taken without sufficient or justifiable cause, the plaintiff shall have judgment for his damage, caused by the unjust taking and detaining, and for his costs of suit.

Appraisal of  
damages when  
proceeding is  
had by action.

Sec. 17. If the aggrieved person shall proceed by action against the owner or person in charge of trespassing animals, he shall get two disinterested persons of his precinct to appraise the damages and to give him a certificate thereof in writing under their hands; which certificate shall accompany the complaint as a part thereof, and under no circumstances shall he recover of the defendant in such action unless such appraisal and certificate shall be made within ten days after the time of such trespass was committed nor to a greater amount of damages than the amount named in such certificates.

Rights not in-  
terfered with.

Sec. 18. That Sections 1, 2 and 3 of an Act pertaining to damages done by animals and defining a lawful fenco, approved February 17, 1869, are hereby stricken out with the exception of the enacting clause, and an act establishing district and precinct pounds and prescribing regulations for conducting the same, and for disposing of stray animals, approved February 13, 1872, is hereby repealed. Nothing herein shall be construed to interfere with the rights of incorporated

cities and towns to regulate impounding of animals and disposing of the same.

Approved March 11th, 1886.

## CHAPTER IX.

### OF DISTRICT SCHOOLS.

AN ACT Amending "An Act Providing for the Establishment and Support of District Schools, and for other Purposes." Approved February 20, 1880.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act providing for the establishment and support of District Schools and for other purposes, approved February 20, 1880, be amended by inserting after the fifth Section the following, to be numbered 6, 7, 8 and 9 respectively, and that sections 6 and 9 of said Act be numbered 10 and 12 respectively.

**Sec. 6.** The County Assessors and Collectors of the several counties of the Territory are hereby constituted the Assessors and Collectors of district school taxes, each of whom shall receive such compensation and shall give bonds in such a sum as shall be determined by the County Court of his County for the efficient and proper performance of the duties enjoined upon him by the several provisions of this Act.

County Assessors and Collectors to collect school taxes.

Qualification.

**Sec. 7.** All school taxes, whether levied by trustees or by a special meeting called for that purpose, shall be computed from the valuations of the county assessment roll, and shall be levied during the month of April, 1886, and during the month of December of each year, thereafter, and within ten days after any such meeting shall have been held, the school trustees shall make a certified statement of the per cent. of the taxes so levied to the County Clerk and to the County Assessor. The County Assessor shall assess there-

School taxes, how levied and collected.

The quality of this microfiche is equivalent to the condition of the original work.

for at the same time and in the same manner that he assesses for Territorial and county taxes, and he shall give to district school taxpayers the same notices as are required by law to be given to taxpayers of Territorial and county taxes.

Board of Equalization.

Sec. 8. At the time of computing the tax in the county assessment roll, the County Clerk shall compute the District School taxes of the several districts of the county in which school taxes have been levied. The County Court shall sit as a Board of Equalization of district school taxes, and shall equalize in the same manner as now provided by law for equalizing Territorial and county taxes.

Taxes a lien upon property when.

Sec. 9. All school taxes levied and assessed under the provisions of this Act shall attach to and become a lien on the property assessed from the date of assessment. They shall become due and delinquent at the same time, and shall be collected in the same manner as Territorial and county taxes.

Sec. 2. That Section 6 of said Act be amended by striking out the words "an assessor and collector" in line 2 of said section.

Sec. 3. That Section 7 of said Act, as amended by Section 2 of the Act of March 13, 1884, be and the same is hereby repealed.

Sec. 4. That Section 8 of said Act, as amended by Section 3 of the Act of March, 13, 1884, be repealed and the following inserted in lieu thereof, to stand as Section 11.

When Collector shall pay over money.

Sec. 11. The collector shall, on the first of each month, or oftener, if required, pay over to the trustees all money collected by him for district school purposes; and on or before the 31st day of December of each year, shall make a final settlement with said trustees, paying the full amount of all school taxes due, whether collected by him or not. School trustees' receipts shall be received by the collector in payment of district school taxes.

Approved March 11, 1884.



## CHAPTER X.

## OF MORGAN CITY.

AN ACT Amending an Act Incorporating the City of Morgan, in Morgan County. Approved February 13th, 1868.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act incorporating the City of Morgan, in Morgan County, approved February 13th, 1868, is hereby amended by adding thereto the following: The City Council shall have power to provide for the erection of all needful buildings for the use of the city, and for enclosing, improving and regulating all public grounds belonging to the city.

**SEC. 2.** To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundary of said city; to open, alter, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues and lanes, and prevent the encumbering of the streets, sidewalks, and public grounds.

**SEC. 3.** To appropriate and provide for the payment of the expenses and manage and control the finances of the city.

**SEC. 4.** To make regulations to prevent the introduction and spread of contagious diseases into the city; to make quarantine regulations for that purpose and enforce the same.

**SEC. 5.** To define and declare what are nuisances; to authorize the abatement thereof, and punish the authors by fine and imprisonment.

**SEC. 6.** To prevent and punish fast and immoderate riding and driving; to prevent the discharge of any species of fire arms, and prevent the violation of Sunday, and to prevent any riot, noise, disturbance, or disorderly assemblages, restrain and punish vagrants, mendicants, beggars and prostitutes.

**SEC. 7.** To license, tax and regulate the business of keeping or furnishing for use billiard and pool tables, nine or ten pin alleys; to license peddlers and butchers.

**SEC. 8.** To authorize the impounding and sale of cattle, horses, mules, swine, sheep and goats, when found doing damage or running at large contrary to city ordinance, and to regulate and control the distribution of the proceeds of such sales: *Provided*, That the proceeds of such sale be paid into the County Treasury for the benefit of District Schools, less the amount of cost and expenses incurred in distraining, impounding and selling the same, as provided in Section 408, Compiled Laws of Utah.

**SEC. 9.** To provide for the punishment of offenders and vagrants by fine and imprisonment in the county and city jail.

**SEC. 10.** The City Council may hold regular sessions at such times and places as may be prescribed by City Ordinance: special meetings of which may at any time be called by the Mayor, or any two Councilors.

Approved March 11th, 1886.

## CHAPTER XI.

### OF BRANDING AND HERDING OF CATTLE.

AN ACT Regulating the Branding, Herding and Care of Stock and Punishing Certain Offenses Concerning the same.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That every person having charge of or engaged in driving any drove of cattle, horses or sheep numbering twenty head, or more, who shall drive the same into or through any county of this Territory, shall prevent the same from mixing with the cattle, horses or sheep belonging to actual

Persons driving cattle, etc., must prevent mixing with cattle, etc., belonging to actual settlers.

settlers, and shall also prevent said drove of cattle, horses or sheep from trespassing on such land as may be the property of the actual settler and used by him for the grazing of animals, or growing of hay, grain or timber, or from doing injury to the ditches made for the irrigation of crops. If any person in charge of or engaged in driving any such drove of cattle, horses or sheep, shall wilfully injure any resident in the Territory by driving said drove of cattle, horses or sheep from the public highway, and herding the same on the lands occupied and improved by settlers in possession of the same, it shall constitute a misdemeanor, and shall be punished by a fine in any sum less than one hundred dollars, at the discretion of the court, and render such person or persons liable for all damages that may be done to the property of said settler.

Penalty for wilfully driving cattle, etc., upon lands of settlers.

SEC. 2. Every person who shall knowingly drive any stock off its range in this Territory without the consent of the owners of such stock, shall be liable to indictment for grand larceny, and may be fined in any sum not exceeding one thousand dollars, and shall be liable for damages to the party injured, to the amount of two hundred dollars for each head so driven off, together with all costs accruing in the trial of said cause, and said herd or stock shall be held liable for the same, or a sufficient number to cover all damages and costs; *Provided*, That the owner, or the lawful occupant of the land shall have the right to drive from such land any cattle, horses or sheep which may be trespassing thereon.

Penalty for driving stock from range without consent of owners.

SEC. 3. It shall be unlawful after the passage of this Act, for any person in this Territory to sell any neat cattle, horse mare or gelding, goat, sheep mule or ass, without giving a written bill of sale therefor, and it shall be unlawful for any person in this Territory to purchase any neat cattle, horse, mare or gelding, goat, sheep, mule or ass without receiving a bill of sale therefor. *Provided, further*, That if at the time of the sale of any of the foregoing enumerated stock, said

Sale of cattle, etc., unlawful without bill of sale.

Proviso.

stock is marked and branded or either, with the brand and mark of the owner, the bill of sale shall contain a full description of such brands and marks or either as the case may be.

**Purchase of unbranded or unmarked cattle unlawful.**

**Persons slaughtering cattle must keep record.**

**Sale of hides unlawful without bill of sale, etc.**

**First purchasers of hides must keep record.**

**Record must be open to inspection.**

**Sec. 4.** No person shall purchase or kill in this Territory, any neat cattle until the same is distinctly marked or branded or both, and every person engaged in slaughtering neat cattle in this Territory shall keep a record of all cattle so slaughtered, naming the person or persons of whom purchased, and his or their place of residence, the age, color, sex and brand and marks of neat cattle slaughtered, which record shall at all times be open for the inspection of the public. It shall be unlawful to sell any hide of any neat cattle, without giving the purchaser a bill of sale of such hide, and it shall be unlawful for any person to purchase any such hide in this Territory without receiving a bill of sale therefor, and such bill of sale shall contain full description of the owner's mark and brand and other marks and brands on such hide. *Provided, further,* That all first purchasers of hides in this Territory, shall keep a record of all hides of neat cattle purchased by them, which record shall state the name or names of the persons from whom purchased, and his or their place of residence, and all brands and marks on said hides, which record shall, at all times, be open for the inspection of the public.

**Poundkeepers constituted inspectors of cattle.**

**Duties of.**

**All persons slaughtering must exhibit hide, etc.**

**Sec. 5.** The poundkeepers of the several precincts of this Territory are hereby constituted and made inspectors of cattle; and every butcher or other person slaughtering neat cattle, shall cause the same to be inspected by the inspector of the precinct in which such slaughtering is to be done, and such inspector shall make and keep a record of the marks, brands, age, sex and color of such animal about to be slaughtered. All persons other than butchers, who occasionally slaughter neat cattle for beef, either for home consumption or for other purposes, in addition to the inspection herein required shall exhibit

the hide of every such beef at the time and place the beef is offered for sale. The inspector shall issue a certificate describing the marks, brands, age, sex and color of the animals inspected, and shall be entitled to receive and collect for his services a fee of twenty-five cents for each and every animal so inspected to the number of five head at any one time, and for each animal in excess of five head ten cents.

Certificate to be issued.

Fees of inspector.

SEC. 6. It shall be unlawful for any person other than the owner or his agent or employe or other person duly authorized to skin or remove from the carcass, the skin, hide or pelt of any neat cattle or sheep found dead.

Skinning of dead animals unlawful, when.

SEC. 7. The County Court of any county in the Territory, when deemed necessary for the public welfare, may appoint one or more detectives to discover and detect violations of the stock laws within said county; such detectives shall be paid such compensation as shall be directed by the County Court from the County Treasury. The County Courts of the several counties may offer and pay rewards for the detection of persons violating this Act.

Detectives may be appointed.

SEC. 8. Any person who shall steal, embezzle, or knowingly kill, sell, drive away, lead away, ride away, or in any manner deprive another of the immediate possession of any neat cattle, horse, goat, sheep, mule, ass or swine; or who shall steal, embezzle, or knowingly kill, sell, drive away, lead away, ride away, or in any manner apply to his own use any neat cattle, horse, goat, sheep, mule, ass or swine, the owner of which is unknown; or who shall knowingly purchase or receive of any person not having the lawful right to sell or dispose of the same, any neat cattle, horse, goat, sheep, mule, ass or swine, shall be deemed guilty of a felony, and shall be punished by imprisonment not exceeding ten years, and fined not exceeding five thousand dollars, at the discretion of the court.

Penalty for stealing cattle, etc.

For receiving or purchasing stolen cattle, etc.

SEC. 9. Any person who shall knowingly brand or misbrand, mark or mismark, any neat

Penalty for branding or misbranding cattle, etc., belonging to another.

cattle, horse, sheep, goat, ass or mule not his own, or who shall intentionally brand over a previous brand, or in any manner deface or obliterate a previous brand, or shall cut out or obliterate a previous mark on any neat cattle, horse, sheep, goat, ass or mule not his own, shall be deemed guilty of a felony, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding five years, or both, in the discretion of the court.

Cattle drover defined. Penalty for driving cattle not branded with his brand.

SEC. 10. Any person who shall drive or bring neat cattle, sheep or horses to or through this Territory, shall be deemed a cattle drover; and who shall fail or neglect to carefully examine his herd of neat cattle, after driving them over any portion of this Territory, and separate and drive away from his herd all neat cattle not branded with his brand shall be deemed guilty of a misdemeanor.

Proof of brands and marks, prima facie evidence, etc.

SEC. 11. In any trial under the provisions of this Act, the proof of the brand and marks shall be deemed sufficient to identify all classes of live stock mentioned in this Act, and shall be *prima facie* evidence of ownership of such stock.

Unlawful to ship cattle in night time, and without certificate from inspector.

SEC. 12. It shall be unlawful for any person to ship in the nighttime any cattle, horses or sheep over any railway within this Territory without first obtaining a certificate signed by the inspector of the precinct, stating the number, kind and description of animals so shipped, and the name of the person shipping, which certificate shall be left at the office where said animals are shipped, for reference by any person interested; and said certificate shall be preserved at such office for at least one year.

Certificate to be preserved.

Penalty for violating provisions of act.

SEC. 13. Any person who shall wilfully do any act prohibited by this Act, or who shall wilfully neglect or refuse to do any act herein required for which punishment is not in this Act prescribed, shall be guilty of a misdemeanor.

SEC. 14. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 11, 1886.

## CHAPTER XII.

## OF HIGHWAYS.

## AN ACT Pertaining to Highways.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all roads, streets, alleys and bridges laid out or erected by the public are highways.

Highways defined.

SEC. 2. All roads, streets, alleys and bridges laid out or erected by others than the public, are highways. A highway shall be deemed and taken as dedicated and abandoned to the use of the public when it has been continuously and uninterruptedly used as a public thoroughfare for a period of ten years.

Same.

When highway is dedicated to the public use.

SEC. 3. All roads, streets, alleys and bridges which are now used by the public, and have been declared to be highways by the County Courts and Municipal Corporations within their respective jurisdictions, or which may hereafter be so declared, shall be deemed and taken to be public highways: *Provided,* That where roads or streets are laid out through improved lands, and such lands are not protected by fences along the lines of the roads or streets where such roads pass through, such roads or streets may, by the County Court of the county where they are laid out, be declared to be limited highways. A notice to that effect shall be posted at each end of such limited highways, and any person who shall wilfully drive any bands or herds of cattle, horses or sheep, over such roads or streets other than during the time that the adjoining lands are thrown open to the public by the owners thereof for grazing purposes, shall be guilty of a misdemeanor.

Highways defined.

Limited highways defined.

Notice to be posted.

SEC. 4. Roads, streets, alleys and bridges laid out and recorded by order of the County Courts

Highways defined.

or Municipal Corporations within their respective jurisdictions, are public highways.

**When toll-bridges, turn-pike, etc., becomes highway.** **SEC. 5.** Whenever any corporation owning a toll-bridge, or a turnpike, plank or common wagon road is dissolved or discontinued, or has expired by limitation, the bridge or road becomes a highway.

**When ceases to be highway.** **SEC. 6.** A road not worked or used for a period of five years ceases to be a highway.

**Rights transferred by accepting land for highway.** **SEC. 7.** By taking or accepting land for a highway, the public acquire only the right of way, and incidents necessary to enjoying and maintaining it. A transfer of land bounded by a highway, passes the title of the person whose estate is transferred, to the center of the highway.

**Duties of County Court.** **SEC. 8.** The County Courts of the respective Counties of this Territory shall, by proper regulations :

**Road districts provided for.** First. Divide, where not already done, their respective Counties into a suitable and convenient number of road districts, and appoint Supervisors therefor biennially, or whenever vacancies occur from any cause, and remove them at pleasure.

**Highways to be surveyed, etc.** Second. Cause to be surveyed, viewed, laid out, recorded, opened, maintained and worked such public highways as are necessary for public convenience.

**Highways to be abandoned.** Third. Abolish or abandon such as are unnecessary for the use of the public.

**Contract and acquire right of way over private property.** Fourth. Contract for, purchase or otherwise acquire, when necessary, the right of way for a public highway over private property; and for that purpose institute proceedings for the acquirement of said right of way as provided in Part III., Title VII., of the Code of Civil Procedure.

**Must erect mile stones and guide posts.** Fifth. Cause to be erected and maintained on such highways as they may designate, mile-stones or posts and guide posts, properly inscribed.

**Highways in cities, etc., maintained by county.** Sixth. Designate the public highways to be maintained by them, within or extending through each incorporated city or town; which in no case shall be more than three in the same direction.

**SEC. 9.** The County Clerk must keep a book



in which must be recorded all the orders of the County Clerk to keep record for each district.  
 County Court relative to each road district, including orders for laying out, opening and altering roads; a description of each road district, the names of its supervisors, roads, highways, contracts, and all other matters pertaining thereto.

Sec. 10. Supervisors of road districts shall receive notice of their appointment from the County Clerk and within twenty days thereafter must qualify as such, by taking and subscribing an oath of office, and giving a bond to the County in such sum as may be determined by the County Court; such bond to be approved by the Probate Judge and filed with the County Clerk. A certificate of the County Clerk, under the seal of the County Court, that the appointment has been made, the required bond filed, and the oath of office taken, shall constitute a commission, and will authorize the person named therein to discharge the duties of Supervisor until superseded.

Sec. 11. Road Supervisors must, unless otherwise ordered by the County Court appointing them :

First. Take charge of the public highways within their respective districts.

Second. Keep them clear of obstructions and in good repair.

Third. Cause banks to be graded, bridges and causeways to be made where necessary, and keep the same in repair, and renew them when necessary.

Fourth. Give not less than two days' notice to the inhabitants of their respective districts liable to do work on roads, when, where, with what implements and under whose direction to work. When teams may be required, Supervisors shall negotiate for the same at an equitable rate.

Fifth. Collect the annual poll tax; direct and superintend the expenditure of that portion of the tax paid in labor.

Sec. 12. If any who is liable shall fail to pay the tax required by this Act, within ten days after the date of the notice required in Subdivision Four

of the preceding Section, said tax shall be deemed delinquent, and the Road Supervisor must proceed to collect the same as an action of debt, and no property of such delinquent shall be exempt from execution on judgment so recovered. For all services road Supervisors shall receive such compensation as the County Court may determine.

Compensation  
of supervisors.

**SEC. 13.** That two days' work of eight hours each, or, in lieu thereof, three dollars lawful money, is an annual road poll tax upon every man, not physically incapacitated to work, over twenty-one and under fifty years of age. Within incorporated towns or cities, said poll tax may be collected under such regulations as may be by ordinance provided, and be used by said towns or cities for improving, first, the public highways designated by the County Court running through such cities; and, second, improving any other streets, or alleys in such towns or cities. All poll tax except such as is collected by incorporated towns or cities, shall be expended under the direction and pursuant to the orders of the respective County Courts, in making and improving highways; and all moneys collected in lieu of labor, except such as may be collected by incorporated towns, or cities, shall be paid into the County Treasury, and be expended, under the direction of the County Court, on the public highways.

Poll tax, how to  
be paid.

How collected  
in towns or  
cities, and ex-  
pended.

How expended  
by county.

**SEC. 14.** The County Court shall furnish each of its Road Supervisors a suitable blank receipt book with stubs, and the Supervisor shall give a receipt from said book to each person who has paid his poll tax; the Supervisor shall state on said receipt whether said poll tax was paid in cash or labor, and shall make a corresponding entry on the stub of said receipt, and said stubs shall be returned to the County Court with his annual report.

Supervisors to  
be furnished  
with blank re-  
ceipt book, etc.

What receipt  
must state.

**SEC. 15.** Each Supervisor must make to the County Court appointing him, on or before the first Monday in December of each year, a written report containing:

Supervisor to  
make annual  
report.

First. The name of each person assessed for poll tax in his district.

Second. The name of each person who has paid his tax in labor, and the amount paid.

Third. The name of each person who has paid his tax in money, and the amount paid.

Fourth. The amount of tax collected by suit, and the name of the delinquent.

Fifth. The amount of uncollected tax, the name of each delinquent, and the cause why such tax remains uncollected in each instance.

Sixth. The amount and kind of labor expended in his district, and the places where such labor was performed.

Seventh. A general description of the condition of the public highways in his district.

Eighth. An accurate account of the time he himself was employed, and the nature and items of the service rendered.

• The County Court may at any time require special reports from Road Supervisors. A failure to make a report as herein required subjects the Supervisor to a penalty in any sum not exceeding one hundred dollars, to be recovered in an action on his bond.

May be required to make special reports.

Penalty for failure, etc.

SEC. 16. Any owner or occupant of land may construct a sidewalk on the highway along the line of his land, subject, however, to the authority conferred by law on the County Court and Road Supervisors. Any person using such sidewalk with horse or team without permission of the owner of such sidewalk, is liable to such owner for all damages he may suffer thereby.

Owners of lands etc., may construct sidewalks, when.

Penalty for injury to same.

SEC. 17. Any owner or occupant of land adjoining a public highway, may plant trees on the sides of such highways, contiguous to his land. Said trees must be set in regular lines, at such distance from the center line of the highway as may be determined by an order of the County Court. Whoever injures any of said trees is liable to the owner for the damage which is thereby sustained.

Owners of lands etc., may plant trees.

Penalty for injury to same.

SEC. 18. The County Court of the several

**Right of way for railroads, etc.** counties have power to grant a right of way over the public highways for railroads, canals, irrigation ditches, drainage ditches, water pipes, telegraph and telephone lines, under such reasonable regulations as such Court may establish. *Provided*, County Courts shall not grant rights of way for any of the purposes herein mentioned through any incorporated town or city, where public highways designated by the County Court, extend through any incorporated town or city or through any town or city hereafter incorporated, they shall conform to the direction and grade and be subject to all the regulations of other streets in such town or city.

**Proviso.**

**When canals, etc., cross highways, a bridge or suitable crossing must be built.** **SEC. 19.** Owners or users of canals, ditches or sees which now are or hereafter may be constructed across any public highway, are required to restore such highway to as good and safe condition as it was before such canal, ditch or see was constructed, by building a bridge or such other suitable crossing as may be determined by the County Court or Road Supervisor. A failure to construct and keep in repair such bridge or crossing as and when required by the County Court or Road Supervisor, is a misdemeanor.

**Penalty.**

**Penalty for injuring by flow or seepage, or for obstructing highway.** **SEC. 20.** Any person who wilfully or carelessly obstructs or injures any highway by flow or seepage of water, or who permits water under his control to escape in any manner, so as to injure any public highway, or any who shall wilfully or carelessly place or leave, or cause to be placed or left, any log, timber, stone, wood or other materials, or any machinery, wagon or other vehicle upon any public highway in such a way as to obstruct the free travel, or to endanger property or persons passing upon such highway, is guilty of a misdemeanor.

**Penalty for failure to remove fence from highway, after due notice.** **SEC. 21.** Any person who has erected or maintains, or may hereafter erect and maintain a fence or other structure along and upon any portion of a public highway, and who after being duly notified by the County Court to remove the same, shall neglect or refuse so to do within twenty days, or

such further time not exceeding three months, as may be determined by such County Court, is guilty of a misdemeanor.

Sec. 22. Whoever removes or injures any mile-board, mile-stone or guide post, or any inscription properly placed thereon, erected on any highway, is guilty of a misdemeanor.

Penalty for injuring mile-boards, etc.

Sec. 23. Any person who drives a herd of horses, mules, asses, cattle, sheep, goats or swine over a public highway, where such highway is constructed on a hillside, shall be liable for all damage done by such animals in destroying the banks or rolling rocks into or upon such highway.

Persons driving cattle on hill-side highways, liable for damages, when.

Sec. 24. The County Courts may cause to be put up on bridges in their respective counties, a notice that there is a "fine of five dollars for riding or driving on this bridge faster than a walk, and that not more than——horses, mules, asses or cattle, stating the number, or——sheep, goats or swine, stating the number, will be allowed upon this bridge at any one time, under a penalty of ten dollars for each offense." Whoever there-

Fast driving on bridges prohibited.

Number of cattle, etc., to cross at one time.

Penalty.

after rides or drives faster than a walk on such bridge is liable to a penalty of five dollars for each offense, and persons driving a herd of horses, cattle, sheep, goats or swine, who drives or allows upon such bridge a greater number of animals than that designated upon the notice is liable to a penalty of ten dollars for each offense.

Sec. 25. Whoever digs up, cuts down, or otherwise injures, or wilfully destroys any shade, ornamental, or other tree, planted and standing on any highway, in conformity to the requirements of this Act, is guilty of a misdemeanor.

Penalty for injuring or destroying trees

Sec. 26. Whenever it is necessary for a fast traveling team to pass a slower one, it shall be the duty of the teamster of the slow traveling team to give the other a convenient opportunity so to do, if it can be done without endangering his own team, and whenever teams of any kind meet, each shall seasonably turn to the right, so as to give the other team half of the traveled road, whenever it can be done with safety. A failure so to do is a misdemeanor.

Regulations for passing teams.

Penalty.

**Penalty for violation of act.** **SEC. 27.** Any person violating any of the provisions of this Act, in addition to the penalties herein provided, shall be liable for all damages that may accrue to the party damaged by reason of such violation.

**Penalties and forfeitures, how applied.** **SEC. 28.** All penalties and forfeitures under this Act, and not otherwise provided for, must be recovered by the Supervisors of the respective road districts, and be applied on the public highways in the district in which they are collected.

**Repealing clause.** **SEC. 29.** Sections 87 to 96, both inclusive, and Sections 363 to 376, both inclusive, of the Compiled Laws of Utah, and Chapter XXIX., of the Session Laws of Utah, passed in 1880, are hereby repealed.

**When taken effect.** **SEC. 30.** This Act takes effect on and after its passage.

Approved March 11, 1886.

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## CHAPTER XIII.

### OF SMITHFIELD CITY.

AN ACT amending An Act Incorporating the City of Smithfield in Cache County.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section one of an Act entitled "An Act incorporating the city of Smithfield in Cache County, approved February 6th, 1868," is hereby amended by striking out of said section all that portion after the words "To-wit" in the third line and up to and including the word "beginning" in the sixth line thereof and inserting in lieu thereof the following: Beginning at the north-east corner of the south-east quarter of section twenty-two in township thirteen north of range one east of the Salt Lake Meridian in Cache County, and running thence west two miles to the north-west corner of the southwest quarter of section twenty-

one, thence south two and one-fourth miles to the south-west corner of the north half of the south-west quarter of section thirty-three; thence east two miles to the south-east corner of the north half of the south-east quarter of section thirty-four; thence north two and one-fourth miles to the place of beginning.

Sec. 2. That said Act be further amended by adding thereto after Section 17 of said act the following sections to be numbered consecutively thereafter, and that Section 18 of said Act be numbered Section 30.

Sec. 18. That the City Council of Smithfield City be and is hereby authorized and empowered to regulate and control the water running into or through or arising in said city, used for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and may annually assess and collect a tax from individuals in proportion to the amount of water owned and used by each, and expend said tax in controlling, regulating and supplying said city with water, for domestic, irrigating and manufacturing purposes; *Provided*, That nothing herein contained shall be construed as to interfere with the water rights accrued by priority of appropriation.

Sec. 19. To direct and control the location of Railroad tracks, within the city, and regulate the speed of locomotive engines therein, and regulate the rate of speed at which trains may run within the inhabited portions of the city, and to regulate and control the location of gas works, canals for irrigation and other purposes, telegraph and telephone poles and all improvements of a similar nature.

Sec. 20. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and around it, not exceeding five miles beyond the boundaries thereof; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances and prevent and remove the same.

**Sec. 21.** To purchase, hold, own and lay out graveyards or cemeteries and regulate the same; to regulate the burial of of the dead and registration of deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians or sextons, and others for any default in the premises.

**Sec. 22.** The City Council shall have power to borrow money for city puposes, the annual interest of which shall not exceed one-fourth of the city revenue arising from the taxes of previous year.

**Sec. 23.** To prevent horse racing or fast riding or driving in the streets of said city; to prohibit the abuse or cruel treatment of animals, and to punish any person or persons for abusing or cruelly treating animals; to compel persons to put up hitching posts in front of their places of business; to compel the fastening of horses, mules or other animals while standing in the streets of said city.

**Sec. 24.** To exclusively control, regulate repair and clean the streets, alleys, bridges, side-walks or cross-walks, and to open, widen, straighten or vacate streets and alleys, and put drains, sewers and ditches therein, and to prevent the injuring and incumbering of the streets or side-walks of said city in any manner whatever.

**Sec. 25.** To regulate and license butchers, and to regulate, license and restrain the sale of fresh meat and vegetables.

**Sec. 26.** To license, tax and regulate peddlers, hackmen, draymen, carters, porters, omnibus drivers, cabmen, packets, carmen, livery stables or the proprietors thereof, tavern, hotel and restaurant keepers, bakers and confectioners.

**Sec. 27.** To restrain and punish for vagrancy, mendicancy, street beggary, prostitution and libertinism.

**Sec. 28.** The City Council shall cause to be published, by posting up in three public places in said city on or before the fifteenth day of May of



each year a statement of the finances of said city for the previous fiscal year, showing the receipts and disbursements in detail of the funds of said city.

SEC. 29, The City Council shall have the exclusive management and control of all finances and property of the city, and shall have power to lay out, improve and regulate the planting and preserving of trees in the streets and public grounds thereof; to direct and regulate the planting and preserving of trees in the streets and public grounds of said city, and to regulate the fencing of lots within the bounds of the city.

Approved March 11, 1886.

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## CHAPTER XIV.

### OF LAWS OF 1884.

AN ACT Amending Sections 4 and 5 of Chapter XLV.,  
Session Laws of 1884.

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Sections four and five, of Chapter forty-five, of the Laws of Utah of 1884, be and the same are hereby amended by striking out the words "County Clerk" wherever they appear in said Sections and inserting in lieu thereof the words "Clerk of the Probate Court."

Bonds of officers of corporations, where to be filed.

Approved March 11, 1886.

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## CHAPTER XV.

### OF LAWS OF 1876.

AN ACT Amending Sections 578 and 580, Compiled Laws of Utah, 1876.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That

Bond of Chan-  
cellor, etc., of  
Deseret Uni-  
versity.

Section 578, Compiled Laws of Utah, 1876, is hereby amended by striking out the word "ten" in the fifth line of said Section and substituting the word "one" in lieu thereof.

SEC. 2. That Section 580 is hereby amended by striking out the words "one hundred" in the fourth line of said Section and substituting the word "ten" in lieu thereof.

Approved March 11, 1886.

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## CHAPTER XVI.

### OF LAWS OF 1880.

AN ACT Amending Sections 4 and 10 of Chapter XXXI., Laws of 1880.

Board of Direc-  
tors of Insane  
Asylum may  
elect a Treasur-  
er and Secretary

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 4, Chapter XXXI., Laws of 1880, be amended by striking out the following words at the end of said Section: "They shall also elect from their number a Secretary." Also that Section 10 of said Chapter be amended by striking out the first three lines, and the word "qualified" in the fourth line of said Section, and substitute the following therefor: "The Board of Directors shall elect a Treasurer and Secretary, who shall not be of their number, and who shall hold their offices for two years and until their respective successors are elected and qualified."

Approved March 11, 1886.

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## CHAPTER XVII.

### OF LAWS OF 1884.

AN ACT Amending Section 6, Chapter XLIV., Session Laws of 1884.

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That subdivi-

sions 2 and 3 of Section 6, Chapter XLIV., Session Laws of 1884, entitled, "An Act in relation to Estates of Decedents," is hereby amended to read as follows :

Subdivision 2.—The subscription must be made in the presence of the attesting witnesses. Written wills, how to be executed.

Subdivision 3.—The testator must, at the time of subscribing the same, declare to the attesting witnesses that the instrument is his will ; and . . .

Approved March 11, 1886.

## CHAPTER XVIII.

### OF LOGAN CITY.

AN ACT Amending an Act to Incorporate Logan City, approved January 17th, 1866.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act to incorporate Logan City, approved January 17th, 1866, be and the same is hereby amended as follows :

SEC. 2. That Sec. 1 of said Act, together with the amendment thereto, of February 18th, 1874, be and the same is hereby repealed, and the following substituted in lieu thereof :

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That all that district of country embraced in the following boundaries in Cache County, to-wit : Beginning at a point on the south bank of Logan River, thirty chains east of the west line of section 36, in township twelve, north of range one east of the Salt Lake meridian, and running thence north to the north line of said section 36; thence east to the north-east corner of the north-west quarter of said section 36; thence north on quarter section line one mile to the north boundary of section 25; thence west on section line four and one-half miles to the north-west

corner of section 29; thence south to the south bank of the south Fork of Logan River; thence up the south bank of the said south fork of Logan River, and the south bank of Logan River to the place of beginning, shall be known and designated under the name and style of Logan City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Sec. 3. That Section 23 of said Act be amended by adding to the beginning thereof the following: "The City Council shall have power."

Sec. 4. That Section 65 of said Act be amended so as to read as follows: Section 65. "The fiscal year of said City shall begin on the first day of March of each year, and the City Council shall cause to be published in some newspaper published in Logan City, or posted up in three public places in said City, on or before the first day of May in each year, a statement of the amount of the City revenue of the previous fiscal year, specifying in said statement whence derived and for what disbursed.

Approved March 11, 1886.

## CHAPTER XIX.

### OF INSANE CONVICTS.

AN ACT Providing for the Removal of Insane Convicts to the Territorial Insane Asylum.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That whenever any person confined in the Territorial Penitentiary or any County Jail under sentence of any court of this Territory, manifests symptoms of insanity of a homicidal, suicidal, incendiary or violent character, it shall

Insane convicts to be removed to Asylum. Manner of proceeding in such cases, examination, etc.

be the duty of the United States Marshal, or Sheriff of the county, to make complaint under oath to the judge of any District or Probate Court within this Territory, setting forth the facts connected with the conviction, sentence and insanity of said person, and the judge of said District or Probate Court shall cause such person to be brought before him, and he shall summon to appear before him at the same time and place two or more witnesses who well knew the accused during the time of alleged insanity, who shall testify under oath as to the conversation, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him at the same time and place two or more practicing physicians in medicine, before whom the judge shall examine the charge, and if after a hearing of the case and a personal examination of the alleged insane person, the said physicians shall certify on oath that the person examined is insane, and the case is of a recent or curable character, or that the said insane person is of a homicidal, suicidal, or incendiary disposition, or that from any other violent symptoms that said insane person would be dangerous to his or her own life, or to the lives or property of others, if at large, and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life or the lives or property of others, if at large, he shall direct the aforesaid marshal, or sheriff, to convey to, and place in charge of the officers of the Territorial Insane Asylum such insane person, and shall transmit a copy of the complaint, commitment and physicians' certificate, and upon the receiving of the same the officers of said Territorial Insane Asylum shall receive and care for said insane person as other patients.

How released  
from Asylum.

SEC. 2. If at any time before the expiration of the sentence, said insane person shall be cured, the Board of Directors of said asylum shall submit a statement of the facts of the commitment and cure of said person, to the District or Probate Court that committed said person, and the judge of said court shall cause said person to be brought before him, and all necessary witnesses, to be examined in order to ascertain the mental condition of said person. If, upon examination by said judge, said person is found sane, he shall direct the marshal or sheriff to take said person to the Territorial Penitentiary or County Jail, where he shall be confined and serve out the remainder of his sentence. The time of confinement in said asylum shall be deducted from the term of imprisonment of said person. But if the sentence of said person expires during the period of his insanity and while confined in the Territorial Insane Asylum, and he subsequently is cured, he shall be released from said asylum.

Time of confinement to be deducted from term of sentence.

Cost of proceeding in such case, how paid.

SEC. 3. All costs incurred in the aforesaid examinations when the person is confined in the Penitentiary shall be paid by the Territory of Utah, and all cost incurred in examining persons confined in the County Jail shall be paid by the County, and the Clerk of the District Court before which examinations were conducted shall certify the costs to the Auditor of Public Accounts who is hereby authorized to draw his warrant on the Territorial Treasurer for the amount of said costs, and the Clerk of the Probate Court before which said examinations were conducted, shall certify the costs to the County Court of the County.

Care and keeping of, how paid.

SEC. 4. The costs for the care and keeping of all insane persons under the provisions of this Act shall be paid by the Territory of Utah, and upon presentation of said costs, duly certified by the directors of said asylum, to the Auditor of Public Accounts he shall draw his warrant upon the Territorial Treasurer for said amount.

Approved March 11, 1886.

## CHAPTER XX.

## OF LAWS OF 1884.

AN ACT Amending Section 27, Chapter VII. of Chapter LVI., Laws of Utah, 1884, entitled "An Act Relating to Procedure of Probate Courts in the Settlement of Estates, and in Guardianship."

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 27, of Chapter VII. of Chapter LVI., Laws of Utah, 1884, is hereby amended by adding thereto the following: *Provided,* That when a sale of the whole or any part of the real estate is ordered to be made, and it shall appear from the inventory returned that the whole of said estate does not exceed the sum of one thousand dollars, the publication of the notice in a newspaper as provided in this Section may be dispensed with.

Approved, March 11, 1886.

Private sale of real estate without notice by publication.

## CHAPTER XXI.

## OF ALPINE CITY.

AN ACT Amending An Act to Incorporate Alpine City, Utah County, approved January 19, 1855.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 7 of an "Act to Incorporate Alpine City, Utah County, approved January 19, 1855," is hereby repealed and the following substituted in lieu thereof: Sec. 7. The City Council shall have authority to levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the city, not exceeding five

mills on the dollar per annum upon the assessed value thereof, and may enforce the payment of the same by ordinance.

SEC. 2. This Act shall be in force from and after its passage.

Approved March 11, 1886.

## CHAPTER XXII.

### OF PLEASANT GROVE CITY.

AN ACT Amending an Act entitled, "An Act to Incorporate Pleasant Grove City."

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act entitled, "An Act to Incorporate Pleasant Grove City," approved Jan. 19th, 1855, be, and the same is hereby amended, by striking out all of Section one (1) of said Act after the enacting clause, and inserting in lieu thereof the following: "That all that district of Utah County embraced in the following boundaries, to-wit: Beginning at the south-east corner of American Fork City Corporation; thence running in a southerly direction along the shore of Utah Lake to the township line between townships five (5) and six (6) south of range two (2) east Salt Lake meridian; thence east to the base of the mountains; thence along the base of the mountain to the south bank of the American Creek, near the mouth of the Cañon; thence down the south bank of said Creek to a point directly north of the north-east corner of American Fork City Corporation; thence south to the place of beginning, shall be known and designated as Pleasant Grove City, and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid; and shall have perpetual succession and may have and use a common Seal which they may change and alter at pleasure.



**SEC. 2.** That Section seven of said Act is hereby repealed, and the following inserted in lieu thereof: Section 7. The City Council of said City shall have authority to annually levy and collect taxes for city purposes upon all taxable property, real and personal, within the limits of the City, not exceeding one per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same by ordinance.

**SEC. 3.** Section 25 of said Act is amended by striking out all after the word "thereof" in line two of said Section, up to and including the word "poultry," in line four, and inserting in lieu thereof the following: The City Council shall have power, and is hereby authorized by ordinance and enforcement thereof, within the corporate limits of said City, to regulate, restrain or prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and all kinds of poultry, and when so running at large, to distrain, impound and sell the same for the penalty and costs incurred therein, and impose penalties by fine upon the owner of the same for violation of such ordinance: *Provided*, That the proceeds of such sale shall be paid into the Treasury of the County wherein such City is located, (less the amounts of costs and expenses incurred in distraining, impounding and selling the same,) for the benefit of District Schools in said County.

**SEC. 4.** This Act shall be in force from and after its passage.

Approved March 11, 1886.

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## CHAPTER XXIII.

### OF MINING CLAIMS.

AN ACT Pertaining to the Location of Mining Claims.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That*

width of mining claims.

any mining claim which shall hereafter be located upon any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposits may extend three hundred feet on each side of the middle of the vein or lode at the surface.

Approved March 11, 1886.

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## CHAPTER XXIV.

### OF PENAL CODE.

AN ACT Amending Section 278, Chapter V., of the Penal Code.

Grand larceny defined in certain cases.

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 278, Chapter V., of the Penal Code, Compiled Laws of Utah, be, and the same is hereby amended by inserting the word "calf" after the word "mare," and the word "heifer" after the word "cow," and the word "or" before the word "jenny" in the third subdivision of said section, and by striking out the words "goat or sheep" in the subdivision of above named section.

Approved March 11, 1886.

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## CHAPTER XXV.

### OF FAIRVIEW CITY.

AN ACT to Amend An Act Incorporating the City of Fairview in Sanpete County, approved Feb. 16, 1872.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1, of An Act Incorporating the City of Fairview in Sanpete County, approved February

16, 1872, be, and the same is hereby amended by striking out of said section all that portion after the words "to-wit" in the third line and before the word "to" in the seventh line and inserting the following in lieu thereof: beginning at the south-east corner of section 12, Township 14, south of range 4 east; thence west to the south-west corner of section 10 of said township and range; thence north to the north-west corner of section 34, township 13, south of range 4 east; thence east to the north-east corner of section 36, township 13 south of range 4 east; thence south.

SEC. 2. Section 14 of said Act be amended by inserting between the words "exhibitions" and "shows," in the third line, the words "the use of pool tables, billard tables."

Approved March 11, 1886.

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## CHAPTER XXVI.

### OF MORONI CITY.

AN ACT Amending an Act to Incorporate the City of Moroni, in Sanpete County.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 1 of an Act entitled, "An Act to Incorporate the City of Moroni, in Sanpete County," approved Jan. 17th, 1866, is hereby amended by striking out all from and after the words, to-wit: In the third line up to and including the word "beginning," in the second line, and inserting in lieu thereof the following: "Beginning at the south-west corner of section 9, township 15, south range 3 east, Salt Lake Meridian; thence south one-half mile; thence east two and one-half miles; thence north two and one-half miles; thence west two and one-half miles; thence south two miles, to the place of beginning."

**SEC. 2.** That Section 1 of an Act amending an Act to incorporate the City of Moroni, in Sanpete County, approved Feb. 18th, 1870, be, and the same is hereby repealed.

**SEC. 3.** This Act to be in force from and after its passage.

Approved March 11, 1886.

## CHAPTER XXVII.

### OF CIVIL PROCEDURE.

AN ACT Amending An Act Revising the Code of Civil Procedure of Utah Territory, approved March 13, 1884.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Subdivision 1, of Section 46 of an Act revising the Code of Civil Procedure of Utah Territory, approved March 13, 1884, be amended to read as follows:

Jurisdiction of  
Justice's Courts

1. In actions of forcible entry, forcible detainer, or unlawful detainer, where the whole amount of the rent and damages claimed is less than three hundred dollars.

**SEC. 2.** That subdivision 3 of Section 56 of said Act be amended to read as follows:

Days on which  
courts shall not  
be opened, ex-  
cept, etc.

3. For the exercise of the powers of a Magistrate in a criminal action, or in a proceeding of a criminal nature: *Provided*, That in civil causes orders of arrest may be made and executed; writs of attachment, executions, injunctions, and writs of prohibition may be issued and served; proceedings to recover possession of personal property may be had; and suits and processes for obtaining any such writs and proceedings may be instituted, issued and served on any day.

Limitation of  
time of com-  
mencing  
actions.

**SEC. 3.** That Section 196 of said Act be amended by adding to subdivision 1 the following: *Provided*, That action in said cases may be

commenced at any time within two years after the last charge is made or the last payment is received.

Sec. 4. That Section 570 of said Act is hereby amended by adding thereto the following:

None of the exemptions made in this section are for the benefit of non-residents or persons about to depart from the Territory with the intention of removing their effects therefrom; but their property is liable to execution, with the exception of ordinary wearing apparel. Exemptions from execution.

Sec. 5. That subdivision 2. of Section 718 of said Act be amended to read as follows:

2. In all other cases the summons must contain a direction that the defendant must appear and answer the complaint within five days after the service of summons, if the summons is served in the city or precinct in which the action is brought; within ten days, if served out of the precinct or city, but in the county in which the action is brought; and within twenty days if served elsewhere. Time for appearance of defendant.

Sec. 6. That Section 721 of said Act be amended by striking out all after the word "resides," in the fifteenth line of said section. Limitation on service of summons.

Sec. 7. That Section 722 of said Act be amended to read as follows:

Sec. 722. The summons may be served by any sheriff or constable of the county, or marshal of the city in which the service is made; or by any male resident, over the age of twenty-one years, not a party to the suit, within the county wherein the action is brought, and must be served and returned as provided in actions commenced in the District Court, except that a copy of the complaint need not be served with the summons; or it may be served by publication, and the sections of this code providing for the publication of summons issued out of the District Court are applicable to the Justices' Court, the necessary changes and substitutions being made therein. When the summons is served by the sheriff or constable or marshal of the city, it must be re- Summons, by whom and how served.

turned with his certificate of service; but when by a private citizen, by his affidavit of service.

SEC. 8. That Section 723 of said Act be amended to read as follows:

When Justice may fix day for trial.

Sec. 723. When all the parties served with process shall have appeared, or some of them have appeared, and the remaining defendants have made default, the justice must fix a day for the trial of said cause and notify the plaintiff and the defendants who have appeared, thereof. The parties are entitled to one hour in which to appear after the time fixed by the justice, but are not bound to remain longer than that time, unless both parties have appeared, and the justice being present is engaged in the trial of another cause.

Hours of appearance.

SEC. 9. That Section 730 of said Act be amended to read as follows:

Complaint defined.

Sec. 730. The complaint in Justices' Courts is a concise statement in writing of the facts constituting the plaintiff's cause of action; or the original account, note, bill, bond, or instrument, or a copy thereof, upon which the action is based, which shall be deemed a complaint.

SEC. 10. That Section 757 of said Act be amended to read as follows:

Judgment when defendant fails to appear.

Sec. 757. When the defendant fails to appear and answer or demur within the time specified in the summons, or when he fails to appear within one hour after the time specified in the notice, the justice must, upon application of the plaintiff, enter the default of the defendant and hear the evidence offered by the plaintiff, and render judgment in his favor for such sum (not exceeding the amount specified in the summons) as appears by such evidence to be just.

SEC. 11. That Section 759 of said Act be amended to read as follows:

Time when trial must be commenced.

Section 759. Unless postponed as provided in this Chapter, or unless transferred to another court, the trial of the action must commence within one hour after the time fixed by the justice for the trial.

SEC. 12. That Section 817 of said Act be amended to read as follows :

Sec. 817. Justice<sup>s</sup> of the Peace may in all cases require a deposit of money, or an undertaking, as security for costs of court, before issuing a summons. If the plaintiff is a non-resident, however, the defendant may demand that the plaintiff make a deposit of money or give an undertaking with two good sureties in any sum not exceeding one hundred dollars, as the Court may determine, for payment of costs adjudged against the plaintiff ; and all proceedings shall stop unless such undertaking is given, and if not given within twenty days, the suit shall be dismissed without prejudice.

SEC. 13. That subdivision 2 of Section 775 of said Act be amended to read as follows :

2. When he fails to appear at the time fixed by the Justice for the trial, or within one hour thereafter.

SEC. 14. That Section 1037 of said Act be amended to read as follows :

Sec. 1037. The District Court of the Judicial District which embraces the property or some part of it, has jurisdiction of proceedings under this Chapter ; *Provided*, That Justices' Courts within their respective precincts or cities shall have concurrent jurisdiction with the District Courts in all cases of forcible entry, forcible detainer and unlawful detainer, under this Chapter, when the whole amount of rent and damages claimed is less than three hundred dollars.

SEC. 15. That Section 1058 of said Act be amended to read as follows :

Sec. 1058. Any sub-contractor, material man, laborer, or other person performing labor or furnishing materials for the contractor, who is entitled to a lien under the provisions of the last Section, may, at any time within thirty days after commencing to perform the labor or furnish the materials, serve upon the owner or his agent, or the person employing the contractor, written notice of the amount due him, or contracted to

become due him, for such labor or materials, and such sub-contractor, material man, laborer, or other person may have a lien for such amount; and any person furnishing materials, or performing labor for the contractor, may, by like notice to the contractor, be subrogated to the rights of such sub-contractor; and by filing notice with the County Recorder, shall likewise have a lien for the amount due him, although the building may not be finished; *Provided*, That he file notice of such lien within the time mentioned in Section 1062 of this Act.

Transfer of  
cases to the  
District Court.

SEC. 16. That Section 707 of said Act be amended by inserting between the words "property" and "nor" in the third line of said Section, the words "or which involve the legality of any tax, impost, toll, or municipal fine," and by inserting between the words "property" and "the" in the eighth line of said Section the words "or involve the legality of any tax, impost, toll, or municipal fine."

Approved March 11, 1886.

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## CHAPTER XXVIII.

### OF INTOXICATING LIQUORS.

AN ACT to Amend Section 6, Chapter XXVIII., entitled an Act Licensing and Regulating the Manufacture and Sale of Intoxicating Liquors.

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 6, Chapter XXVIII. of an Act Licensing and Regulating the Manufacture and Sale of Intoxicating Liquors, approved March 9th, 1882, be, and the same is hereby amended so as to read:

Sec. 6. Any person licensed as aforesaid, or any person neglecting or refusing to obtain a license, as herein provided, who shall either,



First—Sell, give away, or otherwise dispose of any intoxicating drink at any time during the first day of the week, commonly called Sunday, except for medical purposes upon the prescription of a physician, or

Penalty for selling, etc., on Sunday.

Second—Who shall permit on his premises where such intoxicating drink is sold, any gambling by means of dominoes, cards, dice, or other articles or any other description of gambling, or

Penalty for gambling on premises, etc.

Third—Who shall permit dancing, drunkenness, sleeping or lodging in the night time, or who shall permit any disorderly conduct in his saloon licensed for the sale of liquors, shall be deemed guilty of a misdemeanor.

Penalty for dancing, etc., where liquors are sold.

Approved March 11, 1886.

## CHAPTER XXIX.

### OF AMERICAN FORK CITY.

AN ACT Amending an Act entitled, "An Act to Incorporate American Fork City, Utah County."

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act entitled, "An Act to Incorporate American Fork City, Utah County," approved June 4th, 1853, is hereby amended as follows :

SEC. 2. Section 7 of said Act is hereby repealed, and the following substituted in lieu thereof: Section 7. The City Council shall have authority annually to levy and collect taxes upon the assessed value of all taxable property, real and personal, within the limits of said city, not to exceed one-half of one per cent., to defray the contingent expenses of the city, and not to exceed one-fourth of one per cent. to open, widen, and improve and keep in repair the streets of the city, and may enforce the payment of the same by ordinance consistent with the laws of this Territory.

SEC. 3. That Section 15 of said Act is hereby repealed and the following substituted in lieu thereof, to-wit: Section 15. To provide the city with water, to dig wells, lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires and convenience of the inhabitants; to control and regulate the water running into, or through, or arising in said city, used for domestic and irrigating purposes, and may regulate the use of water for milling and manufacturing purposes, and annually assess and collect a tax from individuals in proportion to the amount of water used by each, and expend said tax in controlling, regulating and supplying said water for domestic, irrigating, milling and manufacturing purposes; *Provided*, That nothing herein contained shall be so construed as to interfere with water-rights accrued by priority of appropriation.

SEC. 4. That Section 25 of said Act is hereby amended by adding thereto the following: To authorize the distraining, impounding or sale of cattle, horses, mules, asses, sheep, swine or poultry (when found running at large) for the damages and costs incurred thereby, and to impose penalties by fine upon the owner of the same for any violation of city ordinance in relation thereto; *Provided*, That the proceeds of such sale shall be paid into the Treasury of the County wherein such city is located (less the amounts of costs and expenses incurred in distraining, impounding and selling the same) for the benefit of District Schools in said County.

Approved March 11, 1886.

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## CHAPTER XXX.

### OF CIVIL PROCEDURE.

AN ACT Amending Section 70 of the Code of Civil Procedure.

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

70 of the Code of Civil Procedure is hereby amended so as to read as follows:

Section 70. The Probate Judges of the counties of Salt Lake, Cache, Weber, and Utah, shall reside at the county seats of the respective counties during their term of office, and every Justice of the Peace shall reside in the city or precinct in which his court is held.

Probate Judges  
Residence of  
in certain coun-  
ties.

Of Justice's of  
the Peace.

Approved March 11, 1886.

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## CHAPTER XXXI.

### OF COMPILED LAWS.

AN ACT Amending Sections 212 and 214, Compiled Laws of Utah.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section two hundred and twelve (212) Compiled Laws of Utah is hereby amended by striking out the word "four" in the fourth line of section and substituting the word "two" in lieu thereof.

Terms of Coun-  
ty Treasurers.

SEC. 2. That Section two hundred and fourteen (214), Compiled Laws of Utah, is hereby amended by striking out the word "four" in the fifth line of said section and substituting the word "two" in lieu thereof.

Terms of Coun-  
ty Recorders.

Approved March 11, 1886.

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## CHAPTER XXXII.

### OF PROVO CITY.

AN ACT Amending An Act to Incorporate Provo City, approved Jan. 21, 1864.

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

32 of An Act to Incorporate Provo City, approved Jan. 21, 1864 be and the same is hereby amended by striking out the word "and" in the last line of said section, and by adding to the end of said section the following: Confectioners and fruit peddlers, also theaters, opera houses, music halls, shooting galleries, hotels and restaurants.  
Approved March 11, 1886.

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## CHAPTER XXXIII.

### OF LEHI CITY.

AN ACT Amending An Act to Incorporate the City of Lehi, approved February 5, 1852.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That An Act entitled "An Act to Incorporate the City of Lehi, approved February 5, 1852, is hereby amended by adding thereto the following: The City Council is hereby authorized and empowered to regulate and control the water running into or through or arising in said city used for domestic and irrigating purposes, and may regulate the use of water used for manufacturing puposes, and may annually assess and collect a tax from individuals in proportion to the amount of water used by each, and expend said tax in controlling, regulating and supplying said city with water for domestic, irrigating and manufacturing purposes; *Provided,* That nothing herein contained shall be so construed as to interfere with the water rights accrued by priority of appropriation.

**SEC. 2.** The City Council shall have power to direct and control the location of railroad tracks hereafter laid within the city, and regulate the rate of speed at which the trains run within the inhabited portions of the city, and. to regulate and control the location of gas works, telegraph and telephone poles, and all improvements of a similar nature.

**SEC. 3.** The City Council shall have power and is hereby authorized by ordinance, and enforcement thereof within the corporate limits, to regulate, restrain or prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and all kinds of poultry, and when so running at large, to distrain, impound, and sell the same, for the penalty and costs incurred therein, and impose penalties by fine upon the owners of the same, for violation of such ordinance: *Provided*, That the proceeds of such sale shall be paid into the Treasury of the County, wherein such city is located, less the amount of costs and expenses incurred in distraining, impounding and selling the same, and such proceeds shall be used as provided in Section 408 of the Compiled Laws of Utah.

**SEC. 4.** The City Council shall have power within the city by ordinance and enforcement thereof, annually to levy and collect a tax on the assessed value of all the property made taxable by the Laws of the Territory of Utah for the following named purpose, to-wit: not to exceed five mills on the dollar, to open, improve and keep in repair the streets of the city.

**SEC. 5.** That Chapter XXXII. of the Session Laws of 1884, An Act Amending An Act to Incorporate the City of Lehi, is hereby repealed.

Approved March 11, 1886.

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## CHAPTER XXXIV.

### OF BEFOULING OF WATERS.

AN ACT to Prevent the Befouling of Waters used for Domestic Purposes.

**SECTION 1.** *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That it shall be unlawful for any person, corporation or

Unlawful to construct or maintain any pens, stables, etc., near any stream, when.

Or to deposit rubbish, etc.

Or to camp or corral any cattle, etc., near any stream, when.

company within the Territory of Utah, 1st. To construct or maintain any cattle or horse yard, sheep-pen, stable, pig-pen, chicken-coop or other offensive yard or outhouse, where the waste or drainage, therefrom shall flow directly into the waters of any stream, well or spring of water used for domestic purposes ; 2d. To deposit, pile, unload or leave any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well or spring of water used for domestic purposes ; 3d. To yard, camp or corral any loose cattle, horses, mules, sheep or swine where the waste or drainage therefrom will flow directly into any stream, well or spring of water used for domestic purposes.

SEC. 2. Any person committing any of the before named offenses shall be guilty of a misdemeanor.

Approved March 11, 1886.

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## CHAPTER XXXV.

### OF LAWS OF 1884.

AN ACT Amending Section 4 of Chapter XXX., of the Laws of Utah, 1884.

Meeting of Board of Examiners of school teachers.

*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 4 of Chapter XXX., of the Laws of Utah, 1884, is hereby amended by striking out of line four of said Section, the word "to" and inserting in lieu thereof the following: "Which shall hold such number of sessions during the year as may be determined by said County Court, said Board shall."

Approved March 11, 1886.

## CHAPTER XXXVI.

## OF RICHFIELD CITY.

AN ACT Amending Chapter XIII., of the Session Laws of 1878. An Act entitled, "An Act to Incorporate the City of Richfield, in Sevier County."

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That an Act entitled, "An Act to Incorporate the City of Richfield, in Sevier County," approved Feb. 22, 1878, is hereby amended by inserting between the word "grocers" and the word "and," in line five of Section 12 of said Act, the following: Auctioneers, peddlers, bankers, brokers, pawnbrokers, hotel keepers, livery stable keepers, butchers.

Sec. 2. Said Act is further amended by adding thereto the following Sections, to be numbered Sections 18, 19, 20, 21 and 22, respectively:

Sec. 18. The City Council shall have power and authority to make, ordain, establish and exercise all such ordinances not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the peace, benefit, good order, regulation, convenience and cleanliness of said City: for the protection of life and property therein, from destruction by fire, or otherwise, and for the health and happiness thereof.

Sec. 19. The City Council shall have power to fill all vacancies that may happen by death, resignation or removal of any city officer, and to provide fix the compensation of all city officers.

Sec. 20. To have exclusive power within the city, by ordinance, to license, tax, regulate, or restrain the use of billiard or pool tables, and to punish the owners and keepers thereof, and to suppress and prohibit every description of gaming or gambling.

Sec. 21. To prevent horse racing, immoderate riding or driving in the streets, and to punish the same. To punish or prohibit the abuse of animals.

Sec. 22. All ordinances of the City may be proven by the Seal of the corporation affixed thereto, and the same shall be received in evidence in all courts or places without further proof.

Approved March 11, 1886.

## CHAPTER XXXVII.

### OF LAWS OF 1884.

AN ACT to Amend Chapter X., of the Laws of Utah, 1884.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Chapter X., of the Laws of Utah, 1884, be, and the same is hereby amended, by adding the following to said Chapter, to be known as Sections 2 and 3, and that said Chapter be numbered Section 1, of this Act :

City Charters Amended.

Sec. 2. The City Councils of the respective cities of this Territory shall have power to annually assess, collect and expend a water tax, to supply the city with water, for domestic and irrigating purposes, and may regulate the use of water for manufacturing purposes, and to tax individuals for the use of such water, in proportion to the amount of water used by each; *Provided*, That nothing herein shall be construed to interfere with the water rights accrued by priority of appropriation.

City Councils to have power to assess, collect and expend water tax.

Prior rights not interfered with.

Sec. 3. To provide against, by ordinance, and punish offenses of assault and battery, and petit larceny.

May provide for punishment of assault, etc.

Approved March 11, 1886.



## CHAPTER XXVIII.

## OF LAWS OF 1884.

AN ACT to Amend Section 21, Chapter XLIX., of the Laws of Utah, 1884.

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That Section 21, of Chapter XLIX., of the Laws of Utah, 1884, be repealed, and the following substituted in lieu thereof:

Any person, who, in violation of any right of any other person, or of said Corporation, wilfully turns or uses the water, or any portion thereof of said canal, ditch, or reservoir, except at a time or times when the use of such water has been duly distributed to such person, or wilfully uses any greater quantity of such water than has been duly distributed to him, or in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make such change, or wilfully or maliciously breaks or injures any dam, canal, water-gate, ditch or other means of diverting or conveying water for irrigation or other useful purpose, is guilty of a misdemeanor.

Approved March 11, 1886.

## CHAPTER XXXIX.

## OF LAWS OF 1884.

AN ACT to Amend Chapter XXI., of the Laws of 1884, entitled, "An Act in Relation to Mortgages of Personal Property."

SECTION 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:* That

Chapter XXI., of the Laws of 1884 be amended by adding a section as follows :

Sec. 13. [15.] This Act shall not apply to contracts made by any railway company owning or operating a railway in this Territory, for the possession, use and conditional purchase of rolling stock and equipment to operate such railway, and containing the condition that the title shall not pass until full payment of the purchase price ; and such contracts shall be valid as to all persons without recording the same.

Sec. 2. That Sections 13 and 14 of said Act be made to read "Sections 14 and 15."

Approved March 11, 1886.

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## CHAPTER XI.

### OF WEST'S MAPS.

**RESOLUTION** Providing for the Distribution of West's Maps of Utah.

*Resolved by the Governor and Legislative Assembly of the Territory of Utah:* That whereas the Territorial Treasurer has, in his possession for distribution, 200 copies of Jos. A. West's new and revised Maps of Utah, the same being the property of the Territory of Utah ; *Therefore,* The Territorial Treasurer is hereby instructed and required to distribute said maps as follows, to-wit : To the Governor and Secretary of the Territory, one copy each ; to the Clerk of the Supreme Court of Utah, one copy ; to the Clerks of the District Courts, one copy each ; to the Territorial Treasurer, Auditor and Librarian, the U. S. Marshal and Surveyor General, one copy each ; to the Probate Judges of the several counties of Utah, one copy each ; to the County Recorders, one copy each ; to the Penitentiary two copies ; to the University of Deseret, five copies ; to the Territorial and County Superintendents of District Schools, one

copy each ; to the County Clerks, County Assessors and County Surveyors, one copy each ; to the Sheriffs of the Counties, one copy each ; to the Territorial Insane Asylum, two copies ; *Provided*, That the officers above enumerated transfer to their successors in office, the above mentioned maps.

Approved March 10, 1886.

## CHAPTER XLII.

### MEMORIAL TO CONGRESS.

*To the Honorable the Senate and House of Representatives of the United States, in Congress Assembled:*

GENTLEMEN—Your memorialists, the Governor and Legislative Assembly of the Territory of Utah, would most respectfully represent that the Territory of Utah has just completed one wing of the Territorial Insane Asylum, at a cost of over \$100,000. Said asylum is situated at the base of the Wasatch Range of mountains, just east of Provo City, in Utah County, Utah, on the N. E. quarter of section 5, and S. E. quarter of section 6, township 7 south, range 3 east, Salt Lake Meridian, U. S. Survey, as shown by the accompanying map. Immediately east of said asylum the mountains rise very abruptly to an elevation of several thousand feet, and are of no practical value either for agricultural or grazing purposes, but being in such close proximity to the Asylum, it is very desirable that they should be owned and controlled by said institution.

Your petitioners would, therefore, respectfully petition your honorable body to convey by grant to the Territory of Utah, for the use of the Territorial Insane Asylum, the following lands, to-wit :

East half south-west quarter, south half north-

east quarter, and south-west quarter of section 5 ; all of section 4 ; north half of section 8 ; east half north-west quarter, and north-east quarter, section 8 ; north half north-west quarter, and north half north-east quarter, section 9 ; north half section 10 on the unsurveyed part of township 7, south of range 3, east of the Salt Lake Meridian, United States Survey.

And as in duty bound your petitioners will ever pray.

W. W. RITER,  
*Speaker of the House of Representatives ;*  
ELIAS A. SMITH,  
*President of the Council ;*  
ELI H. MURRAY,  
*Governor of Utah Territory.*

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